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STATUTORY INSTRUMENTS

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**1978 No. 1039**

**Health and Safety at Work (Northern Ireland) Order 1978**

**<sup>F1</sup> PART II**

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

*Health and safety regulations and approved codes of practice*

**Use of approved codes of practice in criminal proceedings**

<sup>F1F2</sup>19.—(1) A failure on the part of any person to observe any provision of an approved code of practice shall not of itself render him liable to any civil or criminal proceedings; but where in any criminal proceedings a party is alleged to have committed an offence by reason of a contravention of any requirement or prohibition imposed by or under any such provision as is mentioned in Article 18(1) being a provision for which there was an approved code of practice at the time of the alleged contravention, the following paragraph shall have effect with respect to that code in relation to those proceedings.

(2) Any provision of the code of practice which appears to the court to be relevant to the requirement or prohibition alleged to have been contravened shall be admissible in evidence in the proceedings; and if it is proved that there was at any material time a failure to observe any provision of the code which appears to the court to be relevant to any matter which it is necessary for the prosecution to prove in order to establish a contravention of that requirement or prohibition, that matter shall be taken as proved unless the court is satisfied that the requirement or prohibition was in respect of that matter complied with otherwise than by way of observance of that provision of the code.

(3) In any criminal proceedings—

- (a) a document purporting to be a notice issued by the<sup>F3</sup> Executive] under Article 18 shall be taken to be such a notice unless the contrary is proved; and
- (b) a code of practice which appears to the court to be the subject of such a notice shall be taken to be the subject of that notice unless the contrary is proved.

**F1** mod. by SR 2000/87; 2000/120

**F2** mod. by 2002 c. 8 (NI)

**F3** 1998 NI 18

**Modifications etc. (not altering text)**

**C1** Arts. 18-30 applied (with modifications) (27.7.2009) by Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/238), **reg. 14(1)(a)**

**C2** Arts. 18-30 applied (with modifications) (24.8.2009) by Explosives (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009 (S.R. 2009/273), **reg. 14(1)(a)**

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**Changes to legislation:** *There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Section 19. (See end of Document for details)*

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- C3** Arts. 18-23 applied (with modifications) (28.9.2015) by The Control of Major Accident Hazards Regulations (Northern Ireland) 2015 (S.R. 2015/325), regs. 1, **27(1)(a)** (with regs. 3(2), 27(3))
- C4** Arts. 18-28 applied (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C5** Arts. 18-24 applied (19.12.2016) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2016 (S.R. 2016/406), regs. 1, **36(1)(a)** (with reg. 4(2), Sch. 15)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Section 19.