1994 No. 38

HEALTH AND SAFETY

Notification of Cooling Towers and Evaporative Condensers Regulations (Northern Ireland) 1994

Made . . . . . 4th February 1994

Coming into operation . . 29th March 1994

The Department of Economic Development being the Department concerned(**a**), in exercise of the powers conferred on it by Articles 17(1), (2) and (4) and 55(2) of, and paragraph 14(1) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Notification of Cooling Towers and Evaporative Condensers Regulations (Northern Ireland) 1994 and shall come into operation on 29th March 1994.

Interpretation

2. In these Regulations—

"cooling tower" means a device whose main purpose is to cool water by direct contact between that water and a stream of air;

"the Department" means the Department of Economic Development;

"evaporative condenser" means a device whose main purpose is to cool a fluid by passing that fluid through a heat exchanger which is itself cooled by contact with water passing through a stream of air;

"heat exchanger" means a device for transferring heat between fluids which are not in direct contact with one another;

"notifiable device" means a cooling tower or an evaporative condenser except where its water and electrical supplies are not connected and it contains no water that is exposed to air;

"premises" means all non-domestic premises used for or in connection with the carrying on of a trade, business or other undertaking (whether for profit or not) being premises where persons work.

(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9)

Notification of a notifiable device

3.—(1) Subject to this regulation and to regulation 4, it shall be the duty of each person who has, to any extent, control of premises to ensure that no notifiable device is situated on those premises unless the information set out in the Schedule has been notified in writing, on a form approved for the time being for the purposes of these Regulations by the Department, to the district council in whose district the premises are situated.

(2) Where the premises are to any extent under the control of the manufacturer of the device, it shall be sufficient compliance with paragraph (1) if the district council in whose district the premises are situated is notified of the address of the premises and the name and telephone number of a person who has, to any extent, control of those premises.

(3) Where a notification has been made in accordance with paragraph (1) or (2) and subsequently a change occurs which affects the particulars notified, a person upon whom the duty is imposed by either of those paragraphs shall ensure that the change is notified in writing to the district council concerned within one month after its occurrence.

(4) Where a notification has been made in accordance with paragraph (1), (2) or (3) and subsequently the device ceases to be, and is no longer intended to remain, a notifiable device, a person upon whom the duty is imposed by any of those paragraphs shall as soon as is reasonably practicable after the cessation ensure that the fact is notified in writing to the district council concerned.

(5) Paragraph (4) shall not apply in any case where the operation of a notifiable device is suspended for the purpose of maintenance or by reason of seasonal shutdown.

Transitional provision

4. Where a notifiable device is situated on premises before 30th September 1994 it shall be sufficient compliance with regulation 3 if the notification required by that regulation is made by that date.

Sealed with the Official Seal of the Department of Economic Development on 4th February 1994.

(L.S.) *Philip B. Strong*
Assistant Secretary