
STATUTORY INSTRUMENTS

2006 No. 397

The Railways (Interoperability) Regulations 2006

PROSPECTIVE

PART 6

Enforcement

Enforcement in Northern Ireland

35.—(1) It shall be the duty of the Health and Safety Executive for Northern Ireland⁽¹⁾ to make adequate arrangements for the enforcement of these Regulations in Northern Ireland and accordingly a reference to an “enforcing authority” by the provisions applied for the purposes of such enforcement by paragraph (3) shall be construed as a reference to the Health and Safety Executive for Northern Ireland.

(2) Subject to paragraph 4, the provisions of the Health and Safety at Work (Northern Ireland) Order 1978⁽²⁾ (“the 1978 Order”) specified in paragraph (3) shall apply for the purposes of the enforcement in Northern Ireland of these Regulations as if they were Health and Safety Regulations for the purpose of that Order, and any function of the Health and Safety Executive for Northern Ireland under any other provisions of that Order which is exercisable in relation to any function of the Health and Safety Executive for Northern Ireland under or in respect of Health and Safety Regulations (including their enforcement) shall be exercisable as if these Regulations were Health and Safety Regulations for the purposes of that Order.

(3) The provisions of the 1978 Order referred to in paragraph (2) are—

- (a) article 20 to 24 (enforcement);
- (b) articles 25 (provisions supplementary to articles 23 and 24) and 26 (appeal against improvement or prohibition notice);
- (c) article 28 (power to indemnify inspectors);
- (d) articles 31 to 39 (provision as to offences); and
- (e) article 44(1) to (3) (application to Crown).

(4) A failure to discharge a duty placed on the—

- (a) Health and Safety Executive for Northern Ireland; or

(1) Formerly known as the Health and Safety Agency for Northern Ireland which was established under Article 12 of the [Health and Safety at Work \(Northern Ireland\) Order 1978 \(S.I. 1978/ 1039 \(N.I. 9\)\)](#). Article 3(1) of the [Health and Safety at Work \(Amendment\) \(Northern Ireland\) Order 1998 \(S.I. 1998/ 2795 \(N.I. 18\)\)](#) changed its name to the Health and Safety Executive for Northern Ireland.

(2) [S.I. 1978/ 1039 \(N.I. 9\)](#). Article 20 was amended by [S.I. 1998/2795 \(N.I. 18\)](#), Article 6(1) and Schedule 1, paragraph 13(a). Article 24 was amended by [S.I. 1987/2049 \(N.I. 20\)](#), Article 28 and Schedule 2, paragraph 3. Article 26 was amended by [S.I. 1984/1159 \(N.I. 9\)](#), Article 35 and Schedule 4. Article 31 was amended by: [S.I. 1987/2049 \(N.I. 20\)](#), Article 28 and Schedule 2 paragraph 7; [S.I. 1988/595 \(N.I. 3\)](#), Article 10(1)(c); [S.I. 1986/1883 \(N.I. 15\)](#), Article 13(3) and Schedule 5; [S.I. 1992/1728 \(N.I. 17\)](#), article 6(1), (3), (4), (5), (7), Article 8 and Schedule 2; [S.I. 1998/2795 \(N.I. 18\)](#), Article 6 and Schedule 1, paragraph 15, and Schedule 2, Forgery and Counterfeiting Act 1981 (c. 45) section 30 and Schedule.

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Railways (Interoperability) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(b) Safety Authority,
by these Regulations shall not be an offence under article 31(1)(c) of the 1978 Order.

Commencement Information

II Reg. 35 in force at 2.4.2006, see [reg. 1\(3\)](#)

Status:

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2011/3066 reg. 47\(1\)](#)
- reg. 35 coming into force by [S.I. 2006/397 reg. 1\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(9A) inserted by [S.I. 2008/1746 reg. 4\(4\)\(c\)](#)
- reg. 4A4B inserted by [S.I. 2008/1746 reg. 4\(5\)](#)
- reg. 11(7) inserted by [S.I. 2008/1746 reg. 4\(7\)](#)
- reg. 12(3)-(6) inserted by [S.I. 2008/1746 reg. 4\(8\)\(b\)](#)
- reg. 33(1A) inserted by [S.I. 2008/1746 reg. 4\(9\)](#)