

---

## STATUTORY INSTRUMENTS

---

### 1998 No. 1069 (N.I. 5)

#### The Activity Centres (Young Persons' Safety) (Northern Ireland) Order 1998 <sup>F1</sup>

- - - - - 22nd April 1998

##### Annotations:

**F1** functions transf. by SR 1998/481

##### Title and commencement

1.—(1) This Order may be cited as the Activity Centres (Young Persons' Safety) (Northern Ireland) Order 1998.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

##### Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the [<sup>F2</sup>Executive]” means the Health and Safety[<sup>F2</sup> Executive] for Northern Ireland;

“the Department” means the Department of Education.

##### Annotations:

**F2** 1998 NI 18

##### Adventure activities: licensing

3.—(1) The Department, after consultation with the [<sup>F3</sup> Executive], shall by order designate a person ( “the licensing authority”) to exercise such functions as may be prescribed by regulations relating to the licensing of persons providing facilities for adventure activities.

(2) In this Article “facilities for adventure activities” means such facilities, for such sporting, recreational or outdoor activities, as may be prescribed by regulations; but the expression does not include—

- (a) facilities which are provided exclusively for persons who have attained the age of 18; or
- (b) facilities which do not consist of, or include some element of, instruction or leadership.

(3) Regulations may make provision as to—

- (a) the cases or circumstances in which persons providing facilities for adventure activities are, or are not, required to hold a licence;
- (b) any requirements relating to safety (whether applying to facilities for adventure activities or to other facilities) which must be satisfied by an applicant for a licence;
- (c) the conditions subject to which licences are granted (which may include conditions relating to inspection by the licensing authority and conditions imposing requirements of the kind referred to in sub-paragraph (b));
- (d) the variation of such conditions;
- (e) the renewal, variation, transfer and revocation of licences by the licensing authority;
- (f) the charging by the licensing authority of such fees in connection with licences as may be specified in the regulations;
- (g) the making of payments by the licensing authority into the Consolidated Fund;
- (h) the investigation by the licensing authority of complaints concerning licence-holders;
- (i) the exercise of functions of the licensing authority by persons authorised by it;
- (j) the keeping, and availability for inspection by the public, of a register of licences;
- (k) the bringing of appeals to the Department against such decisions of the licensing authority as may be specified in the regulations; and
- (l) the procedure to be followed on, and the orders which may be made on determination of, such appeals.

(4) In exercising its functions under regulations made under this Article the licensing authority shall have regard to any guidance given to it from time to time by the<sup>F3</sup> Executive]; and before giving guidance under this paragraph the<sup>F3</sup> Executive] shall consult such persons (if any) as the<sup>F3</sup> Executive] considers it appropriate to consult.

#### Annotations:

**F3** 1998 NI 18

## Offences

4.—(1) Regulations may provide for it to be an offence—

- (a) to do anything for which a licence is required under the regulations, otherwise than in accordance with a licence; or
- (b) for the purposes of obtaining or holding a licence—
  - (i) to make a statement to the licensing authority (or someone acting on its behalf) knowing it to be false in a material particular; or
  - (ii) recklessly to make a statement to the licensing authority (or someone acting on its behalf) which is false in a material particular.

(2) A person convicted of an offence under regulations made under paragraph (1) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment—
  - (i) for an offence under regulations made under paragraph (1)(a), to imprisonment for a term not exceeding two years, or a fine, or both;
  - (ii) for an offence under regulations made under paragraph (1)(b), to a fine.

(3) Regulations under paragraph (1)—