



Tobacco Advertising and Promotion Act 2002

2002 CHAPTER 36

[^{F1}7B Tobacco displays: exclusions and defence

- (1) No offence is committed under section 7A if—
 - (a) the tobacco products are displayed in the course of a business which is part of the tobacco trade,
 - (b) they are displayed for the purposes of that trade, and
 - (c) the display is accessible only to persons who are engaged in, or employed by, a business which is also part of that trade.
- (2) No offence is committed under section 7A if the display is a requested display to an individual aged 18 or over.
- (3) The appropriate Minister may provide in regulations that no offence is committed under section 7A if the display complies with requirements specified in the regulations.
- (4) Subsections (5) and (7) apply where a person (“D”) is charged with an offence under section 7A in a case where the display is a requested display to an individual aged under 18.
- (5) Where D is charged by reason of D having displayed the tobacco product it is a defence that—
 - (a) D believed that the individual was aged 18 or over, and
 - (b) either—
 - (i) D had taken all reasonable steps to establish the individual's age, or
 - (ii) from the individual's appearance nobody could reasonably have suspected that the individual was aged under 18.
- (6) For the purposes of subsection (5), a person is treated as having taken all reasonable steps to establish an individual's age if—
 - (a) the person asked the individual for evidence of the individual's age, and
 - (b) the evidence would have convinced a reasonable person.

Changes to legislation: There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 7B. (See end of Document for details)

- (7) Where D is charged by reason of D having caused the display of the tobacco product it is a defence that D exercised all due diligence to avoid committing the offence.
- (8) In this section “ a requested display ” means a display to an individual following a particular request by the individual to purchase a tobacco product, or for information about a tobacco product.]

Textual Amendments

- F1** Ss. 7A-7D inserted (12.11.2009 for specified purposes, 6.4.2012 for E. for specified purposes, 31.10.2012 for N.I. for specified purposes) by [Health Act 2009 \(c. 21\)](#), [ss. 21, 40\(1\), 40\(6\)\(b\)](#); [S.I. 2010/1068, art. 2\(1A\)\(a\)](#) (as amended (9.5.2011) by [S.I. 2011/1255, art. 2\(a\)\(b\)](#)); [S.R. 2012/389, art. 2\(1\)\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 7B.