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STATUTORY INSTRUMENTS

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**2010 No. 2960**

**The Timeshare, Holiday Products, Resale  
and Exchange Contracts Regulations 2010**

**PART 7**

**OFFENCES: PENALTIES ETC**

**Due diligence defence**

**30.**—(1) In proceedings against a person for an offence under the preceding provisions of these Regulations it is a defence for the person to show that all reasonable steps were taken and all due diligence exercised to avoid committing the offence.

(2) This is subject to the following provisions of this regulation.

(3) Paragraph (4) applies where, in proceedings against any person (“the defendant”) for such an offence, the defence provided by paragraph (1) involves an allegation that the commission of the offence was due to—

- (a) the act or default of another, or
- (b) reliance on information given by another.

(4) The defendant is not, without the leave of the court, entitled to rely on the defence unless the defendant has served a notice under paragraph (5) on the person bringing the proceedings no later than the day which is 8 days before—

- (a) the hearing of the proceedings or,
- (b) in Scotland, the diet of the trial.

(5) A notice under this paragraph must give such information identifying or assisting in the identification of the person who committed the act or default, or gave the information, as is in the possession of the defendant at the time the notice is served.

(6) A person is not entitled to rely on the defence provided by paragraph (1) by reason of reliance on information supplied by another, unless the person shows that it was reasonable, in all the circumstances to have relied on the information having regard in particular to—

- (a) the steps which the person took, and those which might reasonably have been taken, for the purpose of verifying the information, and
- (b) whether the person had any reason not to believe the information.