Office and Shop Premises Act (Northern Ireland) 1966

1966 CHAPTER 26

MISCELLANEOUS

69 Amendment of section 121(1) of Factories Act, and provisions consequential thereon.

(1) For the purposes of subsection (1) of section 121 (application of Act to electrical stations) of the Factories Act, office premises to which this Act applies which are comprised in premises to which that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.

Subs.(2) rep. by SR 1979/284

(3) Regulations under this section may provide that, for the purposes of the application to premises to which the said section 121(1) applies of subsection (4) of the said section 60[F1], persons employed to work in premises which, by virtue of the regulations, are deemed for the purposes of the said section 60 to form part of the first-mentioned premises shall (according as may be specified in the regulations) be left out of account or be taken into account to a number (ascertained in accordance with the regulations) less than the full number thereof.

Subs.(4) rep. by SR 1979/284

F1 1965 c.20 (NI)

70 Amendment of section 123(1) of Factories Act, and provisions consequential thereon.

(1) For the purposes of subsection (1) of section 123 (docks, etc.) of the Factories Act, office premises to which this Act applies which are comprised in premises to which

Status: *Point in time view as at 01/04/2012.*
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)*

that subsection applies shall, notwithstanding that they are so comprised, be deemed not to form part of the premises.

Subs.(2) rep. by SR 1979/284

(3) The reference in the said section 123(1) to a warehouse in or for the purposes of which mechanical power is used, being a warehouse neither forming part of a factory nor belonging to the owners, trustees or commissioners of a dock, wharf or quay, shall be construed as not including a building occupied by a wholesale dealer or merchant where goods are kept for sale wholesale or a part of a building so occupied where goods are so kept.

S. 71 rep. by SR 1986/351

72 Exclusion of certain provisions of the Public Health Acts and the Factories Act.

None of the following provisions, that is to say,—

[[F2](a) Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (statutory nuisances);**]**

(b) section 48 of **[**[F3]the Public Health (Ireland) Act 1878**]** and section 22 of the Public Health Acts Amendment Act 1890 (provision of sanitary conveniences in certain workplaces);

(c) section 39 of the Public Health Acts Amendment Act 1907 (provision and conversion of closet accommodation);

Para.(d) rep. by 1969 c.13 (NI)

(e) subsection (2) of section 11 of the Factories Act (which includes, amongst the nuisances referred to in paragraph (*a*), malodorous workplaces);

shall apply to premises to which this Act applies, and, accordingly,—

Paras.(i)(ii) amend s.11 of 1965 c.20 (NI); para.(iii) rep. by 1969 c.13 (NI)

F2 S. 72(a) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 3 para. 6(a)**; S.R. 2012/13, art. 2(2), Sch. 2

F3 Words in s. 72(b) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 3 para. 6(b)**; S.R. 2012/13, art. 2(2), Sch. 2

73 Provision for securing exercise of local Act powers in conformity with this Act.

A person required by or under a local Act to effect any alterations to, or to any apparatus or fittings in, a building shall not be treated as having acted in contravention of that enactment by reason of his failure to effect those alterations in so far as the failure is attributable to the fact that remedying it would involve a contravention of this Act or regulations thereunder.

S. 74 rep. by SR 1985/103

75 Regulations.

(1) Any regulations made under this Act by the Ministry shall be subject to negative resolution.

(2) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of the Ministry.

[F4](3) The provisions of Article 46 of the Health and Safety at Work (Northern Ireland) Order 1978 shall apply to any power, to make an order which is exercisable by statutory rule and conferred by this Act, as they apply to a power to make regulations.]

Subs.(4)#(5) rep. by SR 1979/284

F4 SR 1979/284

76 Expenses.

Subs.(1) rep. by SLR 1976
Subs.(2) rep. by SRO (NI) 1973/211

(3) Any expenses incurred by [[F5] the fire authority] under this Act shall be defrayed as if those expenses had been incurred under **[**[F6]the Fire and Rescue Services (Northern Ireland) Order 2006**]**.

F5 SRO (NI) 1973/211
F6 Words in s. 76(3) substituted (1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(1), **Sch. 3 para. 4**; S.R. 2006/257, **art. 2(d)**

77 Application to the Crown.

(1) The following provisions of this Act, namely sections 4 to [[F7] 19],[F8]. . . , 24, 27,[F9]. . . and 42 shall, in so far as they impose duties failure to comply with which might give rise to a liability in tort, be binding upon the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland, and accordingly, for the purposes of those provisions and regulations under any of them, persons in the service of the Crown shall be taken to be employed if, apart from this subsection, they would not be so taken.

(2) Section 24(7) shall, in its application to premises occupied by the Crown, have effect with the substitution, for the reference to the authority having power to enforce compliance with the foregoing provisions of that section, of a reference to the Ministry.

Subs. (3) rep. by SR 1986/351

(4) Section 45 shall, in the case of premises occupied by the Crown, have effect as if, for any reference to an authority having power to enforce any provision of this Act, there were substituted a reference to the Ministry and as if the words in subsection (3) from "and are further satisfied" onwards, and [[F7] subsections (5) to (14)], had been omitted; …[F10].

Subs. (5) rep. by SR 1993/147

(6) The reference in subsection (1) to a liability in tort shall be construed as not including such a liability towards a member of the armed forces of the Crown, and the reference in that subsection to persons in the service of the Crown shall be construed as not including any such member.

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F7 SR 1979/284
F8 SR 1992/535
F9 SR 1986/351
F10 SR 1979/284

78 Exclusion of application to visiting forces.

(1) This Act shall not operate to create, towards a member of the naval, military or air forces of a country to which this section applies, a liability in tort against the Government of that country in respect of anything done or omitted by it or against another member of those forces in respect of anything done or omitted by him in the course of his duty.

(2) This section applies to India,**[**[F11] Pakistan,**]** …[F12], Ghana, Malaysia, the Republic of Cyprus, Tanzania, Zambia [[F13] Botswana] [[F14] Lesotho] [[F15] Swaziland] [[F16] Tonga] [[F17] Bangladesh] [[F18] Western Samoa, Nauru] [[F19] the New Hebrides]**[**[F20], Brunei, Maldives**][**[F21], Namibia**][**[F22], South Africa**][**[F23], Cameroon, Mozambique**]** and any country designated for the purposes of any provision of the Visiting Forces Act 1952 by Order in Council under section 1(2) of that Act.

(3) This Act shall not operate to create towards a member of a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 who is a member of the naval, military or air forces of any country a liability in tort against the headquarters or organisation in respect of anything done or omitted by it or against another member thereof in respect of anything done or omitted by him in the course of his duty.

F11 inserted retrosp. by 1990 c. 14
F12 1973 c.48
F13 1966 c.23
F14 1966 c.24
F15 1968 c.56
F16 1970 c.22
F17 Inserted (retrosp.), 1973 c.49
F18 1980 c.2
F19 1980 c.16
F20 1985 c. 3
F21 1991 c. 4
F22 1995 c. 3
F23 2002 c. 39

79 Exclusion of application to factories, to certain fish sale-rooms and to parts below ground of mines.

(1) …[F24], nothing in this Act shall apply to any premises which, for the purposes of the Factories Act, form part of a factory.

(2) With the exception of section 70(3), nothing in this Act shall apply to any premises which, not being office premises, are used for the sale of fish by wholesale and constitute, or are comprised in, premises to which certain provisions of the Factories Act apply by virtue of section 123(1) (docks, etc.) of that Act.

(3) Nothing in this Act shall apply to any part below ground of premises which, for the purposes of the enactments for the regulation of mines, are a mine.

F24 SR 1979/284

80 Exclusion of application to premises occupied for transitory purposes.

(1) It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to any premises, of a provision of this Act or regulations thereunder, to prove that at the time of the alleged contravention the premises were occupied for a purpose that was accomplished before the expiration of a period beginning with the day on which they were occupied for that purpose and of such of the following lengths as is applicable to the circumstances of the case, that is to say, six months if the premises consist of a movable structure, and six weeks if not.

(2) Subsection (1) shall not apply to a prosecution for an offence consisting in a failure to comply with an obligation imposed under section 48(1) to notify the appropriate authority that persons would be employed to work in any premises; but in any such prosecution it shall be a defence to prove that the persons in question were employed to work in the premises while they were occupied as mentioned in subsection (1).

Status:
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Changes to legislation:
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