

These notes relate to the Christmas Day and New Year's Day Trading (Scotland) Act 2007 (asp 13) which received Royal Assent on 13 April 2007

CHRISTMAS DAY AND NEW YEAR'S DAY TRADING (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 6: Defence of due diligence

15. **Section 6** provides a defence for anyone accused of the offence in section 5. That defence is that they or anyone working for them or representing them had taken all reasonable precautions and had tried to the best of their ability to avoid committing the offence. It is considered that this will require the taking of positive measures such as training staff in their responsibilities. It will therefore not be a defence for accused persons to solely argue that they did not know the shop was in fact open for trade.