STATUTORY RULES OF NORTHERN IRELAND

1997 No. 229

HEALTH AND SAFETY

Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1997

Made - - - -	*1st May 1997*
Coming into operation	*9th June 1997*

The Department of Economic Development, acting as the Department concerned(**1**), in exercise of the powers conferred on it by Articles 17(1) and (3), 20(2) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(**2**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1997 and shall come into operation on 9th June 1997.

Interpretation

2.—(1) In these Regulations—

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978;

"agricultural activities" includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, forestry, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the preparation of land for agricultural use;

"common parts" in relation to any premises or part of any premises means those areas used by or for providing services to, or facilities for, any occupier of such premises or part in common with any other occupier of premises or part of any premises;

"construction work" and "contractor" have the respective meanings assigned to them by regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 1995(**3**);

"the Department" means the Department of Economic Development;

(**1**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**2**) S.I. 1978/1039 (N.I. 9)
(**3**) S.R. 1995 No. 209

"dock premises" has the meaning assigned to it by regulation 2(1) of the Docks Regulations (Northern Ireland) 1989(**4**);

"electricity system" does not include the electric lines situated upon the consumer's side of the supply terminals together with any apparatus permanently connected or intended to be permanently connected thereto;

"fairground" means any part of premises which is for the time being used wholly or mainly for the operation of any fairground equipment, other than a coin-operated ride, non-powered children's playground equipment or a swimming pool slide;

"gas" has the same meaning as in Part III of the Gas (Northern Ireland) Order 1996(**5**);

"gas fittings" has the meaning assigned to it by regulation 2(1) of the Gas Safety (Installation and Use) Regulations (Northern Ireland) 1997(**6**);

"gas system" does not include a portable or mobile appliance supplied with gas from a cylinder, or the cylinder, pipes and other fittings used for supplying gas to that appliance;

"ionisation radiation" has the meaning assigned to it by regulation 2(1) of the Ionising Radiations Regulations (Northern Ireland) 1985(**7**);

"livestock" means any creature kept for the production of food, wool, skins or fur or for the purpose of any agricultural activity;

"mine" has the meaning assigned to it by section 156(1) of the Mines Act (Northern Ireland) 1969(**8**);

"office activities" includes any activity for the purposes of administration, clerical work, handling money, telephone and telegraph operating and the production of computer software by the use of computers; and for this purpose "clerical work" includes writing, book-keeping, sorting papers, filing, typing, duplicating, machine calculating, drawing and the editorial preparation of matter for publication except where that preparation is on the premises where newspapers, magazines, periodicals or books are printed;

"pleasure craft" has the meaning assigned to it by regulation 2(1) of the Docks Regulations (Northern Ireland) 1989;

"preparation dangerous for supply" has the meaning assigned to it by regulation 2(1) of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995(**9**);

"quarry" has the meaning assigned to it by Article 2(2) of the Quarries (Northern Ireland) Order 1983(**10**);

"railway" means any railway or tramway which in either case is used for the carriage of persons or goods;

"substance dangerous for supply" has the meaning assigned to it by regulation 2(1) of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995;

"theatre" does not include a cinema;

"transport undertaking" means an undertaking primarily engaged in the transport of passengers or goods;

(**4**) S.R. 1989 No. 320 to which there are amendments not relevant to these Regulations
(**5**) S.I. 1996/275 (N.I. 2)
(**6**) S.R. 1997 No. 194
(**7**) S.R. 1985 No. 273 to which there are amendments not relevant to these Regulations
(**8**) 1969 c. 6 (N.I.)
(**9**) S.R. 1995 No. 60 to which there are amendments not relevant to these Regulations
(**10**) S.I. 1983/150 (N.I. 4)

"veterinary surgery" has the meaning assigned to it by section 27(1) of the Veterinary Surgeons Act 1966(**11**);

"work" in relation to a gas fitting has the meaning assigned to it by regulation 2(1) of the Gas Safety (Installation and Use) Regulations (Northern Ireland) 1997;

"zoo" means a zoological establishment within the meaning of section 12(1) of the Welfare of Animals Act (Northern Ireland) 1972(**12**).

(2) In these Regulations, any reference to the enforcing authority for premises or parts of premises is a reference to the enforcing authority for the relevant statutory provisions in relation to those premises or parts, as the case may be, and to any activity carried on in them.

Application

3.—(1) These Regulations shall have effect subject to any provisions made for enforcement responsibility by other Regulations made under the 1978 Order or by any of the existing statutory provisions.

(2) These Regulations shall not apply to an industrial activity involving substances to which the Explosives Acts (Northern Ireland) 1875 to 1970(**13**) or the Explosives (Northern Ireland) Order 1972(**14**) applies.

District councils to be enforcing authorities for certain premises and the Department to be the enforcing authority for certain premises

4.—(1) Where the main activity carried on in non-domestic premises is specified in Schedule 1, the district council for the district in which those premises are situated shall be the enforcing authority for them and the Department shall be the enforcing authority in any other case.

(2) Where any premises to which paragraph (1) relates are occupied by more than one occupier then each part separately occupied shall be regarded as being separate premises for the purposes of that paragraph.

(3) Where paragraph (2) applies, the district council for the district in which the premises are situated shall be the enforcing authority for the common parts, except that if the Department is the enforcing authority for—

(a) all other parts of the premises, the Department shall be the enforcing authority for the common parts;

(b) any other part of the premises and the occupier of that part has any obligations under the relevant statutory provisions for any matters appertaining to the common parts, the Department shall be the enforcing authority for those premises in respect of such matters.

(4) This regulation shall have effect subject to regulation 5.

The Department to be the enforcing authority for the whole of certain premises

5.—(1) The Department shall be the enforcing authority for the whole of the following premises whether occupied by more than one occupier or not—

(a) any land within the perimeter of an airport;

(**11**) 1966 c. 36
(**12**) 1972 c. 7 (N.I.); section 12(1) was amended by S.I. 1994/1891 (N.I. 6) Article 14
(**13**) 1875 c. 17, 1924 c. 5 (N.I.); 1970 c. 10 (N.I.)
(**14**) S.I. 1972/730 (N.I. 3)

(b) a building or construction site, that is to say, premises where the only activities being undertaken are construction work and activities for the purpose of or in connection with such work;

(c) an offshore installation within the meaning of regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995(**15**);

(d) the campus of a university, polytechnic, college, school or similar educational establishment;

(e) a hospital;

(f) a railway station, railway goods yard, railway track and any part of premises adjacent thereto, occupied in connection therewith.

(2) The Department shall be the enforcing authority for—

(a) the enforcement of any of the relevant statutory provisions against a body specified in paragraph (4) or the officers or servants of such a body; and

(b) any part of premises occupied by such a body.

(3) Where premises are mainly occupied by a body specified in paragraph (4) and are partly occupied by another person for the purpose of providing services at the premises for that body, the Department shall be the enforcing authority for the part of the premises occupied by that other person.

(4) The bodies referred to in paragraphs (2) and (3) are—

(a) a district council;

(b) the Police Authority for Northern Ireland as defined in section 1(1) of the Police Act (Northern Ireland) 1970(**16**);

(c) the Fire Authority for Northern Ireland as referred to in Article 3 of the Fire Services (Northern Ireland) Order 1984(**17**);

(d) a headquarters of an organisation designated for the purposes of the International Headquarters and Defence Organisation Act 1964(**18**); or a service authority of a visiting force within the meaning of section 12(1) of the Visiting Forces Act 1952(**19**);

(e) the Crown.

(5) Regulation 4(1) shall not apply to any of the following—

(a) any licensing or enforcing authority which by virtue of the Petroleum (Regulation) Acts (Northern Ireland) 1929 and 1937(**20**) is exercised by a harbour authority or a district council;

(b) enforcement of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995(**21**).

(6) The Department shall be the enforcing authority for premises if the main activity carried on there is indoor sports and any district council has any duty under Article 6 of the 1978 Order in respect of those premises or any plant therein.

(7) The Department shall be the enforcing authority for—

(a) Article 7 of the 1978 Order;

(**15**) S.R. 1995 No. 340
(**16**) 1970 c. 9 (N.I.)
(**17**) S.I. 1984/1821 (N.I. 11)
(**18**) 1964 c. 5
(**19**) 1952 c. 67
(**20**) 1937 c. 4 (N.I.) (1 Edw. 8 and 1 Geo. 6)
(**21**) S.R. 1995 No. 60 as amended by S.R. 1996 No. 376