

---

STATUTORY INSTRUMENTS

---

**1978 No. 1039**

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

**PART I <sup>F1</sup>**

**INTRODUCTORY**

**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 [<sup>F1</sup>Executive]” means the Health and Safety [<sup>F1</sup> 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;

[<sup>F2</sup>“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;

[<sup>F2</sup>“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<sup>[F3]</sup> or who is treated by Article 47A as being an employee];

“enforcing authority” means the Department concerned<sup>[F1]</sup>, 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;

[<sup>F2</sup>“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;

[<sup>F2</sup>“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<sup>F2</sup> (including micro#organism)s], 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;<sup>F3</sup> . . .

[<sup>F3</sup>(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.

**F1** 1998 NI 18

**F2** 1987 NI 20

**F3** 1997 NI 16

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Section 2.