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STATUTORY INSTRUMENTS

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**1978 No. 1039**

**Health and Safety at Work (Northern Ireland) Order 1978**

**<sup>F1</sup> PART II**

**HEALTH, SAFETY AND WELFARE IN CONNECTION WITH  
WORK, AND CONTROL OF DANGEROUS SUBSTANCES**

*Enforcement*

**Authorities responsible for enforcement of the relevant statutory provisions**

<sup>F1F2</sup>20.—(1) It shall be the duty of the Department concerned<sup>[F3</sup> and the Executive] to make adequate arrangements for the enforcement of the relevant statutory provisions except to the extent that some other authority is by any of those provisions or by regulations under paragraph (2) made responsible for their enforcement.

<sup>[F3</sup>(2) Regulations may—

- (a) make a specified authority or authorities of any specified class responsible for the enforcement of the relevant statutory provisions to such extent as may be prescribed;
- (b) make provision for enabling responsibility for enforcing any of the relevant statutory provisions to be, to such extent as may be determined under the regulations—
  - (i) transferred from the Executive to a specified authority or from that authority to the Executive; or
  - (ii) assigned to the Executive or to a specified authority for the purpose of removing any uncertainty as to what are under this paragraph their respective responsibilities for the enforcement of those provisions;

and any regulations made in pursuance of sub-paragraph (b) shall include provision for securing that any transfer or assignment effected under the regulations is brought to the notice of persons affected by it.]

(3) Any provision made by regulations under paragraph (2) shall have effect subject to any provision made by health and safety regulations in pursuance of Article 17(3)(c).

(4) Where any authority other than the Department concerned<sup>[F3</sup> or the Executive] is by any of the relevant statutory provisions or by regulations under paragraph (2) made responsible for the enforcement of any of those provisions to any extent, that authority shall—

- (a) make adequate arrangements for the enforcement of those provisions to that extent; and
- (b) perform the duty imposed on it by sub-paragraph (a) and any other functions conferred on it by any of the relevant statutory provisions<sup>[F3</sup> in accordance with such guidance as the Executive may give to the authority].

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**F1** mod. by SR 2000/87; 2000/120

**F2** mod. by 2002 c. 8 (NI)

*Status: Point in time view as at 23/10/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Cross Heading: Enforcement. (See end of Document for details)*

**F3** 1998 NI 18

**Modifications etc. (not altering text)**

- C1** Art. 20 applied (2.4.2006) by [The Railways \(Interoperability\) Regulations 2006 \(S.I. 2006/397\)](#), **reg. 35**
- C2** Arts. 18-30 applied (with modifications) (27.7.2009) by [Chemicals \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/238\)](#), **reg. 14(1)(a)**
- C3** Arts. 18-30 applied (with modifications) (24.8.2009) by [Explosives \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/273\)](#), **reg. 14(1)(a)**
- C4** Arts. 20-28 applied (with modifications) (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), **7(1)(a)** (with regs. 3, 8-15, 19)
- C5** Arts. 20-30 applied with modification(s) (1.6.2015) by [The Explosives \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/236\)](#), regs. 1(2), **5(1)(a)**
- C6** Arts. 20-30 applied (with modifications) (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(2), **16** (with regs. 3, 19)
- C7** Arts. 18-23 applied (with modifications) (28.9.2015) by [The Control of Major Accident Hazards Regulations \(Northern Ireland\) 2015 \(S.R. 2015/325\)](#), regs. 1, **27(1)(a)** (with regs. 3(2), 27(3))
- C8** Arts. 18-28 applied (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C9** Art. 20(1) applied (with modifications) (28.9.2015) by [The Control of Major Accident Hazards Regulations \(Northern Ireland\) 2015 \(S.R. 2015/325\)](#), regs. 1, **27(2)** (with regs. 3(2), 27(3))

**Appointment of inspectors**

<sup>F4F5</sup>**21.**—(1) Every enforcing authority may appoint as inspectors (under whatever title it may determine) such persons having suitable qualifications as it thinks necessary for carrying into effect the relevant statutory provisions within its field of responsibility, and may terminate any appointment made under this Article.

(2) Every appointment of a person as an inspector under this Article shall be made in writing specifying which of the powers conferred on inspectors by the relevant statutory provisions are to be exercisable by the person appointed; and an inspector shall in right of his appointment under this Article—

- (a) be entitled to exercise only such of those powers as are so specified; and
- (b) be entitled to exercise the powers so specified only within the field of responsibility of the authority which appointed him.

(3) So much of an inspector's written appointment as specifies the powers which he is entitled to exercise may be varied by the enforcing authority which appointed him.

(4) An inspector shall, if so required when exercising or seeking to exercise any power conferred on him by any of the relevant statutory provisions, produce his written appointment or a duly authenticated copy thereof.

**F4** mod. by SR 2000/87; 2000/120

**F5** mod. by 2002 c. 8 (NI)

**Modifications etc. (not altering text)**

- C4** Arts. 20-28 applied (with modifications) (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), **7(1)(a)** (with regs. 3, 8-15, 19)

- C5 Arts. 20-30 applied with modification(s) (1.6.2015) by The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015 (S.R. 2015/236), regs. 1(2), **5(1)(a)**
- C6 Arts. 20-30 applied (with modifications) (1.6.2015) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2013/206), regs. 2(2), **16** (with regs. 3, 19)
- C7 Arts. 18-23 applied (with modifications) (28.9.2015) by The Control of Major Accident Hazards Regulations (Northern Ireland) 2015 (S.R. 2015/325), regs. 1, **27(1)(a)** (with regs. 3(2), 27(3))
- C8 Arts. 18-28 applied (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C10 Art. 21 applied (2.4.2006) by The Railways (Interoperability) Regulations 2006 (S.I. 2006/397), **reg. 35**
- C11 Arts. 18-30 applied (with modifications) (27.7.2009) by Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/238), **reg. 14(1)(a)**
- C12 Arts. 18-30 applied (with modifications) (24.8.2009) by Explosives (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/273), **reg. 14(1)(a)**
- C13 Art. 21 applied (with modifications) (10.5.2010 with effect as mentioned in reg. 41 of the amending Regulations) by Train Driving Licences and Certificates Regulations (Northern Ireland) 2010 (S.R. 2010/132), regs. 1(2), **40(2)(3)(a)**
- C14 Art. 21 applied (with modifications) (16.1.2012) by Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), **reg. 40(2)(3)(a)** (with reg. 3)
- C15 Arts. 21 22 applied (1.3.2014) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(4), **20** (with regs. 3(4)(5), 31)
- C16 Art. 21 excluded (2.9.2014) by The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), **3(5)(c)** (with reg. 31)

## Powers of inspectors

<sup>F6F7</sup>**22.**—(1) Subject to the provisions of Article 21 and this Article, an inspector may, for the purpose of carrying into effect any of the relevant statutory provisions within the field of responsibility of the enforcing authority which appointed him, exercise the powers set out in paragraph (2).

- (2) The powers of an inspector referred to in paragraph (1) are the following, namely—
- (a) at any reasonable time (or, in a situation which in his opinion is or may be dangerous, at any time) to enter any premises which he has reason to believe it is necessary for him to enter for the purpose mentioned in paragraph (1);
  - (b) to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;
  - (c) without prejudice to sub-paragraph ( b ), on entering any premises by virtue of sub-paragraph ( a ) to take with him—
    - (i) any other person duly authorised in writing by his (the inspector's) enforcing authority; and
    - (ii) any equipment or materials required for any purpose for which the power of entry is being exercised;
  - (d) to make such examination and investigation as may in any circumstances be necessary for the purpose mentioned in paragraph (1);
  - (e) as regards any premises which he may enter, to direct that those premises or any part of them, or anything therein, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under sub-paragraph ( d );

- (f) to take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under sub-paragraph ( d );
- (g) to take samples of any articles or substances found in any premises which he may enter, and the atmosphere in or in the vicinity of any such premises;
- (h) in the case of any article or substance found in any premises which he may enter, being an article or substance which appears to him to have caused or to be likely to cause danger to health or safety, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is in the circumstances necessary for the purpose mentioned in paragraph (1));
- (i) in the case of any such article or substance as is mentioned in sub-paragraph ( h ), to take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely—
  - (i) to examine it and do to it anything which he may do under that sub-paragraph;
  - (ii) to ensure that it is not tampered with before his examination of it is completed;
  - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under any of the relevant statutory provisions or any proceedings relating to a notice under Article 23 or 24;
- (j) to require any person whom he has reasonable cause to believe to be able to give any information relevant to any examination or investigation under sub-paragraph ( d ) to answer (in the absence of persons other than a person nominated by him to be present and any persons whom the inspector may allow to be present) such questions as the inspector thinks fit to ask and to sign a declaration of the truth of his answers;
- (k) to require the production of, inspect, and take copies of or of any entry in—
  - (i) any books or documents which by virtue of any of the relevant statutory provisions are required to be kept; and
  - (ii) any other books or documents which it is necessary for him to see for the purposes of any examination or investigation under sub-paragraph ( d );
- (l) to require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers conferred on him by this Article;
- (m) any other power which is necessary for the purpose mentioned in paragraph (1).

(3) The Department concerned may by regulations make provision as to the procedure to be followed in connection with the taking of samples under paragraph (2)( g ) (including provision as to the way in which samples that have been so taken are to be dealt with).

(4) Where an inspector proposes to exercise the power conferred by paragraph (2)( h ) in the case of an article or substance found in any premises he shall offer to any person who at the time is present in and has responsibilities in relation to those premises, the opportunity to be present at anything which is to be done by virtue of that power unless the inspector considers that its being done in that person's presence would be prejudicial to the safety of the State.

(5) Before exercising the power conferred by paragraph (2)( h ) in the case of any article or substance, an inspector shall consult such persons as appear to him appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he proposes to do under that power.

(6) Where under the power conferred by paragraph (2)( i ) an inspector takes possession of any article or substance found in any premises, he shall leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars of that article or

substance sufficient to identify it and stating that he has taken possession of it under that power; and before taking possession of any such substance under that power an inspector shall, if it is practicable for him to do so, take a sample thereof and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

(7) No answer given by a person in pursuance of a requirement imposed under paragraph (2)(j) shall be admissible in evidence against that person or the<sup>F8</sup> spouse or civil partner] of that person in any proceedings.

(8) Nothing in this Article shall be taken to compel the production by any person of a document of which he would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the High Court.

**F6** mod. by SR 2000/87; 2000/120

**F7** mod. by 2002 c. 8 (NI)

**F8** 2004 c.33

#### Modifications etc. (not altering text)

- C4** Arts. 20-28 applied (with modifications) (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), **7(1)(a)** (with regs. 3, 8-15, 19)
- C5** Arts. 20-30 applied with modification(s) (1.6.2015) by [The Explosives \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/236\)](#), regs. 1(2), **5(1)(a)**
- C6** Arts. 20-30 applied (with modifications) (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(2), **16** (with regs. 3, 19)
- C7** Arts. 18-23 applied (with modifications) (28.9.2015) by [The Control of Major Accident Hazards Regulations \(Northern Ireland\) 2015 \(S.R. 2015/325\)](#), regs. 1, **27(1)(a)** (with regs. 3(2), 27(3))
- C8** Arts. 18-28 applied (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C15** Arts. 21 22 applied (1.3.2014) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(4), **20** (with regs. 3(4)(5), 31)
- C17** Art. 22 applied (2.4.2006) by [The Railways \(Interoperability\) Regulations 2006 \(S.I. 2006/397\)](#), **reg. 35**
- C18** Arts. 18-30 applied (with modifications) (27.7.2009) by [Chemicals \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/238\)](#), **reg. 14(1)(a)**
- C19** Arts. 18-30 applied (with modifications) (24.8.2009) by [Explosives \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/273\)](#), **reg. 14(1)(a)**
- C20** Art. 22 applied in part (with modifications) (10.5.2010 with effect as mentioned in reg. 41 of the amending Regulations) by [Train Driving Licences and Certificates Regulations \(Northern Ireland\) 2010 \(S.R. 2010/132\)](#), regs. 1(2), **40(2)(3)(a)**
- C21** Art. 22 excluding art. 22(3) applied (with modifications) (16.1.2012) by [Railways \(Interoperability\) Regulations 2011 \(S.I. 2011/3066\)](#), **reg. 40(2)(3)(a)** (with reg. 3)

#### Improvement notices

<sup>F9F10</sup>**23.** If an inspector is of the opinion that a person—

- (a) is contravening one or more of the relevant statutory provisions; or
- (b) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated,

he may serve on him a notice—

- (i) stating that he is of that opinion;

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- (ii) specifying the provision or provisions as to which he is of that opinion;
- (iii) giving particulars of the reasons why he is of that opinion; and
- (iv) requiring that person to remedy the contravention or, as the case may be, the matters occasioning it within such period (ending not earlier than the period within which an appeal against the notice can be brought under Article 26) as may be specified in the notice.

**F9** mod. by SR 2000/87; 2000/120

**F10** mod. by 2002 c. 8 (NI)

#### **Modifications etc. (not altering text)**

- C4** Arts. 20-28 applied (with modifications) (1.9.2013) by *The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2013/206)*, regs. 2(1), **7(1)(a)** (with regs. 3, 8-15, 19)
- C5** Arts. 20-30 applied with modification(s) (1.6.2015) by *The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015 (S.R. 2015/236)*, regs. 1(2), **5(1)(a)**
- C6** Arts. 20-30 applied (with modifications) (1.6.2015) by *The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2013/206)*, regs. 2(2), **16** (with regs. 3, 19)
- C7** Arts. 18-23 applied (with modifications) (28.9.2015) by *The Control of Major Accident Hazards Regulations (Northern Ireland) 2015 (S.R. 2015/325)*, regs. 1, **27(1)(a)** (with regs. 3(2), 27(3))
- C8** Arts. 18-28 applied (23.10.2015) by *The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339)*, regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C22** Arts. 23 applied (2.4.2006) by *The Railways (Interoperability) Regulations 2006 (S.I. 2006/397)*, **reg. 35**
- C23** Arts. 18-30 applied (with modifications) (27.7.2009) by *Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/238)*, **reg. 14(1)(a)**
- C24** Arts. 18-30 applied (with modifications) (24.8.2009) by *Explosives (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/273)*, **reg. 14(1)(a)**
- C25** Art. 23 applied (with modifications) (10.5.2010 with effect as mentioned in reg. 41 of the amending Regulations) by *Train Driving Licences and Certificates Regulations (Northern Ireland) 2010 (S.R. 2010/132)*, regs. 1(2), **40(2)(3)(b)**
- C26** Art. 23 applied (with modifications) (16.1.2012) by *Railways (Interoperability) Regulations 2011 (S.I. 2011/3066)*, **reg. 40(2)(3)(b)** (with reg. 3)
- C27** Art. 23 applied (1.3.2014) by *The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506)*, regs. 2(4), **20** (with regs. 3(4)(5), 31)

#### **Prohibition notices**

<sup>F11F12</sup>**24.**—(1) This Article applies to any activities which are being or are<sup>F13</sup> likely] to be carried on by or under the control of any person, being activities to or in relation to which any of the relevant statutory provisions apply or will, if the activities are so carried on, apply.

(2) If as regards any activities to which this Article applies an inspector is of the opinion that, as carried on or<sup>F13</sup> likely] to be carried on by or under the control of the person in question, the activities involve or, as the case may be, will involve a risk of serious personal injury, the inspector may serve on that person a notice—

- (a) stating that the inspector is of the said opinion;
- (b) specifying the matters which in his opinion give or, as the case may be, will give rise to the said risk;



- (c) where in his opinion any of those matters involves or, as the case may be, will involve a contravention of any of the relevant statutory provisions, stating that he is of that opinion, and
- (i) specifying the provision or provisions as to which he is of that opinion; and
  - (ii) giving particulars of the reasons why he is of that opinion; and
- (d) directing that the activities to which the notice relates shall not be carried on by or under the control of the person on whom the notice is served unless the matters specified in the notice in pursuance of sub-paragraph ( b ) and any associated contravention of provisions so specified in pursuance of sub-paragraph ( c ) have been remedied.
- <sup>F13</sup>(3) A direction contained in a prohibition notice in pursuance of paragraph (2)( d ) shall take effect—
- (a) at the end of the period specified in the notice; or
  - (b) if the notice so declares, immediately.]

**F11** mod. by SR 2000/87; 2000/120  
**F12** mod. by 2002 c. 8 (NI)  
**F13** 1987 NI 20

**Modifications etc. (not altering text)**

- C4** Arts. 20-28 applied (with modifications) (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), **7(1)(a)** (with regs. 3, 8-15, 19)
- C5** Arts. 20-30 applied with modification(s) (1.6.2015) by [The Explosives \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/236\)](#), regs. 1(2), **5(1)(a)**
- C6** Arts. 20-30 applied (with modifications) (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(2), **16** (with regs. 3, 19)
- C8** Arts. 18-28 applied (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C28** Art. 24 applied (2.4.2006) by [The Railways \(Interoperability\) Regulations 2006 \(S.I. 2006/397\)](#), **reg. 35**
- C29** Arts. 18-30 applied (with modifications) (27.7.2009) by [Chemicals \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/238\)](#), **reg. 14(1)(a)**
- C30** Arts. 18-30 applied (with modifications) (24.8.2009) by [Explosives \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/273\)](#), **reg. 14(1)(a)**
- C31** Art. 24 applied (with modifications) (10.5.2010 with effect as mentioned in reg. 41 of the amending Regulations) by [Train Driving Licences and Certificates Regulations \(Northern Ireland\) 2010 \(S.R. 2010/132\)](#), regs. 1(2), **40(2)(3)(b)**
- C32** Art. 24 applied (with modifications) (16.1.2012) by [Railways \(Interoperability\) Regulations 2011 \(S.I. 2011/3066\)](#), **reg. 40(2)(3)(b)** (with reg. 3)

**Provisions supplementary to Articles 23 and 24**

<sup>F14F15</sup>**25.**—(1) In this Article and Article 26 “a notice” means an improvement notice or a prohibition notice.

(2) A notice may include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates; and any such directions—

- (a) may be framed to any extent by reference to any approved code of practice; and

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(b) may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention or matter.

(3) Where any of the relevant statutory provisions applies to a building or any matter connected with a building and an inspector proposes to serve an improvement notice relating to a contravention of that provision in connection with that building or matter, the notice shall not direct any measures to be taken to remedy the contravention of that provision which are more onerous than those necessary to secure conformity with the requirements of any building regulations for the time being in force to which that building or matter would be required to conform if the relevant building were being newly erected unless the provision in question imposes specific requirements more onerous than the requirements of any such building regulations to which the building or matter would be required to conform as aforesaid.

(4) In paragraph (3) “the relevant building”, in the case of a building, means that building, and, in the case of a matter connected with a building, means the building with which the matter is connected.

(5) Before an inspector serves in connection with any premises used or about to be used as a place of work a notice requiring or likely to lead to the taking of measures affecting the means of escape in case of fire with which the premises are or ought to be provided, he shall consult [<sup>F16</sup>the Northern Ireland Fire and Rescue Service Board] .

(6) Where a notice which is not to take immediate effect has been served—

- (a) the notice may be withdrawn by an inspector at any time before the end of the period specified therein in pursuance of Article 23 or Article 24(3) as the case may be; and
- (b) the period so specified may be extended or further extended by an inspector at any time when an appeal against the notice is not pending.

**F14** mod. by SR 2000/87; 2000/120

**F15** mod. by 2002 c. 8 (NI)

**F16** Words in art. 25(5) substituted (1.7.2006) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(1), **Sch. 3 para. 11** (with arts. 49, 62); S.R. 2006/257, **art. 2(b)(d)**

#### **Modifications etc. (not altering text)**

- C4** Arts. 20-28 applied (with modifications) (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), **7(1)(a)** (with regs. 3, 8-15, 19)
- C5** Arts. 20-30 applied with modification(s) (1.6.2015) by [The Explosives \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/236\)](#), regs. 1(2), **5(1)(a)**
- C6** Arts. 20-30 applied (with modifications) (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(2), **16** (with regs. 3, 19)
- C8** Arts. 18-28 applied (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C33** Art. 25 applied (2.4.2006) by [The Railways \(Interoperability\) Regulations 2006 \(S.I. 2006/397\)](#), **reg. 35**
- C34** Arts. 18-30 applied (with modifications) (27.7.2009) by [Chemicals \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/238\)](#), **reg. 14(1)(a)**
- C35** Arts. 18-30 applied (with modifications) (24.8.2009) by [Explosives \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/273\)](#), **reg. 14(1)(a)**
- C36** Art. 25 applied (with modifications) (10.5.2010 with effect as mentioned in reg. 41 of the amending Regulations) by [Train Driving Licences and Certificates Regulations \(Northern Ireland\) 2010 \(S.R. 2010/132\)](#), regs. 1(2), **40(2)(3)(c)**



- C37** Art. 25 excluding art. 25(3) applied (with modifications) (16.1.2012) by Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), **reg. 40(2)(3)(c)** (with reg. 3)
- C38** Arts. 25 26 applied (1.3.2014) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(4), **20** (with regs. 3(4)(5), 31)
- C39** Art. 25 applied (with modifications) (28.9.2015) by The Control of Major Accident Hazards Regulations (Northern Ireland) 2015 (S.R. 2015/325), regs. 1, **27(1)(b)** (with regs. 3(2), 27(3))

### Appeal against improvement or prohibition notice

<sup>F17F18</sup>**26.**—(1) A person on whom a notice is served may within such period from the date of its service as may be prescribed appeal to an industrial tribunal; and on such an appeal the tribunal may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the tribunal may in the circumstances think fit.

(2) Where an appeal under this Article is brought against a notice within the period allowed under paragraph (1) then—

- (a) in the case of an improvement notice, the bringing of the appeal shall have the effect of suspending the operation of the notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal;
- (b) in the case of a prohibition notice, the bringing of the appeal shall have the like effect if, but only if, on the application of the appellant the tribunal so directs (and then only from the giving of the direction).

(3) One or more assessors may be appointed for the purposes of any proceedings brought before an industrial tribunal under this Article.

*Para.(4) rep. by 1984 NI 9*

**F17** mod. by SR 2000/87; 2000/120

**F18** mod. by 2002 c. 8 (NI)

#### Modifications etc. (not altering text)

- C4** Arts. 20-28 applied (with modifications) (1.9.2013) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2013/206), regs. 2(1), **7(1)(a)** (with regs. 3, 8-15, 19)
- C5** Arts. 20-30 applied with modification(s) (1.6.2015) by The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015 (S.R. 2015/236), regs. 1(2), **5(1)(a)**
- C6** Arts. 20-30 applied (with modifications) (1.6.2015) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2013/206), regs. 2(2), **16** (with regs. 3, 19)
- C8** Arts. 18-28 applied (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C38** Arts. 25 26 applied (1.3.2014) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(4), **20** (with regs. 3(4)(5), 31)
- C40** Art. 26 applied (2.4.2006) by The Railways (Interoperability) Regulations 2006 (S.I. 2006/397), **reg. 35**
- C41** Arts. 18-30 applied (with modifications) (27.7.2009) by Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/238), **reg. 14(1)(a)**
- C42** Arts. 18-30 applied (with modifications) (24.8.2009) by Explosives (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/273), **reg. 14(1)(a)**
- C43** Art. 26 applied (with modifications) (10.5.2010 with effect as mentioned in reg. 41 of the amending Regulations) by Train Driving Licences and Certificates Regulations (Northern Ireland) 2010 (S.R. 2010/132), regs. 1(2), **40(2)(3)(d)**

*Status: Point in time view as at 23/10/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Cross Heading: Enforcement. (See end of Document for details)*

- C44** Art. 26 applied (with modifications) (16.1.2012) by Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), **reg. 40(2)(3)(d)** (with reg. 3)
- C45** Art. 26 applied (28.9.2015) by The Control of Major Accident Hazards Regulations (Northern Ireland) 2015 (S.R. 2015/325), regs. 1, **23(6)** (with reg. 3(2))

### Power to deal with cause of imminent danger

<sup>F19F20</sup>**27.**—(1) Where, in the case of any article or substance found by him in any premises which he has power to enter, an inspector has reasonable cause to believe that, in the circumstances in which he finds it, the article or substance is a cause of imminent danger of serious personal injury, he may seize it and cause it to be rendered harmless (whether by destruction or otherwise).

(2) Before there is rendered harmless under this Article—

- (a) any article that forms part of a batch of similar articles; or
- (b) any substance,

the inspector shall, if it is practicable for him to do so, take a sample thereof and give to a responsible person at the premises where the article or substance was found by him a portion of the sample marked in a manner sufficient to identify it.

(3) As soon as may be after any article or substance has been seized and rendered harmless under this Article, the inspector shall prepare and sign a written report giving particulars of the circumstances in which the article or substance was seized and so dealt with by him, and shall—

- (a) give a signed copy of the report to a responsible person at the premises where the article or substance was found by him; and
- (b) unless that person is the owner of the article or substance, also serve a signed copy of the report on the owner;

and if, where sub-paragraph ( b ) applies, the inspector cannot after reasonable enquiry ascertain the name or address of the owner, the copy may be served on him by giving it to the person to whom a copy was given under sub-paragraph ( a ).

**F19** mod. by SR 2000/87; 2000/120

**F20** mod. by 2002 c. 8 (NI)

#### Modifications etc. (not altering text)

- C4** Arts. 20-28 applied (with modifications) (1.9.2013) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2013/206), regs. 2(1), **7(1)(a)** (with regs. 3, 8-15, 19)
- C5** Arts. 20-30 applied with modification(s) (1.6.2015) by The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015 (S.R. 2015/236), regs. 1(2), **5(1)(a)**
- C6** Arts. 20-30 applied (with modifications) (1.6.2015) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2013/206), regs. 2(2), **16** (with regs. 3, 19)
- C8** Arts. 18-28 applied (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C46** Arts. 18-30 applied (with modifications) (27.7.2009) by Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/238), **reg. 14(1)(a)**
- C47** Arts. 18-30 applied (with modifications) (24.8.2009) by Explosives (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/273), **reg. 14(1)(a)**

## [<sup>F21</sup>Power of customs officer to detain articles and substances

<sup>F22F23</sup>**27A.**—(1) A customs officer may, for the purpose of facilitating the exercise or performance by any enforcing authority or inspector of any of the powers or duties of the authority or inspector under any of the relevant statutory provisions, seize any imported article or imported substance and detain it for not more than two working days.

(2) Anything seized and detained under this Article shall be dealt with during the period of its detention in such manner as the Commissioners of Customs and Excise may direct.

(3) In paragraph (1) the reference to two working days is a reference to a period of forty#eight hours calculated from the time when the goods in question are seized but disregarding so much of any period as falls on a Saturday or Sunday or on Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in Northern Ireland.]

**F21** 1987 NI 20

**F22** mod. by SR 2000/87; 2000/120

**F23** mod. by 2002 c. 8 (NI)

### Modifications etc. (not altering text)

- C4** Arts. 20-28 applied (with modifications) (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), **7(1)(a)** (with regs. 3, 8-15, 19)
- C5** Arts. 20-30 applied with modification(s) (1.6.2015) by [The Explosives \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/236\)](#), regs. 1(2), **5(1)(a)**
- C6** Arts. 20-30 applied (with modifications) (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(2), **16** (with regs. 3, 19)
- C8** Arts. 18-28 applied (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C48** Arts. 27A-30 applied (with modifications) (1.3.2014) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(4), **20** (with regs. 3(4)(5), 31)
- C49** Arts. 18-30 applied (with modifications) (27.7.2009) by [Chemicals \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/238\)](#), **reg. 14(1)(a)**
- C50** Arts. 18-30 applied (with modifications) (24.8.2009) by [Explosives \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/273\)](#), **reg. 14(1)(a)**

## Power of enforcing authorities to indemnify their inspectors

<sup>F24F25</sup>**28.** Where—

- (a) an action has been brought against an inspector in respect of an act done in the execution or purported execution of any of the relevant statutory provisions; and
- (b) the circumstances are such that he is not legally entitled to require the enforcing authority which appointed him to indemnify him,

that authority may, nevertheless, indemnify him against the whole or part of any damages and costs which he may have been ordered to pay or may have incurred, if the authority is satisfied that he honestly believed that the act complained of was within his powers and that his duty as an inspector required or entitled him to do it.

**F24** mod. by SR 2000/87; 2000/120

**F25** mod. by 2002 c. 8 (NI)

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*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Cross Heading: Enforcement. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C4** Arts. 20-28 applied (with modifications) (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), **7(1)(a)** (with regs. 3, 8-15, 19)
- C5** Arts. 20-30 applied with modification(s) (1.6.2015) by [The Explosives \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/236\)](#), regs. 1(2), **5(1)(a)**
- C6** Arts. 20-30 applied (with modifications) (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(2), **16** (with regs. 3, 19)
- C8** Arts. 18-28 applied (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C48** Arts. 27A-30 applied (with modifications) (1.3.2014) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(4), **20** (with regs. 3(4)(5), 31)
- C51** Art. 28 applied (2.4.2006) by [The Railways \(Interoperability\) Regulations 2006 \(S.I. 2006/397\)](#), **reg. 35**
- C52** Arts. 18-30 applied (with modifications) (27.7.2009) by [Chemicals \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/238\)](#), **reg. 14(1)(a)**
- C53** Arts. 18-30 applied (with modifications) (24.8.2009) by [Explosives \(Hazard Information and Packaging for Supply\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/273\)](#), **reg. 14(1)(a)**
- C54** Art. 28 applied (with modifications) (10.5.2010 with effect as mentioned in reg. 41 of the amending Regulations) by [Train Driving Licences and Certificates Regulations \(Northern Ireland\) 2010 \(S.R. 2010/132\)](#), regs. 1(2), **40(2)(3)(e)**
- C55** Art. 28 applied (with modifications) (16.1.2012) by [Railways \(Interoperability\) Regulations 2011 \(S.I. 2011/3066\)](#), **reg. 40(2)(3)(e)** (with reg. 3)
- C56** Art. 28 applied (with modifications) (28.9.2015) by [The Control of Major Accident Hazards Regulations \(Northern Ireland\) 2015 \(S.R. 2015/325\)](#), regs. 1, **27(1)(c)** (with regs. 3(2), 27(3))

**Status:**

Point in time view as at 23/10/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Cross Heading: Enforcement.