
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 296

**The Caledonian Maritime Assets (East
Loch Tarbert) Harbour Revision Order 2019**

PART 6

MISCELLANEOUS

Defence of due diligence

47.—(1) In proceedings for an offence under any provision of this Order mentioned in paragraph (2) it shall be a defence for CMAL to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(2) The provisions referred to in paragraph (1) are—

- (a) article 10 (provision against danger to navigation),
- (b) article 12 (lights on tidal works during construction), and
- (c) article 13 (permanent lights on tidal works).

(3) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to the act or default of another person, CMAL shall not, without leave of the court, be entitled to rely on that defence unless, within a period of 7 clear days before the hearing, they have served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that other person as was then in their possession.