

1977 No. 595 (N.I. 6)

NORTHERN IRELAND

**The Consumer Protection and Advice
(Northern Ireland) Order 1977**

Laid before Parliament in draft

Made 30th March 1977

Coming into Operation 13th April 1977

At the Court of Saint James, the 30th day of March 1977

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953(a), was pleased, by Letters Patent dated the 3rd day of February 1977, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorised thereto by the said Letters Patent, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(b), and of all other powers enabling Her Majesty in that behalf, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Consumer Protection and Advice (Northern Ireland) Order 1977 and shall come into operation on the fourteenth day after the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 (c) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(a) 1937 c. 16; 1943 c. 42; 1953 c. 1 (2 & 3 Eliz. 2). (b) 1974 c. 28. (c) 1954 c. 33 (N.I.).

Amendments to section 3 of the Consumer Protection Act (Northern Ireland) 1965

3.—(1) Section 3 of the Consumer Protection Act (Northern Ireland) 1965 (a) (enforcement and offences) shall have effect subject to the amendments specified in the following provisions of this Article.

(2) In subsection (2) the words “Subject to subsection (3),” shall cease to have effect.

(3) For subsection (3) there shall be substituted the following subsections:—

“(3) Where the commission by any person of an offence under this section is due to the act or default of some other person that other person shall be guilty of the offence and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

(4) Where an offence under this section is alleged to have been committed by reason of a contravention of any requirement imposed under section 1 in relation to any goods or component part it shall be a defence for any person charged with the offence (whether by virtue of subsection (2) or (3)) to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.”.

Consumer advice

4. A district council may make, or assist in the making of, arrangements (including the provision of accommodation) to provide within the district of the council advice to, or for the benefit of, consumers of goods and services.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides that where the commission by any person of an offence under section 3 of the Consumer Protection Act (Northern Ireland) 1965 is due to the act or default of some other person that other person shall be guilty of the offence and it provides a defence for any person alleged to have committed an offence under that section by reason of a contravention of any requirement imposed under section 1 of that Act.

The Order also enables district councils to make arrangements to provide advice to, or for the benefit of, consumers of goods and services.

STATUTORY INSTRUMENTS

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