



Food and Environment Protection Act 1985

1985 CHAPTER 48

PART IV

GENERAL AND SUPPLEMENTARY

22 General defence of due diligence.

- (1) In any proceedings for an offence under this Act it is a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (2) Without prejudice to the generality of subsection (1) above, a person is to be taken to have established the defence provided by that subsection if he proves—
 - (a) that he acted under instructions given to him by his employer; or
 - (b) that he acted in reliance on information supplied by another person without any reason to suppose that the information was false or misleading,and in either case that he took all such steps as were reasonably open to him to ensure that no offence would be committed.
- (3) If in any case the defence provided by subsection (1) above involves an allegation that the commission of the offence was due to an act or omission by another person, other than the giving of instructions to the person charged with the offence by his employer, 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 giving such information identifying or assisting in the identification of that other person as was then in his possession.

Modifications etc. (not altering text)

C1 S. 22 applied (with modifications) (1.2.2000) by S.I. 1999/3483, reg. 4(6)

Status: Point in time view as at 22/12/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 22. (See end of Document for details)

- S. 22 applied (1.2.2000) by S.S.I. 2000/22, **art. 4(5)**
- C2** S. 22 applied (with modifications) (E.W.) (22.12.2005) by Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 2005 (S.I. 2005/3286), regs. 1(1), **3(6)**
- C3** S. 22 applied (with modifications) (S.) (22.12.2005) by Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2005 (S.S.I. 2005/599), regs. 1(1), **3(6)**

Status:

Point in time view as at 22/12/2005. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 22.