

*These notes relate to the Public Health etc. (Scotland) Act 2008 (asp 5) which received Royal Assent on 16 July 2008*

# **PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008**

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## **EXPLANATORY NOTES**

### **THE ACT – OVERVIEW**

#### **Part 2**

#### **Notifiable Diseases, Notifiable Organisms and Health Risk States**

#### **Offences**

#### ***Section 17 Notifiable organisms: offences***

37. This section states that it is an (1) offence for the director of a diagnostic laboratory to fail without reasonable excuse to comply with the duty of notification. Where the director of a diagnostic laboratory commits an offence and is employed by a body corporate, the body corporate also commits the offence. In proceedings for an offence under this section, it is a defence for the accused director of a diagnostic laboratory to prove that all due diligence was exercised and all reasonable steps taken to avoid committing the offence. For the accused body corporate, it is a defence to prove that the body corporate (or its employee or agent) exercised all due diligence and took all reasonable steps to avoid committing the offence.