
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 133

EMPLOYMENT

**Working Time (Amendment)
Regulations (Northern Ireland) 1999**

Made - - - - *18th March 1999*

Coming into operation *1st April 1999*

The Department of Economic Development, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to measures relating to the organisation of working time⁽²⁾ and measures relating to the employment of children and young persons⁽³⁾, in exercise of the powers conferred on it by the said section 2(2), 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 Working Time (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st April 1999.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954⁽⁴⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“the Department” means the Department of Economic Development;

“the Executive” means the Health and Safety Executive for Northern Ireland;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Amendment of the Working Time Regulations (Northern Ireland) 1998

3. The Working Time Regulations (Northern Ireland) 1998⁽⁵⁾ shall be amended as follows—

(1) 1972 c. 68
(2) S.I. 1997/1174
(3) S.I. 1996/266
(4) 1954 c. 33 (N.I.)
(5) S.R. 1998 No. 386 as amended by S.R. 1998 No. 422

- (a) in regulation 2(2), after the definition of “employment” there shall be inserted the following definition—
 - ““the Executive” means the Health and Safety Executive for Northern Ireland;”;
- (b) for any reference to “the Department of Economic Development” in regulations 5(4)(b) and 28(2) and (5) and for the reference to “the Health and Safety Agency for Northern Ireland” in regulation 28(4) there shall be substituted a reference to “the Executive”;
- (c) for the words “Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1997”(6) in regulation 28(3) there shall be substituted the words “Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999”(7);
- (d) for paragraph (6) of regulation 28, there shall be substituted the following paragraph—
 - “(6) Any function of the Department of Economic Development under the 1978 Order which is exercisable in relation to the enforcement by the Executive of the relevant statutory provisions shall be exercisable in relation to the enforcement by the Executive of the relevant requirements.”.

References in statutory provisions, etc.

4.—(1) In the construction and for the purposes of any statutory provision, judgment, decree, order, award, deed, contract, regulation, bye-law, certificate or other document passed or made before the date of coming into operation of these Regulations, any reference to, or which is to be construed as a reference to, the Department shall, so far only as may be necessary for the purposes of these Regulations, be construed as a reference to the Executive.

(2) The transfer of functions from the Department to the Executive by these Regulations shall not affect any appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by or under the authority of the Department before the date of coming into operation of these Regulations, but any such matter shall, if in force immediately before that date, continue to be in force to the like extent and subject to the like provisions as if it had been duly made, given or done by or under the authority of the Executive.

(3) Anything commenced before the date of coming into operation of these Regulations by or under the authority of the Department may, so far as it relates to any function transferred to the Executive by these Regulations, be carried on or completed by or under the authority of the Executive.

(4) Where, at the date of coming into operation of these Regulations, any legal proceeding is pending to which the Department is a party and the proceeding relates to any of the functions transferred to the Executive by these Regulations, the Executive shall be substituted in the proceeding for the Department, and the proceeding shall not abate by reason of the substitution.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

18th March 1999.

G. I. O'Doherty
Assistant Secretary

(6) S.R. 1997 No. 229

(7) S.R. 1999 No. 90

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Working Time Regulations (Northern Ireland) 1998, [S.R. 1998 No. 386](#) as amended by [S.R. 1998 No. 422](#) (“the principal Regulations”) which implement Council Directive [93/104/EC](#) concerning certain aspects of the organisation of working time (O.J. No. 307, 13.12.93, p. 18) and provisions concerning working time in Council Directive [94/33/EC](#) on the protection of young people at work (O.J. No. L216, 20.8.94, p. 12).

The Regulations provide for the Health and Safety Executive for Northern Ireland to assume the enforcement functions previously exercised by the Department of Economic Development under the principal Regulations.