
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 445

**The Products of Animal Origin (Third
Country Imports) (Scotland) Regulations 2002**

PART XI

OFFENCES AND PENALTIES

Defence of due diligence

57.—(1) In any proceedings for an offence of contravening a provision of the Regulations listed in Part I of Schedule 6, it shall 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 the person charged or by a person under the control of such person.

(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 at the earlier of—

- (a) a date seven clear days before the trial diet (not being a notional trial diet); or
- (b) a date twenty eight days after the first appearance of that person, before a court in connection with the alleged offence,

that person 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.