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STATUTORY INSTRUMENTS

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**1978 No. 1039**

**Health and Safety at Work (Northern Ireland) Order 1978**

**<sup>F1</sup> PART II**

**HEALTH, SAFETY AND WELFARE IN CONNECTION WITH  
WORK, AND CONTROL OF DANGEROUS SUBSTANCES**

*Miscellaneous and supplementary*

**Representations in connection with licensing provisions in the relevant statutory provisions**

**41** <sup>F1</sup>.—<sup>F2</sup>(1) Any person who is aggrieved by a decision of an authority having power to issue licences (other than nuclear site licences) under any of the relevant statutory provisions—

- (a) refusing to issue him a licence, to renew a licence held by him, or to transfer to him a licence held by another;
- (b) issuing him a licence on or subject to any term, condition or restriction whereby he is aggrieved;
- (c) varying or refusing to vary any term, condition or restriction on or subject to which a licence is held by him; or
- (d) revoking a licence held by him,

may make representations to the Department concerned in accordance with the provisions<sup>F3</sup> prescribed by order under Article 10 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (model provisions with respect to appeals)].

(2) In this Article—

“licence” means a licence under any of the relevant statutory provisions other than a nuclear site licence;

“nuclear site licence” means a licence to use a site for the purposes of installing or operating a nuclear installation within the meaning of paragraph (3).

(3) For the purposes of paragraph (2) “nuclear installation” means—

- (a) a nuclear reactor (other than such a reactor comprised in a means of transport, whether by land, water or air); or
- (b) any other installation of such class or description as may be prescribed for the purposes of this sub-paragraph or section 1(1)(b) of the Nuclear Installations Act 1965, being an installation designed or adapted for—
  - (i) the production or use of atomic energy; or
  - (ii) the carrying out of any process which is preparatory or ancillary to the production or use of atomic energy and which involves or is capable of causing the emission of ionising radiations; or

(iii) the storage, processing or disposal of nuclear fuel or of bulk quantities of other radioactive matter, being matter which has been produced or irradiated in the course of the production or use of nuclear fuel;

and in this paragraph—

“atomic energy” has the meaning assigned by the Atomic Energy Act 1946 ;

“nuclear reactor” means any plant (including any machinery, equipment or appliance, whether affixed to land or not) designed or adapted for the production of atomic energy by a fission process in which a controlled chain reaction can be maintained without an additional source of neutrons.

<b>F1</b>	mod. by SR 2000/87; 2000/120
<b>F2</b>	mod. by <a href="#">2002 c. 8 (NI)</a>
<b>F3</b>	<a href="#">1998 NI 18</a>

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, Section 41 .