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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 206**

**The Biocidal Products and Chemicals  
(Appointment of Authorities and Enforcement)  
Regulations (Northern Ireland) 2013**

**PART 3**

**CHAPTER 3**

**EXEMPTIONS, PENALTIES, DUE DILIGENCE DEFENCE**

**Exemptions**

**18.**—(1) A person shall be exempt from compliance with provisions imposing requirements or prohibitions in the Biocides Regulation or the CLP Regulation, if that person—

- (a) has the benefit of a defence exemption certificate made by the Secretary of State in respect of that provision; or
- (b) can demonstrate that the appropriate authorities of another Member State have exempted that person from compliance in the interests of defence.

(2) Schedule 2 (defence exemption certificates) shall have effect.

**19.**—(1) These Regulations shall not apply to a substance or mixture which is a sample taken by an authority responsible for the enforcement of any requirement of, or prohibition imposed by or under, the Biocides Regulation or the CLP Regulation.

(2) In this regulation, “substance” and “mixture” have the same meaning as they have in the CLP Regulation.

**Penalties**

**20.** The maximum penalty for an offence under Article 31 of the 1978 Order as applied by these Regulations to the Biocides Regulation, the CLP Regulation and regulations 11 and 12(2) of these Regulations shall be—

- (a) on summary conviction, imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both; and
- (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine or both.

**Due diligence defence**

**21.** In any proceedings for an offence under Article 31(1)(c) of the 1978 Order, as applied by these Regulations to regulations 11 and 12(2), the Biocides Regulation and the CLP Regulation, it shall be a defence for the person charged to prove that that person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.