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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

**The Offshore Chemicals (Amendment) Regulations 2010**

**Amendment of the 2002 Regulations**

**20.** In regulation 18 (offences)—

(a) in paragraph (1)—

(i) for sub-paragraph (b) substitute—

“(b) contravenes regulation 3A;”;

(ii) in sub-paragraph (c) omit “3(3) or”;

(iii) in sub-paragraph (d) omit “granted under these Regulations”; and

(iv) in sub-paragraph (e)(i) after “permit application” insert “, permit transfer”;

(b) after paragraph (2) insert—

“(2A) A person does not have the defence provided by paragraph (2)(b) if the court is satisfied—

(a) that the thing done was not a reasonable step to take in the circumstances; or

(b) that it was a reasonable step to take for the purpose mentioned in that paragraph but the necessity of taking that step was due to the fault of the defendant.”; and

(c) after paragraph (8) insert—

“(9) Proceedings in England and Wales for an offence under this regulation may be brought only by, or with the consent of, the Secretary of State or the Director of Public Prosecutions.

(10) Proceedings in Northern Ireland for an offence under this regulation may be brought only by, or with the consent of, the Secretary of State or the Director of Public Prosecutions for Northern Ireland.”