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STATUTORY INSTRUMENTS

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**1978 No. 1039**

**Health and Safety at Work (Northern Ireland) Order 1978**

**<sup>F1</sup> PART II**

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

*Enforcement*

**Provisions supplementary to Articles 23 and 24**

<sup>F1F2</sup>**25.**—(1) In this Article and Article 26 “a notice” means an improvement notice or a prohibition notice.

(2) A notice may include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates; and any such directions—

- (a) may be framed to any extent by reference to any approved code of practice; and
- (b) may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention or matter.

(3) Where any of the relevant statutory provisions applies to a building or any matter connected with a building and an inspector proposes to serve an improvement notice relating to a contravention of that provision in connection with that building or matter, the notice shall not direct any measures to be taken to remedy the contravention of that provision which are more onerous than those necessary to secure conformity with the requirements of any building regulations for the time being in force to which that building or matter would be required to conform if the relevant building were being newly erected unless the provision in question imposes specific requirements more onerous than the requirements of any such building regulations to which the building or matter would be required to conform as aforesaid.

(4) In paragraph (3) “the relevant building”, in the case of a building, means that building, and, in the case of a matter connected with a building, means the building with which the matter is connected.

(5) Before an inspector serves in connection with any premises used or about to be used as a place of work a notice requiring or likely to lead to the taking of measures affecting the means of escape in case of fire with which the premises are or ought to be provided, he shall consult [<sup>F3</sup>the Northern Ireland Fire and Rescue Service Board].

(6) Where a notice which is not to take immediate effect has been served—

- (a) the notice may be withdrawn by an inspector at any time before the end of the period specified therein in pursuance of Article 23 or Article 24(3) as the case may be; and
- (b) the period so specified may be extended or further extended by an inspector at any time when an appeal against the notice is not pending.

- F2** mod. by 2002 c. 8 (NI)  
**F3** Words in art. 25(5) substituted (1.7.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(1), **Sch. 3 para. 11** (with arts. 49, 62); S.R. 2006/257, **art. 2(b)(d)**

**Modifications etc. (not altering text)**

- C1** Art. 25 applied (2.4.2006) by The Railways (Interoperability) Regulations 2006 (S.I. 2006/397), **reg. 35**
- C2** 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)**
- C3** 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)**
- C4** Art. 25 applied (with modifications) (10.5.2010 with effect as mentioned in reg. 41 of the amending Regulations) by Train Driving Licences and Certificates Regulations (Northern Ireland) 2010 (S.R. 2010/132), regs. 1(2), **40(2)(3)(c)**
- C5** Art. 25 excluding art. 25(3) applied (with modifications) (16.1.2012) by Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), **reg. 40(2)(3)(c)** (with reg. 3)
- C6** Arts. 20-28 applied (with modifications) (1.9.2013) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2013/206), regs. 2(1), **7(1)(a)** (with regs. 3, 8-15, 19)
- C7** Arts. 25 26 applied (1.3.2014) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(4), **20** (with regs. 3(4)(5), 31)
- C8** Arts. 20-30 applied with modification(s) (1.6.2015) by The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015 (S.R. 2015/236), regs. 1(2), **5(1)(a)**
- C9** Arts. 20-30 applied (with modifications) (1.6.2015) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2013/206), regs. 2(2), **16** (with regs. 3, 19)
- C10** Art. 25 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)(b)** (with regs. 3(2), 27(3))
- C11** 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))
- C12** Arts. 23-33 applied (with modifications) (21.10.2016) by The Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016 (S.R. 2016/366), reg. 1, Sch. 2 paras. 6(a), 7 (with Sch. 2 para. 7(2))
- C13** Art. 25 applied (with modifications) (8.12.2016) by The Simple Pressure Vessels (Safety) Regulations 2016 (S.I. 2016/1092), reg. 1, Sch. 7 paras. 1(e), **2** (with reg. 3)
- C14** Art. 25 applied (with modifications) (8.12.2016) by The Lifts Regulations 2016 (S.I. 2016/1093), reg. 1, Sch. 9 paras. 1(f), **2** (with regs. 3-5)
- C15** Art. 25 applied (with modifications) (8.12.2016) by The Electrical Equipment (Safety) Regulations 2016 (S.I. 2016/1101), reg. 1, Sch. 5 paras. 1, **2** (with reg. 3)
- C16** Art. 25 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(8)(b)** (with reg. 4(2), Sch. 15)
- C17** Art. 25 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)(b)** (with reg. 4(2), Sch. 15)
- C18** Art. 25 applied (with modifications) (10.7.2017) by The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 2017 (S.R. 2017/90), reg. 1, **Sch. 4 para. 1(e)**
- C19** Art. 25 applied (with modifications) (21.4.2018) by The Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390), reg. 1(1), **Sch. 3** (with reg. 2(1)-(3))
- C20** Art. 25 applied (with modifications) (30.7.2018) by The Cableway Installations Regulations 2018 (S.I. 2018/816), regs. 1, **22(1)-(3)** (with reg. 4)
- C21** Art. 25 applied (with modifications) (8.12.2016) by The Pressure Equipment (Safety) Regulations 2016 (S.I. 2016/1105), reg. 1, Sch. 9 paras. 1(e), **2** (with reg. 88) (as amended (1.10.2018) by The

Simple Pressure Vessels, Electrical Equipment and Pressure Equipment (Miscellaneous Amendments) (Northern Ireland) Regulations 2018 (S.I. 2018/966), regs. 1(1), **4(2)** (with reg. 1(2)-(4))  
**C22** Art. 25 applied (with modifications) (16.7.2021) by The Market Surveillance (Northern Ireland) Regulations 2021 (S.I. 2021/858), reg. 1(1), Sch. 3 paras. 2, **3** (with reg. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Section 25.