
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 331

The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011

Defences

19.—(1) If a person is charged with an offence under regulation 13(1) for failing to perform the duty imposed on that person by regulation 4 in respect of any packages, it shall be a defence to prove that the test in question took place when the packages were not in the person's possession and by reference to a nominal quantity which was not marked on the packages when they were in the person's possession.

(2) If an importer of packages is charged with an offence under regulation 13(1) for failing to perform the duty imposed on the person by regulation 4 in respect of any packages, it shall be a defence to prove that the importer—

- (a) performed the duty imposed by regulation 9(3)(b) in respect of the packages;
- (b) did not know or suspect, and could not reasonably have known or suspected, that the packages were not made up in accordance with regulation 4(1);
- (c) took all reasonable steps to ensure that there was no reduction in the quantity of goods in any of the packages whilst they were in the importer's possession; and
- (d) before the beginning of the period of seven days ending with the date when the hearing of the charge began, served on the prosecutor copies of all the documents upon which it is intended to rely in proving a defence under this regulation, together with a notice which stated an intention to rely on those documents to establish a defence.

(3) Where a person is charged with an offence under regulation 13(1) for a failure to perform the duty imposed on the person by regulation 4 in relation to any packages it shall be a defence for the person to prove that:

- (a) the packages were made up in accordance with regulation 4(1); and
- (b) the failure of those packages to pass a test for determining compliance with regulation 4(1) was due entirely to the desiccation of the product contained in the packages after they were made up.

(4) Where a person is charged with an offence under regulation 13(1) or 14(2), it shall be a defence to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.