

STATUTORY INSTRUMENTS

1978 No. 1039

Health and Safety at Work (Northern Ireland) Order 1978

^{F1} PART II

HEALTH, SAFETY AND WELFARE IN CONNECTION WITH WORK, AND CONTROL OF DANGEROUS SUBSTANCES

Provisions as to offences

Offences due to fault of other person

^{F1F2}**34.**—(1) Where the commission by any person of an offence under any of the relevant statutory provisions is due to the act or default of some other person, that other person shall be guilty of an offence, and a person may be charged with and convicted of the offence under this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where there would be or have been the commission of an offence under Article 31 by the Crown but for the circumstance that that Article does not bind the Crown, and that fact is due to the act or default of a person other than the Crown, that person shall be guilty of the offence which, but for that circumstance, the Crown would be committing or would have committed, and may be charged with and convicted of that offence accordingly.

(3) The provisions of this Article are subject to any provision made under Article 17(6).

F1 mod. by SR 2000/87; 2000/120

F2 mod. by 2002 c. 8 (NI)

Modifications etc. (not altering text)

C1 Art. 34 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. 34-38 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)**

C5 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)

C6 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))

C7 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)

- C8** 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
- C9** 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))
- C10** 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))
- C11** Arts. 31-39 applied (19.12.2016) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/406\)](#), regs. 1, **36(1)(d)** (with reg. 4(2), Sch. 15)
- C12** Arts. 31-39 applied (19.12.2016) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/406\)](#), regs. 1, **36(8)(d)** (with reg. 4(2), Sch. 15)
- C13** Arts. 32-39 applied (with modifications) (30.7.2018) by [The Cableway Installations Regulations 2018 \(S.I. 2018/816\)](#), regs. 1, **22(1)-(3)** (with reg. 4)
- C14** Art. 34(1) 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)**
- C15** Art. 34(1)(2) applied (with modifications) (16.1.2012) by [Railways \(Interoperability\) Regulations 2011 \(S.I. 2011/3066\)](#), **reg. 40(2)(3)(g)** (with reg. 3)
- C16** Art. 34(1)(2) 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(b), 7 (with Sch. 2 para. 7(2))
- C17** Art. 34(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)**

Changes to legislation:

There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Section 34.