Office and Shop Premises Act (Northern Ireland) 1966

1966 CHAPTER 26

An Act to make provision for securing the health, safety and welfare of persons employed to work in office or shop premises; and for connected purposes. [7th July 1966]

SCOPE OF ACT

1 Premises to which this Act applies.

(1) The premises to which this Act applies are office premises and shop premises, being (in either case) premises in the case of which persons are employed to work therein.

(2) In this Act—

(a) "office premises" means a building or part of a building, being a building or part the sole or principal use of which is as an office or for office purposes;

(b) "office purposes" includes the purposes of administration, clerical work, handling money and telephone and telegraph operating; and

(c) "clerical work" includes writing, book-keeping, sorting papers, filing, typing, duplicating, machine calculating, drawing and the editorial preparation of matter for publication;

and for the purposes of this Act premises occupied together with office premises for the purposes of the activities carried on in the office premises shall be treated as forming part of the office premises.

(3) In this Act—

(a) "shop premises" means—

(i) a shop;

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(ii) a building or part of a building, being a building or part which is not a shop but of which the sole or principal use is the carrying on there of retail trade or business;

(iii) a building occupied by a wholesale dealer or merchant where goods are kept for sale wholesale or a part of a building so occupied where goods are so kept, but not including a warehouse belonging to the owners, trustees or commissioners of a dock, wharf or quay;

(iv) a building to which members of the public are invited to resort for the purpose of delivering there goods for repair or other treatment or of themselves there carrying out repairs to, or other treatment of, goods, or a part of a building to which members of the public are invited to resort for that purpose;

(v) any premises (in this Act referred to as "fuel storage premises") occupied for the purpose of a trade or business which consists of, or includes, the sale of solid fuel, being premises used for the storage of such fuel intended to be sold in the course of that trade or business, but not including dock storage premises [[F1] or colliery storage premises];

(b) "retail trade or business" includes the sale to members of the public of food or drink for immediate consumption, retail sales by auction and the business of lending books or periodicals for the purpose of gain;

(c) "solid fuel" means coal, coke and any solid fuel derived from coal or of which coal or coke is a constituent; and

(d) "dock storage premises" means fuel storage premises which constitute or are comprised in premises to which certain provisions of the Factories Act (Northern Ireland) 1965 (in this Act referred to as "the Factories Act") apply by virtue of section 123(1) (docks, etc.) of that Act;

[F1](e) "colliery storage premises" means fuel storage premises which form part of premises which, for the purposes of the enactments for the regulation of mines, form part of a mine, other than premises where persons are regularly employed to work by a person other than the owner (as defined by those enactments) of the mine;]

and for the purposes of this Act premises occupied together with a shop or with a building or part of a building falling within sub-paragraph (ii), (iii) or (iv) of paragraph (*a*) above for the purposes of the trade or business carried on in the shop or, as the case may be, the building or part of a building, shall be treated as forming part of the shop or, as the case may be, of the building or part of the building, and premises (not being office premises) occupied together with fuel storage premises for the purposes of the activities carried on in the fuel storage premises shall be treated as forming part of the fuel storage premises, but for the purposes of this Act office premises comprised in fuel storage premises shall be deemed not to form part of the last-mentioned premises.

(4) For the purposes of this Act premises maintained in conjunction with office or shop premises for the purpose of the sale or supply for immediate consumption of food or drink wholly or mainly to persons employed to work in the premises in conjunction with which they are maintained shall, if they neither form part of those premises nor are required by the foregoing provisions of this section to be treated as forming part of them, be treated for the purposes of this Act as premises of the class within which fall the premises in conjunction with which they are maintained.

F1 1969 c.6 (NI)

2 Exception for premises in which only employer's relatives or outworkers work.

(1) This Act shall not apply to any premises to which it would, apart from this subsection, apply, if none of the persons employed to work in the premises is other than the husband, wife**[F2**, civil partner**]**, parent, grandparent, son, daughter, grandchild, brother or sister of the person by whom they are so employed.

(2) A dwelling shall not, for the purposes of this Act, be taken to constitute or comprise premises to which this Act applies by reason only that a person dwelling there who is employed by a person who does not so dwell does there the work that he is employed to do in compliance with a term of his contract of service that he shall do it there.

F2 2004 c.33

3 Exception for premises where only 21 man-hours weekly normally worked.

(1) This Act shall not apply to any premises to which it would, apart from this subsection, apply, if the period of time worked there during each week does not normally exceed twenty-one hours.

(2) For the purposes of this section the period of time worked in any premises shall be deemed to be—

(a) as regards a week in which one person only is employed to work in the premises, the period of time worked by him there;

(b) as regards a week in which two persons or more are so employed, the sum of the periods of time for which respectively those persons work there.

Subs.(3) rep. by SR 1979/284

Ss. 4#16 rep. by SR 1993/37

S. 17 rep. by SR 1993/19

S. 18 rep. by SR 1997/387

S. 19 rep. by SR 1999/305

Ss.20#22 rep. by SR 1979/284

S. 23 rep. by SR 1992/535

S. 24 rep. by SR 1982/429

Ss. 25#27 rep. by SR 1979/284

Ss. 28#41 rep. by SR 1986/351

SPECIAL PROVISIONS WITH RESPECT TO BUILDINGS WHEREOF PARTS ARE OFFICE, &C., PREMISES AND WITH RESPECT TO CERTAIN CONTIGUOUS FUEL STORAGE PREMISES

42 Provisions with respect to buildings in single ownership.

(1) A building to which this section applies is one all parts of which are in the same ownership and a part of which consists of premises to which this Act applies, being

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premises held under a lease or an agreement for a lease or under a licence; and in this section a reference to a common part of a building to which this section applies shall be taken to refer to a part of the building that is used for the purposes of, but is not comprised in, a part of the building that consists of premises to which this Act applies.

(2) The following provisions shall have effect for securing the cleanliness of common parts of buildings to which this section applies, that is to say:—

(a) every common part of a building to which this section applies, and all furniture, furnishings and fittings in such a part, shall be kept in a clean state;

Para.(b) rep. by SR 1979/284

(3) The following provisions shall have effect for securing the illumination of common parts of buildings to which this section applies, that is to say:—

(a) effective provision shall be made for securing and maintaining, in every such part of a common part of a building to which this section applies as the following, namely, a part in which persons are working or passing, suitable and sufficient lighting, whether natural or artificial;

Para.(b) rep. by SR 1979/284

(c) all glazed windows and skylights used for the lighting of a part of a common part of a building to which this section applies in which the securing of lighting is required by this subsection to be provided for shall, so far as reasonably practicable, be kept clean on both the inner and outer surfaces and free from obstruction;

(d) all apparatus installed in a common part of a builing to which this section applies for producing artificial lighting in a part of that part in which the securing of lighting is required by this subsection to be provided for shall be properly maintained;

but paragraph (*c*) shall not affect the whitewashing or shading of windows or skylights for the purpose of mitigating heat or glare.

(4) Section 16(1) shall apply to floors, stairs, steps, passages and gangways comprised in, or constituting, a common part of a building to which this section applies as it applies to floors, stairs, steps, passages and gangways in premises to which this Act applies, subsection (2) of section 16 shall apply to a staircase comprised in, or constituting, a common part of such a building as it applies to such a staircase as is mentioned in that subsection, and section 16(3) shall apply to an open side of such a staircase as is first mentioned in this subsection as it applies to an open side of such a staircase as is mentioned in section 16(2).

(5) In the event of a contravention, in relation to a common part of a building to which this section applies, of subsection (2) or (3) …[F3], and in the event of a contravention, in relation to any thing constituting, or comprised in, any such common part, of section 16 as applied by subsection (4), the owner of the building shall be guilty of an offence.

(6) For a contravention, in relation to premises comprised in a building to which this section applies, of section 9 (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in the premises and by other persons), the owner of the building shall be responsible instead of the occupier of the premises.

(7) For a contravention, in relation to premises comprised in a building to which this section applies, of section 10 (other than a contravention consisting in a failure to

provide means of cleaning or drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in the premises and by other persons) the owner of the building shall be responsible instead of the occupier of the premises.

Subs.(8)(9) rep. by SR 1979/284

Subs. 10#15 rep. by SR 1986/351

F3 SR 1979/284

43 Provisions with respect to contiguous fuel storage premises in single ownership.

Where two sets or more of fuel storage premises any of which is held under a lease or an agreement for a lease or under a licence are established on a parcel of land all parts of which are in the same ownership, then—

(a) for a contravention, in relation to any of those sets of premises, of section 9 (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in that set of premises and by other persons); and

(b) for a contravention, in relation to any of those sets of premises, of section 10 (other than a contravention consisting in a failure to provide means of cleaning and drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in that set of premises and by other persons);

the owner of that set of premises shall be responsible instead of the occupier thereof.

S. 44 rep. by SR 1979/284

45 Power of authorities who enforce Act to grant exemptions from certain requirements thereof.

(1) The authority having power to enforce, with respect to any premises, the following provisions of this Act, namely, section 5(2) and sections 6 and 9, may, subject to such conditions as the authority may specify,—

(a) exempt the premises or any room therein from all or any of the requirements imposed by sections 5(2) and 6;

(b) exempt the premises from all or any of the requirements imposed by section 9;

if satisfied that, in the circumstances affecting the subject of the exemption, compliance with the requirements or requirement from which exemption is granted is not reasonably practicable.

(2) The authority having power to enforce section 10(1) with respect to any premises may, if satisfied that it is not reasonably practicable for running water to be supplied there or for running water so supplied to be heated, exempt the premises from so much of that subsection as requires the water supplied to be running water.

(3) An exemption under subsection (1) of, or of a room in, any premises from a requirement of a provision of this Act may be granted for a period not exceeding two years, but may from time to time be extended for a further such period beyond

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the expiration of the period at the expiration of which it would otherwise expire if the authority having power to enforce that provision with respect to the premises are satisfied as mentioned in subsection (1) and are further satisfied that the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement) has not failed to do anything the doing of which might have rendered compliance with that requirement reasonably practicable.

(4) An exemption under subsection (2) may be granted without limit of time or for a specified period; but the grant of such an exemption for a specified period shall not preclude the grant of the like exemption for further periods.

(5) An exemption of, or of a room in, any premises from a requirement imposed by a provision of this Act shall not be granted or extended under this section—

(a) except upon application made to [[F4] the authority having power to enforce with respect to the premises the provision imposing the requirement], in such form as may be prescribed by order made by the Ministry,—

(i) in a case where the grant of an exemption is sought, by the person who would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement);

(ii) in a case where the extension of an exemption is sought, by the person who, if the exemption were not in force, would be responsible as aforesaid;

(b) unless the application is accompanied by a certificate in such form as may be so prescribed, that the obligation to which the applicant is subject by virtue of subsection (6)(*a*) has been complied with; and

(c) until the expiration of the period of fourteen days beginning with the day next following that on which the application is made.

(6) In relation to an application for the grant or extension of an exemption under this section of, or of a room in, any premises, compliance by the applicant with the following requirements shall be requisite, namely,—

(a) he must, immediately before the application is made, post in the premises, in such a position, and in such characters, as to be easily seen and read by the persons employed to work in the premises, a notice—

(i) stating that such an application is being made;

(ii) specifying the requirement from which exemption or, as the case may be, further exemption, is being sought;

(iii) specifying the period for which the grant or, as the case may be, the extension, is being sought (or if, where a grant of exemption is being sought under subsection (2), it be the case that the grant thereof without limit of time is being sought, specifying that fact);

(iv) specifying the name and address of the authority to whom the application is being made and notifying the persons aforesaid that written representations with respect to the application may be made by any of them to that authority before the expiration of the period of fourteen days beginning with the day next following that on which the notice is posted in compliance with this paragraph;

(b) he must keep the said notice posted as aforesaid throughout the last-mentioned period;

and a person making an application under this section who fails to comply with an obligation to which he is, in relation to the application, subject by virtue of this subsection shall be guilty of an offence and liable [[F5] on summary conviction] to a fine not exceeding twenty pounds.

(7) An exemption under this section of, or of a room in, any premises from a requirement imposed by a provision of this Act may, if the authority having power to enforce that provision with respect to the premises cease to be satisfied with respect to the matters with respect to which they were satisfied when the exemption was granted or, if the exemption has been extended under subsection (3), when it was extended, be withdrawn by that authority provided that three months' notice of intention to withdraw it has been given to the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement).

(8) Where an exemption of, or of a room in, any premises from a requirement imposed by a provision of this Act or an extension of such an exemption is granted under this section by an authority, a certificate of the grant or extension shall be sent by the authority to the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement).

Subs. (9) rep. by SR 1996/512

(10) Notice of the refusal by an authority to grant or extend an exemption under this section shall be given by them to the applicant for the grant or extension and also (if it be the case that representations with respect to the application were duly made by the persons employed to work in the premises to which the application related or any of those persons), either individually to such of those persons as duly made representations or to a person appearing to the authority to be representative of such of those persons as duly made representations or to each of a number of persons who appear to the authority to be representative between them of such of those persons as duly made representations.

(11) A person who is aggrieved—

(a) by the refusal of an authority to grant or extend an exemption under this section of, or of a room in, any premises; or

(b) by a notice of intention to withdraw such an exemption; or

(c) by any conditions attached to such an exemption;

may within twenty-one days of the refusal or, as the case may be, the service of the notice referred to in paragraph (*b*) or the receipt of the certificate under subsection (8) specifying the conditions, appeal to a court of summary jurisdiction.

(12) Where, on an appeal under subsection (11), a court of summary jurisdiction grants or extends an exemption under subsection (1) for any period or directs an authority so to grant or extend it, the period shall not exceed two years.

Subs.(13) rep. by SR 1979/284

(14) In relation to an application made under this section with respect to, or to a room in, premises which form part of a building to which section 42 applies, subsection (6) shall have effect with the substitution, for the words in paragraph (*a*) "post in the premises", of the words "post in the premises or in a part of the building which for the purposes of section 42 is referred to as a common part of the building".

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Subs.(15) rep. by SR 1979/284

F4 SR 1979/284
F5 SR 1979/284

S. 46 rep. by SR 1979/284

S. 47 rep. by SR 1981/339

INFORMATION

48 Notification of fact of employment of persons.

[F6] . . . . . .

F6 S. 48 repealed (31.10.2011) by Factories Act (Northern Ireland) 1965 and Office and Shop Premises Act (Northern Ireland) 1966 (Repeals and Modifications) Regulations (Northern Ireland) 2011 (S.R. 2011/283), **reg. 2(1)**

Ss. 49,50 rep. by SR 1979/284

ENFORCEMENT

51 Authorities who are to enforce Act.

Subs. (1) rep. by SR 1985/103
Subs. (2) rep. by SR 1986/351
Subs. (3), (4) rep. by SR 1985/103

S. 52 rep. by SR 1986/351

Ss. 53,54 rep. by SR 1979/284

55 Power of fire authority authorities to indemnify its inspectors.

Where an action has been brought against an inspector appointed under section 51 …[F7] (2) in respect of an act done by him in the execution or purported execution of this Act and the circumstances are such that he is not legally entitled to require the authority by whom he was appointed to indemnify him, the authority may, nevertheless, indemnify him against the whole or part of any damages and costs or expenses which he may have been ordered to pay or may have incurred, if [[F8] it is] satisfied that he honestly believed that the act complained of had been within the scope of his employment and that his duty under this Act required or entitled him to do it.

F7 SR 1979/284
F8 SRO (NI) 1973/211

56 Restriction of disclosure of information.

If a person discloses (otherwise than in the performance of his duty or for the purposes of any legal proceedings, including arbitrations, or for the purposes of a report of any such proceedings as aforesaid) any information obtained by him in any premises entered by him in exercise of powers conferred under this Act, he shall be guilty of an offence …[F9].

F9 SR 1979/284

57 Annual reports to Ministry by district councils and fire authority.

Subs. (1), (2) rep. by SR 1986/351

S. 58 rep. by 1969 c.13 (NI); SRO (NI) 1973/211; SR 1979/284

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

59 Offences.

(1) In the event of a contravention, in relation to any premises to which this Act applies, of any such provisions of this Act as are mentioned in subsection (2) or of regulations made under any such provisions, then—

(a) except in a case falling within paragraph (*b*) or (*c*), the occupier of the premises shall be guilty of an offence;

(b) in a case where the contravention is one for which, under this Act, some other person or persons is or are made responsible as well as the occupier of the premises, that other person or those other persons and the occupier shall each be guilty of an offence;

(c) in a case where the contravention is one for which, under this Act, some other person or persons is or are made responsible instead of the occupier of the premises, that other person or each of those other persons shall be guilty of an offence.

(2) The provisions of this Act referred to in subsection (1) are sections 4, 5, 6(1) to (5), 7 to 12, 13(1), 14 to 19,[F10]. . . , 24,[F11]. . . [F12]. . . and 47(1) and (2).

(3) Where exemption from a requirement imposed by any provision of this Act referred to in subsection (1), or any regulation made under such a provision, is granted subject to a condition and the condition is not complied with, the person, or each of the persons, who would under paragraph (*a*), (*b*) or (*c*) (whichever is applicable) of subsection (1) have been guilty of an offence, in the absence of the exemption, by reason of a contravention of that provision or regulation shall, in respect of the failure to comply with the condition, be guilty of an offence.

[F13](4) A person who contravenes a provision of regulations under section 20 or 49 of this Act shall be guilty of an offence.]

F10 SR 1992/535
F11 SR 1986/351
F12 SR 1996/512

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F13 SR 1979/284

S. 60 rep. by SR 1986/351

61 [F14] Continuing offences.

(1) Where a person is convicted of an offence under any provision of this Act and the contravention in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable on summary conviction, in addition to any other penalty, to a fine not exceeding fifteen pounds for each day on which the contravention is so continued.

(2) An offence under this section shall be a continuing offence and accordingly fresh proceedings in respect thereof may be taken from time to time.

F14 SR 1979/284

S. 62 rep. by SR 1979/284

63 Defence available to persons charged with offences.

It shall be a defence for a person charged with an offence arising out of—

(a) a contravention of a provision either of this Act or of regulations thereunder; or

(b) a failure to comply with any condition subject to which an exemption from any requirement of such a provision has been granted;

to prove that he used all due diligence to secure compliance with that provision or, as the case may be, that condition.

S. 64 rep. by SR 1979/284

65 Removal of documents posted in pursuance of Act or regulations under it.

If, without reasonable excuse, a person removes, …[F15], a notice or other document which is for the time being posted or displayed in any premises in pursuance of a provision of this Act or of regulations thereunder, he shall be guilty of an offence and liable [[F16] on summary conviction] to a fine not exceeding**[**[F17] level 1 on the standard scale**]**.

F15 1977 NI 4
F16 SR 1979/284
F17 1984 NI 3

66 Prosecution of offences.

Subs. (1) rep. by SR 1986/351
Subs. (2)(3) rep. by SR 1979/284

67 Power of inspector to make a complaint under section 32.

Subs.(1) rep. by SR 1979/284

Subs.(2) rep. by SR 1986/351
Subs.(3) rep. by SR 1979/284

68 Power of county court to modify agreements and apportion expenses.

(1) A person who, by reason of the terms of an agreement or lease relating to any premises, is prevented from therein carrying out or doing any structural or other alterations or other thing whose carrying out or doing is requisite in order to secure compliance with a provision of this Act or of regulations thereunder which is, or will become, applicable to the premises,[F18]. . . , may apply to the county court, and the court may make such an order setting aside or modifying any terms of the agreement or lease as the court considers just and equitable in the circumstances of the case.

(2) Where the carrying out or doing in any premises of any structural or other alterations or other thing whose carrying out or doing is requisite as mentioned in subsection (1) involves a person having an interest in the premises in expense or in increased expense, and he alleges that the whole or part of the expenses or, as the case may be, the increase ought to be borne by some other person having an interest in the premises, the first-mentioned person may apply to the county court and the court, having regard to the terms of any agreement or lease relating to the premises, may by order give such directions with respect to the persons by whom the expense or increase is to be borne, and in what proportions it is to be borne by them and, if need be, for modification of the terms of any such agreement or lease so far as concerns rent payable in respect of the premises as the court considers just and equitable in the circumstances of the case.

F18 SR 1986/351

MISCELLANEOUS

69 Amendment of section 121(1) of Factories Act, and provisions consequential thereon.

(1) For the purposes of subsection (1) of section 121 (application of Act to electrical stations) of the Factories Act, office premises to which this Act applies which are comprised in premises to which that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.

Subs.(2) rep. by SR 1979/284

(3) Regulations under this section may provide that, for the purposes of the application to premises to which the said section 121(1) applies of subsection (4) of the said section 60[F19], persons employed to work in premises which, by virtue of the regulations, are deemed for the purposes of the said section 60 to form part of the first-mentioned premises shall (according as may be specified in the regulations) be left out of account or be taken into account to a number (ascertained in accordance with the regulations) less than the full number thereof.

Subs.(4) rep. by SR 1979/284

F19 1965 c.20 (NI)

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70 Amendment of section 123(1) of Factories Act, and provisions consequential thereon.

(1) For the purposes of subsection (1) of section 123 (docks, etc.) of the Factories Act, office premises to which this Act applies which are comprised in premises to which that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.

Subs.(2) rep. by SR 1979/284

(3) The reference in the said section 123(1) to a warehouse in or for the purposes of which mechanical power is used, being a warehouse neither forming part of a factory nor belonging to the owners, trustees or commissioners of a dock, wharf or quay, shall be construed as not including a building occupied by a wholesale dealer or merchant where goods are kept for sale wholesale or a part of a building so occupied where goods are so kept.

S. 71 rep. by SR 1986/351

72 Exclusion of certain provisions of the Public Health Acts and the Factories Act.

None of the following provisions, that is to say,—

(a) section 107(6) of the Public Health (Ireland) Act 1878 (which includes, amongst the statutory nuisances that may be dealt with summarily under that Act, dirty, ill-ventilated or overcrowded workplaces);

(b) section 48 of the said Act of 1878 and section 22 of the Public Health Acts Amendment Act 1890 (provision of sanitary conveniences in certain workplaces);

(c) section 39 of the Public Health Acts Amendment Act 1907 (provision and conversion of closet accommodation);

Para.(d) rep. by 1969 c.13 (NI)

(e) subsection (2) of section 11 of the Factories Act (which includes, amongst the nuisances referred to in paragraph (*a*), malodorous workplaces);

shall apply to premises to which this Act applies, and, accordingly,—

Paras.(i)(ii) amend s.11 of 1965 c.20 (NI); para.(iii) rep. by 1969 c.13 (NI)

73 Provision for securing exercise of local Act powers in conformity with this Act.

A person required by or under a local Act to effect any alterations to, or to any apparatus or fittings in, a building shall not be treated as having acted in contravention of that enactment by reason of his failure to effect those alterations in so far as the failure is attributable to the fact that remedying it would involve a contravention of this Act or regulations thereunder.

S. 74 rep. by SR 1985/103

75 Regulations.

(1) Any regulations made under this Act by the Ministry shall be subject to negative resolution.

(2) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of the Ministry.

[F20](3) The provisions of Article 46 of the Health and Safety at Work (Northern Ireland) Order 1978 shall apply to any power, to make an order which is exercisable by statutory rule and conferred by this Act, as they apply to a power to make regulations.]

Subs.(4)#(5) rep. by SR 1979/284

F20 SR 1979/284

76 Expenses.

Subs.(1) rep. by SLR 1976
Subs.(2) rep. by SRO (NI) 1973/211

(3) Any expenses incurred by [[F21] the fire authority] under this Act shall be defrayed as if those expenses had been incurred under **[**[F22]the Fire and Rescue Services (Northern Ireland) Order 2006**]**.

F21 SRO (NI) 1973/211
F22 Words in s. 76(3) substituted (1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(1), **Sch. 3 para. 4**; S.R. 2006/257, **art. 2(d)**

77 Application to the Crown.

(1) The following provisions of this Act, namely sections 4 to [[F23] 19],[F24]. . . , 24, 27,[F25]. . . and 42 shall, in so far as they impose duties failure to comply with which might give rise to a liability in tort, be binding upon the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland, and accordingly, for the purposes of those provisions and regulations under any of them, persons in the service of the Crown shall be taken to be employed if, apart from this subsection, they would not be so taken.

(2) Section 24(7) shall, in its application to premises occupied by the Crown, have effect with the substitution, for the reference to the authority having power to enforce compliance with the foregoing provisions of that section, of a reference to the Ministry.

Subs. (3) rep. by SR 1986/351

(4) Section 45 shall, in the case of premises occupied by the Crown, have effect as if, for any reference to an authority having power to enforce any provision of this Act, there were substituted a reference to the Ministry and as if the words in subsection (3) from "and are further satisfied" onwards, and [[F23] subsections (5) to (14)], had been omitted; …[F26].

Subs. (5) rep. by SR 1993/147

(6) The reference in subsection (1) to a liability in tort shall be construed as not including such a liability towards a member of the armed forces of the Crown, and the reference in that subsection to persons in the service of the Crown shall be construed as not including any such member.

F23 SR 1979/284
F24 SR 1992/535
F25 SR 1986/351
F26 SR 1979/284

78 Exclusion of application to visiting forces.

(1) This Act shall not operate to create, towards a member of the naval, military or air forces of a country to which this section applies, a liability in tort against the Government of that country in respect of anything done or omitted by it or against another member of those forces in respect of anything done or omitted by him in the course of his duty.

(2) This section applies to India,**[**[F27] Pakistan,**]** …[F28], Ghana, Malaysia, the Republic of Cyprus, Tanzania, Zambia [[F29] Botswana] [[F30] Lesotho] [[F31] Swaziland] [[F32] Tonga] [[F33] Bangladesh] [[F34] Western Samoa, Nauru] [[F35] the New Hebrides]**[**[F36], Brunei, Maldives**][**[F37], Namibia**][**[F38], South Africa**][**[F39], Cameroon, Mozambique**]** and any country designated for the purposes of any provision of the Visiting Forces Act 1952 by Order in Council under section 1(2) of that Act.

(3) This Act shall not operate to create towards a member of a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 who is a member of the naval, military or air forces of any country a liability in tort against the headquarters or organisation in respect of anything done or omitted by it or against another member thereof in respect of anything done or omitted by him in the course of his duty.

F27 inserted retrosp. by 1990 c. 14
F28 1973 c.48
F29 1966 c.23
F30 1966 c.24
F31 1968 c.56
F32 1970 c.22
F33 Inserted (retrosp.), 1973 c.49
F34 1980 c.2
F35 1980 c.16
F36 1985 c. 3
F37 1991 c. 4
F38 1995 c. 3
F39 2002 c. 39

79 Exclusion of application to factories, to certain fish sale-rooms and to parts below ground of mines.

(1) …[F40], nothing in this Act shall apply to any premises which, for the purposes of the Factories Act, form part of a factory.

(2) With the exception of section 70(3), nothing in this Act shall apply to any premises which, not being office premises, are used for the sale of fish by wholesale and constitute, or are comprised in, premises to which certain provisions of the Factories Act apply by virtue of section 123(1) (docks, etc.) of that Act.

(3) Nothing in this Act shall apply to any part below ground of premises which, for the purposes of the enactments for the regulation of mines, are a mine.

F40 SR 1979/284

80 Exclusion of application to premises occupied for transitory purposes.

(1) It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to any premises, of a provision of this Act or regulations thereunder, to prove that at the time of the alleged contravention the premises were occupied for a purpose that was accomplished before the expiration of a period beginning with the day on which they were occupied for that purpose and of such of the following lengths as is applicable to the circumstances of the case, that is to say, six months if the premises consist of a movable structure, and six weeks if not.

(2) Subsection (1) shall not apply to a prosecution for an offence consisting in a failure to comply with an obligation imposed under section 48(1) to notify the appropriate authority that persons would be employed to work in any premises; but in any such prosecution it shall be a defence to prove that the persons in question were employed to work in the premises while they were occupied as mentioned in subsection (1).

INTERPRETATION

81 Interpretation.

(1) In this Act,—

"building" includes structure;

"credentials" in relation to a person acting in any capacity means some duly authenticated document showing that he is authorised to act in that capacity;

Definition rep. by SRO (NI) 1973/211

"employed" means employed under a contract of service or apprenticeship (whether oral or in writing, express or implied);

[[F41] "the enactments for the regulation of mines" means the enactments contained in or made under the Mines Act (Northern Ireland) 1969 ; and "the enactments for the regulation of mines and quarries" means the enactments contained in or made under that Act and the**[**[F42] Quarries (Northern Ireland) Order 1983**]**;]

"the Factories Act" has the meaning assigned to it by section 1(3)(*d*);

[[F43] "the fire authority" means **[**[F44]the Northern Ireland Fire and Rescue Service Board**]**;]

Definition rep. by SR 1986/351

"fish" includes molluscs and crustaceans;

"fuel storage premises" has the meaning assigned to it by section 1(3)(*a*)(v);

Definition rep. by SRO (NI) 1973/211

"inspector" means an inspector appointed under section 51 by …[F45] [[F43] …[F45] the fire authority];

[[F46] "the Ministry" means the Department of Manpower Services;]

"notice" means a notice in writing;

"office premises" has the meaning assigned to it by section 1(2);

"owner" means the person for the time being receiving the rackrent of the premises, building or part of a building in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises, building or part were let at a rackrent;

"shop premises" has the meaning assigned to it by section 1(3);

"week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

(2) References in this Act to machinery, plant, equipment or appliances shall be construed as including references to electrical fittings and, in this subsection, "electrical fittings" means electric lines, fittings, apparatus and appliances designed for use by consumers of electricity for lighting, heating, motive power and other purposes for which electricity can be used.

Subs.(3) rep. by SRO (NI) 1973/211

F41 1969 c.6 (NI)
F42 1983 NI 4
F43 SRO (NI) 1973/211
F44 Words in s. 81(1) substituted (1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9), arts. 1(3), 63(1), **Sch. 3 para. 5**; S.R. 2006/257, **art. 2(d)**
F45 SR 1979/284
F46 SR 1979/284

REPEAL, SHORT TITLE AND COMMENCEMENT

S. 82 rep. by SLR 1973

83 Short title and commencement.

(1) This Act may be cited as the Office and Shop Premises Act (Northern Ireland) 1966.

(2) *Commencement*

Schedule 1 rep. by SR 1979/284

Schedule 2 rep. by SLR 1973

Status:
Point in time view as at 31/10/2011.

Changes to legislation:
There are currently no known outstanding effects for the Office and Shop Premises Act (Northern Ireland) 1966.