



# Office and Shop Premises Act (Northern Ireland) 1966

## 1966 CHAPTER 26

### 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,<sup>F1</sup> . . . . , 24,<sup>F2</sup> . . . . <sup>F3</sup> . . . . 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.

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

<sup>F4</sup>(4) A person who contravenes a provision of regulations under section 20 or 49 of this Act shall be guilty of an offence.]

**Annotations:**

- F1** SR 1992/535
- F2** SR 1986/351
- F3** SR 1996/512
- F4** SR 1979/284

*S. 60 rep. by SR 1986/351*

**61** <sup>F5</sup> **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.

**Annotations:**

- F5** 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, ...<sup>F6</sup>, 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 [<sup>F7</sup> on summary conviction] to a fine not exceeding [<sup>F8</sup> level 1 on the standard scale].

**Annotations:**

- F6** 1977 NI 4
- F7** SR 1979/284

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

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**F8** 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,<sup>F9</sup> . . . , 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.

**Annotations:**

**F9** SR 1986/351

**Changes to legislation:**

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