



Killingholme Generating Stations (Ancillary Powers) Act 1991

1991 CHAPTER viii

PART V

MISCELLANEOUS AND GENERAL

32 Defence of due diligence

- (1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below, it shall be a defence for the appropriate company to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (2) The provisions referred to in subsection (1) above are the following:—
 - section 14 (Provision against danger to navigation);
 - section 17 (Permanent lights on tidal works);
 - section 18 (Lights on tidal works during construction).
- (3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the appropriate company shall not, without leave of the court, be entitled to rely on that defence unless, not less than 7 clear days before the hearing, they have served on the prosecutor a notice in writing giving such information as was then in their possession, identifying, or assisting in the identification, of that other person.