

SCHEDULE 5

ENFORCEMENT

Powers of the Health and Safety Executive for Northern Ireland as an enforcement authority

10. For the purposes of the enforcement of these Regulations by the Health and Safety Executive for Northern Ireland, and in respect of any related proceedings for contravention of these Regulations, the provisions specified in paragraph 9 shall apply as if—

- (a) references to relevant statutory provisions were references to those provisions as modified by this paragraph and to these Regulations;
- (b) references to articles, substances, articles and substances, or plant, were references to machinery or partly completed machinery, or a machine or partly completed machine, as the context may require;
- (c) references to an “enforcing authority” or to its field of responsibility (however expressed) or to “the Department concerned” were to the Health and Safety Executive for Northern Ireland;
- (d) in Article 22, paragraph (3) were omitted;
- (e) Article 24, as well as permitting an inspector to serve a prohibition notice in the circumstances specified in Article 24(2), permitted an inspector to serve a prohibition notice in any case where—
 - (i) a responsible person has failed to comply with the requirements of these Regulations in relation to CE marking; and
 - (ii) the responsible person—
 - (aa) has been served with a notice under regulation 21(3), or an improvement notice under Article 23, in respect of that failure; and
 - (bb) has continued to fail to comply with those requirements after the period for remedying the contravention specified in the improvement notice;
- (f) in Article 25, paragraphs (3), (4) and (5) were omitted;
- (g) in Article 31—
 - (i) in paragraph (1), the whole of sub-paragraphs (a) to (d) were omitted;
 - (ii) paragraph (1A) were omitted;
 - (iii) in paragraph (2), the reference to sub-paragraph (d) of paragraph (1) were omitted;
 - (iv) paragraph (2A) were omitted;
 - (v) 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—
 - (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
 - (vi) paragraph (5) were omitted;

Status: This is the original version (as it was originally made).

- (h) in Article 32—
 - (i) sub-paragraphs (a) and (b) were omitted from paragraph (1); and
 - (ii) in paragraph (3), for “six months” there were substituted “twelve months”; and
- (i) in Article 39, paragraphs (4) and (5) were omitted.