
STATUTORY INSTRUMENTS

2015 No. 483

The Control of Major Accident Hazards Regulations 2015

PART 6

FUNCTIONS OF THE COMPETENT AUTHORITY

Prohibition of operation

23.—(1) The competent authority must prohibit, by serving a notice on the operator, the operation or bringing into operation of any establishment, installation or storage facility, or any part of any establishment, installation or storage facility where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient.

(2) The competent authority may prohibit, by serving a notice on the operator, the operation or bringing into operation of any establishment, installation or storage facility, or any part of any establishment, installation or storage facility if the operator has not submitted any notification, report or other information required by these Regulations within the specified time.

(3) A notice served under paragraph (1) or (2)—

- (a) must give reasons;
- (b) must specify the date when it is to take effect; and
- (c) may be withdrawn in writing by the competent authority.

(4) In considering whether, under paragraph (1), the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient, the competent authority must, amongst other matters, take into account any serious failures by the operator to take the necessary actions identified by the competent authority in a communication sent to the operator under regulation 25(9)(a).

(5) The operator must comply with any notice served under paragraph (1) or (2).

(6) Section 24 of the 1974 Act (appeal against improvement or prohibition notice) and, regulation 13(1) of, and Schedule 1 to, the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013(1) apply in relation to a notice served under this regulation as they apply in relation to a prohibition notice served under section 22 of that Act.