



# Medicines and Medical Devices Act 2021

## 2021 CHAPTER 3

### PART 4

#### MEDICAL DEVICES

### CHAPTER 3

#### ENFORCEMENT

#### *Offences*

#### **29 Defence of due diligence**

- (1) It is a defence for a person charged with an offence under section 28(1) to show that the person took all reasonable steps and exercised all due diligence to avoid commission of the offence.
- (2) If in any proceedings for such an offence the defence provided by subsection (1) involves an allegation that the commission of the offence was due to—
  - (a) an act or default of another person, or
  - (b) reliance on information given by another person,the defendant is not, without leave of the court, entitled to rely on that defence unless the requirement in subsection (3) is satisfied.
- (3) The requirement is that at least 7 clear days before the hearing of the proceedings the defendant has served on the prosecutor a notice giving such information identifying or assisting in the identification of that other person as was then in the defendant's possession.
- (4) A defendant is not entitled to rely on the defence provided by subsection (1) by reason of the defendant's reliance on information supplied by another person unless the defendant shows that it was reasonable in all the circumstances to rely on the information, having regard in particular to—

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**Changes to legislation:** There are currently no known outstanding effects for the Medicines and Medical Devices Act 2021, Section 29. (See end of Document for details)

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- (a) the steps which the defendant took or might reasonably have taken to verify the information, and
  - (b) whether the defendant had any reason to disbelieve the information.
- (5) In the application of this section to Scotland—
- (a) references to the defendant are to be read as references to the accused, and
  - (b) the reference in subsection (3) to “the hearing of the proceedings” is to be read as a reference to “the trial diet”.

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**Commencement Information**

**II** S. 29 in force at 26.5.2021 by S.I. 2021/610, reg. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Medicines and Medical Devices Act 2021, Section 29.