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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**

*Provisions as to offences*

**Offences**

- <sup>F1F2</sup>**31.**—(1) Any person who—
- (a) fails to discharge a duty to which he is subject by virtue of Articles 4 to 8;
  - (b) contravenes Article 9 or 10;
  - (c) contravenes any health and safety regulations or any requirement or prohibition imposed under any such regulations (including any requirement or prohibition to which he is subject by virtue of the terms of or any condition or restriction attached to any licence, approval, exemption or other authority issued, given or granted under the regulations);
  - (d) contravenes any requirement imposed by or under regulations under Article 16 or intentionally obstructs any person in the exercise of his powers under that Article;
  - (e) contravenes any requirement imposed by an inspector under Article 22 or 27;
  - (f) prevents or attempts to prevent any other person from appearing before an inspector or from answering any question to which an inspector may by virtue of Article 22(2) require an answer;
  - (g) contravenes any requirement or prohibition imposed by an improvement notice or a prohibition notice (including any such notice as modified on appeal);
  - (h) intentionally obstructs an inspector in the exercise or performance of his powers or duties<sup>F3</sup> or obstructs a customs officer in the exercise of his powers under Article 27A];
  - (i) contravenes any requirement imposed by a notice under Article 29(1);
  - (j) uses or discloses any information in contravention of Article<sup>F4</sup> . . . 30;
  - (k) makes a statement which he knows to be false or recklessly makes a statement which is false where the statement is made—
    - (i) in purported compliance with a requirement to furnish any information imposed by or under any of the relevant statutory provisions; or
    - (ii) for the purpose of obtaining the issue of a document under any of the relevant statutory provisions to himself or another person;
  - (l) intentionally makes a false entry in any register, book, notice or other document required by or under any of the relevant statutory provisions to be kept, served or given or, with intent to deceive, makes use of any such entry which he knows to be false;

*Status: Point in time view as at 08/12/2016. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Section 31. (See end of Document for details)*

- (m) with intent to deceive,<sup>F5</sup> . . . uses a document issued or authorised to be issued under any of the relevant statutory provisions or required for any purpose thereunder or makes or has in his possession a document so closely resembling any such document as to be calculated to deceive;
- (n) falsely pretends to be an inspector;
- (o) fails to comply with an order made by a court under Article 39;

shall be guilty of an offence.

[<sup>F6</sup>(2) Schedule 3A (which specifies the mode of trial and maximum penalty applicable to offences under this Article and the existing statutory provisions) has effect.

- (3) Schedule 3A is subject to any provision made by virtue of Article 17(6)(c) or (d).]

*Para.(6) rep. by 1992 NI 17*

*Para.(7) rep. by 1981 c. 45*

- F1** mod. by SR 2000/87; 2000/120
- F2** mod. by 2002 c. 8 (NI)
- F3** 1987 NI 20
- F4** 1988 NI 3
- F5** 1986 NI 15
- F6** Art. 31(2)(3) substituted (16.1.2009) for art. 31(1A)-(5) by [Health and Safety \(Offences\) Act 2008](#) (c. 20), **ss. 1(3)**, 3(2) (with s. 3(3))

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

- C1** Art. 31 applied (2.4.2006) by [The Railways \(Interoperability\) Regulations 2006](#) (S.I. 2006/397), **reg. 35**
- C2** Arts. 31-39 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)(b)**
- C3** Arts. 31-39 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)(b)**
- C4** Arts. 31-39 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)(b)** (with regs. 3, 8-15, 19, 20, 21)
- C5** Arts. 31-39 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, 32, 33(2))
- C6** Arts. 31-39 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, 20, 21)
- C7** Arts. 31-39 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)(b)**, 9, 10
- C8** Arts. 31-39 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)(d)** (with regs. 3(2), 27(3))
- C9** Arts. 31-39 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** Arts. 23-33 applied (with modifications) (21.10.2016) by [The Making Available on the Market and Supervision of Transfers of Explosives Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/366), reg. 1, Sch. 2 paras. 6(a), 7 (with Sch. 2 para. 7(2))
- C11** Art. 31 applied (with modifications) (8.12.2016) by [The Electrical Equipment \(Safety\) Regulations 2016](#) (S.I. 2016/1101), reg. 1, Sch. 5 paras. 1, **2** (with reg. 3)
- C12** Art. 31 applied (with modifications) (8.12.2016) by [The Pressure Equipment \(Safety\) Regulations 2016](#) (S.I. 2016/1105), reg. 1, Sch. 9 paras. 1(m), **2** (with reg. 88)

- C13** Art. 31 applied (with modifications) (8.12.2016) by [The Simple Pressure Vessels \(Safety\) Regulations 2016 \(S.I. 2016/1092\)](#), reg. 1, Sch. 7 paras. 1(m), **2** (with reg. 3)
- C14** Art. 31 applied (with modifications) (8.12.2016) by [The Lifts Regulations 2016 \(S.I. 2016/1093\)](#), reg. 1, Sch. 9 paras. 1(n), **2** (with regs. 3-5)
- C15** Art. 31(1)(c) 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)(g)**
- C16** Art. 31(1)(c)(e)-(h)(j)-(o) applied (with modifications) (16.1.2012) by [Railways \(Interoperability\) Regulations 2011 \(S.I. 2011/3066\)](#), reg. **40(2)(3)(g)** (with reg. 3)
- C17** Art. 31(1)(c) excluded (1.3.2014) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(4), **21** (with regs. 3(4)(5), 31)
- C18** Art. 31(1)(c) applied (28.9.2015) by [The Control of Major Accident Hazards Regulations \(Northern Ireland\) 2015 \(S.R. 2015/325\)](#), regs. 1, **27(4)** (with regs. 3(2), 27(3))
- C19** Art. 31(1)(c) excluded (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **30(4)** (with reg. 3(1)(2))
- C20** Art. 31(1)(e)-(h) 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)(g)**
- C21** Art. 31(1)(j)-(o) 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)(g)**
- C22** Art. 31(2) 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)(g)**

**Status:**

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**Changes to legislation:**

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