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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 132**

**The Train Driving Licences and Certificates  
Regulations (Northern Ireland) 2010**

**PART 12  
ENFORCEMENT**

**Anti-fraud measures**

**39.** The Department and railway undertakings must take such steps as are reasonably necessary to avoid—

- (a) the falsification of train driving licences and train driving certificates; and
- (b) the tampering with the registers required by regulations 22 and 23.

**Enforcement**

**40.—(1)** It is the duty of the Department to make adequate arrangements for the enforcement of these Regulations.

(2) Subject to paragraph (4), the provisions of the 1978 Order specified in paragraph (3) (“the specified provisions”) apply for the purpose of the enforcement of these Regulations as if in the specified provisions—

- (a) a reference to the “enforcing authority” was a reference to the Department;
- (b) a reference to the “relevant statutory provisions” was a reference to these Regulations;
- (c) a reference to “health and safety regulations” was a reference to these Regulations;
- (d) in article 31(2) the reference to “Schedule 3A” was a reference to Schedule 8 to these Regulations<sup>(1)</sup>.

(3) The provisions of the 1978 Order referred to in paragraph (2) are as follows—

- (a) articles 21 and 22 (appointment and powers of inspectors)<sup>(2)</sup> excluding article 22(3);
- (b) articles 23 and 24 (improvement and prohibition notices)<sup>(3)</sup>;
- (c) article 25 (provisions supplementary to articles 23 and 24)<sup>(4)</sup>;
- (d) article 26 (appeal against improvement and prohibition notices);
- (e) article 28 (power to indemnify inspectors);

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<sup>(1)</sup> Article 31(2) was substituted by the Health and Safety Offences Act 2008 (c. 20), Section 1(3).

<sup>(2)</sup> Article 22(7) was amended by the Civil Partnership Act 2004 (c. 33), section 261(3) and Schedule 29, paragraph 7.

<sup>(3)</sup> Article 24(1) and (2) was amended by the Consumer Protection (Northern Ireland) Order 1987 S.I. 1987/2049 (N.I. 20), Article 28 and Schedule 2, paragraph 3. Article 24(3) was substituted by S.I. 1987/2049 N.I.20, Article 28 and Schedule 2, paragraph 3.

<sup>(4)</sup> Article 25(5) was amended by the Fire and Rescue Services (Northern Ireland) Order S.I. 2006/1254 (N.I. 9), Articles 1(3) and 63(1) and Schedule 3, paragraph 11.

- (f) article 30 (restrictions on disclosure of information)(**5**);
  - (g) articles 31(1)(c), (e) to (h), (j) to (o) and (2), 32(1)(c) and (d) and (2), 33, 34(1) and (2), 34 to 38 and 39(1) to (3) (provision as to offences(**6**); and
- (4) A failure to discharge a duty placed on the Department by these Regulations shall not be an offence under section 31(1) of the 1978 Order.

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(5) Article 30(1)(a) was amended by S.I. 1987/2049 (N.I. 20), Article 28 and Schedule 2, paragraph 6. Article 30(3)(a), 30(4) and 30(5)(a) were amended by the [Health and Safety at Work \(Amendment\) \(Northern Ireland\) Order 1998 No. 2795 \(N.I. 18\)](#), Article 6 and Schedule 1, paragraph 8.

(6) Article 31(1)(h) was amended by the Consumer Protection (Northern Ireland) Order 1987 S.I. 1987/2049 (N.I. 20), Article 28 and Schedule 2, paragraph 7. Article 31(1)(m) was amended by the [Criminal Justice \(Northern Ireland\) Order 1986 No. 1883 \(N.I. 15\)](#), Article 9.