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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 93**

**Control of Major Accident Hazards  
Regulations (Northern Ireland) 2000**

**Part VI**

**Functions of Competent Authority**

**Enforcement**

**20.**—(1) Articles—

- (a) 18 to 23 (approval of codes of practice and enforcement);
- (b) 25 (provisions supplementary to Articles 23 and 24) and 26 (appeal against improvement or prohibition notice), so far as they relate to an improvement notice;
- (c) 28 (power to indemnify inspectors); and
- (d) 31 to 39 (provisions as to offences),

of the 1978 Order, shall, subject to paragraphs (2) and (3), and to the extent they would not otherwise do so, apply to these Regulations as if they were health and safety regulations for the purposes of that Order.

(2) A failure to discharge a duty placed on the competent authority by these Regulations shall not be an offence, and Article 31(1)(c) of the 1978 Order shall have effect accordingly.

(3) Article 20(1) of the 1978 Order (duty to make adequate arrangements for enforcement) shall apply in relation to the enforcement of these Regulations as if the reference to the Department concerned and the Executive included a reference to the competent authority, but nothing in this paragraph shall have the effect of making the competent authority an enforcing authority for the purposes of the 1978 Order.

(4) Without prejudice to the provisions of the 1978 Order referred to in paragraph (1), Article 17(1) of the Industrial Pollution Control (Northern Ireland) Order 1997(1) shall have effect in relation to an inspector appointed by the Department of the Environment under Article 16 of that Order (in these Regulations referred to as “an Article 16 inspector”) as if the reference in paragraph (a) of that Article to a pollution control statutory provision included a reference to these Regulations and as if the reference in paragraph (b) of that Article to a function conferred or imposed on an enforcing authority by or under such a statutory provision included a reference to any function conferred or imposed on the Department of the Environment by or under these Regulations.

(5) Without prejudice to the functions of an inspector appointed under Article 21 of the 1978 Order, an Article 16 inspector may, notwithstanding that he is not an inspector so appointed, serve an improvement notice under Article 23 of that Order in respect of a contravention of these Regulations, and the reference to an inspector in Article 25(5) of that Order shall have effect accordingly.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) Notwithstanding the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999<sup>(2)</sup> the Executive shall, for the purposes of the 1978 Order, be the enforcing authority for the relevant statutory provisions at an establishment to which any of these Regulations apply.