

## SCHEDULE 3

### Powers under the Health and Safety at Work (Northern Ireland) Order 1978

#### Modifications to the 1978 Order

3. Those Articles of the 1978 Order apply as if—
- (a) references in those Articles to “relevant statutory provisions” were references to—
    - (i) the provisions of the 1978 Order set out in paragraph 2, as modified by this paragraph;
    - (ii) the provisions of the enforcer's legislation which the HSAW enforcer has a duty or power to enforce under the 1978 Order;
    - (iii) the MSC Regulation; and
    - (iv) these Regulations;
  - (b) references in those Articles to “enforcing authority” were references to a HSAW enforcer;
  - (c) references in those Articles to “risk”, in relation to a product, were references to the potential to affect adversely—
    - (i) health and safety of persons in general;
    - (ii) health and safety in the workplace;
    - (iii) protection of consumers;
    - (iv) the environment;
    - (v) public security; and
    - (vi) other public interests,to a degree which goes beyond that considered reasonable and acceptable in relation to the product's intended purpose or under the normal or reasonably foreseeable conditions of use of the product, including the duration of use and, where applicable, any putting into service, installation and maintenance requirements;
  - (d) in Article 22—
    - (i) in paragraph (2)(h), for “him to have caused or to be likely to cause danger to health or safety”, there were substituted “ contravene any of the relevant statutory provisions or present a risk ”; and
    - (ii) paragraph (3) were omitted;
  - (e) in Article 24—
    - (i) for paragraph (2) there were substituted—
      - “(2) An inspector may serve a notice (in this Part referred to as a “prohibition notice”) on a person if, as regards any activities to which this paragraph applies, the inspector is of the opinion that, as carried on or 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) a risk; or
        - (b) the contravention of any of the relevant statutory provisions.
      - (2A) A prohibition notice must—
        - (a) state the inspector's opinion;
        - (b) specify the matters which in the inspector's opinion give, or as the case may be, will give rise to the risk or contravention;

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- (c) where in the inspector's opinion any of those matters involves or, as the case may be, will involve a contravention of any of the relevant statutory provisions, specify the provision or provisions concerned and give particulars of the reasons why the inspector is of that opinion; and
- (d) direct that the activities to which the notice relates must not be carried on by or under the control of the person on whom the notice is served unless the matters specified in pursuance of sub-paragraph (b) and any contraventions of provisions specified in pursuance of sub-paragraph (c) have been remedied.”;
- (ii) in paragraph (3), for “(2)(d)” there were substituted “ (2A)(d) ”;
- (f) in Article 25, paragraphs (3), (4) and (5) were omitted;
- (g) in Article 30—
  - (i) in paragraph (6), “16(4)(a) or” were omitted;
  - (ii) for paragraph (6)(b), there were substituted—
    - “(b) for the purposes of any legal proceedings or for the purposes of a report of any such proceedings;”;
- (h) in Article 31—
  - (i) in paragraph (1), sub-paragraphs (a) to (i) and (k) to (m) were omitted;
  - (ii) for paragraphs (2) and (3), there were substituted—
    - “(2) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”;
- (i) in Article 32—
  - (i) in paragraph (1), sub-paragraphs (a) and (b) were omitted;
  - (ii) in paragraph (1), for the words from “and it appears” to the end, there were substituted “ and it appears from the proceedings at the inquest that any of the relevant statutory provisions was contravened at a time which is material in relation to the subject-matter of the inquest, summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months of the conclusion of the inquest. ”; and
  - (iii) paragraphs (3) and (4) were omitted;
- (j) in Article 39, paragraphs (3A), (4) and (5) were omitted.

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**Commencement Information**

**II** Sch. 3 para. 3 in force at 16.7.2021, see [reg. 1\(1\)](#)

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 16(3)(a)(v) inserted by [S.I. 2024/221 reg. 26\(b\)\(ii\)](#)