
STATUTORY INSTRUMENTS

1978 No. 1039

Health and Safety at Work (Northern Ireland) Order 1978

^{F1} PART II

**HEALTH, SAFETY AND WELFARE IN CONNECTION WITH
WORK, AND CONTROL OF DANGEROUS SUBSTANCES**

Health and safety regulations and approved codes of practice

Approval of codes of practice by the^{F1} Executive]

^{F2F3}**18.**—(1) For the purpose of providing practical guidance with respect to the requirements of any provision of Articles 4 to 8 or of health and safety regulations or of any of the existing statutory provisions, the^{F1} Executive] may, subject to paragraph (2)—

- (a) approve and issue such codes of practice (whether prepared by it or not) as in its opinion are suitable for that purpose;
- (b) approve such codes of practice issued or proposed to be issued otherwise than by the^{F1} Executive] as in its opinion are suitable for that purpose.

(2) The^{F1} Executive] shall not approve a code of practice under paragraph (1) without the consent of the Department concerned, and shall, before seeking its consent, consult—

- (a) any government department or other body that appears to the^{F1} Executive] to be appropriate (and in particular, in the case of a code relating to electro-magnetic radiations, the Department of Health and Social Services^{F4... F4...}); and
- (b) such government departments and other bodies, if any, as in relation to any matter dealt with in the code, the^{F1} Executive] is required to consult under this Article by virtue of directions given to it by the Department.

(3) Where a code of practice is approved by the^{F1} Executive] under paragraph (1), the^{F1} Executive] shall issue a notice in writing—

- (a) identifying the code in question and stating the date on which its approval by the^{F1} Executive] is to take effect; and
- (b) specifying for which of the provisions mentioned in paragraph (1) the code is approved.

(4) The^{F1} Executive] may—

- (a) revise the whole or any part of any code of practice prepared by it in pursuance of this Article;
- (b) approve any revision or proposed revision of the whole or any part of any code of practice for the time being approved under this Article;

and the provisions of paragraphs (2) and (3) shall, with the necessary modifications, apply in relation to the approval of any revision under this paragraph as they apply in relation to the approval of a code of practice under paragraph (1).

(5) The^{F1} Executive] may at any time with the consent of the Department concerned withdraw its approval from any code of practice approved under this Article, but before seeking the consent of that Department shall consult the same government departments and other bodies as it would be required to consult under paragraph (2) if it were proposing to approve the code.

(6) Where under paragraph (5) the^{F1} Executive] withdraws its approval from a code of practice approved under this Article, the^{F1} Executive] shall issue a notice in writing identifying the code in question and stating the date on which its approval of it is to cease to have effect.

(7) References in this Part to an approved code of practice are references to that code as it has effect for the time being by virtue of any revision of the whole or any part of it approved under this Article.

(8) The power of the^{F1} Executive] under paragraph (1)(b) to approve a code of practice issued or proposed to be issued otherwise than by the^{F1} Executive] shall include power to approve a part of such a code of practice; and accordingly in this Part “code of practice” may be read as including a part of such a code of practice.

- | | |
|-----------|---|
| F1 | 1998 NI 18 |
| F2 | mod. by SR 2000/87; 2000/120 |
| F3 | mod. by 2002 c. 8 (NI) |
| F4 | Words in art. 18(2)(a) omitted (1.4.2013) by virtue of The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235) , art. 1(2), Sch. 2 para. 7(2) |

Modifications etc. (not altering text)

- | | |
|-----------|--|
| C1 | Arts. 18-30 applied (with modifications) (27.7.2009) by Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/238) , reg. 14(1)(a) |
| C2 | Arts. 18-30 applied (with modifications) (24.8.2009) by Explosives (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/273) , reg. 14(1)(a) |
| C3 | Arts. 18-23 applied (with modifications) (28.9.2015) by The Control of Major Accident Hazards Regulations (Northern Ireland) 2015 (S.R. 2015/325) , regs. 1, 27(1)(a) (with regs. 3(2), 27(3)) |
| C4 | Arts. 18-28 applied (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339) , regs. 1, 30(2)(a) (with reg. 3(1)(2)) |
| C5 | Arts. 18-24 applied (19.12.2016) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2016 (S.R. 2016/406) , regs. 1, 36(1)(a) (with reg. 4(2), Sch. 15) |

Changes to legislation:

There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Section 18.