
STATUTORY RULES OF NORTHERN IRELAND

1993 No. 412

**Chemicals (Hazard Information and Packaging)
Regulations (Northern Ireland) 1993**

Enforcement, civil liability and defence

19.—(1) Insofar as any provision of regulations 5 to 17 is made under section 2(2) of the European Communities Act 1972⁽¹⁾—

- (a) subject to paragraph (2), the provisions of the Health and Safety at Work (Northern Ireland) Order 1978⁽²⁾ which relate to the approval of codes of practice and their use in criminal proceedings, enforcement and offences shall apply to that provision as if that provision had been made under Article 17 of that Order; and
- (b) breach of a duty imposed by that provision shall confer a right of action in civil proceedings insofar as that breach of duty causes damage.

(2) Notwithstanding regulation 4 of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1993⁽³⁾, the enforcing authority for these Regulations shall be the Department, except that—

- (a) where a substance or preparation dangerous for supply is supplied in or from premises which are registered under section 75 of the Medicines Act 1968⁽⁴⁾, the enforcing authority shall be the Department of Health and Social Services for Northern Ireland; or
- (b) where a substance or preparation dangerous for supply is supplied otherwise than as in sub-paragraph (a)
 - (i) in or from any shop, mobile vehicle, market stall or other retail outlet, or
 - (ii) otherwise to members of the public, including by way of free sample, prize or mail order,

the enforcing authority shall be the district council for the area in which are situated the premises in or from which such substance or preparation dangerous for supply is supplied.

(3) In any case where by virtue of paragraph (2)(a) these Regulations are enforced by the Department of Health and Social Services for Northern Ireland or where by virtue of paragraph (2)(b) they are enforced by a district council, they shall be enforced as if they were safety regulations made under section 11 of the Consumer Protection Act 1987⁽⁵⁾ and the provisions of section 12 of that Act shall apply to these Regulations as if they were safety regulations.

(4) In any proceedings for an offence under these Regulations, it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

(1) 1972 c. 68
(2) S.I. 1978/1039 (N.I. 9)
(3) S.R. 1993 No. 147
(4) 1968 c. 67
(5) 1987 c. 43

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
