
STATUTORY INSTRUMENTS

2000 No. 128

The Pressure Systems Safety Regulations 2000

PART III

MISCELLANEOUS

Defence

16.—(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 the leave of the court, be entitled to rely on the defence referred to in paragraph (1) unless, within a period ending seven clear days—

- (a) before the hearing to determine mode of trial, where the proceedings are in England or Wales;
- (b) before the intermediate diet, where the proceedings are summary proceedings in Scotland; or
- (c) before the first diet, where the proceedings are solemn proceedings in Scotland,

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 these regulations by any person is due to the act or default of the other person, that 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.

Power to grant exemptions

17.—(1) Subject to paragraph (2), the Executive may, by a certificate in writing, exempt any person or class of persons or any type or class of pressure system 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.

Repeals and revocations

18.—(1) Sections 34 to 38 of the Factories Act 1961⁽¹⁾ are repealed.

(2) The Pressure Systems and Transportable Gas Containers Regulations 1989⁽²⁾, regulation 21(6) of and Schedule 6 to the CDGCPL Regulations and regulation 3 of and Schedule 2 to the Carriage of Dangerous Goods (Amendment) Regulations 1999⁽³⁾ are revoked.

Transitional provision

19. The substitution of provisions in these Regulations for provisions of the Pressure Systems and Transportable Gas Containers Regulations 1989 shall not affect the continuity of the law; and accordingly anything done under or for the purposes of such provision of the 1989 Regulations shall have effect as if done under or for the purposes of any corresponding provision of these Regulations.

(1) 1961 c. 34.
(2) S.I. 1989/2169.
(3) S.I. 1999/303.