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## STATUTORY INSTRUMENTS

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# 1987 No. 2049

## The Consumer Protection (Northern Ireland) Order 1987

### PART V

#### MISCELLANEOUS AND SUPPLEMENTAL

##### **Amendments of the Health and Safety at Work (Northern Ireland) Order 1978**

**28.** The Health and Safety at Work (Northern Ireland) Order 1978<sup>F1</sup> (which includes provision with respect to the safety of certain articles and substances) shall have effect with the amendments specified in Schedule 2; and, accordingly, the general purposes of Part II of that Order shall include the purpose of protecting persons from the risks protection from which would not be afforded by virtue of that Part but for those amendments.

**F1** 1978 NI 9

*Art. 29 rep. by SI 2003/1400*

##### **Defence of due diligence**

**30.** <sup>F2</sup> .....

**F2** [Art. 30](#) revoked (26.5.2008) by Consumer Protection from [Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), [reg. 30](#), [Sch. 2 para. 80](#), [Sch. 4 Pt. 2](#) (with saving in [reg. 28\(2\)\(3\)](#) and transitional and saving provisions in [Sch. 3 paras. 7\(2\), 8](#))

##### **Liability of persons other than principal offender**

**31.** Where the commission by any person of an offence to which Article 30(1) applies is due to an act or default committed by some other person in the course of any business of his, the other person shall be guilty of the offence and may be proceeded against and punished by virtue of this Article whether or not proceedings are taken against the first-mentioned person.

##### **Civil proceedings**

**32.—(1)** This Order shall not be construed as conferring any other right of action in civil proceedings, apart from the right conferred by virtue of Part II, in respect of any loss or damage suffered in consequence of a provision made by or under Part III.

(2) Subject to any provision to the contrary in the agreement itself, an agreement shall not be void or unenforceable by reason only of a contravention of a provision made by or under Part III.

(3) In this Article “damage” includes personal injury and death.

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Consumer Protection (Northern Ireland) Order 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## Regulations as to giving information to certain persons, etc.

33. <sup>F3</sup> .....

<p><b>F3</b> <a href="#">Art. 33</a> revoked (26.5.2008) by Consumer Protection from <a href="#">Unfair Trading Regulations 2008 (S.I. 2008/1277)</a>, <a href="#">reg. 30</a>, <a href="#">Sch. 2 para. 80</a>, <a href="#">Sch. 4 Pt. 2</a> (with saving in <a href="#">reg. 28(2)(3)</a> and transitional and saving provisions in <a href="#">Sch. 3 para. 8</a>)</p>
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## Savings for certain privileges

34.—(1) Nothing in this Order shall be taken—

- (a) as requiring any person to produce any records if he would be entitled to refuse to produce those records in any proceedings in any court on the grounds that they are the subject of legal professional privilege; or
- (b) as authorising any person to take possession of any records which are in the possession of a person who would be so entitled.

(2) Nothing in this Order shall be construed as requiring a person to answer any question or give any information if to do so would incriminate that person or that person's spouse.

*Article 35—Amendments and repeals*

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**Changes and effects yet to be applied to :**

- Instrument amended by [1994 c. 26 s. 106\(1\)Sch.4 para 1\(2\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 29(6)(b) words substituted by [S.I. 2000/2031 art. 22\(2\)](#)