

1979 No. 284

HEALTH AND SAFETY**OFFICE AND SHOP PREMISES****Office and Shop Premises Act (Repeals and Modifications) Regulations
(Northern Ireland) 1979***Made* 16th August 1979*Coming into operation* 1st October 1979

The Department of Manpower Services, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, in exercise of the powers conferred on it by Articles 17(1) and (3)(a) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(a) ("the Order of 1978") 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 Office and Shop Premises Act (Repeals and Modifications) Regulations (Northern Ireland) 1979 and shall come into operation on 1st October 1979.

Repeals and modifications—the Act of 1966

2. In the Office and Shop Premises Act (Northern Ireland) 1966(b) ("the Act of 1966")—

- (a) the provisions mentioned in column 1 of Schedule 1 are hereby repealed to the extent specified in column 2; and
- (b) the provisions mentioned in Schedule 2 shall have effect subject to the modifications specified in that Schedule.

Revocations and modifications—regulations under the Act of 1966

3.—(1) The Office and Shop Premises (Conduct of Inquiries) Regulations (Northern Ireland) 1967(c) are hereby revoked.

(2) In the Office and Shop Premises (Hoists and Lifts) Regulations (Northern Ireland) 1969(d)—

- (a) in Regulation 6(2) the reference to inspector shall be construed as a reference to an inspector appointed by an enforcing authority under Article 21 of the Order of 1978; and
- (b) in Regulation 6(3) for "the Chief Inspector appointed under the said Act" there shall be substituted "an inspector appointed by the Department of Manpower Services under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978 who is authorised to act for the purposes of this paragraph."

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

(b) 1966 c. 26 (N.I.)

(c) S.R. & O. (N.I.) 1967 No. 83 (p. 264)

(d) S.R. & O. (N.I.) 1969 No. 26 (p. 147)

Supplemental

4.—(1) These regulations shall not affect the validity of anything done under any provision repealed or modified by the regulations before the coming into operation of the regulations; and anything which at the coming into operation of the regulations is being done for the purposes of that provision (including in particular any legal proceedings) by or in relation to—

- (a) an inspector appointed by the Department of Manpower Services(e) under section 51 of the Act of 1966;
- (b) an inspector appointed by a district council(f) under the said section 51;

may, so far as may be necessary for the purposes of or in consequence of the provisions of the regulations, be continued, respectively, by or in relation to—

- (a) an inspector appointed, by the Department of Manpower Services under Article 21 of the Order of 1978;
- (b) an inspector appointed by that district council under the said Article 21.

(2) Without prejudice to paragraph (1), any exemption, approval, certificate or notice granted or given or other thing whatsoever done for the purposes of any provision modified by these regulations, shall, if in force at the coming into operation of these regulations, continue in force and have effect as if granted, given or done in accordance with that provision as so modified.

(3) Except as provided in Regulation 3, regulations and orders, made under any provision repealed by these regulations and in force immediately before the coming into operation of these regulations shall continue in force notwithstanding the repeal of that provision.

(4) Where any of the provisions repealed or modified by these regulations prescribes a penalty for an offence of any kind, that penalty shall, notwithstanding these regulations, continue to apply to offences of that kind committed before 1st October 1979.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 16th August 1979.

(L.S.)

D. J. Perham
Senior Assistant Secretary

(e) Formerly vested in the Ministry of Health and Social Services: see S.R. & O. (N.I.) 1973 No. 504 (II, p. 2992) Article 6(1) and Schedule 3.

(f) Formerly health authority: see S.R. & O. (N.I.) 1973 No. 211 (I, p. 1080)

SCHEDULE 1

Regulation 2(a)

Repeals—Office and Shop Premises Act (Northern Ireland) 1966

<i>Provision</i>	<i>Extent of Repeal</i>
Section 3.	Subsection (3).
Section 4.	Subsection (3).
Section 6.	Subsection (5).
Section 7.	Subsection (2).
Section 8.	Subsection (2).
Section 9.	Subsections (3) and (4).
Section 10.	Subsections (3) and (4).
Section 12.	Subsection (3).
Sections 20 to 22.	The whole section in each case.
Section 23.	Subsection (2).
Sections 25 to 27.	The whole section in each case.
Section 29.	In subsection (9), the word "special".
Section 32.	The whole section except in its application to cases in which the appropriate authority is the fire authority.
Section 37.	In subsection (1), the word "special".
Section 38.	In subsection (2), the word "special".
Section 42.	Subsections 2(b) and 3(b); in subsection (5) the words "or of regulations under either of those subsections"; and subsections (8) and (9).
Section 44.	The whole section.
Section 45.	Subsections (13) and (15).
Section 46.	The whole section.
Section 47.	Subsection (4); and in subsection (5) the words "by virtue of section 51".
Section 48.	Subsection (2); and in subsection (3) the words "either" and "or subsection (2)".
Sections 49 and 50.	The whole section in each case.

<i>Provision</i>	<i>Extent of Repeal</i>
Section 51.	In subsection (1), the words "and for that purpose to appoint inspectors"; and in subsections (3) and (4) the words "and for that purpose the Ministry shall appoint inspectors" in each case.
Section 52.	The whole section except as respects inspectors appointed under section 51(2).
Sections 53 and 54.	The whole section in each case.
Section 55.	The words "(1) or".
Section 56.	The words from "and liable" to the end of the section.
Section 57.	Subsection (1) except as respects the fire authority.
Section 58.	The whole section.
Sections 60 and 61.	The whole section in each case except for the purposes of sections 28 to 38 and 42(15).
Section 62.	The whole section.
Section 64.	The whole section.
Section 66.	Subsection (1) except for the purposes of sections 28 to 38, 42(15) and 52(2); and subsections (2) and (3).
Section 67.	Subsections (1) and (3).
Section 69.	Subsections (2) and (4).
Section 70.	Subsection (2).
Section 75.	Subsections (3), (4) and (5).
Section 77.	In subsection (4), the words from "and an exemption" to the end of the subsection.
Section 79.	In subsection (1), the words "With the exception of section 25(2)".
Section 81.	In the definition of inspector in subsection (1) the words from "the Ministry" to "district council or".
Schedule 1.	The whole Schedule.

SCHEDULE 2 Regulation 2(b)

Modifications—Office and Shop Premises Act (Northern Ireland) 1966

1. In section 4(4), for the words from the beginning of the subsection to "shall" there shall be substituted the words "Subsection (2) shall not".

2. In sections 45(6), 47(3), 48(3) and 65, after "liable" there shall be inserted "on summary conviction".

3. In section 45(5)(a), for "the appropriate authority" there shall be substituted "the authority having power to enforce with respect to the premises the provision imposing the requirement".

4. In section 51(4), for paragraph (b) there shall be substituted the following paragraph:—

"(b) office premises erected at, or adjacent to, a place where there are carried on operations to which section 125(1) of the Factories Act (Northern Ireland) 1965 applies or works to which that section applies, being premises erected for the purpose of, or in connection with, the operation or works;"

5. In section 59, after subsection (3) there shall be added the following subsection:—

"(4) A person who contravenes a provision of regulations under section 20 or 49 of this Act shall be guilty of an offence."

6. In section 67(2), for "authorised as aforesaid by" there shall be substituted "authorised in that behalf by a resolution of".

7. In section 75, after subsection (2) there shall be added the following subsection:—

"(3) The provisions of Article 46 of the Health and Safety at Work (Northern Ireland) Order 1978 shall apply to any power, to make an order which is exercisable by statutory rule and conferred by this Act, as they apply to a power to make regulations."

8. In section 77:—

(a) in subsection (1), for the reference to section 21 there shall be substituted a reference to section 19; and

(b) in subsection (4), for "subsections (5) to (15)" there shall be substituted "subsections (5) to (14)".

9. In section 81(1) for the definition of "the Ministry" there shall be substituted the following definition:—

"the Ministry" means the Department of Manpower Services;

EXPLANATORY NOTE

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

These regulations repeal and modify provisions of the Office and Shop Premises Act (Northern Ireland) 1966 and instruments thereunder. They are made in consequence of the coming into operation on 1st May 1979 of provisions of the Health and Safety at Work (Northern Ireland) Order 1978 which supersede or affect the said provisions.

The regulations therefore:—

- (a) apply, with certain exceptions, to offences committed on or after 1st October 1979 the penalties prescribed in the Order of 1978; and
- (b) repeal powers and provisions which are superseded by powers and provisions contained in the Order of 1978, including in particular—
 - (i) powers to make regulations and other instruments;
 - (ii) powers of inspectors (other than fire authority inspectors);
 - (iii) power to adapt the Act of 1966 in relation to covered markets;
 - (iv) provisions relating to certain offences, penalties and legal proceedings;
 - (v) provisions relating to inquiries;
 - (vi) provisions relating to penalisation of dangerous acts and interference with equipment;
 - (vii) provisions relating to prohibition of levying of charges on employees for things done in compliance with the Act of 1966.
 - (viii) provisions relating to annual reports to Department of Manpower Services by district councils;
 - (ix) provisions relating to annual report to Parliament by Department of Manpower Services.