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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 386**

**Transportable Pressure Vessels  
Regulations (Northern Ireland) 2003**

**PART 3**

**MISCELLANEOUS**

**Fees**

**12.**—(1) On the making of an application to the Executive for –

- (a) the appointment of a notified body or an approved body;
- (b) the amendment of an existing appointment of such a body; or
- (c) the approval of a standard for the purposes of these Regulations as meeting the relevant requirements of Chapter 6.2 of ADR,

there shall be payable by the applicant in the connection with the performance by or on behalf of the Executive of its functions in relation to that application the relevant fee mentioned in paragraph (2).

(2) The fees referred to in paragraph (1) are –

- (a) in respect of sub-paragraphs (a) or (b) –
  - (i) a fee of £283 for processing the application; and
  - (ii) such fee as is reasonable in light of the actual work performed in respect of the determination of the suitability of the applicant for appointment or for the amendment of an existing appointment; and
- (b) in respect of sub-paragraph (c), such fee as is reasonable in light of the actual work performed in respect of the approval of the standard.

(3) A fee, which shall be reasonable in light of the actual work performed, shall be payable by the relevant notified body or approved body in respect of any inspection undertaken by or on behalf of the Executive in accordance with regulation 10(5).

(4) Subject to paragraph (5), where an application has been made to a notified body or an approved body in accordance with these Regulations, the notified body or approved body, as the case may be, may charge such fees in connection with, or incidental to, carrying out its duties in relation to the procedures and tasks referred to in regulation 10(3)(c) as it may determine.

(5) The fees referred to in paragraph (4) shall not exceed –

- (a) the costs incurred or to be incurred by the notified body or approved body in performing the relevant function; and
- (b) an amount on account of profit which is reasonable in the circumstances having regard to –
  - (i) the character and extent of the work done or to be done by that body on behalf of the applicant; and

(ii) the commercial rate normally charged on account of profit for that work or similar work.

(6) The power in paragraph (4) includes the power to require the payment of fees or a reasonable estimate thereof in advance of carrying out the work requested by the applicant.

### **Defence**

**13.**—(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 the leave of the court, be entitled to rely on the defence referred to in paragraph (1) unless, within a period of seven days before the hearing to determine the mode of trial, 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 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 this regulation available to the first-mentioned person, be constituted by the act or default.

### **Amendments and saving**

**14.**—(1) In regulation 2 of the Pressure Systems and Transportable Gas Containers Regulations (Northern Ireland) 1991<sup>(1)</sup> –

- (a) in the definition of “pressure system”, after the words “but does not include a transportable pressure receptacle” there shall be added the words “or a transportable pressure vessel”; and
- (b) after the definition of “transportable pressure receptacle” there shall be inserted the following definition –

““transportable pressure vessel” has the same meaning as in regulation 2(1) of the Transportable Pressure Vessels Regulations (Northern Ireland) 2003;”.

(2) In regulation 24(a)(i) of the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991<sup>(2)</sup> –

- (a) in head (aa), for the words “1st July 2001” there shall be substituted the words “1st April 2005”; and
- (b) in head (bb), for the words “30th June 2001” there shall be substituted the words “31st March 2005”.

(3) The CDGCPL Regulations shall be amended in accordance with Schedule 8.

(4) In the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997<sup>(3)</sup> –

- (a) in regulation 11(1)(a), for the words “1st July 2001” there shall be substituted the words “1st April 2005”;
- (b) in regulation 11(1)(b), for the words “30th June 2001” there shall be substituted the words “31st March 2005”;

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(1) S.R. 1991 No. 471 amended by S.R. 1997 No. 247

(2) S.R. 1991 No. 509 as amended by S.R. 1995 No. 47, S.R. 1995 No. 60, S.R. 1997 No. 247, S.R. 1998 No. 448 and S.R. 1999 No. 150

(3) S.R. 1997 No. 248 as amended by S.R. 1998 No. 448

- (c) in the title to Schedule 3, for the words “1st July 2001” there shall be substituted the words “1st April 2005”; and
  - (d) in paragraph 11 of Schedule 10, for the words “1st July 2001” there shall be substituted the words “1st April 2005”.
- (5) In the Carriage of Dangerous Goods by Rail Regulations (Northern Ireland) 1998<sup>(4)</sup> –
- (a) in regulation 2(5) and (7), for the words “1st July 2001” there shall be substituted the words “1st April 2005”;
  - (b) in regulation 9(1), for the words “30th June 2001” there shall be substituted the words “31st March 2005”; and
  - (c) in the title to Schedule 1, for the words “1st July 2001” there shall be substituted the words “1st April 2005”.
- (6) Any certificate or record which was required to be kept under paragraph 10 of Schedule 8 to the CDGCPL Regulations as they had effect immediately before these Regulations came into operation shall continue to be kept as if these Regulations had not been made.

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<sup>(4)</sup> S.R. 1998 No. 131 as amended by S.R. 1998 No. 448