

## SCHEDULES

### SCHEDULE 1 <sup>F1</sup>

Articles 2(2) and 3.

#### EXISTING STATUTORY PROVISIONS

**F1** mod. by [2002 c. 8 \(NI\)](#)

1. The provisions of the Acts mentioned in the following table which are specified in the third column of the table.

<b>Chapter</b>	<b>Short Title</b>	<b>Provisions which are existing statutory provisions</b>
1882 c.22	The Boiler Explosions Act 1882.	The whole Act.
1890 c.35	The Boiler Explosions Act 1890.	The whole Act.
1919 c.23	The Anthrax Prevention Act 1919.	Sections 2 and 3.
1920 c.65	The Employment of Women, Young Persons and Children Act 1920.	The whole Act.
1922 c.35	The Celluloid and Cinematograph Film Act 1922.	The whole Act.
<b>F2</b>	<b>F2</b>	<b>F2</b>
...	...	...
1928 c.10	The Roads Improvement Act (Northern Ireland) 1928.	Section 7.
1929 c.13	The Petroleum (Consolidation) Act (Northern Ireland) 1929.	The whole Act.
1936 c.22	The Hours of Employment (Conventions) Act 1936.	The whole Act.
1937 c.4	The Petroleum (Transfer of Licences) Act (Northern Ireland) 1937.	The whole Act.
1938 c.4	The Hydrogen Cyanide (Fumigation) Act (Northern Ireland) 1938.	The whole Act.
<b>F3</b>	<b>F3</b>	<b>F3</b>
...	...	...

**Status:** Point in time view as at 02/09/2014.

**Changes to legislation:** There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978. (See end of Document for details)

1954 c.5	The Agriculture (Poisonous Substances) Act (Northern Ireland) 1954. F4	The whole Act.
1959 c.24	The Agriculture (Safety, Health and Welfare Provisions) Act (Northern Ireland) 1959.	The whole Act.
1965 c.20	The Factories Act (Northern Ireland) 1965.	The whole Act except section 135.
1965 c.57	The Nuclear Installations Act 1965.	Sections 1, 3, to 6, 22 and[F5 24A] and Schedule 2.
1966 c.26	The Office and Shop Premises Act (Northern Ireland) 1966.	The whole Act.
1969 c.6	The Mines Act (Northern Ireland) 1969.	The whole Act except section 129.
[F2SI 1983/150 (N.I.4)]	[F2The Quarries (Northern Ireland) Order 1983.]	[F2The whole Order except Article 11.]

<b>F2</b>	1983 NI 4
<b>F3</b>	SR 1993/24
<b>F4</b>	SR 1981/94
<b>F5</b>	1989 c. 7

2. The provisions of any regulations, orders or other instruments of a legislative character made or having effect under any provision specified in that table.

[F63. The provisions of—

- (a) the Explosives Act 1875, [F7 and]
- (b) the Explosives Act (Northern Ireland) 1970, F8...
- F9(c) .....

and of any regulations, orders or other instruments of a legislative character made or having effect under any of those provisions.]

<b>F6</b>	Sch. 1 para. 3 inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 10, Sch. 12 para. 3(4) (with arts. 28-31); S.I. 2010/977, art. 1(2)
<b>F7</b>	Word in Sch. 1 para. 3(a) inserted (2.9.2014) by The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), 29(1)(a) (with reg. 31)
<b>F8</b>	Word in Sch. 1 para. 3(b) omitted (2.9.2014) by virtue of The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), 29(1)(b) (with reg. 31)
<b>F9</b>	Sch. 1 para. 3(c) omitted (2.9.2014) by virtue of The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 (S.R. 2014/224), regs. 1(2), 29(1)(c) (with reg. 31)

## SCHEDULE 2

Article 12(4).

### THE HEALTH AND SAFETY<sup>[F10]</sup> EXECUTIVE] FOR NORTHERN IRELAND

**F10** 1998 NI 18

#### Status

1. The<sup>[F11]</sup> Executive] shall be a body corporate to which, subject to paragraph 15, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

**F11** 1998 NI 18

*Para.2 rep by 1998 NI 18*

#### Members

3. Persons may be appointed as whole-time or part-time members of the<sup>[F12]</sup> Executive].

**F12** 1998 NI 18

4. Subject to paragraphs 5 and 6 a person shall hold and vacate office as chairman<sup>[F13]</sup>, deputy chairman] or member of the<sup>[F13]</sup> Executive] in accordance with the terms of his appointment.

**F13** 1998 NI 18

5. A person may at any time resign office as chairman<sup>[F14]</sup>, deputy chairman] or member of the<sup>[F14]</sup> Executive] by notice in writing to the Department.

**F14** 1998 NI 18

6.—(1) The Head of the Department may at any time remove a person from office as chairman<sup>[F15]</sup>, deputy chairman] or member of the<sup>[F15]</sup> Executive] if satisfied that—

- (a) he has been absent from meetings of the<sup>[F15]</sup> Executive] for a period longer than six consecutive months without the permission of the<sup>[F15]</sup> Executive]; or
- (b) he has been convicted of a criminal offence; or
- (c) he has become bankrupt or made an arrangement with his creditors; or
- (d) he is incapacitated by physical or mental illness; or
- (e) he is otherwise unable or unfit to perform his duties.

(2) If the chairman<sup>[F15]</sup> or deputy chairman] ceases to be a member of the<sup>[F15]</sup> Executive] he shall also cease to be chairman<sup>[F15]</sup> or, as the case may be, deputy chairman].

**F15** 1998 NI 18

7. Past service as chairman<sup>[F16]</sup>, deputy chairman] or member of the<sup>[F16]</sup> Executive] is no bar to reappointment.

**Status:** Point in time view as at 02/09/2014.

**Changes to legislation:** There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978. (See end of Document for details)

**F16** 1998 NI 18

### Remuneration of members

8. The Department may pay or make such payments towards the provision of such remuneration, allowances (including allowances for expenses), pensions or gratuities to or in respect of the chairman<sup>[F17]</sup>, deputy chairman] and other members of the<sup>[F17]</sup> Executive], or any of them, as with the approval of the Department of the Civil Service, it may determine.

**F17** 1998 NI 18

### Proceedings

9. The<sup>[F18]</sup> Executive] may regulate its own procedure and business including its quorum.

**F18** 1998 NI 18

10. A person authorised in writing in that behalf by the Department shall be entitled to attend any meeting of the<sup>[F19]</sup> Executive] and to take part in the proceedings at the meeting, but not to vote.

**F19** 1998 NI 18

11. The validity of any proceedings of the<sup>[F20]</sup> Executive] shall not be affected by any vacancy in the office of chairman<sup>[F20]</sup>, deputy chairman] or member of the<sup>[F20]</sup> Executive] or by any defect in the appointment of the chairman<sup>[F20]</sup>, deputy chairman] or any member.

**F20** 1998 NI 18

### The Seal

12. The fixing of the common seal of the<sup>[F21]</sup> Executive] shall be authenticated by the signature of the chairman<sup>[F21]</sup> or deputy chairman] of the<sup>[F21]</sup> Executive] or some other member thereof authorised either generally or specially by the<sup>[F21]</sup> Executive] to act for that purpose.

**F21** 1998 NI 18

### Instruments

13. A document purporting to be duly executed under the common seal of the<sup>[F22]</sup> Executive] shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

**F22** 1998 NI 18

14. Any contract or instrument which, if entered into or executed by an individual, would not require to be<sup>[F23]</sup> executed as a deed] may be entered into or executed on behalf of the<sup>[F24]</sup> Executive] by any person generally or specially authorised by the<sup>[F24]</sup> Executive] to act for that purpose, and any document purporting to be such a contract or instrument shall be deemed to be such a contract or instrument until the contrary is proved.

**F23** 2005 NI 7

**F24** 1998 NI 18

### Staff

<sup>F25</sup>15.—(1) Subject to sub-paragraph (2), the Executive with the approval of the Department and the Department of Finance and Personnel as to numbers and as to remuneration and other terms and conditions of employment—

- (a) shall appoint a chief executive to carry on and manage and control generally the administration and business of the Executive and to perform such other functions as may be determined by the Executive;
- (b) shall employ such other officers and servants as the Executive considers necessary;
- (c) may employ the services of such other persons as the Executive considers expedient for any particular purpose.

(2) The first chief executive shall be appointed, and may be removed from office at any time, by the Head of the Department and each subsequent chief executive may be removed from office at any time by the Executive with the consent of the Head of the Department.

(3) The Executive shall, in the case of the chief executive and such other persons employed by it as may be determined by the Executive with the approval of the Department and the Department of Finance and Personnel, pay to or in respect of them such allowances (including allowances for expenses), pensions or gratuities, or provide and maintain for them such pension schemes (whether contributory or not), or contributory or other pension arrangements, as may be so determined.]

**F25** 1998 NI 18

### Performance of functions

16. The<sup>F26</sup> Executive] may authorise any member of the<sup>F26</sup> Executive] or any officer or servant of the<sup>F26</sup> Executive] to perform on behalf of the<sup>F26</sup> Executive] such of the<sup>F26</sup> Executive] 's functions (including the function conferred on the<sup>F26</sup> Executive] by this paragraph) as are specified in the authorisation.

**F26** 1998 NI 18

17. The<sup>F27</sup> Executive] with the consent of the Department concerned may appoint officers from that Department as assessors to assist the<sup>F27</sup> Executive] in the discussion of any matter relating to its functions.

**F27** 1998 NI 18

<sup>F28</sup>17A.—(1) The Executive shall prepare in respect of the period ending on 31st March 2000 and in respect of each subsequent financial year a report on the Executive's activities during that period or year ( “the annual report”).

(2) The annual report shall include a general survey of developments, during the period to which it relates, in respect of matters falling within the scope of the Executive's functions.

[<sup>F29</sup>(3) The Executive shall send a copy of every report prepared under this paragraph to the Department.

(4) The Department shall—

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- (a) lay the report before the Assembly; and
- (b) cause the report to be published.]]

**F28** 1998 NI 18

**F29** 2003 NI 5

### Accounts and reports

[<sup>F30</sup>**18.**—(1) The Executive shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Executive shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General for Northern Ireland.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts sent to him by the Executive under this paragraph; and
- (b) send a copy of his report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.]

**F30** 2003 NI 5

## SCHEDULE 3

Article 17.

### SUBJECT-MATTER OF HEALTH AND SAFETY REGULATIONS

**1.**—(1) Regulating or prohibiting—

- (a) the manufacture, supply or use of any plant;
- (b) the manufacture, supply, keeping or use of any substance;
- (c) the carrying on of any process or the carrying out of any operation.

(2) Imposing requirements with respect to the design, construction, guarding, siting, installation, commissioning, examination, repair, maintenance, alteration, adjustment, dismantling, testing or inspection of any plant.

(3) Imposing requirements with respect to the marking of any plant or of any articles used or designed for use as components in any plant, and in that connection regulating or restricting the use of specified markings.

(4) Imposing requirements with respect to the testing, labelling or examination of any substance.

(5) Imposing requirements with respect to the carrying out of research in connection with any activity mentioned in sub-paragraphs (1) to (4).

**2.—(1)** Prohibiting or regulating the transport of articles or substances of any specified description.

(2) Imposing requirements with respect to the manner and means of transporting articles or substances of any specified description, including requirements with respect to the construction, testing and marking of containers and means of transport and the packaging and labelling of articles or substances in connection with their transport.

**3.—(1)** Prohibiting the carrying on of any specified activity or the doing of any specified thing except under the authority and in accordance with the terms and conditions of a licence, or except with the consent or approval of a specified authority.

(2) Providing for the grant, renewal, variation, transfer and revocation of licences (including the variation and revocation of conditions attached to licences).

**4.** Requiring any person, premises or thing to be registered in any specified circumstances or as a condition of the carrying on of any specified activity or the doing of any specified thing.

**5.—(1)** Requiring, in specified circumstances, the appointment (whether in a specified capacity or not) of persons (or persons with specified qualifications or experience, or both) to perform specified functions, and imposing duties or conferring powers on persons appointed (whether in pursuance of the regulations or not) to perform specified functions.

(2) Restricting the performance of specified functions to persons possessing specified qualifications or experience.

**6.** Regulating or prohibiting in specified circumstances the employment of persons.

**7.—(1)** Requiring the making of arrangements for securing the health of persons at work or other persons, including arrangements for medical examinations and health surveys.

(2) Requiring the making of arrangements for monitoring the atmospheric or other conditions in which persons work.

**8.** Imposing requirements with respect to any matter affecting the conditions in which persons work, including in particular such matters as the structural condition and stability of premises, the means of access to and egress from premises, cleanliness, temperature, lighting, ventilation, overcrowding, noise, vibrations, ionising and other radiations, dust and fumes.

**9.** Securing the provision of specified welfare facilities for persons at work, including in particular such things as an adequate water supply, sanitary conveniences, washing and bathing facilities, ambulance and first-aid arrangements, cloakroom accommodation, sitting facilities and refreshment facilities.

**10.** Imposing requirements with respect to the provision and use in specified circumstances of protective clothing or equipment, including clothing affording protection against the weather.

**11.** Requiring in specified circumstances the taking of specified precautions in connection with the risk of fire.

**12.—(1)** Prohibiting or imposing requirements in connection with the emission within any premises of any specified gas, smoke or dust or any other specified substance whatsoever.

(2) Prohibiting or imposing requirements in connection with the emission of noise, vibrations or any ionising or other radiations within any premises.

**Status:** Point in time view as at 02/09/2014.

**Changes to legislation:** There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978. (See end of Document for details)

(3) Imposing requirements with respect to the monitoring of any such emission as is mentioned in sub-paragraphs (1) and (2).

**13.** Imposing requirements with respect to the instruction, training and supervision of persons at work.

**14.—(1)** Requiring, in specified circumstances, specified matters to be notified in a specified manner to specified persons.

(2) Empowering inspectors in specified circumstances to require persons to submit written particulars of measures proposed to be taken to achieve compliance with any of the relevant statutory provisions.

**15.** Imposing requirements with respect to the keeping and preservation of records and other documents, including plans and maps.

**16.** Imposing requirements with respect to the management of animals.

**17.** The following purposes as regards premises of any specified description where persons work, namely—

(a) requiring precautions to be taken against dangers to which the premises or persons therein are or may be exposed by reason of conditions (including natural conditions) existing in the vicinity;

(b) securing that persons in the premises leave them in specified circumstances.

**18.** Conferring, in specified circumstances involving a risk of fire or explosion, power to search a person or any article which a person has with him for the purpose of ascertaining whether he has in his possession any article of a specified kind likely in those circumstances to cause a fire or explosion, and power to seize and dispose of any article of that kind found on such a search.

**19.** Restricting, prohibiting or requiring the doing of any specified thing where any accident or other occurrence of a specified kind has occurred.

**20.** As regards cases of any specified class, being a class such that the variety in the circumstances of particular cases within it calls for the making of special provision for particular cases, any of the following purposes, namely—

(a) conferring on employers or other persons power to make rules or give directions with respect to matters affecting health or safety;

(b) requiring employers or other persons to make rules with respect to any such matters;

(c) empowering specified persons to require employers or other persons either to make rules with respect to any such matters or to modify any such rules previously made by virtue of this paragraph; and

(d) making admissible in evidence without further proof, in such circumstances and subject to such conditions as may be specified, documents which purport to be copies of rules or rules of any specified class made under this paragraph.

**21.** Conferring on any district council power to make byelaws with respect to any specified matter, specifying the authority or persons by whom any byelaws made in the exercise of that power need to be confirmed, and generally providing for the procedure to be followed in connection with the making of any such byelaws.

## **Interpretation**

**22.—(1)** In this Schedule “specified” means specified in health and safety regulations.



**Status:** Point in time view as at 02/09/2014.**Changes to legislation:** There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978. (See end of Document for details)

(2) Any mention in this Schedule of a purpose that falls within any more general purpose mentioned therein is without prejudice to the generality of the more general purpose.

### [F31] SCHEDULE 3A

#### OFFENCES: MODE OF TRIAL AND MAXIMUM PENALTY

**F31** Sch. 3A inserted (16.1.2009) by Health and Safety (Offences) Act 2008 (c. 20), ss. 1(4), 3(2), Sch. 2 (with s. 3(3))

The mode of trial and maximum penalty applicable to each offence listed in the first column of the following table are as set out opposite that offence in the subsequent columns of the table.

<i>Offence</i>	<i>Mode of trial</i>	<i>Penalty on summary conviction</i>	<i>Penalty on conviction on indictment</i>
An offence under Article 31(1)(a) consisting of a failure to discharge a duty to which a person is subject by virtue of Articles 4 to 7.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(a) consisting of a failure to discharge a duty to which a person is subject by virtue of Article 8.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(b) consisting of a contravention of Article 9.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(b) consisting of a contravention of Article 10.	Summarily or on indictment.	A fine not exceeding £20,000.	A fine.
An offence under Article 31(1)(c).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.

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An offence under Article 31(1)(d).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under Article 31(1)(e), (f) or (g).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(h).	Summarily only.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding level 5 on the standard scale, or both.	
An offence under Article 31(1)(i).	Summarily or on indictment.	A fine not exceeding the statutory maximum.	A fine.
An offence under Article 31(1)(j).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(k), (l) or (m).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(n).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under Article 31(1)(o).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under the existing statutory provisions for which no other penalty is specified.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.]

Schedule 4 rep. by 1998 NI 18

## SCHEDULE 5

Article 51.

### THE FACTORIES ACT (NORTHERN IRELAND) 1965 (c.20)

*Parts I (paras.1#4), II (paras.5#11)—Amendments*

## PART III

### TRANSITIONAL PROVISION

**12.** Where, at the commencement of this Schedule, a person's employment is unlawful under section 74(2) of the Factories Act (Northern Ireland) 1965 (as originally enacted) or under that subsection as extended by section 126 of that Act, and is known to be so by the occupier of the factory or, if the employment is not in a factory, by the employer, then there shall be deemed to have been served on that occupier or employer immediately after that commencement by an employment medical adviser, under the subsection substituted for section 74(2) by paragraph 6, a written notice stating that, in the opinion of the adviser, the continued employment of that person in that process would involve special danger to his health.

*Schedule 6—Amendments*

*Schedule 7—Repeals*

**Status:**

Point in time view as at 02/09/2014.

**Changes to legislation:**

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