
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 533

**Packaging, Labelling and Carriage of Radioactive
Material by Rail Regulations (Northern Ireland) 2003**

PART VI

MISCELLANEOUS

Defence

28.—(1) In any proceedings for an offence for a contravention of any of the provisions of these Regulations, it shall be a defence, subject to paragraphs (2) and (3), 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 (hereafter in this regulation 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 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, 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) Where a contravention of any of the provisions of these Regulations by any person is due to the act or default of the other person, the other person shall be guilty of the offence which would, but for any defence under this regulation available to the first-mentioned person, be constituted by the act or default.