
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 406

**The Offshore Installations (Offshore Safety Directive)
(Safety Case etc.) Regulations (Northern Ireland) 2016**

Defence

14.—(1) In any proceedings for an offence for a contravention of any of the provisions of regulations 9 to 12 it is, subject to paragraph (2), 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 an employee of the person charged (referred to in this regulation as “the other person”); and
- (b) that the person charged took all reasonable precautions, and exercised all due diligence, to avoid committing the offence.

(2) The person charged may not, without the permission of the court, rely on the defence in paragraph (1) unless, within a period ending seven clear days before the hearing to determine mode of trial, the person charged 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 the possession of the person charged.

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of Article 34 of the 1978 Order, a person who establishes a defence under this regulation is nevertheless to be treated for the purposes of that Article as having committed the offence.