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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 49**

**The Working Time Regulations (Northern Ireland) 2016**

**PART 4**

Miscellaneous

**Enforcement**

**36.**—(1) In this regulation, regulations 37 to 42, 48 and Schedule 3—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978<sup>M1</sup>;

“the Civil Aviation Authority” means the authority referred to in section 2(1) of the Civil Aviation Act 1982<sup>M2</sup>;

“code of practice” includes a standard, a specification and any other documentary form of practical guidance;

“enforcement authority” means the Executive, a district council, the Civil Aviation Authority or the Department of the Environment;

“government department” includes a department of the Government of the United Kingdom;

“improvement notice” means a notice under paragraph 3 of Schedule 3;

“inspector” means an inspector appointed under paragraph 1 of Schedule 3;

“premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft;
- (b) any installation on land (including the foreshore and other land intermittently covered by water), any offshore installation, and any other installation (whether floating, or resting on the seabed or the subsoil thereof, or resting on other land covered with water or the subsoil thereof); and
- (c) any tent or movable structure;

“prohibition notice” means a notice under paragraph 4 of Schedule 3;

“relevant civil aviation worker” means a mobile worker who works mainly on board civil aircraft, excluding any worker to whom regulation 22(2)(b) applies;

“the relevant requirements” means the following provisions—

- (a) regulations 4(2), 6(4), 7(2) and (6), 8, 9(1), (2) and (6), 10, 11 and 35(4)(a);
- (b) regulation 28, insofar as it applies where regulation 7(1), (2) or (6) is modified or excluded, and
- (c) regulation 29(2), insofar as it applies where regulation 7(1), (2) or (6) is excluded;

“relevant road transport worker” means a mobile worker to whom one or more of the following applies—

- (a) Regulation (EC) No. 561/2006<sup>M3</sup>;

- (b) the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) of 1st July 1970; and
- (c) the domestic drivers' hours code referred to in Article 56(6) of the Road Traffic (Northern Ireland) Order 1981 <sup>M4</sup>;

“the relevant statutory provisions” means—

- (a) the provisions of the 1978 Order and of any regulations made under powers contained in that Order; and
- (b) while and to the extent that they remain in force, the statutory provisions mentioned in Schedule 1 to the 1978 Order.

(2) It shall be the duty of the Executive to make adequate arrangements for the enforcement of the relevant requirements except to the extent that—

- (a) a district council is made responsible for their enforcement by paragraph (3);
- (b) the Civil Aviation Authority is made responsible for their enforcement by paragraph (5); or
- (c) the Department of the Environment is made responsible for their enforcement by paragraph (6).

(3) Where the relevant requirements apply in relation to workers employed in premises in respect of which a district council is responsible, under the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999 <sup>M5</sup>, for enforcing any of the relevant statutory provisions, it shall be the duty of that council to enforce those requirements.

(4) The duty imposed on district councils by paragraph (3) shall be performed in accordance with such guidance as may be given to them by the Executive.

(5) It shall be the duty of the Civil Aviation Authority to enforce the relevant requirements in relation to relevant civil aviation workers.

(6) It shall be the duty of the Department of the Environment to enforce the relevant requirements in relation to relevant road transport workers.

(7) The provisions of Schedule 3 shall apply in relation to the enforcement of the relevant requirements.

(8) Any function of the Department of Enterprise, Trade and Investment under the 1978 Order which is exercisable in relation to the enforcement by the Executive of the relevant statutory provisions shall be exercisable in relation to the enforcement by the Executive of the relevant requirements.

#### **Marginal Citations**

**M1** [S.I. 1978/1039 \(N.I. 9\)](#)

**M2** [1982 c. 16](#)

**M3** [O.J. No. L102, 11.04.06, p. 1](#)

**M4** [S.I. 1981/154 \(N.I. 1\)](#)

**M5** [S.R. 1999 No. 90](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Working Time Regulations (Northern Ireland) 2016, Section 36.