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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 160**

**The Carriage of Dangerous Goods and Use of Transportable  
Pressure Equipment Regulations (Northern Ireland) 2010**

**PART 7**

**MISCELLANEOUS**

**Keeping and provision of information**

27.—(1) An accident report of the kind referred to in Sub-section 1.8.3.6 shall be provided to the Northern Ireland competent authority or enforcement authority if requested.

(2) A written record of the information contained in the transport document described in Chapters 5.4 and 5.5 shall be kept for a period of three months after the completion of the carriage in question.

**Commencement Information**

**I1** Reg. 27 in operation at 19.5.2010, see [reg. 1](#)

**Enforcement**

28.—(1) Subject to paragraph (2) the enforcing authorities for these Regulations are—

- (a) the Health and Safety Executive for Northern Ireland in relation to road, rail and inland waterways;
- (b) the [<sup>F1</sup>Department of Agriculture, Environment and Rural Affairs] in relation to ADR carriage of class 7 goods by road; and
- (c) the Chief Constable in relation to road.

(2) The Health and Safety Executive for Northern Ireland and the [<sup>F1</sup>Department of Agriculture, Environment and Rural Affairs] are the enforcing authorities to the extent that these Regulations require compliance with the security provisions.

**F1** Words in [reg. 28](#) substituted (16.11.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/222\)](#), regs. 1(1), [2\(4\)](#)

**Commencement Information**

**I2** Reg. 28 in operation at 19.5.2010, see [reg. 1](#)

## Defence

**29.**—(1) In any proceedings for an offence consisting of a contravention of any of the provisions of these Regulations, it is a defence for the person charged to prove that—

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

(2) The person charged shall not be entitled, without leave of the court, to rely on the defence referred to in paragraph (1) unless, at least seven clear days before the hearing to determine the mode of trial, the person 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 the person’s possession.

(3) If a contravention of any of the provisions of these Regulations by any person is due to the act or default of the other person, then that other person is guilty of the offence, which would, but for the defence in paragraph (1), be constituted by the act or default.

### Commencement Information

**I3** Reg. 29 in operation at 19.5.2010, see [reg. 1](#)

## Amendments

**30.** The statutory provisions specified in column 1 of the Table in Schedule 5 are amended in accordance with the provisions of that Table opposite thereto in columns 2 and 3.

### Commencement Information

**I4** Reg. 30 in operation at 19.5.2010, see [reg. 1](#)

## Revocations

**31.**—(1) Subject to paragraph (2) the Regulations specified in the Table in Schedule 6 are revoked.

(2) The amendments made by those Regulations to other statutory provisions and having effect immediately before the coming into operation of paragraph (1) shall, subject to regulation 30, continue to have effect as if paragraph (1) had not been made.

### Commencement Information

**I5** Reg. 31 in operation at 19.5.2010, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010, PART 7.