
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 85

The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021

PART 4

Miscellaneous

Offences

Defence to false or misleading information offences

21.—(1) Regulation 20(1) or (2) does not apply if the person (the “accused”) took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The defence described in paragraph (1) is established if the accused—

(a) acted in reliance on information supplied by another person, and

(b) did not know and had no reason to suppose that—

(i) for an offence under regulation 20(1), the information was false or misleading, or

(ii) for an offence under regulation 20(2), all material information had not been disclosed.

(3) Paragraph (2) does not limit paragraph (1).

(4) An accused may not rely on paragraph (2)(a) unless—

(a) the accused serves on the prosecutor a notice giving such information identifying or assisting in the identification of the person referred to in that paragraph as is in the accused’s possession,

(b) the notice is served—

(i) where an intermediate diet is held, at or before that diet, or

(ii) where no such diet is held, at least 10 days before the trial diet, and

(c) the court grants leave to do so.

(5) Paragraph (4) does not apply if—

(a) the accused lodges a defence statement under section 125 of the Criminal Justice and Licensing (Scotland) Act 2010(1) in accordance with the time limits mentioned in paragraph (4)(b), and

(b) the accused’s defence involves an allegation that the commission of the offence was due to reliance on information supplied by another person.

Changes to legislation: There are currently no known outstanding effects for the *The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021, Section 21*. (See end of Document for details)

Commencement Information

II [Reg. 21](#) in force at 1.4.2022, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021, Section 21.