
STATUTORY INSTRUMENTS

1978 No. 1039

Health and Safety at Work (Northern Ireland) Order 1978

^{F1} PART II

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

The Health and Safety^{F1} Executive] for Northern Ireland

F1 1998 NI 18

Establishment of the^{F2} Executive]

^{F3}**12** .—^{F4}(1) There shall be established a body to be called the Health and Safety^{F2} Executive] for Northern Ireland consisting of a chairman appointed by the Head of the Department and not less than six nor more than nine other members appointed by the Head of the Department in accordance with paragraph (2).

(2) Before appointing the members of the^{F2} Executive] (other than the chairman) the Head of the Department shall—

- (a) as to three of them, consult such organisations representing employers as he considers appropriate;
- (b) as to three others, consult such organisations representing employees as he considers appropriate; and
- (c) as to any other members he may appoint, consult such organisations representing district councils and such other organisations, other than the organisations mentioned in subparagraph (a) or (b), as he considers appropriate.

^{F2}(2A) The Head of the Department may, after consultation with the Executive, appoint one of the members to be deputy chairman of the Executive.]

(3) The^{F2} Executive] shall have such functions as are conferred on it under the succeeding provisions of this Order.

(4) The provisions of Schedule 2 shall have effect with respect to the^{F2} Executive].

^{F2}(5) The functions of the Executive, and of its officers and servants, shall be performed on behalf of the Crown.

(6) For the purpose of any civil proceedings arising out of those functions, the Crown Proceedings Act 1947 shall apply to the Executive as if it were a Department of Her Majesty's Government in Northern Ireland within the meaning of that Act.

(7) The Department may by order subject to negative resolution amend paragraph (1) so far as it regulates the number of members of the Executive.]

- F2** 1998 NI 18
F3 mod. by SR 2000/87; 2000/120
F4 mod. by 2002 c. 8 (NI)

Modifications etc. (not altering text)

- C1** Art. 12(1) applied (with modifications) (8.12.2016) by [The Lifts Regulations 2016 \(S.I. 2016/1093\)](#), reg. 1, Sch. 9 paras. 1(a), 2 (with regs. 3-5)

Functions of the^{F5} Executive]

13^{F6}.—^{F5F7}(1) In addition to the other functions conferred on the Executive under this Order, but subject to paragraph (4), it shall be the general duty of the Executive to do such things and make such arrangements as it considers appropriate for the general purposes of this Part.

(1A) It shall be the duty of the Executive—

- (a) to assist and encourage persons concerned with matters relevant to any of the general purposes of this Part to further those purposes;
- (b) to make such arrangements as it considers appropriate for securing that government departments, employers, employees, organisations representing employers and employees respectively, and other persons concerned with matters relevant to any of those purposes are provided with an information and advisory service and are kept informed of, and adequately advised on, such matters;
- (c) to submit to the Department concerned such proposals as the Executive considers appropriate for the making of regulations under any of the relevant statutory provisions.]

(2) The^{F5} Executive], in accordance with Article 18, may prepare and issue codes of practice and may approve codes of practice prepared by other persons.

(3) The^{F5} Executive] may,^{F5} . . .

- (a) make such arrangements as it considers appropriate for—
 - (i) the carrying out of, and the publication of the results of, research; and
 - (ii) the provision of training and information;

in connection with the purposes of this Part; and
- (b) encourage research and the provision of training and information in that connection by others;
- (c) generally promote health and safety at work.

(4) The^{F5} Executive] shall—

- (a) submit to the Department particulars of what it proposes to do for the purpose of performing its functions^{F5}. . . ; and
- (b) subject to sub-paragraph (c), ensure that its activities are in accordance with proposals approved by the Department; and
- (c) give effect to any directions given to it by the Department.

- F5** 1998 NI 18
F6 mod. by SR 2000/87; 2000/120
F7 mod. by 2002 c. 8 (NI)

Control of the^{F8} Executive] by the Department

14^{F9}.^{F10} The Department may—

- (a) approve, with or without modifications, any proposals submitted to it in pursuance of Article 13(4)(a);
- (b) give to the^{F8} Executive] at any time such directions as the Department thinks fit with respect to the functions of the^{F8} Executive].

F8 1998 NI 18

F9 mod. by SR 2000/87; 2000/120

F10 mod. by 2002 c. 8 (NI)

Additional functions of the^{F11} Executive]

15^{F12}.—^{F13}(1) The^{F11} Executive] may—

- (a) make agreements with any government department or other person for that department or person to perform on behalf of the^{F11} Executive][^{F11} (with or without payment)] any of the functions of the^{F11} Executive];
- (b) subject to paragraph (2), make agreements with any Minister of the Crown, government department or public authority for the^{F11} Executive] to perform on behalf of that Minister, department or authority (with or without payment) functions exercisable by the Minister, department or authority, being functions which in the opinion of the Department can appropriately be performed by the^{F11} Executive] in connection with any of the^{F11} Executive] 's functions;
- ^{F11}(bb) provide (with or without payment) services or facilities required otherwise than for the general purposes of this Part in so far as they are required by any government department or other public authority in connection with the exercise by that department or authority of any of its functions;]
- (c) appoint persons or committees of persons to provide the^{F11} Executive] with advice in connection with any of its functions and (without prejudice to the generality of the following sub-paragraph) pay to persons so appointed such remuneration as the Department, with the approval of the Department of the Civil Service, may determine;
- (d) in connection with any of the functions of the^{F11} Executive], pay to any person such travelling and subsistence allowances and such compensation for loss of remunerative time as the Department, with the approval of the Department of the Civil Service, may determine;
- (e) carry out or arrange for or make payments in respect of, research into any matter connected with any of the^{F11} Executive] 's functions, and disseminate or arrange for or make payments in respect of the dissemination of, information derived from such research;
- (f) include, in any arrangements made by the^{F11} Executive] for the provision of facilities or services by it or on its behalf, provision for the making of payments to the^{F11} Executive] or any person acting on its behalf by other parties to the arrangements and by persons who use those facilities or services.

(2) Nothing in paragraph (1)(b) shall authorise the^{F11} Executive] to perform any function of a Minister, department or authority which consists of a power to make regulations or other instruments of a legislative character.

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

- F11** [1998 NI 18](#)
- F12** mod. by [SR 2000/87](#); [2000/120](#)
- F13** mod. by [2002 c. 8 \(NI\)](#)

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