
STATUTORY INSTRUMENTS

2007 No. 1573

**The Carriage of Dangerous Goods and Use of
Transportable Pressure Equipment Regulations 2007**

PART 6

MISCELLANEOUS

Enforcement

92.—(1) The enforcing authorities for these Regulations are—

- (a) the Health and Safety Executive in relation to road and rail;
- (b) the Secretary of State for Transport in relation to road and inland waterways; and
- (c) the chief officer of police of each area in relation to road.

(2) But the Health and Safety Executive is not the enforcing authority in relation to rail to the extent that the Office of Rail Regulation is the enforcing authority pursuant to regulation 3(1) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006⁽¹⁾.

(3) Paragraphs (1) and (2) are subject to paragraph (4).

(4) The Secretary of State for Transport is the only enforcing authority in relation to regulation 45.

Commencement Information

II Reg. 92 in force at 1.7.2007, see [reg. 1](#)

Defence

93.—(1) In any proceedings for an offence consisting of a contravention of any of the provisions of these Regulations, it is a defence for the person charged to prove that—

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

(2) The person charged shall not be entitled, without leave of the court, to rely on the defence referred to in paragraph (1) unless, at least seven clear days before the—

- (a) hearing to determine the mode of trial, where the proceedings are in England or Wales;
- (b) intermediate diet, where the proceedings are summary proceedings in Scotland; or
- (c) first diet, where the proceedings are solemn proceedings in Scotland,

⁽¹⁾ [S.I. 2006/557](#); to which there are amendments not relevant to these Regulations.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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) If a contravention of any of the provisions of these Regulations by any person is due to the act or default of the other person, then that other person is guilty of the offence, which would, but for the defence in paragraph (1), be constituted by the act or default.

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Commencement Information

I2 Reg. 93 in force at 1.7.2007, see [reg. 1](#)

Amendments

94. The enactments specified in the Table in Schedule 8 are amended in accordance with the provisions of that Table.

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Commencement Information

I3 Reg. 94 in force at 1.7.2007, see [reg. 1](#)

Revocations

95. The Regulations specified in the Table in Schedule 9 are revoked.

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Commencement Information

I4 Reg. 95 in force at 1.7.2007, see [reg. 1](#)

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2009/1348 reg. 33](#)