
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 420

The Railways Infrastructure (Access, Management
and Licensing of Railway Undertakings)
Regulations (Northern Ireland) 2016

PART 10

MISCELLANEOUS

Civil proceedings

54.—(1) Any obligation which a person owes under or arising from these regulations is a duty owed to any person who may be affected by a breach of that obligation and is actionable by any such person who sustains loss, damage or injury caused by the breach at the suit or instance of that person.

(2) In any proceedings brought against the infrastructure manager, railway undertaking, charging body, service provider, allocation body or applicant under paragraph (1), it is a defence for it to prove that it took all reasonable steps and exercised all due diligence to avoid the breach of duty.

(3) Without prejudice to the right, which any person may have by virtue of paragraph (1) to bring civil proceedings in respect of any breach of duty, the obligation to comply shall be enforceable by civil proceedings by the Office of Rail and Road in the case of their functions under these Regulations or by the Department, in the case of their functions under regulation 6(11) for an injunction or any other relief.