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STATUTORY INSTRUMENTS

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**1998 No. 2795**

**Health and Safety at Work (Amendment)  
(Northern Ireland) Order 1998**

**Title and commencement**

1.—(1) This Order may be cited as the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998.

(2) This Order shall come into operation on such day or days as the Department may by order appoint.

(3) An order under paragraph (2) may make such transitional provision as appears to the Department to be necessary or expedient in connection with the provisions brought into operation by the order.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of Economic Development;

“the Executive” means the Health and Safety Executive for Northern Ireland;

“the principal Order” means the Health and Safety at Work (Northern Ireland) Order 1978.

**The Health and Safety Executive for Northern Ireland**

3.—(1) The body corporate established by Article 12 of the principal Order with the name of the Health and Safety Agency for Northern Ireland shall be known instead as “the Health and Safety Executive for Northern Ireland”.

(2) In Article 12 of the principal Order (establishment of the Executive)—

(a) after paragraph (2) there shall be inserted—

“(2A) The Head of the Department may, after consultation with the Executive, appoint one of the members to be deputy chairman of the Executive.”;

(b) after paragraph (4) there shall be added—

“(5) The functions of the Executive, and of its officers and servants, shall be performed on behalf of the Crown.

(6) For the purpose of any civil proceedings arising out of those functions, the Crown Proceedings Act 1947 shall apply to the Executive as if it were a Department of Her Majesty’s Government in Northern Ireland within the meaning of that Act.

(7) The Department may by order subject to negative resolution amend paragraph (1) so far as it regulates the number of members of the Executive.”.

### **Functions of the Executive**

4. For Article 13(1) of the principal Order (functions of the Executive) there shall be substituted—

“(1) In addition to the other functions conferred on the Executive under this Order, but subject to paragraph (4), it shall be the general duty of the Executive to do such things and make such arrangements as it considers appropriate for the general purposes of this Part.

(1A) It shall be the duty of the Executive—

- (a) to assist and encourage persons concerned with matters relevant to any of the general purposes of this Part to further those purposes;
- (b) to make such arrangements as it considers appropriate for securing that government departments, employers, employees, organisations representing employers and employees respectively, and other persons concerned with matters relevant to any of those purposes are provided with an information and advisory service and are kept informed of, and adequately advised on, such matters;
- (c) to submit to the Department concerned such proposals as the Executive considers appropriate for the making of regulations under any of the relevant statutory provisions.”.

### **The Employment Medical Advisory Service**

5. In Article 48 of the principal Order (the employment medical advisory service)—

- (a) in paragraph (1)—
  - (i) for “Department” in the first place where it occurs there shall be substituted “Executive”;
  - (ii) in sub-paragraph (a), the words “the Agency” shall be omitted;
- (b) in paragraph (2)(b) the words “the Agency and” shall be omitted;
- (c) in paragraph (3)—
  - (i) after “The” where it first occurs there shall be inserted “Executive with the consent of the”;
  - (ii) the words from “and may appoint” onwards shall be omitted;
- (d) in paragraphs (5) and (7) for “Department” wherever it occurs there shall be substituted “Executive with the consent of the Department”;
- (e) in paragraph (6)—
  - (i) for “Department” in the first and second places where it occurs there shall be substituted “Executive”;
  - (ii) after “Department” in the third place where it occurs there shall be inserted “and the Department”.

### **Amendments and repeals**

6.—(1) The statutory provisions set out in Schedule 1 shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential upon the provisions of this Order.

(2) The statutory provisions set out in Schedule 2 are hereby repealed to the extent specified in the third column of that Schedule.

*A.K. Galloway*  
Clerk of the Privy Council