



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 4

APPROVAL OF APPARATUS ETC

Marking etc of apparatus

75 Default of third person

- (1) Where the commission by one person (“A”) of an offence under section 74(1) or (3) is due to the act or default of another (“B”), B also commits the offence; and B may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against A.
- (2) In proceedings for an offence under section 74(1) or (3) it is a defence for the defendant to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (3) A person may not rely on a defence under subsection (2) which involves an allegation that the commission of the offence was due to the act or default of another person unless—
 - (a) at least seven clear days before the hearing he has given to the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession; or
 - (b) the court grants him leave.
- (4) In proceedings for an offence under section 74(3) it is a defence for the defendant to prove that—
 - (a) at the time of the alleged offence he was a person whose business it was to publish or arrange for the publication of advertisements;
 - (b) he received the advertisement for publication in the ordinary course of business; and
 - (c) he did not know and had no reason to suspect that publication of the advertisement would amount to an offence under that subsection.