



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 2

#### NOTIFIABLE DISEASES, NOTIFIABLE ORGANISMS AND HEALTH RISK STATES

#### *Offences*

#### **17 Notifiable organisms: offences**

- (1) It is an offence for the director of a diagnostic laboratory to fail without reasonable excuse to comply with section 16(2).
- (2) In proceedings for an offence under subsection (1), it is a defence for the director to prove that the director exercised all due diligence and took all reasonable steps to avoid committing the offence.
- (3) Where—
  - (a) the director of a diagnostic laboratory commits the offence mentioned in subsection (1); and
  - (b) the director is employed by a body corporate,  
the body corporate also commits an offence.
- (4) In proceedings for an offence under subsection (3), it is a defence for the body corporate to prove that the body corporate (or an employee or agent of the body corporate) exercised all due diligence and took all reasonable steps to avoid committing the offence.
- (5) In subsection (3)(b), “employed” includes engaged under a contract for services.