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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 537**

The Railways Infrastructure (Access, Management  
and Licensing of Railway Undertakings)  
Regulations (Northern Ireland) 2005

PART IX

MISCELLANEOUS

**Civil proceedings**

**41.**—(1) The obligation to comply with—

- (a) regulation 7;
- (b) regulation 8;
- (c) paragraphs (4) and (9) of regulation 11;
- (d) paragraphs (3), (10) and (11)(c) of regulation 15;
- (e) paragraph (8) of regulation 27;

shall be a duty owed to any person who may be affected by a breach of that duty and shall be actionable by any such person who sustains loss, damage or injury caused by the breach at the suit or instance of that person.

(2) In any proceedings brought against the infrastructure manager, international grouping, railway undertaking or applicant under paragraph (1), it shall be defence for it to prove that it took all reasonable steps and exercised all due diligence to avoid the breach of duty.

(3) Without prejudice to the right, which any person may have by virtue of paragraph (1) to bring civil proceedings in respect of any breach of duty, the obligation to comply shall be enforceable by civil proceedings by the Department for an injunction or any other relief.