1985 No. 103

HEALTH AND SAFETY

Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1985

Made	*1st May 1985*
Coming into operation . . .	*1st October 1985*

The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services, acting jointly as the Department concerned(**a**) in exercise of the powers conferred by Articles 17(1) and (3)(*a*), 20(2) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling them in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appear to them to be appropriate, hereby make the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1985 and shall come into operation on 1st October 1985.

Interpretation

2. In these Regulations—

"the Department" means the Department of Economic Development;

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

"district council" has the meaning assigned by section 1 of the Local Government Act (Northern Ireland) 1972(**c**).

District councils to be enforcing authorities in certain cases

3. Where the main activity carried on in any premises is specified in Schedule 1, then subject to regulation 4, the district council for the district in which those premises are situated shall be the enforcing authority for the relevant statutory provisions in relation to those premises and to any activity carried on in them.

Exceptions

4.—(1) Regulation 3 shall not apply to any of the following premises or to any activities carried on in them that is to say premises which are occupied by—

(*a*) a district council;

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

(*c*) the Fire Authority for Northern Ireland as defined in Article 3 of the Fire Services (Northern Ireland) Order 1984(**e**);

(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9)
(**c**) 1972 c. 9 (N.I.)
(**d**) 1970 c. 9 (N.I.)
(**e**) S.I. 1984/1821 (N.I. 11)

(*d*) the Crown.

(2) Notwithstanding Regulation 3, the Department shall be the enforcing authority in respect of any of the following activities carried on in any premises whether or not it is the main activity carried on in those premises:—

(*a*) construction work carried out by a person whose main activity is one for which the Department is responsible for the enforcement of the relevant statutory provisions;

(*b*) the installation, maintenance and repair of gas, water or electricity systems where this is carried out by a person whose main activity is one for which the Department is responsible for the enforcement of the relevant statutory provisions;

(*c*) the construction, installation, maintenance and repair of telecommunication systems;

in this paragraph "construction work" means a "building operation" and a "work of engineering construction" within the meaning assigned to those expressions by section 176(1) of the Factories Act (Northern Ireland) 1965(**a**).

(3) Regulation 3 shall not apply to any licensing or enforcing responsibility which by virtue of the Petroleum (Regulation) Acts (Northern Ireland) 1929 and 1937(**b**) is exercised by a harbour authority or a district council.

(4) Regulation 3 shall not apply to any enforcing responsibility which, by virtue of the existing statutory provisions is exercised by the Fire Authority for Northern Ireland.

(5) Regulation 3 shall not apply to enforcement of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(**c**).

(6) Regulation 3 shall not apply to enforcement of the Explosives Acts (Northern Ireland) 1875 to 1970 or the Explosives (Northern Ireland) Order 1972(**d**) and of any Regulations, orders or other instruments of a legislative character made or having effect under any of those provisions.

Repeals

5.—(1) The provisions of the Factories Act (Northern Ireland) 1965 set out in column 1 of Schedule 2 are repealed to the extent set out opposite thereto in column 2 of that Schedule.

(2) The provisions of the Office and Shop Premises Act (Northern Ireland) 1966(**e**) set out in column 1 of Schedule 3 are repealed to the extent set out opposite thereto in column 2 of that Schedule.

Sealed with the Official Seal of the Department of Agriculture on 1st May 1985.

(L.S.) *R. E. Aiken*
Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 1st May 1985.

(L.S.) *R. Wilson*
Assistant Secretary

(**a**) 1965 c. 20 (N.I.)
(**b**) 1937 c. 4 (N.I.),
(**c**) S.R. 1985 No. 81
(**d**) S.I. 1972/730 (N.I. 3)
(**e**) 1966 c. 26 (N.I.)

Sealed with the Official Seal of the Department of the Environment on 1st May 1985.

(L.S.) *John Irvine*
Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services on 1st May 1985.

(L.S.) *Zelma I. Davies*
Under Secretary