
STATUTORY INSTRUMENTS

2008 No. 1276

**The Business Protection from
Misleading Marketing Regulations 2008**

**PART 2
OFFENCES**

Due diligence defence

11.—(1) In any proceedings against a person for an offence under regulation 6 it is a defence for that person to prove—

- (a) that the commission of the offence was due to—
 - (i) a mistake;
 - (ii) reliance on information supplied to him by another person;
 - (iii) the act or default of another person;
 - (iv) an accident; or
 - (v) another cause beyond his control;

and

- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(2) A person shall not be entitled to rely on the defence provided by paragraph (1) by reason of the matters referred to in paragraph (ii) or (iii) of paragraph (1)(a) without the leave of the court unless—

- (a) he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was in his possession; and
- (b) the notice is served on the prosecutor at least seven clear days before the date of the hearing.