1980 No. 268

HEALTH AND SAFETY

Health and Safety Inquiries (Procedure) Regulations (Northern Ireland) 1980

Made . . . . . *5th August 1980*

Coming into operation . . . *15th September 1980*

The Department of Agriculture, the Department of Commerce, the Department of the Environment, the Department of Health and Social Services and the Department of Manpower Services acting jointly as the Department concerned for the purposes of Article 16(3) of the Health and Safety at Work (Northern Ireland) Order 1978(**a**) in exercise of the powers conferred by Articles 16(3) and (4) and 55(2) of that Order and of every other power enabling them in that behalf and after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Health and Safety Inquiries (Procedure) Regulations (Northern Ireland) 1980 and shall come into operation on 15th September 1980.

Interpretation

2. In these regulations:—

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

"appointed person" means a person appointed by the Department concerned to hold an inquiry;

"inquiry" means an inquiry to which these regulations apply;

"trade union" and "employers' association" have the meanings assigned by Article 2(2) of the Industrial Relations (Northern Ireland) Order 1976(**b**).

Application of regulations

3. These regulations shall have effect with respect to the proceedings at or in connection with inquiries held under Article 16(2)(*b*) of the Order of 1978.

Notification of inquiry

4.—(1) A date, time and place for the holding of the inquiry shall be fixed, and may be varied by the Department concerned, which shall give not less than 28 days' notice in writing of such date, time and place to every person entitled to appear at the inquiry whose name and address are known to that Department;

Provided that

(i) with the consent of all such persons, that Department may give such lesser period of notice as shall be agreed with those persons; and

(ii) where it becomes necessary or advisable to vary the time or place fixed for the inquiry, that Department shall give such notice of the variation as may appear to it to be reasonable in the circumstances.

(**a**) S.I. 1978/1039 (N.I. 9)—(brought into operation by S.R. 1978 No. 384 (C. 21)) *See* Article 2(2)
(**b**) S.I. 1976/1043 (N.I. 16)

(2) The notice given under paragraph (1) shall state the name of the appointed person and the names of any assessors appointed to assist him in the inquiry.

(3) Without prejudice to the foregoing provisions of this regulation the Department concerned shall also for the purpose of notifying persons who may be concerned of the holding of the inquiry, take one or more of the following steps, namely—

(*a*) publish notice of the inquiry in one or more newspapers, including, where appropriate, newspapers circulating in the locality in which the subject matter of the inquiry arose; and

(*b*) give such other notice of the inquiry as appears to that Department to be appropriate,

and the requirements as to the period of notice contained in paragraph (1) shall not apply to any such notices.

Appearances at inquiry

5.—(1) The persons entitled to appear at the inquiry shall be—

(*a*) the Department concerned;

(*b*) any enforcing authority concerned;

(*c*) the Health and Safety Agency for Northern Ireland;

(*d*) any employers' association or trade union representing respectively employers or employees who are concerned;

(*e*) any person who was injured or suffered damage as a result of the accident, occurrence, situation, or other matter the subject of the inquiry or his personal representatives;

(*f*) the owner or occupier of any premises in which there occurred or arose the accident, occurrence, situation or other matter the subject of the inquiry;

(*g*) any person carrying on activities giving rise to the accident, occurrence, situation or other matter the subject of the inquiry.

(2) Any other person may appear at the discretion of the appointed person.

Representation

6.—(1) A body corporate may appear by its clerk or secretary or by any other officer appointed for the purpose, or by counsel or solicitor.

(2) A government department, an employers' association or a trade union may appear by counsel or solicitor or by any other person appointed for the purpose.

(3) Any other person may appear on his own behalf or be represented by counsel or solicitor or any other person.

(4) Where there are two or more persons having a similar interest in the matter under inquiry, the appointed person may allow one or more persons to appear for the benefit of some or all persons so interested.

Power to require attendance of witnesses and production of documents

7.—(1) The appointed person may, either of his own motion or on the application of any person entitled or permitted to appear, cause to be served on any person appearing to him to be likely to be able to give material evidence or to produce any document likely to be material evidence, a notice requiring that person to attend at the inquiry at the time and place specified in the notice to give evidence or produce the document.

(2) A person on whom a notice is served under paragraph (1) may apply to the appointed person either at or before the inquiry to vary or set aside the requirement, and where he does so before the inquiry he shall give notice of his application to the person, if any, who applied for the notice under paragraph (1) to be served.