



Marine and Coastal Access Act 2009

2009 CHAPTER 23

PART 4

MARINE LICENSING

CHAPTER 5

SUPPLEMENTARY

Offences: supplementary provision

109 General defence of due diligence

- (1) In any proceedings for an offence under this Part, it is a defence for the person charged ("the defendant") to prove that the defendant took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (2) The defence provided by subsection (1) is to be taken to be established if the defendant—
 - (a) acted under an employer's instructions,
 - (b) did not know and had no reason to suppose that the acts done constituted a contravention of the provision in question, and
 - (c) took all such steps as reasonably could be taken to ensure that no offence would be committed.
- (3) The defence provided by subsection (1) is to be taken to be established if the defendant—
 - (a) acted in reliance on information supplied by another person,
 - (b) did not know and had no reason to suppose that the information was false or misleading, and
 - (c) took all such steps as reasonably could be taken to ensure that no offence would be committed.

Status: This is the original version (as it was originally enacted).

- (4) Subsections (2) and (3) do not affect the generality of subsection (1).
- (5) If in any case the defence provided by subsection (1) involves the allegation that the commission of the offence was due to—
- (a) an act or default of another person (other than the giving of instructions to the defendant by an employer), or
 - (b) reliance on information supplied by another person,
- the defendant is not, without leave of the court, entitled to rely on that defence unless the requirement in subsection (6) is satisfied.
- (6) The requirement is that—
- (a) at least seven clear days before the hearing, and
 - (b) if the defendant has previously appeared before a court in connection with the alleged offence, within one month of the first such appearance,
- the defendant has served on the prosecutor a notice giving such information identifying or assisting in the identification of that other person as was then in the defendant's possession.

110 Offences: jurisdiction

Proceedings for an offence under this Part may be taken, and the offence may for all incidental purposes be treated as having been committed, in any part of the United Kingdom.