
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2009 No.

The Loch Ryan Port (Harbour Empowerment) Order 2009

PART 4

MISCELLANEOUS AND GENERAL

Defence of due diligence

29.—(1) In proceedings for an offence under any provision of this Order mentioned in paragraph (2) it shall be a defence for the Company to prove that it took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(2) The provisions referred to in paragraph (1) are—

- (a) article 11 (provision against danger to navigation);
- (b) article 13 (lights on tidal works during construction); and
- (c) article 14 (permanent lights on tidal works).

(3) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to the act or default of another person, the Company shall not, without leave of the court, be entitled to rely on that defence unless, within a period of 7 clear days before the hearing, it has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that other person as was then in its possession.