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STATUTORY INSTRUMENTS

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**1989 No. 2169**

**The Pressure Systems and Transportable  
Gas Containers Regulations 1989**

**PART VI**

**MISCELLANEOUS**

**Defence**

**23.**—(1) In any proceedings for an offence for a contravention of any of the provisions of these Regulations it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove—

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called "the other person"); and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The person charged shall not, without leave of the court, be entitled to rely on the defence referred to in paragraph (1) unless, within a period ending seven clear days before the hearing, he 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 his possession.

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the 1974 Act, a person who establishes a defence under this regulation shall nevertheless be treated for the purposes of that section as having committed the offence.

**Power to grant exemptions**

**24.**—(1) Subject to paragraph (2), the Executive may, by a certificate in writing, exempt—

- (a) any person or class of persons;
- (b) any type or class of pressure system; or
- (c) any type or class of transportable gas container,

from the application of any of the requirements or prohibitions imposed by these Regulations, and any such exemption may be granted subject to conditions and to a limit of time, and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirement imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

### **Extension outside Great Britain**

**25.** These Regulations shall apply outside Great Britain in relation to any activity to which, sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of Articles 6 and 7(a) (b) and (d) of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989<sup>(1)</sup> as they apply within Great Britain.

### **Repeals, revocations and modifications**

**26.—**(1) The enactment specified in Part I of Schedule 6 in column 1 is hereby repealed to the extent specified in the corresponding entry in column 3.

(2) The enactment specified in Part II of Schedule 6 in column 1 shall be modified to the extent specified in the corresponding entry in column 3.

(3) The instruments specified in Part III of Schedule 6 in column 1 are hereby revoked to the extent specified in the corresponding entry in column 3.

(4) The instruments specified in Part IV of Schedule 6 in column 1 shall be modified to the extent specified in the corresponding entry in column 3.

### **Transitional provisions**

**27.** The provisions of Parts II and III of Schedule 1 shall have effect.

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<sup>(1)</sup> S.I. 1989/840.