
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 1

**The Products of Animal Origin (Third
Country Imports) (Scotland) Regulations 2007**

PART 11

Offences and Penalties

Defences

63.—(1) In any proceedings for an offence of contravening a provision of the regulations listed in Schedule 4, it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by that person or by any person under the control of that person.

(2) If in any case the defence provided by paragraph (1) 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 is not, without leave of the Court, entitled to rely on that defence, unless—

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

the 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 person's possession.

(3) In any proceedings for an offence of contravening regulation 5(9), it is a defence for the person charged to prove that the person reasonably believed—

- (a) that the disclosure was lawful; or
- (b) that the information had already lawfully been made available to the public.