

undertake checks, you will need to be able to show that you were justified in making that decision and that it was reasonable in the particular circumstances for you to act in that way. Similarly, where you rely on others for information, you need to be able to show that it was reasonable for you to rely on them and to the extent that you did. For example, while it may be reasonable for you to rely on some information supplied to you at the outset of the instruction process by your client, if later on you discover reasons to doubt its accuracy, you should take appropriate steps to check whether the original information supplied is indeed correct.

When you conduct your business (general considerations about criminal offences under the regulations)

5.5 There is a defence of **due diligence** to some criminal offences under the CPRs (misleading actions, misleading omissions, aggressive practices and virtually all of the specific banned practices) and BPRs (misleading advertising). In order to prove that you have behaved with due diligence, you need to show both:

- that you committed the offence because of:
 - a mistake or
 - reliance on information supplied to you by someone else or
 - the act or default of someone else or
 - an accident or
 - another cause outside your control
- **and** that you took all reasonable precautions **and** exercised all due diligence to avoid committing the offence.⁴⁰

⁴⁰ The requirements in this bullet are similar to those that are well-known already from the Property Misdescriptions Act 1991 (PMA). The courts may draw on PMA case law when considering the due diligence defence under the CPRs and BPRs.