

B.14 Defence of due diligence

(1) Some retailers of electrical products, because of their limited knowledge on product safety, may have to rely on the information provided by their suppliers. It is a defence in a proceeding against a person for offences :

- (A) under Section 12(a) of the Regulation; or
- (B) under Section 56A or Section 55(1) of the Electricity Ordinance regarding a contravention of Section 29(1)(b),

if the person charged shows that he has taken all reasonable steps (subject to final judgement of the Court) and has exercised all due diligence to avoid committing the offence.

(2) Suppliers of electrical products are recommended to follow the advisory notes listed in Section A.5 of the Notes and to keep all relevant document for record and for inspection by EMSD.

(3) Whether the defence of due diligence will be accepted depends on a number of factors, including those matters referred to in Section 14 of the Regulation and in Section 56B of the Electricity Ordinance (CAP. 406) and is subject to final judgement of the Court.