
STATUTORY INSTRUMENTS

2008 No. 1816

**The Cancellation of Contracts made in a Consumer's
Home or Place of Work etc. Regulations 2008**

Enforcement

Defence of due diligence

18.—(1) In any proceedings against a person for an offence under regulation 17 it is a defence for that person to prove—

(a) that the commission of the offence was due to—

(i) the act or default of another, or

(ii) reliance on information given by another, 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) without 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 not less than seven clear days before the hearing of the proceedings or, in Scotland, the diet of trial.