Changes to legislation: *The Environment and Safety Information (Northern Ireland) Order 1993 is up to date with all changes known to be in force on or before 05 April 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1993 No. 3159 (N.I. 14)

The Environment and Safety Information (Northern Ireland) Order 1993

- - - - - - 16th December 1993

Modifications etc. (not altering text)

C1 Order applied (with modifications) (28.9.2015) by Control of Major Accident Hazards Regulations (Northern Ireland) 2015 (S.R. 2015/325), reg. 17(7) (with reg. 3(2))

Title and commencement

1.—(1) This Order may be cited as the Environment and Safety Information (Northern Ireland) Order 1993.

(2) This Order shall come into operation on the expiration of 6 months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F1] 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 "relevant notice" means a notice specified in the first column of Schedule 1, other than a notice which imposes requirements or prohibitions solely for the protection of persons at work.

(3) In paragraph (2) "persons at work" has the same meaning as in Part II of the Health and Safety at Work (Northern Ireland) Order 1978[F2].

(4) For the purposes of this Order the "enforcing authority", in relation to a relevant notice specified in the first column of Schedule 1, is the authority specified opposite thereto in the second column of that Schedule.

F1 1954 c. 33 (NI)
F2 1978 NI 9

Maintaining of, and access to, registers of relevant notices

3.—(1) An authority shall—

(a) maintain a register of relevant notices which are served after the coming into operation of this Order and in relation to which it is the enforcing authority;

(b) ensure that the register is adequately indexed so as to enable entries relating to any particular premises (or, where the notice does not relate to any particular premises, to any particular person) to be located;

(c) ensure that the register and the index are open to inspection by the public free of charge at all reasonable hours;

(d) on request, and upon payment of any such reasonable fee as the authority may require, supply copies of entries in the register to any person inspecting the register.

(2) Each entry in the register shall state sufficient particulars to convey the substance of the relevant notice to which it relates.

(3) Any authority which is required to maintain a register under this Order may discharge that duty by maintaining different registers containing entries relating to different areas.

(4) Any register under this Order may be maintained by means of a computer.

Entries in registers

4.—(1) Where a relevant notice is served, then, subject to the following provisions of this Order, the entry required to be made in the register shall be made at any time during whichever of the following periods is applicable, that is to say—

(a) where there is no right of appeal against the notice, the period of 14 days from the day on which the notice is served;

(b) where there is a right of appeal but no appeal is brought within the time limited for doing so, the period of 14 days from the day on which the time so limited expires; or

(c) where there is such a right and an appeal is brought, the period of 14 days from the day on which the appeal is finally disposed of.

(2) No such entry as is mentioned in paragraph (1) shall be made if the relevant notice is cancelled in consequence of an appeal which has been finally disposed of.

(3) Where the enforcing authority is satisfied that a relevant notice has been complied with, an entry to that effect shall be made in the register within the period of 7 days from the day on which the authority is so satisfied.

(4) Where a relevant notice is withdrawn or amended any entries in the register which relate to that notice shall be deleted or, as the case may be, amended within the period of 7 days from the date of the withdrawal or amendment.

(5) Any entries in the register which relate to a relevant notice shall be kept in the register for a period of not less than 3 years from the day on which the notice was served.

Protection of trade secrets, etc.

5.—(1) This Article applies where a person on whom a relevant notice has been served ("the person affected") gives written notification to the enforcing authority, within the period of 14 days from the date of service, that the making of an entry in the register in relation to the notice would disclose information about a trade secret or secret manufacturing process ("the secret").

(2) Where such a notification is given, the enforcing authority—

(a) shall draft such an entry as, in its opinion, would make particulars of the relevant notice public without disclosing information about the secret;

(b) shall serve on the person affected a copy of the draft and a notice of its intention to make an entry in the register in the terms of the draft;

(c) shall not, until one of the conditions specified in paragraph (4) is satisfied, make any entry in relation to the relevant notice except one which does no more than—

(i) specify the name and address of the person affected;

(ii) identify the place (if any) where it is alleged that any matters giving rise to the service of the notice have occurred, are occurring or are likely to occur; and

(iii) specify those statutory provisions which have given rise to the service of the notice, including, in particular, any statutory provisions which it is alleged have been, are being or are likely to be contravened; and

(d) shall cause to be deleted from the register any entry relating to the relevant notice which does not satisfy the requirements of sub-paragraph (c).

(3) The person affected may in accordance with**[**F3 the provisions prescribed by order under Article 10 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (model provisions with repect to appeals)**]** appeal against the enforcing authority's proposal to make an entry in the terms of the draft;F4. . .

(4) The conditions referred to in paragraph (2)(c) are the following, that is to say—

(a) that the person affected has given his written consent to an entry being made in the terms of the draft or in such other terms as he may have agreed with the enforcing authority;

(b) where no such consent has been given, that no appeal under paragraph (3) against the making of an entry in the terms of the draft has been brought within the time limited for doing so; or

(c) that on such an appeal the person hearing the appeal has directed that the entry shall be made.

(5) Where any entry is made in accordance with the provisions of paragraphs (1) to (4) it shall be accompanied by a statement indicating (if such is the case) that information has been withheld in accordance with the provisions of this Article.

F3 1998 NI 18
F4 1998 NI 18