



# Agriculture Act 1970

## 1970 CHAPTER 40

### PART IV

#### FERTILISERS AND FEEDING STUFFS

##### *Prosecutions under Part IV*

#### **82 Defence of mistake, accident, etc.**

- (1) In any proceedings for an offence under any of the following provisions of this Act, namely, sections [<sup>F1</sup>68(1A), (4)(b) and (c)], 69(4)(c), 70(2), 71(2)(b) [<sup>F1</sup>73, 73A and 74A], it shall, subject to subsection (2) of this section, be a defence for the person charged to prove—
- (a) that the commission of the offence was due to a mistake, or to reliance on information supplied to him, or to the act or default of another person, or to an accident or some other cause beyond his control; and
  - (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.
- (2) If in any case the defence provided by the foregoing subsection involves the allegation that the commission of the offence was due to the 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, within a period ending seven clear days before the hearing, he 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 his possession.

#### **Textual Amendments**

- F1** Words in s. 82(1) substituted (E.W.S.) (30.6.1995) by [S.I. 1995/1412, reg. 20\(3\)](#) (with [reg. 23](#)) (which S.I. was revoked (E.) (29.10.2000) by [S.I. 2000/2481, reg. 26](#) and (S.) (31.1.2001) except insofar as it made modifications to the 1970 Act) by [S.S.I. 2000/453, reg. 26](#) and (N.I.) (15.1.1996) by [S.R. 1995/451, reg. 20\(3\)](#) (with [reg. 23](#))

*Changes to legislation: There are currently no known outstanding effects  
for the Agriculture Act 1970, Section 82. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C1** S. 82 applied (with modifications): (E.W.S.) by S.I. 1982/1143, **regs. 17(3), 19**; (N.I.) by S.R. 1986/67, **reg. 19(1)**; (2.8.1999) by S.I. 1999/1872, **reg. 112(1)(2)**; (2.8.1999) by S.I. 1999.1871, reg. 90(5)(6)
- C2** S. 82 applied (with modifications) (E.) (4.10.2004) by Genetically Modified Animal Feed (England) Regulations 2004 (S.I. 2004/2334), regs. 1(b), **6(2)(g)**
- C3** S. 82 applied (with modifications) (N.I.) (8.10.2004) by The Genetically Modified Animal Feed Regulations (Northern Ireland) 2004 (S.R. 2004/386), regs. 1, **6**
- C4** S. 82 applied (with modifications) (S.) (15.11.2004) by Genetically Modified Animal Feed (Scotland) Regulations 2004 (S.S.I. 2004/433), regs. 1(1), **6(1)(a)(vi)**
- C5** S. 82 applied (with modifications) (W.) (17.12.2004) by The Genetically Modified Animal Feed (Wales) Regulations 2004 (S.I. 2004/3221), regs. 1(b), **6(2)(g)**
- C6** S. 82 applied (with modifications) (N.I.) (1.1.2005) by The Feeding Stuffs (Safety Requirements for Feed for Food-Producing Animals) Regulations (Northern Ireland) 2004 (S.R. 2004/506), regs. 1(1), **4(1), 4(2)**
- C7** S. 82 applied (with modifications) (E.W.S.) (1.1.2005) by Feeding Stuffs (Safety Requirements for Feed for Food-Producing Animals) Regulations 2004 (S.I. 2004/3254), regs. 1, **4(2)(h)**
- C8** S. 82 applied (with modifications) (E.) (30.4.2005) by Feed (Corn Gluten Feed and Brewers Grains) (Emergency Control) (England) Regulations 2005 (S.I. 2005/1265), regs. 1(1), **5**
- C9** S. 82 applied (with modifications) (S.) (6.5.2005) by Feed (Corn Gluten Feed and Brewers Grains) (Emergency Control) (Scotland) Regulations 2005 (S.S.I. 2005/246), regs. 1(1), **5**
- C10** S. 82 applied (with modifications) (W.) (13.5.2005) by The Feed (Corn Gluten Feed and Brewers Grains) (Emergency Control) (Wales) Regulations 2005 (S.I. 2005/1323), regs. 1(1), **5(1), 5(2)(g)**
- C11** S. 82 amendment to earlier affecting provision S.R. 2004/386 reg. 6 (N.I.) (11.10.2010) by The Feed (Sampling and Analysis and Specified Undesirable Substances) Regulations (Northern Ireland) 2010 (S.R. 2010/323), regs. 1, **21(2)**
- C12** S. 82(1) modified (6.5.1998) (N.I.) by S.I. 1998/1049, **reg. 96(2)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture Act 1970, Section 82.