



Office and Shop Premises Act (Northern Ireland) 1966

1966 CHAPTER 26

SPECIAL PROVISIONS WITH RESPECT TO BUILDINGS WHEREOF PARTS ARE OFFICE, &C.,
PREMISES AND WITH RESPECT TO CERTAIN CONTIGUOUS FUEL STORAGE PREMISES

45 Power of authorities who enforce Act to grant exemptions from certain requirements thereof.

- (1) The authority having power to enforce, with respect to any premises, the following provisions of this Act, namely, section 5(2) and sections 6 and 9, may, subject to such conditions as the authority may specify,—
 - (a) exempt the premises or any room therein from all or any of the requirements imposed by sections 5(2) and 6;
 - (b) exempt the premises from all or any of the requirements imposed by section 9; if satisfied that, in the circumstances affecting the subject of the exemption, compliance with the requirements or requirement from which exemption is granted is not reasonably practicable.
- (2) The authority having power to enforce section 10(1) with respect to any premises may, if satisfied that it is not reasonably practicable for running water to be supplied there or for running water so supplied to be heated, exempt the premises from so much of that subsection as requires the water supplied to be running water.
- (3) An exemption under subsection (1) of, or of a room in, any premises from a requirement of a provision of this Act may be granted for a period not exceeding two years, but may from time to time be extended for a further such period beyond the expiration of the period at the expiration of which it would otherwise expire if the authority having power to enforce that provision with respect to the premises are satisfied as mentioned in subsection (1) and are further satisfied that the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement) has not failed to do anything the doing of which might have rendered compliance with that requirement reasonably practicable.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Office and Shop Premises Act (Northern Ireland) 1966, Section 45. (See end of Document for details)

- (4) An exemption under subsection (2) may be granted without limit of time or for a specified period; but the grant of such an exemption for a specified period shall not preclude the grant of the like exemption for further periods.
- (5) An exemption of, or of a room in, any premises from a requirement imposed by a provision of this Act shall not be granted or extended under this section—
- (a) except upon application made to [^{F1} the authority having power to enforce with respect to the premises the provision imposing the requirement], in such form as may be prescribed by order made by the Ministry,—
 - (i) in a case where the grant of an exemption is sought, by the person who would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement);
 - (ii) in a case where the extension of an exemption is sought, by the person who, if the exemption were not in force, would be responsible as aforesaid;
 - (b) unless the application is accompanied by a certificate in such form as may be so prescribed, that the obligation to which the applicant is subject by virtue of subsection (6)(a) has been complied with; and
 - (c) until the expiration of the period of fourteen days beginning with the day next following that on which the application is made.
- (6) In relation to an application for the grant or extension of an exemption under this section of, or of a room in, any premises, compliance by the applicant with the following requirements shall be requisite, namely,—
- (a) he must, immediately before the application is made, post in the premises, in such a position, and in such characters, as to be easily seen and read by the persons employed to work in the premises, a notice—
 - (i) stating that such an application is being made;
 - (ii) specifying the requirement from which exemption or, as the case may be, further exemption, is being sought;
 - (iii) specifying the period for which the grant or, as the case may be, the extension, is being sought (or if, where a grant of exemption is being sought under subsection (2), it be the case that the grant thereof without limit of time is being sought, specifying that fact);
 - (iv) specifying the name and address of the authority to whom the application is being made and notifying the persons aforesaid that written representations with respect to the application may be made by any of them to that authority before the expiration of the period of fourteen days beginning with the day next following that on which the notice is posted in compliance with this paragraph;
 - (b) he must keep the said notice posted as aforesaid throughout the last-mentioned period;
- and a person making an application under this section who fails to comply with an obligation to which he is, in relation to the application, subject by virtue of this subsection shall be guilty of an offence and liable [^{F2} on summary conviction] to a fine not exceeding twenty pounds.
- (7) An exemption under this section of, or of a room in, any premises from a requirement imposed by a provision of this Act may, if the authority having power to enforce that provision with respect to the premises cease to be satisfied with respect to the

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matters with respect to which they were satisfied when the exemption was granted or, if the exemption has been extended under subsection (3), when it was extended, be withdrawn by that authority provided that three months' notice of intention to withdraw it has been given to the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement).

- (8) Where an exemption of, or of a room in, any premises from a requirement imposed by a provision of this Act or an extension of such an exemption is granted under this section by an authority, a certificate of the grant or extension shall be sent by the authority to the person who, if the exemption were not in force, would be responsible for a contravention in relation to the premises of that provision (being a contravention consisting in a failure to comply with that requirement).

Subs. (9) rep. by SR 1996/512

- (10) Notice of the refusal by an authority to grant or extend an exemption under this section shall be given by them to the applicant for the grant or extension and also (if it be the case that representations with respect to the application were duly made by the persons employed to work in the premises to which the application related or any of those persons), either individually to such of those persons as duly made representations or to a person appearing to the authority to be representative of such of those persons as duly made representations or to each of a number of persons who appear to the authority to be representative between them of such of those persons as duly made representations.

- (11) A person who is aggrieved—
- (a) by the refusal of an authority to grant or extend an exemption under this section of, or of a room in, any premises; or
 - (b) by a notice of intention to withdraw such an exemption; or
 - (c) by any conditions attached to such an exemption;

may within twenty-one days of the refusal or, as the case may be, the service of the notice referred to in paragraph (b) or the receipt of the certificate under subsection (8) specifying the conditions, appeal to a court of summary jurisdiction.

- (12) Where, on an appeal under subsection (11), a court of summary jurisdiction grants or extends an exemption under subsection (1) for any period or directs an authority so to grant or extend it, the period shall not exceed two years.

Subs.(13) rep. by SR 1979/284

- (14) In relation to an application made under this section with respect to, or to a room in, premises which form part of a building to which section 42 applies, subsection (6) shall have effect with the substitution, for the words in paragraph (a) “post in the premises”, of the words “post in the premises or in a part of the building which for the purposes of section 42 is referred to as a common part of the building”.

Subs.(15) rep. by SR 1979/284

F1	SR 1979/284
F2	SR 1979/284

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