



Northern Ireland (Miscellaneous Provisions) Act 2006

2006 CHAPTER 33

PART 5

MISCELLANEOUS

27 Responsibilities in relation to the health and safety etc. of police

- (1) In Article 47A of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)) (application of Part II of that Order to police) after paragraph (2) insert—

“(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.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Section 27. (See end of Document for details)

- (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.”
- (2) For paragraph (2) of each of the following Articles of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16))—
- (a) Article 72A (right of police officers not to suffer detriment in relation to health and safety issues), and
 - (b) Article 169A (right of police officers not to be unfairly dismissed in relation to health and safety issues),
- substitute the paragraph set out in subsection (3).
- (3) The paragraph to be substituted is—
- “(2) In this Article “the relevant officer”, in relation to a person holding the office of constable, means the person who under Article 47A of the Health and Safety at Work (Northern Ireland) Order 1978 is to be treated as his employer for the purposes of Part II of that Order.”
- (4) The amendments made by subsections (1) to (3) have effect for the purposes of any proceedings in or before a court or tribunal that are commenced on or after the day on which this Act is passed as if the amendments had come into force on 1st July 1998.
- (5) For the purposes of proceedings commenced against a person in his capacity by virtue of this section as a corporation sole, anything done by or in relation to that person before the passing of this Act shall be deemed to have been done by or in relation to that person in that capacity.
- (6) No person shall be liable by virtue of Article 47A(2B) of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)) in respect of anything occurring before the passing of this Act.

Changes to legislation:

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