
STATUTORY INSTRUMENTS

1987 No. 2049

The Consumer Protection (Northern Ireland) Order 1987

PART III

MISLEADING PRICE INDICATIONS

Defences

17.—(1) In any proceedings against a person for an offence under paragraph (1) or (2) of Article 13 in respect of any indication it shall be a defence for that person to show that his acts or omissions were authorised for the purposes of this paragraph by regulations made under Article 19.

(2) In proceedings against a person for an offence under Article 13(1) or (2) in respect of an indication published in a book, newspaper, magazine, film or radio or television broadcast or in a programme included in a cable programme service, it shall be a defence for that person to show that the indication was not contained in an advertisement.

(3) In proceedings against a person for an offence under Article 13(1) or (2) in respect of an indication published in an advertisement it shall be a defence for that person to show that—

- (a) he is a person who carries on a business of publishing or arranging for the publication of advertisements;
- (b) he received the advertisement for publication in the ordinary course of that business; and
- (c) at the time of publication he did not know and had no grounds for suspecting that the publication would involve the commission of the offence.

(4) In any proceedings against a person for an offence under Article 13(1) in respect of any indication, it shall be a defence for that person to show that—

- (a) the indication did not relate to the availability from him of any goods, services, accommodation or facilities;
- (b) a price had been recommended to every person from whom the goods, services, accommodation or facilities were indicated as being available;
- (c) the indication related to that price and was misleading as to that price only by reason of a failure by any person to follow the recommendation; and
- (d) it was reasonable for the person who gave the indication to assume that the recommendation was for the most part being followed.

(5) This Article is without prejudice to Article 30.

(6) In this Article—

“advertisement” includes a catalogue, a circular and a price list;

“cable programme service” has the same meaning as in the Cable and Broadcasting Act 1984(1).

Status: *This is the original version (as it was originally made).*
