
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 325

The Control of Major Accident Hazards
Regulations (Northern Ireland) 2015

PART 8

ENFORCEMENT AND PENALTIES

Enforcement and penalties

27.—(1) Subject to paragraph (2), to the extent they would not otherwise do so, the following provisions of the 1978 Order apply to these Regulations as if they were health and safety regulations for the purposes of that Order and any function of the Executive under any other provision of the 1978 Order under or in respect of health and safety regulations (including their enforcement) is exercisable as if these Regulations were, to the extent they would not otherwise be so, health and safety regulations for the purposes of that Order—

- (a) Articles 18 to 23 (approval of codes of practice and enforcement);
- (b) Article 25 (provisions supplementary to Articles 23 and 24) and Article 26 (appeal against improvement or prohibition notice), so far as they relate to an improvement notice;
- (c) Article 28 (power to indemnify inspectors); and
- (d) subject to paragraph (6), Articles 31 to 39 (provisions as to offences).

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

(3) Without prejudice to the—

- (a) 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 (1)(a) of that Article to a pollution control statutory provision included a reference to these Regulations and as if the reference in paragraph (1)(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; and
- (b) functions of an inspector appointed under Article 21 of the 1978 Order, an Article 16 inspector may, despite the person not being an inspector so appointed, serve an improvement notice under Article 23 of that Order in respect of a contravention of these

(1) S.I. 1997/2777 (N.I. 18)

Regulations, and the reference to an inspector in Article 25(5) of that Order shall have effect accordingly.

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

(5) Despite the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999⁽²⁾, the enforcing authority for the relevant statutory provisions at an establishment, is the Executive.

(6) The maximum penalty for an offence consisting of a contravention of a requirement or prohibition imposed by or under these Regulations is—

- (a) on summary conviction, imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both; and
- (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine or both.

(2) S.R. 1999 No. 90 as amended by, S.R. 2000 No. 375, S.R. 2003 No. 33, S.R. 2006 No. 205, S.R. 2006 No. 425, S.R. 2007 No. 31, S.R. 2007 No. 291, S.R. 2009 No. 238 and S.R. 2012 No. 179