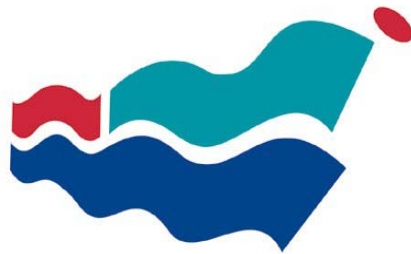


# HEALTH AND SAFETY



BANBRIDGE  
DISTRICT COUNCIL

# ENFORCEMENT POLICY

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## **INTRODUCTION**

Banbridge District Council has developed this policy to ensure that the approach to enforcement is consistent with the policy set out in the current Health and Safety Executive Northern Ireland Enforcement Guidelines for Health and Safety at Work in Northern Ireland.

Banbridge District Council aims to see that the risks to peoples' health and safety arising from work activities are effectively controlled, thereby contributing to the overall economic and social well-being of the Northern Ireland community.

Responsibility for securing workplace health and safety standards is mainly shared between HSENI and the District Councils.

District Councils promote and enforce health and safety law in workplaces allocated to them by the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999 – including offices, shops, retail and wholesale distribution centres, leisure, hotel and catering premises.

HSENI is the enforcing authority for health and safety in many areas of employment. Some of the main areas within HSENI's remit include manufacturing, construction, agriculture, quarries, docks, chemical plants, education, fairgrounds, hospitals and nursing homes, District Councils, railways, the Fire Authority, the Police Service, and Crown bodies.

This Enforcement Policy sets out the general principles and approach which all health and safety enforcing authority staff are expected to follow when taking enforcement decisions. For simplicity, the Guidelines refer to health and safety enforcing authority staff as "Inspectors".

The appropriate use of enforcement powers, including prosecution, is important, both to secure compliance with the law and to ensure that those who have duties under it may be held to account for failures to safeguard health, safety and welfare at work.

In allocating resources, Banbridge District Council will have regard to the principles set out below. They will also have regard to the objectives published in the District Council enforced business sectors in Northern Ireland (HELANI Strategic Plan)<sup>1</sup>. They also will maintain a balance between enforcement and other activities, including inspection, promotion and the provision of health and safety information and advice.

### **Review and Feedback**

The following policy document was adopted by the Council in June 2006 and will be reviewed every five years thereafter. Any comments on this policy should be referred to the Environmental Health Department, Gate Lodge, Linenhall Street, Banbridge.

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<sup>1</sup> Published by the Health & Safety Executive/Local Authority Enforcement Liaison Committee for Northern Ireland (HELANI)

## **THE PURPOSE AND METHOD OF ENFORCEMENT**

- The ultimate purpose of Banbridge District Council, as an enforcing authority is to ensure that duty holders (employers, the self-employed, employees and others) manage and control risks effectively, thus preventing harm. The term ‘enforcement’ has a wide meaning and applies to all dealings between enforcing authorities and those on whom the law places duties.
- The purpose of enforcement is to:
  - (a) ensure that duty holders take action to deal immediately with serious risks;
  - (b) promote and achieve sustained compliance with the law; and
  - (c) ensure that duty holders who breach health and safety requirements, and directors or managers who fail in their responsibilities may be held to account, which may include bringing alleged offenders before the courts in Northern Ireland in the circumstances set out later in these Guidelines.

Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims may be pursued, nor is its purpose to assist such claims.

- Banbridge District Council has a range of tools at their disposal in seeking to secure compliance with the law and to ensure a proportionate response to criminal offences. Inspectors may offer duty holders information and advice, both face to face and in writing. This may include warning a duty holder that, in the opinion of the Inspector, they are failing to comply with the law. Where appropriate, Inspectors may also serve Improvement and Prohibition notices, issue formal cautions<sup>2</sup>, and they may initiate prosecutions.
- Giving information and advice and issuing improvement or prohibition notices are the main means which Inspectors use to achieve the broad aim of dealing with serious risks, securing compliance with health and safety law and preventing harm. Improvement and Prohibition notices have legal standing and there are penalties for failure to comply with their requirements.
- An Improvement notice may be used where an Inspector is of the opinion that a person is in breach of Legislation and the notice will state a time by which matters must be remedied. In situations where an activity involves, or will involve, a risk of serious

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<sup>2</sup> Formal cautions are a non-statutory procedure that may be applied in accordance with Home Office guidelines and public interest principles. A formal caution is a statement by an Inspector, which is accepted in writing by the duty holder, that the duty holder has committed an offence for which there is a realistic prospect of conviction. A formal caution may only be used where a prosecution could be properly brought. ‘Formal Cautions’ are entirely distinct from a caution given under the Police and Criminal Evidence Act by an Inspector before questioning a suspect about an alleged offence. Enforcing authorities should take account of current Home Office guidelines when considering whether to offer a formal caution.

personal injury, the Inspector may serve a Prohibition notice. A Prohibition notice stops a work activity in order to prevent serious personal injury. Improvement and Prohibition notices and written advice may be used in court proceedings.

- Formal cautions and prosecutions are important ways to bring duty holders to account for alleged breaches of the law. Where it is appropriate to do so in accordance with these Guidelines, Banbridge District Council should consider using one of these measures instead of, or in addition to, issuing an Improvement or Prohibition notice.
- Investigating the circumstances encountered during inspections or following incidents or complaints is essential before taking any enforcement action. In deciding what resources to devote to these investigations, Banbridge District Council should have regard to the principles of enforcement set out in these Guidelines and the objectives published in the HELANI Strategic Plan. In particular, in allocating resources, Banbridge District Council must strike a balance between investigations and mainly preventive activity.
- Sometimes the law is prescriptive – spelling out in detail what must be done. However, much of modern health and safety law is goal setting – setting out what must be achieved, but not how it must be done. Advice on how to achieve the goals is often set out in Approved Codes of Practice (ACoPs). These give practical advice on compliance and have a special legal status. If someone is prosecuted for a breach of health and safety law and did not follow the relevant provisions of an ACoP, then the onus is on them to show that they complied with the law in another way.
- Advice is also contained in other guidance material describing good practice published by HSC, HSE, HSENI and District Councils. Following this guidance is not compulsory, but doing so is normally enough to comply with the law.
- Neither ACoPs nor guidance material are in terms which necessarily fit every case. In considering whether the law has been complied with, Inspectors will need to take relevant ACoPs and guidance into account, using sensible judgement about the extent of the risks and the effort that has been applied to counter them. More is said about these matters later in these Guidelines.
- Banbridge District Council will use discretion in deciding when to investigate or what enforcement action may be appropriate. Such judgements will be made in accordance with the following principles. These are in accordance with the *Enforcement Concordat*<sup>3</sup>, which has been adopted by Banbridge District Council.

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<sup>3</sup> See Further information

## THE PRINCIPLES OF ENFORCEMENT

- Banbridge District Council believes in firm but fair enforcement of health and safety law. This should be informed by the principles of **proportionality** in applying the law and securing compliance; **targeting** of enforcement action; **consistency** of approach; **transparency** about how the regulator operates and what those regulated may expect; and **accountability** for the regulator's actions. These principles should apply both to enforcement in particular cases and to Banbridge District Council's management of health and safety enforcement activities as a whole.

### PROPORTIONALITY

- **Proportionality means relating enforcement action to the risks<sup>4</sup>. Those whom the law protects and those on whom it places duties (duty holders) expect that action taken by Banbridge District Council to achieve compliance or bring duty holders to account for non-compliance should be proportionate to any risks to health and safety, or to the seriousness of any breach, which includes any actual or potential harm arising from a breach of the law.**
- In practice, applying the principle of proportionality means that Banbridge District Council should take particular account of how far the duty holder has fallen short of what the law requires and the extent of the risks to people arising from the breach.
- Some health and safety duties are specific and absolute. Others require action so far as is reasonably practicable. Banbridge District Council should apply the principle of proportionality in relation to both kinds of duty.
- Deciding what is reasonably practicable to control risks involves the exercise of judgement. Where duty holders must control risks so far as is reasonably practicable, Banbridge District Council considering protective measures taken by duty holders must take account of the degree of risk on the one hand, and on the other the sacrifice, whether in money, time or trouble, involved in the measures necessary to avert the risk. Unless it can be shown that there is gross disproportion between these factors and that the risk is insignificant in relation to the cost, the duty holder must take measures and incur costs to reduce the risk.
- Banbridge District Council will expect relevant good practice to be followed. Where relevant good practice in particular cases is not clearly established, health and safety law effectively requires duty holders to establish explicitly the significance of the risks to determine what action needs to be taken. Ultimately, the courts determine what is reasonably practicable in particular cases.
- Some irreducible risks may be so serious that they cannot be permitted irrespective of the consequences for the duty holders.

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<sup>4</sup> In this guidance, 'risk' (where the term is used alone) is defined broadly to include a source of possible harm, the likelihood of that harm occurring, and the severity of any harm.

## TARGETING

- **Targeting means making sure that contacts are targeted primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled; and that action is focused on the duty holders who are responsible for the risk and who are best placed to control it – whether employers, manufacturers, suppliers, or others.**
- Banbridge District Council will have systems for deciding which inspections, investigations or other regulatory contacts should take priority according to the nature and extent of risks posed by a duty holder's operations. The duty holder's management competence is important, because a relatively low hazard site poorly managed can entail greater risk to workers or the public than a higher hazard site where proper and adequate risk control measures are in place. Certain very high hazard sites will receive regular inspections so that enforcing authorities can give public assurance that such risks are properly controlled.
- Any enforcement action will be directed against duty holders responsible for a breach. This may be employers in relation to workers or others exposed to risks; the self-employed; owners of premises; suppliers of equipment; designers or clients of projects; or employees themselves. Where several duty holders have responsibilities, Banbridge District Council may take action against more than one when it is appropriate to do so in accordance with these Guidelines.
- When Inspectors issue Improvement or Prohibition notices, issue formal cautions, or initiate prosecutions, Banbridge District Council should ensure that a senior officer of the duty holder concerned, at board level, is also notified.

## CONSISTENCY

- **Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.**
- Duty holders managing similar risks expect a consistent approach from Banbridge District Council in the advice tendered; the use of enforcement notices, approvals etc; decisions on whether to initiate or recommend prosecutions; and in the response to incidents.
- Banbridge District Council recognises that in practice consistency is not a simple matter. Inspectors are faced with many variables including the degree of risk, the attitude and competence of management, any history of incidents or breaches involving the duty holder, previous enforcement action, and the seriousness of any breach, which includes any potential or actual harm arising from a breach of the law. Decisions on enforcement action are discretionary, involving judgement by the enforcer. Banbridge District Council should have arrangements in place to promote consistency, including effective arrangements for liaison with other enforcing authorities.

- The Health and Safety Executive/ Local Authority Liaison Committee for Northern Ireland (HELANI) has been established to facilitate consistency among the main health and safety regulatory bodies in Northern Ireland. It provides a regional forum for the discussion and exchange of information on enforcement issues. It also provides an effective liaison mechanism between District Councils and HSENI.

## **TRANSPARENCY**

- **Transparency means helping duty holders to understand what is expected of them and what they should expect from Banbridge District Council. It also means making clear to duty holders not only what they have to do but also, where this is relevant, what they don't. That means distinguishing between statutory requirements and advice about what is desirable but not compulsory.**
- Transparency also involves Banbridge District Council having arrangements for keeping employees, their representatives, and victims or their families informed. These arrangements must have regard to legal constraints and requirements.

Banbridge District Council is expected to take all reasonable measures to ensure that duty holders, employees, their representatives and others know what to expect when an Inspector calls and what rights of complaint are open to them. The leaflet, *What to expect when a Health and Safety Inspector calls: A brief guide for businesses, employees and their representatives*, explains what employers and employees, and their representatives, can expect when a health and safety Inspector calls at a workplace.

## **ACCOUNTABILITY**

- **Regulators are accountable to the public for their actions. This means that Banbridge District Council has policies and standards (such as the four enforcement principles above) against which they can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints.**
- **Banbridge District Council's procedures for dealing with comments and handling complaints relating to health and safety are set out in the leaflet, *What to Expect When an Inspector Calls: A brief guide for businesses, employees and their representatives*.**

- Customer satisfaction is a key priority for the staff and management of Banbridge District Council. Therefore, we are committed to monitoring our performance in the provision of all our services. Comments or complaints can be submitted by the following means

#### **In Person**

You can call into the Council's main offices at the Civic Building, Downshire Road, Banbridge on weekdays between 9.00am-1.00pm and 2.00pm-5.00pm.

#### **Telephone**

Our telephone lines are open Monday to Friday between 8.30am-5.00pm. Ring reception on 028 4066 0600 if you are unsure who can deal with your complaint or alternatively contact the relevant Department directly.

#### **In Writing**

Write to Banbridge District Council at Civic Building, Downshire Road, Banbridge, Co. Down, BT32 3JY or send a fax to 028 4066 0601. Alternatively, you can fill in a comment card located at Reception in any Council facility and place it in the comments and complaints box at that location.

#### **E-mail**

Send your complaint or comment to [info@banbridge.gov.uk](mailto:info@banbridge.gov.uk) or complete the online comment form

All complaints will be handled by each Department both promptly and efficiently. Written complaints will be acknowledged within two working days. All complaints, which cannot be resolved immediately, will be investigated and a formal reply sent from the relevant Department within ten working days.

## **INVESTIGATION**

- Banbridge District Council may use discretion in deciding whether incidents, cases of ill health, or complaints should be investigated. The HELANI Strategic Plan details priority issues which would be one of the factors to be taken into consideration in deciding if an investigation should be initiated.
- Investigations are undertaken in order to determine:
  - (a) the causes of the incident;
  - (b) whether action has been taken or needs to be taken to prevent a recurrence and to secure compliance with the law;
  - (c) lessons to be learnt and to influence the law and guidance; and
  - (d) what response is appropriate to a breach of the law.

- To maintain a proportionate response, most resources available for investigation of incidents will be devoted to the more serious circumstances. HSENI and Banbridge District Council recognise that it is neither possible nor necessary for the purposes of the Health and Safety at Work Order<sup>5</sup> to investigate all issues of non-compliance with the law which are uncovered in the course of preventive inspection, or in the investigation of reported events.
- Banbridge District Council will carry out a site investigation of a reportable<sup>6</sup> work-related death, unless there are specific reasons for not doing so. In such a case those reasons should be recorded.
- In selecting which complaints or reports of injury or workplace ill health to investigate and in deciding the level of resources to be used, Banbridge District Council should take account of the following factors:
  - (a) the severity and scale of potential or actual harm;
  - (b) the seriousness of any potential breach of the law;
  - (c) knowledge of the duty holder's past health and safety performance;
  - (d) the enforcement priorities;
  - (e) the practicality of achieving results; and
  - (f) the wider relevance of the event, including serious public concern.

## **PROSECUTION**

- The authority to initiate a prosecution rests with an inspector. The decision to initiate a prosecution will be discussed by the Inspector at a Departmental Meeting and the decisions minuted.
- The decision as to whether or not it is proper to prosecute must always be taken in accordance with established principles of law and practice. The decision is quasi judicial and should be taken in a reasoned and consistent manner. It must not be arbitrary. The reason for every decision must be capable of being stated.
- In Northern Ireland, prosecutions are initiated or continued in accordance with the TEST FOR PROSECUTION. This is where the prosecutor is satisfied that the evidence, which can be adduced in court, is sufficient to provide a reasonable prospect of conviction and that prosecution is required in the public interest. Both of these requirements must be satisfied before any prosecution is directed to be initiated or continued.

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<sup>5</sup> The Health & Safety at Work (Northern Ireland) Order 1978

<sup>6</sup> Reportable under RIDDOR 1997 (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997)

- A reasonable prospect of conviction exists if, in relation to an identifiable individual (or corporate body) there is credible evidence which the prosecution can adduce before a court upon which evidence an impartial jury (or other tribunal), properly directed in accordance with the law, may reasonably be expected to find proved beyond reasonable doubt the commission of a criminal offence by the individual who is prosecuted.
- While the primary purpose of the enforcing authorities is to ensure that duty holders manage and control risks effectively, thus preventing harm, prosecution is an essential enforcement tool. Banbridge District Council expects that, where the TEST FOR PROSECUTION is met, then a prosecution will be initiated or continued. In such circumstances, consideration will also be given as to whether it may proceed without prior warning or recourse to alternative sanctions, such as the issuing of an Improvement or Prohibition notice.
- The presumption to be applied is that the public interest requires prosecution where there has been a contravention of the criminal law. However, this presumption only provides a starting point for consideration of each individual case. In some circumstances, the serious nature of the case will make the presumption a very strong one but there are many instances and circumstances in which, although evidence is sufficient to provide a reasonable prospect of conviction, prosecution is not required in the public interest.
- If the evidential part of the TEST FOR PROSECUTION is met, Banbridge District Council, in the public interest should normally prosecute, or recommend prosecution, where, following an investigation or other regulatory contact, one or more of the following circumstances apply. Where:
  - (a) death was a result of a breach of the legislation<sup>7</sup>;
  - (b) the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it;
  - (c) there has been reckless disregard of health and safety requirements;
  - (d) there have been repeated breaches which give rise to significant risk, or persistent and significant poor compliance;
  - (e) work has been carried out in the absence of or in serious non-compliance with an appropriate licence or safety case;
  - (f) a duty holder's standard of managing health and safety is found to be far below what is required by health and safety law and to be giving rise to significant risk;

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<sup>7</sup> Health & Safety sentencing guidelines regard death resulting from a criminal act as an aggravating feature of the offence. If there is sufficient evidence, **the Council**, considers that normally such cases should be brought before the Court, and that consideration should be given to proceeding on indictment. However, there will be occasions where the public interest does not require a prosecution, depending on the nature of the breach and the circumstances surrounding the death.

- (g) there has been a failure to comply with an Improvement or Prohibition notice; or there has been a repetition of a breach that was subject to a formal caution;
  - (h) false information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk;
  - (i) Inspectors have been intentionally obstructed in the lawful course of their duties<sup>8</sup>.
- Banbridge District Council will consider prosecution, or consider recommending prosecution, where following an investigation or other regulatory contact, one or both of the following circumstances apply;
    - (a) it is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law and the maintenance of standards required by law, and conviction may deter others from similar failures to comply with the law;
    - (b) a breach which gives rise to significant risk has continued despite relevant warnings from employees, or their representatives, or from others affected by a work activity.

### **PROSECUTION OF INDIVIDUALS**

- Subject to the above, Banbridge District Council can recommend prosecution of individuals if they consider that the TEST FOR PROSECUTION is met. In particular, consideration should be given to the responsibility of Directors, senior staff and management. Under section 22 of the Interpretation Act (Northern Ireland) 1954, inspectors should consider recommending to the Council Solicitor that action be taken against an individual, where the inspection or investigation reveals that the offence was committed with their consent, knowledge or connivance, or, to have been attributable to lack of reasonable diligence on their part depending upon the particular circumstances of the case and the nature of the liability which arises. Where appropriate, Inspectors should draw to the attention of the Council Solicitor that disqualification of a director may arise under the relevant legislation.

### **PUBLICITY BY THE ENFORCING AUTHORITIES**

- Banbridge District Council publishes information on convictions in the previous 12 months of breaking health and safety law within the Annual Report on Health and Safety in the District Council Enforced Business Sectors in Northern Ireland.
- Banbridge District Council will consider in all cases alerting the media to any conviction, which could serve to draw the attention of a wider audience to the need to comply with health and safety requirements, or deter anyone tempted to disregard their duties under health and safety law.

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<sup>8</sup> Where Inspectors are assaulted, the Council will seek police assistance, with a view to seeking the prosecution of offenders.

## **ACTION BY THE COURTS**

- Health and safety law gives the courts considerable scope to punish offenders and to deter others, including imprisonment for some offences. Certain courts may impose unlimited fines. While recognising that the sentencing of offenders is entirely a matter for the judiciary, Banbridge District Council will seek to inform the court of the nature and circumstances of health and safety offences committed, and, when requested, as to the extent of their sentencing powers. A list of the sanctions presently available to the courts is attached to these Guidelines (Appendix A).
- The choice of venue for a case to be heard is a matter for the prosecuting authority. In cases which are serious, consideration should be given as to whether the case should be prosecuted on indictment before the Crown Court.

## **DEATH AT WORK**

- Where a death has been occasioned in circumstances where there may have been a breach of the law, it is necessary to consider whether the evidence is sufficient to justify a charge of manslaughter.
- Broadly, the Police Service for Northern Ireland (PSNI) is responsible for deciding whether to pursue a manslaughter investigation and to report the case to the DPP. Banbridge District Council is responsible, under Article 20 of the Health and Safety at Work (Northern Ireland) Order 1978, for making adequate arrangements for the enforcement of health and safety at work legislation but cannot carry out an investigation for manslaughter. If, in the course of their health and safety investigation, Banbridge District Council finds evidence which indicates that an offence of manslaughter may have been committed, they should pass the case immediately to the police.
- PSNI and Banbridge District Council or other enforcing authority involved in the investigation of a work-related death, should agree upon:
  - (a) Which organisation should take the lead responsibility for the investigation;
  - (b) How resources are to be specifically used;
  - (c) How evidence is to be disclosed between the parties;
  - (d) How the interviewing of witnesses, the instruction of experts and the forensic examination of exhibits is to be co-ordinated.
  - (e) How, and to what extent, corporate or organisational failures should be investigated;
  - (f) A strategy for keeping the bereaved, witnesses, and other interested parties such as the coroner, informed of developments in the investigation; and
  - (g) A media strategy to take account of the sensitivities of the bereaved and those involved in the incident, and to encourage consistency of approach in reporting.

- To ensure that decisions on the investigation and prosecution of such matters are properly co-ordinated, HSENI, Banbridge District Councils and the Police Service of Northern Ireland will work to the principles of the Northern Ireland agreement for liaison, Investigation of Work-Related Deaths. In certain circumstances it may be necessary for PSNI and the relevant enforcing authorities to meet with the DPP at an early stage to seek advice on any prosecutorial issues.
- If the PSNI have decided to investigate for manslaughter and Banbridge District Council have investigated for health and safety offences, every effort will be made to co-ordinate the submission of one file, containing the evidence of breaches of the criminal law, to the DPP. If the DPP decides not to pursue a manslaughter case, he will normally consider bringing a health and safety prosecution in accordance with legislation.

## **FURTHER INFORMATION**

- ❖ Annual Report on Health and Safety in the District Council Enforced Business Sectors in Northern Ireland (available from your district council)
- ❖ Enforcement Concordat  
Hard copies may be obtained from the Cabinet Office by telephoning 020 7276 2194. Leaflet available on website [www.cabinet-office.gov.uk](http://www.cabinet-office.gov.uk)
- ❖ Successful health and safety management HSG65 (second edition) HSE Books 1997 ISBN 0 7176 1276 7

Further information on the way health and safety legislation is enforced, and about health and safety legislation generally, can be found in the following free leaflets:

- ❖ Directors' responsibilities for Health and Safety  
INDG343 Available from HSE Books Tel: 01787 881165
- ❖ Legal Framework of Health and Safety at Work in Northern Ireland  
HSENI 02 03 B
- ❖ Risk Assessment Simplified: Basic guidance on risk assessment for employers in small to medium sized businesses  
HSENI 99 11-A
- ❖ Safety Pays: Information for Smaller Businesses on Managing Health and Safety
- ❖ The Safety Pays booklet and additional sector specific sheets are available from HSENI or your District Council. They are also available on the HSENI and Banbridge District Council website.
- ❖ The Guide to Workplace Health and Safety  
HSENI 00 90A
- ❖ What to expect when a Health and Safety Inspector Calls: A brief guide for businesses, employees and their representatives  
Available from your District Council
- ❖ Investigation of Work-related Deaths – Northern Ireland agreement for liaison.  
Available from HSENI and your District Council

While every effort has been made to ensure the accuracy of the references listed in this publication, their future availability cannot be guaranteed.

## APPENDIX A

### **PENALTIES FOR HEALTH AND SAFETY OFFENCES\***

**The Health and Safety at Work (Northern Ireland) Order 1978 (HSW (NI) Order), Article 31 (as amended)** sets out the offences and maximum penalties under health and safety legislation.

**Failing to comply with an Improvement or Prohibition notice, or a court remedy order** (issued under the HSW (NI) Order Articles 23, 24 and 39 respectively):

<b>Lower court maximum</b>	£20,000 and/or 6 months' imprisonment
<b>Higher court maximum</b>	Unlimited fine and/or 2 years' imprisonment

**Breach of Articles 4-7 of the HSW (NI) Order**, which set out the general duties of employers, self-employed persons, manufacturers and suppliers to safeguard the health and safety of workers and members of the public who may be affected by work activities:

<b>Lower court maximum</b>	£20,000
<b>Higher court maximum</b>	Unlimited fine

**Other breaches of the HSW (NI) Order, and breaches of 'relevant statutory provisions' under the Order**, which include all health and safety regulations. These impose both general and more specific requirements, such as requirements to carry out a suitable and sufficient risk assessment or to provide suitable personal protective equipment:

<b>Lower court maximum</b>	£5,000
<b>Higher court maximum</b>	Unlimited fine

**Contravening licence requirements or provisions relating to explosives.** Licensing requirements apply to asbestos removal, and storage and manufacture of explosives. All entail hazards, which must be rigorously controlled.

<b>Lower court maximum</b>	£5,000
<b>Higher court maximum</b>	Unlimited fine and/or 2 years' imprisonment

**On conviction of directors for indictable offences in connection with the management of a company** (all of the above, by virtue of the HSW (NI) Order Article 34 or the Interpretation Act (NI) 1954, section 20 paragraph 2); the courts may also make a disqualification order under Companies Legislation.

In appropriate cases, the prosecutor on behalf of the enforcing authority will draw this power to the court's attention.

<b>Lower court maximum</b>	5 years' disqualification
<b>Higher court maximum</b>	15 years' disqualification

\*As at July 2003. These penalties can change from time to time.