
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 193

Pipelines Safety Regulations (Northern Ireland) 1997

Part IV

Miscellaneous

Defence

28.—(1) In any proceedings for an offence for a contravention of any of the provisions of these Regulations it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove—

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called “the other person”); and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The person charged shall not, without leave of the court, be entitled to rely on the defence in paragraph (1) unless, within a period ending seven days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

(3) Where a contravention of any of the provisions of these Regulations by any person is due to the act or default of the other person, that other person shall be guilty of the offence which would, but for any defence under these Regulations available to the first mentioned person, be constituted by the act or default.

Certificates of exemption

29.—(1) Subject to paragraph (2) and to any Community obligation in respect of the encouragement of improvements in the safety and health of workers at work, the Department may, by a certificate in writing, exempt any person, pipeline or class of persons or pipelines from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked at any time by the Department by a further certificate in writing.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case and, in particular, to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any statutory provision which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Repeal of provisions of the Gas (Northern Ireland) Order 1996

30. Articles 50 to 54 and 56 to 58 of, and Schedule 4 to, the Gas (Northern Ireland) Order 1996⁽¹⁾ are hereby repealed.

Revocation and modification of statutory provisions

31.—(1) The statutory provisions specified in column 1 of Part I of Schedule 6 shall be revoked to the extent specified opposite in column 3 of that Part.

(2) The Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984 shall have effect subject to the modifications specified in Part II of Schedule 6.

⁽¹⁾ S.I.1996/275 (N.I. 2)