
STATUTORY INSTRUMENTS

2023 No. 982

The Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023

PART 3

Offences: general

Defence of due diligence for suppliers

6.—(1) Subject to paragraphs (2) and (4), in proceedings for an offence under Part 2 of these Regulations it is a defence for a person (“P”) to show that P took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) P may not rely on a defence under paragraph (1) which involves a third party allegation unless P has—

- (a) served a notice in accordance with paragraph (3); or
- (b) obtained the leave of the court.

(3) The notice must—

- (a) give any information in P’s possession which identifies or assists in identifying the person who—
 - (i) committed the act or default; or
 - (ii) supplied the information on which P relied; and
- (b) be served on the person bringing the proceedings not less than 7 clear days before the hearing of the proceedings.

(4) P may not rely on a defence under paragraph (1) which involves an allegation that the commission of the offence was due to reliance on information supplied by another person unless it was reasonable for P to have relied on the information, having regard in particular to—

- (a) the steps that P took, and those which might reasonably have been taken, for the purposes of verifying the information; and
- (b) whether P had any reason to disbelieve the information.

(5) In this regulation, “third party allegation” means an allegation that the commission of the offence was due to—

- (a) the act or default of another person; or
- (b) reliance on information supplied by another person.

Time limit for the prosecution of offences

7.—(1) An information relating to an offence under Part 2 of these Regulations may be tried if it is laid within twelve months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the knowledge of the prosecutor.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) No proceedings are to be brought more than three years after the commission of the offence.