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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 315**

**The Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008**

**Offences**

**11.**—(1) An employer of a cross-border worker who fails to comply with regulations 8(3) or 9 is guilty of an offence.

(2) The provisions of paragraph (3) shall apply where an inspector is exercising or has exercised any power conferred by Schedule 2.

(3) It is an offence for a person—

- (a) to contravene any requirement imposed by the inspector under paragraph 2 of Schedule 2;
- (b) to prevent or attempt to prevent any other person from appearing before the inspector or from answering any question to which the inspector may by virtue of paragraph 2(2)(e) of Schedule 2 require an answer;
- (c) to contravene any requirement or prohibition imposed by an improvement notice or a prohibition notice (including any such notice as is modified on appeal);
- (d) intentionally to obstruct the inspector in the exercise or performance of his powers or duties;
- (e) to use or disclose any information in contravention of paragraph 8 of Schedule 2;
- (f) to make a statement which the person knows to be false or recklessly to make a statement which is false, where the statement is made in purported compliance with a requirement to furnish any information imposed by or under these Regulations.

(4) An employer guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(5) A person guilty of an offence under paragraph (3) shall be liable to the penalty prescribed in relation to that provision by paragraphs (6), (7) or (8) as the case may be.

(6) A person guilty of an offence under paragraph (3)(a), (b) or (d) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) A person guilty of an offence under paragraph (3)(c) shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding three months, or a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.

(8) A person guilty of an offence under paragraph (3)(e) or (f), shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment—

(i) if the offence is under paragraph (3)(e), to imprisonment for a term not exceeding two years or a fine or both;

(ii) if the offence is under paragraph (3)(f), to a fine.

(9) The provisions set out in regulations 12–16 shall apply in relation to the offences provided for in paragraphs (1) and (3).

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**Commencement Information**

**11** Reg. 11 in operation at 1.10.2008, see **reg. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008, Section 11.