
STATUTORY INSTRUMENTS

1993 No. 3159 (N.I. 14)

NORTHERN IRELAND

**The Environment and Safety Information
(Northern Ireland) Order 1993**

Made - - - - 16th December 1993

Coming into operation 17th June 1994

At the Court at Buckingham Palace, the 16th day of December 1993

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

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(1) 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(2).

(1) 1974 c. 28
(2) 1954 c. 33 (N.I.)

(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.

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 Schedule 2 appeal against the enforcing authority’s proposal to make an entry in the terms of the draft; and on any such appeal—

- (a) if the person hearing the appeal determines that an entry in the terms of the draft would afford reasonable protection to the secret, he shall direct the entry to be made in those terms; but
- (b) if he determines that such an entry would not offer such protection, he shall direct the entry to be made in such terms as he may specify,

and it shall be the duty of the enforcing authority to comply with any such direction.

- (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.

N. H. Nicholls
Clerk of the Privy Council

Status: This is the original version (as it was originally made).

SCHEDULES

SCHEDULE 1

Article 2(2) and (4).

RELEVANT NOTICES AND ENFORCING AUTHORITIES

Relevant notices	Enforcing Authorities
A notice under Article 23 or 24 of the Health and Safety at Work (Northern Ireland) Order 1978 ⁽³⁾ .	The enforcing authority (within the meaning of the 1978 Order) by which the inspector who served the notice was appointed.
A notice under Article 33 of the Fire Services (Northern Ireland) Order 1984 ⁽⁴⁾ .	The Fire Authority for Northern Ireland.
A notice under section 19(5) or (6) of the Food and Environment Protection Act 1985 ⁽⁵⁾ .	<p>In the case of a notice in respect of transferred matters (within the meaning of section 43(2) of the Northern Ireland Constitution Act 1973) —⁽⁶⁾</p> <p>(a) where the notice was served by a person authorised by any Northern Ireland Department, that Department;</p> <p>(b) where the notice was served by an officer authorised by a district council, that council.</p> <p>In the case of a notice in respect of any other matters—</p> <p>(a) where the notice was served by an officer authorised by a district council, that council;</p> <p>(b) in any other case, the Minister of Agriculture, Fisheries and Food.</p>

SCHEDULE 2

Article 5(3).

APPEALS UNDER ARTICLE 5(3)

1. The Department of Economic Development shall prepare a panel of not less than 3 persons each of whom shall be a practising barrister-at-law or a practising solicitor of the Supreme Court, in either case of not less than 7 years standing, and shall forward copies of that panel as for the time being in force to all authorities which are enforcing authorities for the purposes of this Order.

(3) 1978 NI 9
(4) 1984 NI 11
(5) 1985 c. 48
(6) 1973 c. 36

2. Where, within the period of 14 days from the date of service on him under Article 5(2)(b) of a copy of a draft entry in the register, a person serves notice in writing on the enforcing authority of his intention to appeal against that authority's proposal to make an entry in the register in the terms of that draft, the enforcing authority shall send to him a copy of the panel mentioned in paragraph 1 which is for the time being in force.

3. Not later than 28 days from the date on which a copy of the panel was sent to him under paragraph 2, a person may serve on the enforcing authority a notice in writing naming a member selected from the panel and setting out the grounds of his appeal.

4. Where a notice is served under paragraph 3, the enforcing authority shall arrange for the hearing of the appeal by the person named therein.

5. Paragraphs 3 to 8, 13 and 14 of Schedule 4 to the Health and Safety at Work (Northern Ireland) Order 1978(7) shall apply in relation to an appeal under this Schedule as they apply in relation to a reference under that Schedule but with the substitution—

- (a) of references to the Department of Economic Development for references to the Department concerned; and
- (b) of references to the person named in the notice under paragraph 3 for references to the referee.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order establishes public registers of certain notices served concerning health, safety and environmental protection.