
DRAFT STATUTORY INSTRUMENTS

2024 No.

The Management of Hedgerows (England) Regulations 2024

PART 3

Offences

Defence

8.—(1) In any proceedings for an offence under regulation 7(1) or (2) it is, subject to paragraph (3), a defence for a person to prove that—

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

(i) a mistake,

(ii) reliance on information supplied to that person;

(iii) the act or default of another person; or

(iv) an accident or some other cause beyond the control of that person; and

(b) the person took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by themselves or by any person under their control.

(2) A person may not, without leave of the court, seek to rely on a defence under paragraph (1) (a)(ii) or (iii) unless that person has served on the Regulator a notice giving the Regulator any information that the person may have to identify or assist in identifying that other person—

(a) at least seven clear days before the hearing; and

(b) where the accused has previously appeared before the court in connection with the alleged offence, within one month of the first such appearance.