

*These notes refer to the Tobacco Advertising and Promotion Act 2002 (c.36) which received Royal Assent on 7 November 2002*

# **TOBACCO ADVERTISING AND PROMOTION ACT 2002**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 17: Defences: burden of proof***

62. This section makes it clear that the burden imposed on a person wishing to rely on a defence in sections 5(1) to (6), 6(1), 9(5), 10(3) and (4) and 15(3) is evidential and not legal. This means that if the defendant wants to rely on one of the defences then he must submit sufficient evidence to raise an issue with respect to the defence rather than prove his defence on the balance of probabilities.