



Medicines Act 1968

1968 CHAPTER 67

PART VIII

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

121 Contravention due to default of other person

- (1) Where a contravention by any person of any provision to which this section applies constitutes an offence under this Act, and is due to an act or default of another person, then, whether proceedings are taken against the first-mentioned person or not, that other person may be charged with and convicted of that offence, and shall be liable on conviction to the same punishment as might have been imposed on the first-mentioned person if he had been convicted of the offence.
- (2) Where a person who is charged with an offence under this Act in respect of a contravention of a provision to which this section applies proves to the satisfaction of the court—
 - (a) that he exercised all due diligence to secure that the provision in question would not be contravened, and
 - (b) that the contravention was due to the act or default of another person,the first-mentioned person shall, subject to the next following subsection, be acquitted of the offence.
- (3) A person shall not, without the leave of the court, be entitled to rely on the defence provided by subsection (2) of this section unless, not later than seven clear days before the date of the hearing, he has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, the other person in question as was then in his possession.
- (4) This section applies to the following provisions, that is to say, sections 63 to 65, 85 to 90, and 93 to 96, and the provisions of any regulations made under any of those sections.