

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2007 No. 308**

**The Port of Cairnryan Harbour Empowerment Order 2007**

**PART 3**

**MISCELLANEOUS AND GENERAL**

**Defence of due diligence**

**31.**—(1) In proceedings for an offence under any provision of this Order mentioned in paragraph (2) below it shall be a defence for the Company to prove that they 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) above are—  
article 12 (Provision against danger to navigation);  
article 14 (Lights on tidal works during construction); and  
article 15 (Permanent lights on tidal works).

(3) If in any case the defence provided by paragraph (1) above 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, they have 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 their possession.