

SCHEDULE 5

ENFORCEMENT

Powers of the Health and Safety Executive for Northern Ireland as an enforcement authority

9. In relation to the enforcement of these Regulations by the Health and Safety Executive for Northern Ireland—

- (a) Articles 21 to 33**(1)**, 35, 36, 38 and 39 of the 1978 Order shall apply as provided in paragraph 10; and
- (b) Articles 34(1) and (2) and 34A**(2)** of the 1978 Order shall apply in relation to offences under Article 31 as applied in relation to these Regulations and modified by paragraph 10.

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- (1) All these provisions were modified by [S.R. \(NI\) 2000/87](#), [S.R. \(NI\) 2000/120](#) and section 1 of the [Railway Safety Act \(Northern Ireland\) 2002 \(c.8 \(N.I.\)\)](#). Article 22(7) was amended by the [Civil Partnerships Act 2004 \(c.33\)](#). Article 26(4) was repealed by Article 35 of, and Schedule 4 to, the [Industrial Training \(Northern Ireland\) Order 1984 \(S.I. 1984/1159 \(N.I. 9\)\)](#). Articles 27A and 29A were inserted, and Articles 30(1)(a) and 31(1)(h) amended, by Article 28 of, and Schedule 2 to, the [Consumer Protection \(Northern Ireland\) Order 1987 \(S.I. 1987/2049 \(N.I. 20\)\)](#). Article 29(1) was amended, and Article 31(3) was repealed, by the [Health and Safety at Work \(Amendment\) \(Northern Ireland\) Order 1998 \(S.I. 1998/2795 \(N.I. 18\)\)](#), Schedule 1, paragraphs 14 and 15 respectively. Articles 29(2) to (4) were repealed, and Article 31(1)(j) was amended, by Article 10(1)(c) of the [Statistics of Trade and Employment \(Northern Ireland\) Order 1988 \(S.I. 1988/595 \(N.I. 3\)\)](#). Article 29A was amended by the [Commissioners for Revenue and Customs Act 2005 \(c.11\)](#), Schedule 4, paragraph 19. Article 31(1)(m) was amended by Article 13(3) of, and Schedule 5 to, the [Criminal Justice \(Northern Ireland\) Order 1986 \(S.I. 1986/1883 \(N.I. 15\)\)](#). Article 31(5)(d) and (6) was repealed by Article 6(6) of the [Offshore, and Pipelines, Safety \(Northern Ireland\) Order 1992 \(S.I. 1992/1728 \(N.I. 17\)\)](#). Article 31(7) was repealed by Part III of the Schedule to the [Forgery and Counterfeiting Act 1981 \(c.45\)](#). There are other amendments to these provisions which are not relevant to these Regulations.
- (2) Article 34A was inserted by the [Health and Safety at Work \(Amendment\) \(Northern Ireland\) Order 1998 \(S.I. 1998/2795 \(N.I. 18\)\)](#), Schedule 1, paragraph 16.