

SCHEDULE 6

ENFORCEMENT

Enforcement in Northern Ireland in relation to relevant machinery for use at work

2.—(1) In Northern Ireland—

- (a) subject to head (b) below, it shall be the duty of the Department of Economic Development to make adequate arrangements for the enforcement of these Regulations in relation to relevant machinery for use at work; and
- (b) it shall be the duty of the Department of Agriculture to make adequate arrangements for the enforcement of these Regulations in relation to relevant machinery for use at work which is wholly or mainly agricultural,

and a reference in the provisions applied to these Regulations by sub-paragraph (2) below to an “enforcing authority” or to its “field of responsibility” (however expressed) or to “the Department concerned” shall be construed accordingly.

- (a) (2) (a) For the purposes of providing for the enforcement of these Regulations and in respect of proceedings for contravention thereof, Articles 21 to 33(1), 35, 36, 38 and 39 of the Order shall apply as if—
 - (i) references to relevant statutory provisions were references to those Articles as applied by this paragraph and to these Regulations;
 - (ii) references to articles, substances, articles and substances, or plant, were references to relevant machinery;
 - (iii) in Article 22, paragraph (3) were omitted;
 - (iv) in Article 25, paragraphs (3), (4) and (5) were omitted;
 - (v) in Article 31—
 - (aa) in paragraph (1), the whole of sub-paragraphs (a) to (d) were omitted;
 - (bb) paragraph (1A) were omitted;
 - (cc) in paragraph (2), the reference to sub-paragraph (d) of paragraph (1) were omitted;
 - (dd) paragraph (2A) were omitted;
 - (ee) paragraph (3) were omitted;
 - (ff) for paragraph (4) there were substituted the following:—
 - “(4) A person guilty of an offence under any sub-paragraph of paragraph (1) not mentioned in paragraph (2) or of an offence under paragraph (1)(e) not falling within paragraph (2) shall be liable—
 - (a) on summary conviction, to a fine not exceeding £2000; or
 - (b) on conviction on indictment—

(1) Article 26(4) was repealed by Article 35 of, and Schedule 4 to, the [Industrial Training \(Northern Ireland\) Order 1984 S.I. No. 1159 \(N.I. 9\)](#). There is a modification of the application of Article 26 not relevant to these Regulations. Articles 27A and 29A were inserted, and Articles 30(1)(a) and 31(1)(h) amended, by Article 28 of, and paragraphs 4, 5, 6 and 7 respectively of Schedule 2 to, the [Consumer Protection \(Northern Ireland\) Order 1987 S.I. No. 2049 \(N.I. 20\)](#); Article 29(2) to (4) were repealed, and Article 31(1)(j) amended by Article 10(1)(c) of the [Statistics of Trade and Employment \(Northern Ireland\) Order 1988 S.I. No. 595 \(N.I. 3\)](#); Article 31(1)(m) was amended by Article 13(3) of, and Schedule 5 to, the [Criminal Justice \(Northern Ireland\) Order 1986 S.I. No. 1883 \(N.I. 15\)](#); Article 31(5)(d) and (6) was repealed by Article 6(6) of the [Offshore, and Pipelines, Safety \(Northern Ireland\) Order 1992 S.I. 1728 \(N.I. 17\)](#); and Article 31(7) was repealed by section 30 of, and Part III of the Schedule to, the [Forgery and Counterfeiting Act 1981 \(c. 45\)](#). There are other amendments to Article 31 which are not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) in the case of an offence under paragraph (1)(g) or of an offence under paragraph (1)(j), to imprisonment for a term not exceeding two years, or a fine, or both; or
 - (ii) in all other cases, to a fine.”; and
- (gg) paragraph (5) were omitted;
- (vi) in Article 32—
 - (aa) sub-paragraphs (a) and (b) were omitted from paragraph (1); and
 - (bb) in paragraph (3), for “six months” there were substituted “twelve months”; and
- (vii) in Article 39, paragraphs (4) and (5) were omitted; and
- (b) Articles 34(1) and (2) shall apply in relation to offences under Article 31 as applied to these Regulations and as modified by sub-paragraph (2)(a)(v) above.