Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Health and Safety at Work (Northern Ireland) Order 1978. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1978 No. 1039 (N.I. 9)

Health and Safety at Work (Northern Ireland) Order 1978

- - - - - - *[25th July 1978]*

Modifications etc. (not altering text)

C1 Order modified (1.6.2015) by The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015 (S.R. 2015/236), **reg. 5(2)**

C2 Order applied (6.2.2018) by The Ionising Radiation (Medical Exposure) Regulations (Northern Ireland) 2018 (S.R. 2018/17), **reg. 18**

C3 Order: functions modified (1.10.2008) by Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008 (S.R. 2008/315); **reg. 10(3)**

C4 Order modified (27.7.2009) by Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/238), **reg. 14(2)**

C5 Order modified (24.8.2009) by Explosives (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/273), **reg. 14(2)**

C6 Order modified (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 10, **Sch. 12 para. 4(12)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

PART I [F1]

INTRODUCTORY

F1 mod. by SR 2001/295

Title and commencement

1.—(1) This Order may be cited as the Health and Safety at Work (Northern Ireland) Order 1978.

(2) *Commencement*

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the **[**[F2]Executive**]**" means the Health and Safety**[**[F2] Executive**]** for Northern Ireland established under Article 12;

"article for use at work" means—

(a) any plant designed for use or operation (whether exclusively or not) by persons at work, and

(b) any article designed for use as a component in any such plant;

[F3"article of fairground equipment" means any fairground equipment or any article designed for use as a component in any such equipment;**]**

"code of practice" (without prejudice to Article 18(8)) includes a standard, a specification and any other documentary form of practical guidance;

"conditional sale agreement" means an agreement for the sale of goods under which the purchase price or part of it is payable by instalments, and the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;

"contract of employment" means a contract of employment or apprenticeship (whether express or implied and, if express, whether oral or in writing);

"credit-sale agreement" means an agreement for the sale of goods, under which the purchase price or part of it is payable by instalments, but which is not a conditional sale agreement;

[F3"customs officer" means an officer within the meaning of the Customs and Excise Management Act 1979;**]**

"the Department" means the Department of Manpower Services;

"the Department concerned" in relation to any purpose or function under this Order in relation to matters of any class, means the government department which is concerned, or the government departments acting jointly which are concerned, with matters of that class under any of the existing statutory provisions, and where no department is so concerned, means the Department;

"domestic premises" means premises occupied as a private dwelling (including any garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling), and "non-domestic premises" shall be construed accordingly;

"employee" means an individual who works under a contract of employment**[**F4 or who is treated by Article 47A as being an employee**]**;

"enforcing authority" means the Department concerned**[**F2, the Executive**]** or any other authority which is by any of the relevant statutory provisions or by regulations under Article 20(2) made responsible for the enforcement of any of those provisions to any extent;

[F3"fairground equipment" means any fairground ride, any similar plant which is designed to be in motion for entertainment purposes with members of the public on or inside it or any plant which is designed to be used by members of the public for entertainment purposes either as a slide or for bouncing upon, and in this definition the reference to plant which is designed to be in motion with members of the public on or inside it includes a reference to swings, dodgems and other plant which is designed to be in motion wholly or partly under the control of, or to be put in motion by, a member of the public;**]**

"the general purposes of this Part" has the meaning assigned by Article 3;

"government department", except in the definition of Department concerned, includes a department of the Government of the United Kingdom;

"health and safety regulations" has the meaning assigned by Article 17(1);

"hire-purchase agreement" means an agreement other than a conditional sale agreement, under which—

(a) goods are bailed in return for periodical payments by the person to whom they are bailed; and

(b) the property in the goods will pass to that person if the terms of the agreement are complied with and one or more of the following occurs:—

(i) the exercise of an option to purchase by that person;

(ii) the doing of any other specified act by any party to the agreement;

(iii) the happening of any other event;

and "hire-purchase" shall be construed accordingly;

"improvement notice" means a notice under Article 23;

"inspector" means an inspector appointed under Article 21;

[[F3]"micro#organism" includes any microscopic biological entity which is capable of replication;**]**

"modifications" includes additions, omissions, amendments, adaptations, applications, extensions, restrictions and substitutions;

"offshore installation" means any installation which is intended for underwater exploitation of mineral resources or exploration with a view to such exploitation;

"personal injury" includes any disease and any impairment of a person's physical or mental condition;

"plant" includes any machinery, equipment or appliance;

"premises" includes any place and, in particular, includes—

(a) any vehicle, vessel, aircraft or hovercraft,

(b) any installation on land (including the foreshore and other land intermittently covered by water), any offshore installation, and any other installation (whether floating, or resting on the seabed or the subsoil thereof, or resting on other land covered with water or the subsoil thereof), and

(c) any tent or movable structure;

"prescribed" means prescribed by regulations;

"prohibition notice" means a notice under Article 24;

"regulations" means regulations made by the Department concerned;

"self-employed person" means an individual who works for gain or reward otherwise than under a contract of employment, whether or not he himself employs others;

"statutory provision" has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 ; and

(a) "existing statutory provisions" means the provisions mentioned in Schedule 1;

(b) "relevant statutory provisions" means—

(i) the provisions of Part II and of any health and safety regulations; and

(ii) the existing statutory provisions;

"substance" means any natural or artificial substance**[**[F3] (including micro#organisims)**]**, whether in solid or liquid form or in the form of a gas or vapour;

Definition rep. by 1987 NI 20

"supply" where the reference is to supplying articles or substances, means supplying them by way of sale, lease, hire or hire-purchase, whether as principal or agent for another.

(3) In this Order any reference to an enforcing authority's field of responsibility is a reference to the field over which that authority's responsibility for the enforcement of any of the relevant statutory provisions extends for the time being.

(4) Subject to paragraph (5) for the purposes of this Order—

(a) "work" means work as an employee or as a self-employed person;

(b) an employee is at work throughout the time when he is in the course of his employment, but not otherwise;[F4]. . .

[[F4](bb) a person holding the office of constable is at work throughout the time when he is on duty, but not otherwise; and**]**

(c) a self-employed person is at work throughout such time as he devotes to work as a self-employed person.

(5) Regulations may—

(a) extend the meaning of "work" and "at work"; and

(b) in that connection provide for any of the relevant statutory provisions to have effect subject to such adaptations as may be specified in the regulations.

F2 1998 NI 18
F3 1987 NI 20
F4 1997 NI 16

[F5] PART II

HEALTH, SAFETY AND WELFARE IN CONNECTION WITH WORK, AND CONTROL OF DANGEROUS SUBSTANCES

F5 mod. by SR 2001/295

Modifications etc. (not altering text)
C7 Pt. II restricted (15.11.2010) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), **47** (with arts. 44, 46, 47(2), 49, 62); S.R. 2010/328, **art. 2**

Preliminary

Preliminary

3 [F6]**.**—[F7](1) The provisions of this Part shall have effect with a view to—

(a) securing the health, safety and welfare of persons at work;

(b) protecting persons other than persons at work against risks to health or safety arising out of or in connection with the activities of persons at work;

(c) controlling the keeping and use of explosive or highly flammable or otherwise dangerous substances, and generally preventing the unlawful acquisition, possession and use of such substances.

(2) The provisions of this Part relating to the making of health and safety regulations and the preparation and approval of codes of practice shall in particular have effect with a view to enabling the existing statutory provisions to be progressively replaced by a system of regulations and approved codes of practice operating in combination with the other provisions of this Part and designed to maintain or improve the standards of health, safety and welfare established by or under the existing statutory provisions.

(3) For the purposes of this Part risks arising out of or in connection with the activities of persons at work shall be treated as including risks attributable to the manner of conducting an undertaking, the plant or substances used for the purposes of an undertaking and the condition of premises so used or any part of them.

(4) References in this Part to the general purposes of this Part are references to the purposes mentioned in paragraph (1).

(5) [F8] . . . . . .

F6 mod. by SR 2000/87; 2000/120
F7 mod. by 2002 c. 8 (NI)
F8 Art. 3(5) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 10, **Sch. 12 para. 3(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

General duties

General duties of employers to their employees

[F9F10F11F12]**4.**—(1) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

(2) Without prejudice to the generality of an employer's duty under paragraph (1), the matters to which that duty extends include in particular—

(a) the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;

(b) arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;

(c) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees;

(d) so far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks;

(e) the provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.

(3) Except in such cases as may be prescribed, it shall be the duty of every employer to prepare and as often as may be appropriate revise a written statement of his general policy with respect to the health and safety at work of his employees and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees.