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*Changes to legislation:* There are currently no known outstanding effects for the Health and Safety (Offences) Act 2008, SCHEDULE 2. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

Section 1(4)

#### NEW SCHEDULE 3A TO THE HEALTH AND SAFETY AT WORK (NORTHERN IRELAND) ORDER 1978

#### “SCHEDULE 3A

#### OFFENCES: MODE OF TRIAL AND MAXIMUM PENALTY

The mode of trial and maximum penalty applicable to each offence listed in the first column of the following table are as set out opposite that offence in the subsequent columns of the table.

<i>Offence</i>	<i>Mode of trial</i>	<i>Penalty on summary conviction</i>	<i>Penalty on conviction on indictment</i>
An offence under Article 31(1)(a) consisting of a failure to discharge a duty to which a person is subject by virtue of Articles 4 to 7.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(a) consisting of a failure to discharge a duty to which a person is subject by virtue of Article 8.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(b) consisting of a contravention of Article 9.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(b) consisting of a contravention of Article 10.	Summarily or on indictment.	A fine not exceeding £20,000.	A fine.
An offence under Article 31(1)(c).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not	Imprisonment for a term not exceeding two years, or a fine, or both.

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		exceeding £20,000, or both.	
An offence under Article 31(1)(d).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under Article 31(1)(e), (f) or (g).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(h).	Summarily only.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding level 5 on the standard scale, or both.	
An offence under Article 31(1)(i).	Summarily or on indictment.	A fine not exceeding the statutory maximum.	A fine.
An offence under Article 31(1)(j).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(k), (l) or (m).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(n).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under Article 31(1)(o).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under the existing statutory provisions for which no other penalty is specified.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.”

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