
STATUTORY INSTRUMENTS

1978 No. 1039

Health and Safety at Work (Northern Ireland) Order 1978

PART III

THE EMPLOYMENT MEDICAL ADVISORY SERVICE

The employment medical advisory service

48.—(1) There shall be established within the^{F1} Executive] an employment medical advisory service, which shall have the functions of—

- (a) securing that^{F1} . . . , government departments and others concerned with the health of employed persons or of persons seeking or training for employment can be kept informed of, and adequately advised on, matters of which they ought respectively to take cognisance concerning the safeguarding and improvement of the health of those persons;
- (b) giving to employed persons and persons seeking or training for employment information and advice on health in relation to employment and training for employment;
- (c) advising the Department concerned on matters relating to health and safety at work.

(2) In paragraph (1)—

- (a) the reference to persons training for employment shall include persons attending industrial rehabilitation courses provided by virtue of the Disabled Persons (Employment) Act (Northern Ireland) 1945 ; and
- (b) the reference to persons (other than^{F1} . . . the government departments mentioned therein) concerned with the health of employed persons or of persons seeking or training for employment shall be taken to include organisations representing employers, employees and occupational health practitioners respectively.

(3) The^{F1} Executive with the consent of the] Department shall appoint persons to be employment medical advisers,^{F1} . . .

(4) A person shall not be qualified to be appointed, or to be, an employment medical adviser unless he is a fully registered medical practitioner [^{F2}who holds a licence to practise.]

(5) The^{F1} Executive with the consent of the Department] may determine the cases and circumstances in which employment medical advisers are to perform the duties or exercise the powers conferred on employment medical advisers by or under this Order or otherwise.

(6) The^{F1} Executive] may pay—

- (a) to employment medical advisers such salaries or such fees and travelling or other allowances; and
- (b) to other persons called upon to give advice in connection with the functions of the employment medical advisory service such travelling or other allowances or compensation for loss of remunerative time; and

- (c) to persons attending for medical examinations conducted by, or in accordance with arrangements made by, employment medical advisers (including pathological, physiological and radiological tests and similar investigations so conducted) such travelling or subsistence allowances or such compensation for loss of earnings;

as the^{F1} Executive], with the approval of the Department^{F1} and the Department] of the Civil Service, may determine.

(7) The^{F1} Executive with the consent of the Department] may for the purposes mentioned in paragraph (1), and for the purpose of assisting employment medical advisers in the performance of their functions, investigate or assist in, arrange for or make payments in respect of the investigation of problems arising in connection with any such matters as are so mentioned or otherwise in connection with the functions of employment medical advisers, and for the purpose of investigation or assisting in the investigation of such problems may provide and maintain such laboratories and other services as appear to the^{F1} Executive with the consent of the Department] to be requisite.

F1 1998 NI 18

F2 Words in art. 48(4) added (16.11.2009) in accordance with art. art. 1(3) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), art. 1(2)(3), **Sch. 1 para. 19(1)** (with Sch. 2)

Fees

49.—(1) The Department may by regulations provide for such fees as may be fixed by or determined under the regulations to be payable for or in connection with the performance by the employment medical advisory service of any function conferred under this Part or otherwise.

(2) The provisions of paragraphs (4) and (5) of Article 40 shall apply in relation to regulations under this Article with the modification that references to that Article shall be construed as references to this Article.

Supplementary

50. The Department of Health and Social Services shall arrange with each ^{F3}Health and Social Care trust] for one of its officers who is a fully registered medical practitioner^{F4} to furnish, on the application of an employment medical adviser, such particulars of the school medical record of a person who has not attained the age of eighteen and such other information relating to his medical history in the possession of ^{F5}that trust] as the adviser may reasonably require for the efficient performance of his functions; so, however, that no particulars or information about any person which may be furnished to an adviser under this Article shall (without the consent of that person) be disclosed by the adviser otherwise than for the efficient performance of his functions.

F3 Words in art. 50 substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 62(a)**; S.R. 2022/102, art. 2(b)

F4 prosp. added, SI 2002/3135

F5 Words in art. 50 substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 62(b)**; S.R. 2022/102, art. 2(b)

Amendment of the Factories Act (Northern Ireland) 1965

51.—(1) The position and functions of appointed factory doctors are hereby abolished; and accordingly. ... *residue, with Schedule 5 Pt.I, amends 1965 c.20 (NI) Para.(2), with Schedule 5 Pt.II, effects amendments*

(3) The transitional provision specified in Part III of Schedule 5 shall have effect for the purposes of this Order.

Changes to legislation:

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