1979 No. 246

HEALTH AND SAFETY

FACTORIES

Factories Legislation (Repeals and Modifications) Regulations (Northern Ireland) 1979

Made . . . . . 4*th July* 1979

Coming into operation . . . 1*st September* 1979

The Department of Manpower Services, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, in exercise of the powers conferred on it by Articles 17(1) and (3)(*a*), 45, 54(1) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(**a**) ("the Order of 1978") and of every other power enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Factories Legislation (Repeals and Modifications) Regulations (Northern Ireland) 1979 and shall come into operation on 1st September 1979.

Repeals and modifications—the Act of 1965

2. In the Factories Act (Northern Ireland) 1965(**b**) ("the Act of 1965")—

(*a*) the provisions mentioned in column 1 of Schedule 1 are hereby repealed to the extent specified in column 2; and

(*b*) the provisions mentioned in Schedule 2 shall have effect subject to the modifications specified in that Schedule.

Revocations—instruments under the Act of 1965

3. The Factories (Inquiries—Modification and Adaptations) Order (Northern Ireland) 1939(**c**) and the Factories (Conduct of Inquiries) Rules (Northern Ireland) 1939(**d**) are hereby revoked.

Repeals—the Act of 1936

4. In the Hours of Employment (Conventions) Act 1936(**e**) ("the Act of 1936")—

(*a*) in section 1(2), the words from "and an inspector" to the end of the subsection; and

(*b*) section 3(5),

are hereby repealed.

(a) S.I. 1978/1039 (N.I. 9)—brought into operation by S.R. 1978 No. 384 (C. 21)
(b) 1965 c. 20 (N.I.)
(c) S.R. & O. (N.I.) 1939 No. 63 (p. 193)
(d) S.R. & O. (N.I.) 1939 No. 64 (p. 191)
(e) 1936 c. 22

References to inspectors of factories

5. References in any statutory provision to either:—

(*a*) an inspector appointed under the Act of 1965; or

(*b*) the chief inspector,

shall, except where the context otherwise requires or where the reference is otherwise expressly amended, be construed as references respectively to—

(*a*) an inspector appointed by the Department of Manpower Services under Article 21 of the Order of 1978; or

(*b*) an inspector so appointed who is authorised to act for the purposes of the provision in question.

Supplemental

6.—(1) These regulations shall not affect the validity of anything done under any statutory provision repealed or modified by the regulations before the coming into operation of the regulations; and anything which at the coming into operation of the regulations is in process of being done for the purpose of that provision (including in particular any legal proceedings) by or in relation to—

(*a*) an inspector appointed under the Act of 1965;

(*b*) the chief inspector appointed under the Act of 1965; or

(*c*) an authority or officer entitled under section 153(4) of the Act of 1965 to exercise powers of an inspector under that Act,

may, so far as may be necessary for the purpose of or in consequence of the provisions of the regulations, be continued, respectively, by or in relation to—

(*a*) an inspector appointed by the Department of Manpower Services under Article 21 of the Order of 1978;

(*b*) an inspector so appointed who is authorised to act for the purposes of the provision in question; or

(*c*) the authority in question or an inspector appointed by that authority under the said Article 21.

(2) Without prejudice to paragraph (1), any exemption, approval, authorisation, certificate, notice or direction granted or other thing whatsoever done, or having effect as if granted, given or done, for the purposes of any provision modified by these regulations, shall, if in force at the coming into operation of these regulations, continue in force and have effect as if granted, given or done in accordance with that provision as so modified.

(3) Except as provided in regulation 3, regulations, rules and orders made or having effect under any provision repealed by these regulations and in force immediately before the coming into operation of these regulations shall continue in force notwithstanding the repeal of that provision.

(4) Where any of the provisions repealed or modified by these regulations prescribes a penalty for an offence of any kind, that penalty shall, notwithstanding these regulations, continue to apply to offences of that kind committed before 1st September 1979.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 4th July 1979.

(L.S.)

D. J. Perham
Senior Assistant Secretary

SCHEDULE 1

Repeals—Factories Act (Northern Ireland) 1965

Regulation 2(*a*)

Provision	*Extent of Repeal*
Section 1	Subsection (5).
Section 2	Subsection (4).
Section 3	Subsection (3).
Section 4	Subsection (2).
Section 5	Subsection (2).
Section 7	Subsection (2).
Sections 9 and 10	The whole section in each case.
Section 11	In subsection (3), the words "under this Act".
Section 12	The whole section except in so far as it enables orders to be made otherwise than by statutory rule.
Section 14	Subsection (5) except in so far as it enables orders to be made otherwise than by statutory rule.
Section 15	Subsections (3), (4) and (6).
Section 18	In subsection (2), the words from "and liable" to the end of the subsection; and subsections (3) to (5).
Section 19	Subsections (5) and (6).
Section 26	Subsection (4).
Section 33	In subsection (2)(*c*), the words "in pounds per square inch".
Section 34	In subsection (8), the words from "and liable" to "pounds".
Section 36	In subsection (1)(*c*) the words "in pounds per square inch".
Section 37	In subsection (1)(*d*), the words "in pounds per square inch".
Section 41	In subsection (3), the words "subject to section 157".
Section 46	In subsection (2), the words from "and the provisions of Part I" to the end of the subsection.
Sections 53 to 55	The whole section in each case.
Section 57	Subsections (2) and (3).
Section 58	Subsections (2) and (3).
Section 61	The whole section.

Provision	*Extent of Repeal*
Section 63	Subsection (4).
Section 65	The whole section.
Sections 69 and 70	The whole section in each case.
Section 71	Subsection (2).
Section 72	Subsection (2).
Section 75	The whole section.
Section 77	In subsection (4), the words from "and liable" to the end of the subsection.
Section 79	The whole section.
Section 80	Subsection (4).
Section 82	The whole section except in relation to investigations commenced before 1st September, 1979.
Section 87	Subsections (2) and (3).
Section 89	Subsection (5).
Section 119	In subsection (1), the words in paragraph (*b*) from "and the power" to the end of the paragraph; and subsection (7).
Section 120	In subsection (2), paragraph (*b*); subsection (6); and in subsection (7), the words from "and section 166(3)" to the end of the subsection.
Section 121	In subsection (2), paragraphs (*b*) and (*d*).
Section 122	In subsection (1), the words from "except as provided" to the end of the subsection; and subsections (2) and (3).
Section 123	In subsection (2), paragraphs (*c*) to (*e*) and (*h*), in paragraph (*j*) the words from "and the provisions" to the end of the paragraph and paragraph (*k*); in subsection (3), the references to paragraphs (*c*), (*e*), (*h*) and (*k*) of subsection (2); in subsection (4)(*a*), the words "and (*c*)"; and in subsection (6), the words from "and the power" to "dangerous factories".
Section 124	In subsection (2), paragraphs (*b*) to (*d*) and (*h*), in paragraph (*j*) the words "and duties of persons employed" and paragraph (*k*).
Section 125	In subsection (2), the words in paragraph (*c*) from "and the power" to the end of the paragraph, paragraphs (*d*), (*e*) and (*h*), in paragraph (*j*) the words "and duties of persons employed" and in paragraph (*k*) the words "powers and" and 'of inspectors and"; and in subsection (3), the words from the beginning to "practices and".
Section 126	In paragraph (*c*), the words "to powers and duties of inspectors and".