
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 15

The Animal Feed (Basic Safety Standards) (Scotland) Regulations 2018

Defences of fault of another person, mistake etc.

6.—(1) Where the commission by any person of an offence under these Regulations or section 74A(3) of the Agriculture Act 1970 by virtue of these Regulations, is due to the act or default of some other person, that other person is guilty of the offence and may be convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

(2) In any proceedings for an offence under these Regulations or section 74A(3) of the 1970 Act by virtue of these Regulations, it is, subject to paragraph (3), a defence to prove—

- (a) that the commission of the offence was due to a mistake, or reliance on information supplied by another person, or to the act or default of another person, or to an accident or some other cause beyond the accused's control; and
- (b) that the accused took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by the accused or any other person under the accused's control.

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

- (a) at least 7 days before the trial diet (not being a notional diet); or
- (b) no more than 28 days after the first appearance of the accused before a court in connection with the alleged offence,

the accused has served on the prosecutor a notice in writing giving such information as the accused has to identify or assist in identifying the other person.