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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**

*Miscellaneous and supplementary*

**Application of Part to police**

**47A** <sup>F1</sup>.—<sup>F2</sup>(1) For the purposes of this Part, a person who, otherwise than under a contract of employment, holds the office of constable shall be treated as an employee of the relevant officer.

(2) In this Article “the relevant officer”

[<sup>F3</sup>(a) in relation to a police officer, means the Chief Constable;]

(b) <sup>F4</sup>.....

(c) in relation to any other person holding the office of constable, means the person who has the direction and control of the body of constables in question.

[<sup>F5</sup>(2A) For the purposes of this Part, the relevant officer, as defined by paragraph (2)(a) or (c), shall be treated as a corporation sole.

(2B) Where, in a case in which the relevant officer, as so defined, is guilty of an offence by virtue of this Article, it is proved—

(a) that the officer-holder personally consented to the commission of the offence,

(b) that he personally connived in its commission, or

(c) that the commission of the offence was attributable to personal neglect on his part,

the office-holder (as well as the corporation sole) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2C) In paragraph (2B) “the office-holder”, in relation to the relevant officer, means an individual who, at the time of the consent, connivance or neglect—

(a) held the office or other position mentioned in paragraph (2) as the office or position of that officer; or

(b) was for the time being responsible for exercising and performing the powers and duties of that office or position.

(2D) The provisions mentioned in paragraph (2E) (which impose the same liability for unlawful conduct of constables on persons having their direction or control as would arise if the constables were employees of those persons) do not apply to any liability by virtue of this Part.

(2E) Those provisions are—

(a) paragraph 7(1) of Schedule 8 to the Police Act 1997;

(b) section 27(8) of the Police (Northern Ireland) Act 1998;

(c) section 29(1) of that Act;

(d) section 28 of the Serious Organised Crime and Police Act 2005.]

(3) For the purposes of regulations under Article 4(4) the Police Association for Northern Ireland shall be treated as a recognised trade union recognised by the Chief Constable<sup>F6</sup> . . . .

(4) Regulations under Article 4(4) may provide, in relation to persons falling within paragraph (2) (b) or (c), that a body specified in the regulations is to be treated as a recognised trade union recognised by such person as may be specified.

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

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

**F3** 2000 c. 32

**F4** Art. 47A(2)(b) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178(8), Sch. 4 para. 39, Sch. 17 Pt. 2; S.I. 2006/378, art. 4(1), Sch. paras. 10, 12, 13(o) (subject to art. 4(1)-(7))

**F5** Art. 47A(2A)-(2E) inserted (25.7.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 27(1), 31(1)(f) (with s. 27(4)-(6))

**F6** 2000 c. 32

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Section 47A .