
WELSH STATUTORY INSTRUMENTS

2002 No. 3159

The Organic Products (Wales) Regulations 2002

Offences due to fault of another person and defence of due diligence

11.—(1) Where the commission by any person of an offence under regulation 6(2) above is due to an act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) In any proceedings for an offence under regulation 6(2) above, it shall, subject to paragraph (3) below, be a defence for the person charged to prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself, herself or by a person under his or her control.

(3) If in any case the defence provided by paragraph (2) above involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless—

(a) at least seven clear days before the hearing, and

(b) where he or she has previously appeared before a court in connection with the alleged offence, within one month of his first such appearance,

he or she 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 his or her possession.