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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

**The Package Travel and Linked Travel  
Arrangements Regulations 2018**

**PART 7**

**Enforcement**

**Due diligence defence**

**32.**—(1) Subject to the following provisions of this regulation, in proceedings against any person for an offence under regulation 5(5), 7(12), 19(9), 25 or 26(10), it is a defence for that person to show that the person took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) Where in any proceedings against any person for such an offence the defence provided by paragraph (1) involves an allegation that the commission of the offence was due to—

- (a) the act or default of another; or
- (b) reliance on information given by another,

that person is not, without the leave of the court, entitled to rely on the defence unless, at least 7 clear days before the hearing of the proceedings, or, in Scotland, the trial diet, the person has served a notice under paragraph (3) on the person bringing the proceedings.

(3) A notice under this paragraph must give such information identifying or assisting in the identification of the person who committed the act or default or gave the information as is in the possession of the person serving the notice at the time the person serves it.

(4) A person is not entitled to rely on the defence provided by paragraph (1) by reason of the person's reliance on information supplied by another, unless the person shows that it was reasonable in all the circumstances for the person to have relied on the information, having regard in particular to—

- (a) the steps which the person took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) whether the person had any reason to disbelieve the information.