
WELSH STATUTORY INSTRUMENTS

2011 No. 1565

The Saundersfoot Harbour Empowerment Order 2011

PART 8

MISCELLANEOUS

Defence of due diligence

59.—(1) In proceedings for an offence under any provision of this Order mentioned in paragraph (2), it will be a defence for the Commissioners to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(2) The provisions referred to in paragraph (1) are—

- (a) article 46;
- (b) article 47;
- (c) article 48; and
- (d) article 51.

(3) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to the act or default of another person, the Commissioners are not, without leave of the court, entitled to rely on that defence unless, within a period of at least seven clear days before the hearing, they have served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that other person as was then in their possession.