

1979 No. 238.

**FACTORIES****Factories Act (Enforcement of Section 135) Regulations  
(Northern Ireland) 1979***Made* . . . . . 29th June 1979*Coming into operation* . . . . . 7th August 1979

The Department of Manpower Services(a), after consultation with such bodies as appeared to it to be appropriate, and in exercise of the powers conferred on it by Article 54(1), (3) and (4) of the Health and Safety at Work (Northern Ireland) Order 1978(b) and of every other power enabling it in that behalf, hereby makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Factories Act (Enforcement of Section 135) Regulations (Northern Ireland) 1979 and shall come into operation on 7th August 1979.

*Application*

2. The Factories Act (Northern Ireland) 1965(c) shall have effect as if after section 135 there were inserted the following section:—

“135A.—(1) The Department, with the approval of the Department of the Civil Service as to numbers and salaries, may appoint such officers as it thinks necessary for the purpose of enforcing the provisions of section 135 and of any regulations made or having effect thereunder and the persons so appointed shall for that purpose have the powers conferred on them by subsection (3).

(2) Every appointment under subsection (1) shall be made in writing and an officer appointed thereunder shall, if so required when exercising or seeking to exercise any power conferred on him by subsection (3), produce his written appointment or a duly authenticated copy thereof.

(3) An officer appointed under subsection (1) may, for the purpose there mentioned, exercise any of the following powers:—

(a) at any reasonable time to enter a factory when he has reasonable cause to believe that any person is employed therein and any place from which any work is given out in connection with the business of a factory;

(b) to require the production of, inspect and take copies of or of any entry in any books or documents kept, furnished or exhibited in pursuance of section 135;

(a) in which functions under 1965 c. 20 (N.I.) were vested by S.R. & O. (N.I.) 1973 No. 504, Art. 6(1) and Sch. 3 (II, p. 2992)

(b) S.I. 1978/1039 (N.I. 9)—brought into operation by S.R. 1978 No. 384 (C. 21)

(c) 1965 c. 20 (N.I.)

(c) to require any person whom he has reasonable cause to believe to be able to give any information relevant to his investigation under this section to answer (in the absence of persons other than a person nominated by him to be present and any persons whom the officer may allow to be present) such questions as the officer thinks fit to ask and to sign a declaration of the truth of his answers: so however that no one shall be required under this provision to answer any question tending to criminate himself or, in the case of a person who is married, his or her wife or husband.

(4) An officer appointed under subsection (1), if authorised in that behalf by the Department may, although not of counsel or a solicitor, prosecute before a court of summary jurisdiction proceedings for a contravention of section 135 or regulations thereunder.

(5) If any person in purported compliance with a requirement imposed under this section—

(a) produces or furnishes or causes or knowingly allows to be produced or furnished any document which he knows to be false in a material particular; or

(b) makes any statement which he knows to be false in a material particular or recklessly makes a statement which is so false,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding three months.

(6) If any person intentionally obstructs an officer appointed under subsection (1) in the exercise or performance of his powers or duties or fails to comply with any requirement imposed by such an officer in the exercise of his powers, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20.”

#### *Consequential amendments*

3. In section 135(5) of the Factories Act (Northern Ireland) 1965—

(a) for “an inspector” there shall be substituted “an officer appointed under section 135A”; and

(b) after “required to be kept” there shall be inserted “under the Health and Safety at Work (Northern Ireland) Order 1978 or”.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 29th June 1979.

(L.S.)

*D. J. Perham*  
Senior Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the regulations, but is intended to indicate their general purport.)*

For the purpose of enabling piece workers to compute the total amount of wages payable to them in respect of their work, section 135 of the Factories Act (Northern Ireland) 1965 requires particulars of the work to be done and the rate of wages applicable to it to be published as provided by that section. Section 135 which has been enforced by inspectors of factories is not among health and safety provisions the enforcement of which, by inspectors appointed under the Order, is provided for under the Health and Safety at Work (Northern Ireland) Order 1978. These regulations make provision for the enforcement of section 135 by officers of the Department of Manpower Services.