

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

Obtaining and disclosure of information

Obtaining of information

^{F1F2}**29.**—(1) For the purpose of obtaining—
Sub#para.(a) rep. by 1998 NI 18

(b) any information which an enforcing authority needs for the discharge of the authority's functions,

the Department concerned, or the^{F3} Executive]^{F3}. . . , may serve on any person a notice requiring that person to furnish to the^{F3} Executive] or, as the case may be, to the enforcing authority in question such information about such matters as may be specified in the notice, and to do so in such form and manner and within such time as may be so specified.

Paras.(2)#(4) rep. by 1988 NI 3

- F1** mod. by SR 2000/87; 2000/120
F2 mod. by 2002 c. 8 (NI)
F3 1998 NI 18

Modifications etc. (not altering text)

- C1** Arts. 18-30 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)(a)**
- C2** Arts. 18-30 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)(a)**
- C3** Arts. 27A-30 applied (with modifications) (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)
- C4** Arts. 20-30 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)(a)**
- C5** Arts. 20-30 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)
- C6** 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))

Status: Point in time view as at 08/12/2016.

Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Cross Heading: Obtaining and disclosure of information. (See end of Document for details)

- C7 Art. 29 applied (with modifications) (8.12.2016) by [The Lifts Regulations 2016 \(S.I. 2016/1093\)](#), reg. 1, Sch. 9 paras. 1(k), 2 (with regs. 3-5)
- C8 Art. 29 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)
- C9 Art. 29 applied (with modifications) (8.12.2016) by [The Pressure Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1105\)](#), reg. 1, Sch. 9 paras. 1(j), 2 (with reg. 88)
- C10 Art. 29 applied (with modifications) (8.12.2016) by [The Simple Pressure Vessels \(Safety\) Regulations 2016 \(S.I. 2016/1092\)](#), reg. 1, Sch. 7 paras. 1(j), 2 (with reg. 3)

[^{F4}]^{F5}Information communicated by Commissioners for Revenue and Customs]

^{F6F7}29A.—(1) If they think it appropriate to do so for the purpose of facilitating the exercise or performance by any person to whom paragraph (2) applies of any of that person's powers or duties under any of the relevant statutory provisions, [^{F5} the Commissioners for Her Majesty's Revenue and Customs] and Excise may authorise the disclosure to that person of any information obtained [^{F5} or held] for the purposes of the exercise [^{F5} by Her Majesty's Revenue and Customs] of their functions in relation to imports.

(2) This paragraph applies to an enforcing authority and to an inspector.

(3) A disclosure of information made to any person under paragraph (1) shall be made in such manner as may be directed by [^{F5} the Commissioners for Her Majesty's Revenue and Customs] and may be made through such persons acting on behalf of that person as may be so directed.

(4) Information may be disclosed to a person under paragraph (1) whether or not the disclosure of the information has been requested by or on behalf of that person.]

- F4 [1987 NI 20](#)
- F5 [2005 c. 11](#)
- F6 mod. by [SR 2000/87](#); [2000/120](#)
- F7 mod. by [2002 c. 8 \(NI\)](#)

Modifications etc. (not altering text)

- C3 Arts. 27A-30 applied (with modifications) (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)
- C4 Arts. 20-30 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)(a)
- C5 Arts. 20-30 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)
- C6 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. 29A 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. 29A applied (with modifications) (8.12.2016) by [The Pressure Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1105\)](#), reg. 1, Sch. 9 paras. 1(k), 2 (with reg. 88)
- C13 Art. 29A applied (with modifications) (8.12.2016) by [The Simple Pressure Vessels \(Safety\) Regulations 2016 \(S.I. 2016/1092\)](#), reg. 1, Sch. 7 paras. 1(k), 2 (with reg. 3)
- C14 Art. 29A applied (with modifications) (8.12.2016) by [The Lifts Regulations 2016 \(S.I. 2016/1093\)](#), reg. 1, Sch. 9 paras. 1(l), 2 (with regs. 3-5)

- C15** Arts. 18-30 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)(a)**
- C16** Arts. 18-30 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)(a)**

Restrictions on disclosure of information

^{F8F9}30.—(1) In this Article—

- (a) “relevant information” means information obtained by a person under Article 29(1) or furnished to any person^{F10} under Article 29A or] in pursuance of a requirement imposed by any of the relevant statutory provisions; and
- (b) “the recipient”, in relation to any relevant information, means the person by whom that information was so obtained or to whom that information was so furnished, as the case may be.

(2) Subject to paragraph (3), no relevant information shall be disclosed without the consent of the person by whom it was furnished.

(3) Paragraph (2) shall not apply to—

- (a) disclosure of information to the^{F11} Executive], a government department or any enforcing authority;
- (b) without prejudice to sub-paragraph (a), disclosure by the recipient of information to any person for the purpose of any function conferred on the recipient by or under any of the relevant statutory provisions;
- (c) without prejudice to sub-paragraph (a), disclosure by the recipient of information to—
- (i) an officer of a district council who is authorised by that council to receive it,
- (ii) a constable authorised by the Chief Constable to receive it;
- ^{F12}(iii) an officer of a water undertaker or sewerage undertaker who is authorised by that undertaker to receive it;]
- (d) disclosure by the recipient of information in a form calculated to prevent it from being identified as relating to a particular person or case;
- (e) disclosure of information for the purposes of any legal proceedings or any investigation or inquiry held by virtue of Article 16(2).

(4) In paragraph (3) any reference to the^{F11} Executive], a government department or an enforcing authority includes respectively a reference to an officer of that body or authority (including, in the case of an enforcing authority, any inspector appointed by it), and also, in the case of a reference to the^{F11} Executive], includes a reference to—

- (a) a person performing any functions of the^{F11} Executive] on its behalf by virtue of Article 15(1)(a);
- (b) an officer of a body which is so performing any such functions; and
- (c) an adviser appointed in pursuance of Article 15(1)(c).

(5) A person to whom information is disclosed in pursuance of paragraph (3) shall not use the information for a purpose other than—

- (a) in a case falling within sub-paragraph (a) of that paragraph, a purpose of the^{F11} Executive] or of the government department in question, or the purposes of the enforcing authority in question in connection with the relevant statutory provisions, as the case may be;

Status: Point in time view as at 08/12/2016.

Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Cross Heading: Obtaining and disclosure of information. (See end of Document for details)

- (b) in the case of information given to an officer of a district council, the purposes of the council in connection with the relevant statutory provisions or any statutory provision relating to public health or public safety;
 - (c) in the case of information given to a constable, the purposes of the police in connection with the relevant statutory provisions or any statutory provision relating to public health, public safety or the safety of the State.
 - [^{F13}(d) in the case of information given to an officer of a water undertaker or sewerage undertaker, the purposes of the undertaker in connection with the relevant statutory provisions or any statutory provision relating to public health, public safety or the protection of the environment.]
- (6) A person shall not disclose any information obtained by him as a result of the exercise of any power conferred by Article 16(4)(a) or 22 (including, in particular, any information with respect to any trade secret obtained by him in any premises entered by him by virtue of any such power) except—
- (a) for the purposes of his functions; or
 - (b) for the purposes of any legal proceedings or any investigation or inquiry held by virtue of Article 16(2) or for the purposes of a report of any such proceedings or inquiry or of a special report made by virtue of Article 16(2); or
 - (c) with the relevant consent.
- (7) In paragraph (6) “the relevant consent” means, in the case of information furnished in pursuance of a requirement imposed under Article 22, the consent of the person who furnished it, and, in any other case, the consent of a person having responsibilities in relation to the premises where the information was obtained.
- (8) Notwithstanding anything in paragraph (6) an inspector shall, in circumstances in which it is necessary to do so for the purpose of assisting in keeping persons (or the representatives of persons) employed at any premises adequately informed about matters affecting their health, safety and welfare, give to such persons or their representatives the following descriptions of information, that is to say—
- (a) factual information obtained by him as mentioned in that paragraph which relates to those premises or anything which was or is therein or was or is being done therein; and
 - (b) information with respect to any action which he has taken or proposes to take in or in connection with those premises in the performance of his functions;
- and, where an inspector does as aforesaid, he shall give the like information to the employer of the first-mentioned persons.
- (9) Notwithstanding anything in paragraph (6), a person who has obtained such information as is referred to in that paragraph may furnish to a person who appears to him to be likely to be a party to any civil proceedings arising out of any accident, occurrence, situation or other matter, a written statement of relevant facts observed by him in the course of exercising any of the powers referred to in that paragraph.

F8 mod. by SR 2000/87; 2000/120

F9 mod. by 2002 c. 8 (NI)

F10 1987 NI 20

F11 1998 NI 18

F12 Art. 30(3)(c)(iii) added (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(1), **Sch. 12 para. 13(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (with art. 3, Sch. 2)

- F13** Art. 30(5)(d) added (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 13(2)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (with art. 3, Sch. 2)

Modifications etc. (not altering text)

- C3** Arts. 27A-30 applied (with modifications) (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)
- C4** Arts. 20-30 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)(a)**
- C5** Arts. 20-30 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)
- C6** 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))
- C17** Arts. 18-30 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)(a)**
- C18** Arts. 18-30 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)(a)**
- C19** Art. 30 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)(f)**
- C20** Art. 30 applied (with modifications) (16.1.2012) by Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), **reg. 40(2)(3)(f)** (with reg. 3)
- C21** Art. 30 applied (with modifications) (8.12.2016) by The Lifts Regulations 2016 (S.I. 2016/1093), reg. 1, Sch. 9 paras. 1(m), **2** (with regs. 3-5)
- C22** Art. 30 applied (with modifications) (8.12.2016) by The Pressure Equipment (Safety) Regulations 2016 (S.I. 2016/1105), reg. 1, Sch. 9 paras. 1(l), **2** (with reg. 88)
- C23** Art. 30 applied (with modifications) (8.12.2016) by The Simple Pressure Vessels (Safety) Regulations 2016 (S.I. 2016/1092), reg. 1, Sch. 7 paras. 1(l), **2** (with reg. 3)
- C24** Art. 30 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)

Status:

Point in time view as at 08/12/2016.

Changes to legislation:

There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Cross Heading: Obtaining and disclosure of information.