
STATUTORY INSTRUMENTS

1999 No. 743

The Control of Major Accident Hazards Regulations 1999

PART 6

FUNCTIONS OF COMPETENT AUTHORITY

Enforcement

20.—(1) Sections—

- (a) 16 to 21 (approval of codes of practice and enforcement);
- (b) 23 (provisions supplementary to sections 21 and 22) and 24 (appeal against improvement or prohibition notice), so far as they relate to an improvement notice;
- (c) 26 (power to indemnify inspectors); and
- (d) 33 to 42 (provisions as to offences),

of the 1974 Act, shall, subject to paragraphs (2) and (3), and to the extent they would not otherwise do so, apply to these Regulations as if they were health and safety regulations for the purposes of that Act, and any function of the Health and Safety Commission under any other provision of the 1974 Act which is exercisable in relation to any function of the Executive under or in respect of health and safety regulations (including their enforcement) shall be exercisable as if these Regulations were, to the extent they would not otherwise be so, health and safety regulations for the purposes of that Act.

(2) A failure to discharge a duty placed on the competent authority by these Regulations shall not be an offence, and section 33(1)(c) of the 1974 Act shall have effect accordingly.

(3) Section 18(1) of the 1974 Act (duty to make adequate arrangements for enforcement) shall apply in relation to the enforcement of these Regulations as if the reference to the Executive included a reference to the Agency, but nothing in this paragraph shall have the effect of making the Agency an enforcing authority for the purposes of the 1974 Act.

(4) Without prejudice to the provisions of the 1974 Act referred to in paragraph (1), section 108(1) of the Environment Act 1995(1) shall have effect in relation to a person authorised by the Agency as if the reference in that section to a pollution control enactment included a reference to these Regulations and as if the reference to a pollution control function included a reference to any function conferred or imposed on the Agency by or under these Regulations.

(5) Without prejudice to the functions of an inspector appointed under section 19 of the 1974 Act, a person referred to in paragraph (4) may, notwithstanding that he is not an inspector so appointed, serve an improvement notice under section 21 of that Act in respect of a contravention of these Regulations, and the reference to an inspector in section 23(4) of that Act shall have effect accordingly.

(6) Notwithstanding the Health and Safety (Enforcing Authority) Regulations 1998(2) the Executive shall, for the purposes of the 1974 Act, be the enforcing authority for the relevant statutory provisions at an establishment to which any of these Regulations apply.

(1) 1995 c. 25.
(2) S.I.1998/494.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
