
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 252

The Beef Labelling (Enforcement) (Scotland) Regulations 2001

Defence of due diligence

10.—(1) In any proceedings for an offence under any provision of these Regulations it shall, subject to paragraph (2) below, be a defence for the person charged to prove that all reasonable precautions were taken and all due diligence exercised to avoid the commission of the offence by that person or by a person under that person's control.

(2) If in any case the defence provided by paragraph (1) above involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless—

- (a) at least seven clear days before the hearing; and
- (b) where that person has previously appeared before a court in connection with the alleged offence, within one month of that first appearance,

the person charged 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 the possession of the person charged.

(3) In paragraph (2) above any reference to appearing before a court shall be construed as including a reference to being brought before a court.