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## STATUTORY INSTRUMENTS

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# 1996 No. 825

## The Pipelines Safety Regulations 1996

### PART IV

#### MISCELLANEOUS

##### **Defence**

**28.**—(1) In any proceedings for an offence for a contravention of any of the provisions of these Regulations it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove—

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

(2) The person charged shall not, without leave of the court, be entitled to rely on the defence in paragraph (1) unless, within a period ending seven clear days—

- (a) before the hearing to determine mode of trial, where the proceedings are in England or Wales; or
- (b) before the trial, where the proceedings are in Scotland,

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) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the 1974 Act, a person who establishes a defence under this regulation shall nevertheless be treated for the purposes of that section as having committed the offence.

##### **Certificates of exemption**

**29.**—(1) Subject to paragraph (2) and to any of the provisions imposed by the Communities in respect of the encouragement of improvements in the safety and health of workers at work, the Executive may, by a certificate in writing, exempt any person, pipeline or class of persons or pipelines from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and, in particular, to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

### **Repeal of provisions of the Pipe-lines Act 1962**

**30.** Sections 20 to 26, 27 to 32 and 42 of the Pipe-lines Act 1962<sup>(1)</sup> are hereby repealed.

### **Revocation and modification of instruments**

**31.—**(1) The instruments specified in column 1 of Part I of Schedule 6 shall be revoked to the extent specified in column 3 of that Part.

(2) The Notification of Installations Handling Hazardous Substances Regulations 1982 (“the 1982 Regulations”) shall have effect subject to the modifications of those Regulations specified in Part II of Schedule 6.

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(1) 1962 c. 58; section 24 was repealed by S.I. 1974/1986; and section 26A was inserted by section 26 of the Petroleum Act 1987 (1987 c. 12).