

## SCHEDULE 15

### ENFORCEMENT

#### **Enforcement in Northern Ireland in relation to relevant products**

3.—(1) In Northern Ireland it shall be the duty of the Department of Economic Development to make adequate arrangements for the enforcement of these Regulations in relation to relevant products and a reference in the provisions applied to these Regulations by sub-paragraph (2) below to an “enforcing authority” or to its “field of responsibility” (however expressed) shall be construed accordingly.

(2) In Northern Ireland, in relation to relevant products for use in the workplace—

(a) for the purposes of providing for the enforcement of these Regulations and in respect of proceedings for contravention thereof, Articles 21 to 33(1), 35, 36, 38 and 39 of the Order shall apply as if—

(i) references to relevant statutory provisions were references to those Articles as applied by this paragraph and to these Regulations;

(ii) references to articles, substances, articles and substances, or plant, were references to relevant products;

(iii) in Article 22, paragraph (3) was omitted;

(iv) in Article 25, paragraphs (3), (4) and (5) were omitted;

(v) in Article 31—

(aa) in paragraph (1), the whole of sub-paragraphs (a) to (d) were omitted;

(bb) paragraph (1A) was omitted;

(cc) in paragraph (2), the reference to sub-paragraph (d) of paragraph (1) was omitted;

(dd) paragraph (2A) was omitted;

(ee) paragraph (3) was omitted;

(ff) for paragraph (4) there was substituted the following:—

“(4) A person guilty of an offence under any sub-paragraph of paragraph (1) not mentioned in paragraph (2) or of an offence under paragraph (1)(e) not falling within paragraph (2) shall be liable—

(a) on summary conviction to a fine not exceeding level 5 on the standard scale; or

(b) on conviction on indictment—

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(1) Article 24(1) and (2) was amended, and Article 24(3) substituted, by Article 28 of, and paragraph 3 of Schedule 2 to, the Consumer Protection (Northern Ireland) Order 1987 S.I. 1987/2049 (N.I. 20). Article 26(4) was repealed by Article 35 of, and Schedule 4 to, the Industrial Training (Northern Ireland) Order 1984 S.I. 1984/1159 (N.I. 9). Articles 27A and 29A were inserted, and Articles 30(1)(a) and 31(1)(h), amended by Article 28 of, and paragraphs 4, 5, 6 and 7 respectively of Schedule 2, to S.I. 1987/2049 (N.I. 20). Article 29(2) to (4) was repealed by Article 10(1)(c) of the Statistics of Trade and Employment (Northern Ireland) Order 1988 S.I. 1988/595 (N.I. 3). Article 31(1)(j) was amended by Article 10(1)(c) of S.I. 1988/595 (N.I. 3); Article 31(1)(m) was amended by Article 13(3) of, and Schedule 5 to, the Criminal Justice (Northern Ireland) Order 1986 S.I. 1986/1883 (N.I. 15); Article 31(1A) and (2A) was respectively inserted by Article 6(3) and 6(4) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 S.I. 1992/1728 (N.I. 17); Article 31(4) was amended by Article 6(5) of S.I. 1992/1728 (N.I. 17); Article 31(5)(d) and (6) was repealed by Article 6(6) of S.I. 1992/1728 (N.I. 17); and Article 31(7) was repealed by section 30 of, and Part III of the Schedule to, the Forgery and Counterfeiting Act 1981 (c. 45). There are other amendments to Articles 31 and 32 which are not relevant to these Regulations.

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- (i) in the case of an offence under paragraph (1)(g), (j) or (o), to imprisonment for a term not exceeding two years, or a fine, or both; or
    - (ii) in all other cases, to a fine”; and
  - (gg) paragraph (5) was omitted;
  - (vi) in Article 32—
    - (aa) sub-paragraphs (a) and (b) were omitted from paragraph (1); and
    - (bb) in paragraph (3), for “six months” there was substituted “twelve months”; and
  - (vii) in Article 39, paragraphs (4) and (5) were omitted; and
  - (b) Articles 34(1) and (2) shall apply in relation to offences under Article 31 as it is applied by sub-paragraph (2)(a) above.
- (3) In Northern Ireland, in relation to relevant products for private use and consumption—
- (a) the provisions of paragraph 2(b) and (c) of this Schedule shall have effect; and
  - (b) a magistrates' court may try a complaint in respect of an offence committed under these Regulations if the complaint is made within twelve months from the time when the offence is committed.