



Property Misdescriptions Act 1991

1991 CHAPTER 29

2 Due diligence defence

- (1) In proceedings against a person for an offence under section 1 above it shall be a defence for him to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (2) A person shall not be entitled to rely on the defence provided by subsection (1) above by reason of his reliance on information given by another unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular—
 - (a) to the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information, and
 - (b) to whether he had any reason to disbelieve the information.
- (3) Where in any proceedings against a person for an offence under section 1 above the defence provided by subsection (1) above involves an allegation that the commission of the offence was due—
 - (a) to the act or default of another, or
 - (b) to reliance on information given by another,the person shall not, without the leave of the court, be entitled to rely on the defence unless he has served a notice under subsection (4) below on the person bringing the proceedings not less than seven clear days before the hearing of the proceedings or, in Scotland, the diet of trial.
- (4) A notice under this subsection shall give such information identifying or assisting in the identification of the person who committed the act or default, or gave the information, as is in the possession of the person serving the notice at the time he serves it.