

# **Improvement Notice**

## **Health and Safety at Work etc. Act 1974, Section 21, 23 and 24**

Reference: [Ref]

To: [Duty Holder's Name / Company Name]

Address: [Company Address]

I, [Inspector's Full Name], being an Environmental Health Officer/Technical Officer appointed by [Local Authority Name and Address], issue this Improvement Notice under section 21 of the Act because I am of the opinion that you, [Duty Holder/Company], are contravening the following legal requirements:

### **1. The statutory provisions which are being contravened:**

- **Pressure Systems Safety Regulations 2000 (PSSR), Regulation 8(1):** which requires that a pressure system shall not be operated or used unless there is a written scheme for the periodic examination of the system by a competent person.
- **Pressure Systems Safety Regulations 2000 (PSSR), Regulation 9(1)(a):** which requires the system has been examined in accordance with that scheme.

### **2. The reasons for my opinion:**

On [Date of Inspection], during my inspection at [Site/Location], I observed that you are operating a pressure system comprising of a [Coffee machine - Make:, Model: and Serial No: \*where possible)].

At the time of inspection:

- You were **unable to provide evidence of a Written Scheme of Examination (WSE)** for the pressure system, as required by **Regulation 8(1)(a) of PSSR**.
- You were also **unable to demonstrate that the pressure system had been examined by a competent person in accordance with such a scheme**, as required by **Regulation 9(1)(a) of PSSR**.

This poses a potential risk to the safety of employees and others who may be affected by the operation of the pressure system.

### **3. The measures you are required to take:**

You are hereby required to:

1. Ensure a **Written Scheme of Examination** is drawn up for the pressure system by a **competent person**, as defined under **Regulation 8(2)(a)(b) of PSSR**.
2. Ensure that the system is examined in accordance with that written scheme and obtain a **report of examination** confirming this has been completed.

### **4. Time for compliance:**

You must comply with this notice **by: [Date — typically 21 days from date of notice]**

**Signed:**

[Officer's Name]

[Local Authority Name]

[Officer's Office Address]

Date of Issue: [Date]

## **Notes**

1. Failure to comply with an Improvement Notice is an offence as provided by Section 33 of the Act and renders the offender liable
  - On summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding £20,000; or both;
  - On conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.
2. Except for an immediate Prohibition Notice an Inspector has power to withdraw a notice or to extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provision referred to in the notice or to perform any other statutory or common law duty resting on you.  
You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal (T420: Making a claim to an Employment Tribunal) and a form to use (ET 1) are available from the HM Courts and Tribunal Service (<http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>)

### **Time limit for appeal**

A notice of appeal must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the notice or notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted the appeal should be sent by recorded delivery.

The entering of an appeal does not have the effect of suspending this Notice. Application can be made for the suspension of this notice to the Employment Tribunal, but the notice continues in force until a Tribunal otherwise directs.

An application for suspension of the notice must be in writing and must set out:

- (a) the case number of the appeal, if known, or particulars sufficient to identify it, and:
- (b) the grounds on which the application is made. (It may accompany the appeal)

The rules for the hearing of an appeal are given in \*The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (SI 2004 No. 1861) and The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (SI 2001 No 1171) to the extent those regulations remain in force.

### **Environment and Safety Information Act 1988**

1. A notice which is relevant for the purposes of this Act (see overleaf) will be included as an entry in a public register which will be kept by The Local Authority. A relevant notice is one which does not impose requirements or prohibitions solely for the protection of persons at work.
2. The register entry shall be made within 14 days of either the right of appeal against the notice expiring, or of such an appeal being disposed of. Where a notice is cancelled on appeal no entry shall be made.
3. When an inspector is satisfied a relevant notice has been complied with an entry shall be made in the register to show this. If a notice is withdrawn or amended the entry shall be deleted or amended. These alterations of the register shall be made within 7 days.
4. Entries shall be kept in the register for a period of at least 3 years.
5. If you think that the entry for this notice on the register will disclose information about a trade secret or secret manufacturing process you should give written notification to The Local Authority within 14 days. The Local Authority will then draft an entry which in its opinion will not reveal the secret, and serve this on you.
6. If you are not satisfied with this draft entry you may appeal within 14 days to the Secretary of State who may either decide that the entry should be made as drafted, or, if it is considered it does not afford reasonable protection to the secret, the Secretary of State may specify the form the entry should take.
7. If you make a written notification The Local Authority will not make an entry in relation to the notice other than one which only specifies your name and address, identifies any place involved and specifies the relevant legal provisions. A fuller entry will only be made when:
  - a. you give your written consent to the draft, or
  - b. where no consent is given the time allowed for appeal to the Secretary of State has expired, or on appeal the Secretary of State has directed that an entry shall be made.