



Trade Descriptions Act 1968

1968 CHAPTER 29

Defences

24 Defence of mistake, accident, etc.

- (1) In any proceedings for an offence under this Act it shall, subject to subsection (2) of this section, be a defence for the person charged to prove—
- (a) that the commission of the offence was due to a mistake or to reliance on information supplied to him or to the act or default of another person, an accident or some other cause beyond his control; and
 - (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.
- (2) If in any case the defence provided by the last foregoing subsection involves the allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has 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 his possession.
- (3) ^{F1}

Textual Amendments

- F1** S. 24(3) repealed (26.5.2008) by [The Consumer Protection for Unfair Trading Regulations 2008](#) (S.I. 2008/1277), [reg. 30\(3\)](#), [Sch. 4 Pt. 1](#) (with savings in [reg. 28\(2\)\(3\)](#), [Sch. 3 paras. 1-4](#))

Modifications etc. (not altering text)

- C1** S. 24 extended with modifications by [S.I. 1986/26](#), [reg. 11\(1\)](#) and by [S.I. 1988/1586](#), [reg. 4\(1\)](#)
S. 24 applied (with modifications) (23.3.1996) by [S.I. 1995/2489](#), [reg. 10\(1\)](#).
- C2** S. 24(1)(2) extended by [Prices Act 1974](#) (c. 24, SIF 99:6), s. 7, [Sch. para. 5\(3\)](#)

Changes to legislation: There are currently no known outstanding effects for the Trade Descriptions Act 1968, Cross Heading: Defences. (See end of Document for details)

25 Innocent publication of advertisement.

In proceedings for an offence under this Act committed by the publication of an advertisement it shall be a defence for the person charged to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under this Act.

Modifications etc. (not altering text)

C3 [S. 25](#) extended with modifications by [S.I. 1986/26, reg. 11\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Trade Descriptions Act 1968, Cross
Heading: Defences.