
STATUTORY INSTRUMENTS

1998 No. 683

The Porthmadog Harbour Revision Order 1998

PART II

DUTIES AND POWERS

Permanent lights on tidal works

20.—(1) The Council shall at the outer extremity of every tidal work exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Trinity House shall from time to time direct.

(2) If the Council fail to comply in any respect with a direction given under paragraph (1) above they shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

(3) In proceedings for an offence under paragraph (2) above, it shall be a defence for the Council to prove that it took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) If in any case the defence provided by paragraph (3) above involves an allegation that the commission of the offence was due to the act or default of another person, the Council shall not, without the leave of the court, be entitled to rely on that defence unless, within a period of seven clear days before the hearing, it 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 its possession.