1979 No. 239

EMPLOYMENT

Truck Acts 1831 to 1896 (Enforcement) Regulations (Northern Ireland) 1979

Made . . . . . 29*th June* 1979

Coming into operation . . . 7*th August* 1979

The Department of Manpower Services(**a**), after consultation with such bodies as appeared to it to be appropriate, and in exercise of the powers conferred on it by Article 54(1), (3) and (4) of the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Truck Acts 1831 to 1896 (Enforcement) Regulations (Northern Ireland) 1979 and shall come into operation on 7th August 1979.

Enforcement of Truck Acts 1831 *to* 1896

2. The Truck Act 1896(**c**) shall as respects Northern Ireland have effect as if for section 10 there were substituted the following section:—

"**10.**—(1) The Department of Manpower Services, with the approval of the Department of the Civil Service as to numbers and salaries, may appoint such officers as it thinks necessary for the purpose of enforcing the provisions of this Act and of the Truck Acts 1831 and 1887(**d**) and the persons so appointed shall for that purpose have the powers conferred on them by subsection (3).

(2) Every appointment under subsection (1) shall be made in writing and an officer appointed thereunder shall, if so required when exercising or seeking to exercise any power conferred on him by subsection (3), produce his written appointment or a duly authenticated copy thereof.

(3) An officer appointed under subsection (1) may, for the purpose there mentioned, exercise any of the following powers:—

(*a*) at any reasonable time to enter any premises where any person is or has been employed whom he has reason to believe is a workman to whom the said Acts apply or applied and, at any reasonable time, to enter any premises from which work in connection with the business carried on at those premises is given out to outworkers to whom he has reason to believe the said Acts apply;

(*b*) to require the production of, inspect, and take copies of or of any entry in any wage sheets or other records of wages kept by an employer, and records of payments made to outworkers by persons giving out work;

(a) in which functions under the Truck Acts (Northern Ireland) 1831 to 1940 were vested by S.R. & O. (N.I.) 1973 No. 504, Art. 6(1) and Sch. 3 (II, p. 2992)
(b) S.I. 1978/1039 (N.I. 9)—brought into operation by S.R. 1978 No. 384 (C. 21)
(c) 1896 c. 44
(d) 1831 c. 37; 1887 c. 46

(*c*) to require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or from whom the work is received, as the case may be, and with respect to the payments to be made for the work;

(*d*) to inspect and copy the whole or any material part of any list of outworkers kept by an employer or person giving out work to outworkers;

(*e*) to require any person whom he has reasonable cause to believe to be able to give any information relevant to his investigation under the said Acts to answer (in the absence of persons other than a person nominated by him to be present and any persons whom the officer may allow to be present) such questions as the officer thinks fit to ask and to sign a declaration of the truth of his answers, so however that no one shall be required under this provision to answer any question tending to criminate himself or, in the case of a person who is married, his or her wife or husband.

(4) An officer appointed under subsection (1) if authorised in that behalf by the Department of Manpower Services may, although not of counsel or a solicitor, prosecute before a court of summary jurisdiction proceedings for an offence under any of the said Acts.

(5) If any person in purported compliance with a requirement imposed under this section—

(*a*) produces or furnishes or causes or knowingly allows to be produced or furnished any wages sheet, record, list or other document which he knows to be false in a material particular; or

(*b*) makes any statement which he knows to be false in a material particular or recklessly makes a statement which is so false,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(6) If any person intentionally obstructs an officer appointed under subsection (1) in the exercise or performance of his powers or duties or fails to comply with any requirement imposed by such an officer in the exercise of his powers, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20.".

Consequential amendments and repeals

3.—(1) In the Truck Amendment Act 1887, as it applies to Northern Ireland,

(*a*) in section 12(2), for "an inspector of factories or mines" and "the inspector" there shall be substituted respectively "an officer appointed by the Department of Manpower Services to enforce the provisions of the principal Act or this Act" and "the officer";

(*b*) section 13(2) shall cease to have effect.

(2) In section 6(1) and (3) of the Truck Act 1896, as it applies to Northern Ireland, the references to Her Majesty's inspectors of factories and of mines shall have effect as if they were references to officers appointed under that Act as amended by regulation 2.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 29th June 1979.

(L.S.) *D. J. Perham*
Senior Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

The Truck Acts 1831 to 1896 (amended by the Payment of Wages Act (Northern Ireland) 1970) which have been enforced in factories and quarries by inspectors of factories and inspectors of quarries respectively are not among health and safety provisions the enforcement of which, by inspectors appointed under the Order, is provided for under the Health and Safety at Work (Northern Ireland) Order 1978. These regulations make provision for the enforcement in Northern Ireland of the Acts in all cases to which they apply by officers of the Department of Manpower Services.