

ACT 514
OCCUPATIONAL SAFETY AND HEALTH ACT 1994
PART XI - ENFORCEMENT AND INVESTIGATION

Section 48. Improvement notice and prohibition notice.

(1) If an officer is of the opinion that a place of work, plant, substance or process is likely to be a danger, or is likely to cause bodily injury or is a serious risk to the health of any person, or is likely to cause damage to any property, he shall serve an improvement notice on the person under whose control the place of work, plant, substance or process lies, requiring the person to take measures to remove the danger or rectify any defect within such period as he shall therein specify, and in every such case the place of work, plant, substance or process shall not be used or operated even after the period of expiry of the notice until the danger has been removed or the defect made good to the satisfaction of the officer.

(2) If an officer is of the opinion that the defect in subsection (1) is likely to cause immediate danger to life or property, he shall serve a prohibition notice prohibiting the use or operation of the place of work, plant, substance or process until such time that any danger posed is removed and the defect made good to the satisfaction of the officer.

(3) An improvement notice or a prohibition notice under subsection (1) or (2) shall -

(a) state that the officer is of the opinion that in respect of the plant, substance or process at the place of work, there is occurring or may occur an activity which is or is likely to be a danger or is likely to cause bodily injury or a serious risk to the health of any person or is likely to cause damage or is likely to cause immediate danger to life or property, and state the reasons for the opinion; and

(b) where in the officer's opinion the activity concerned is a contravention or is likely to be a contravention of any provision of this Act or any regulation made thereunder, specify the provision and state the reasons for the opinion.

(4) An officer may include in an improvement notice or a prohibition notice directions as to the measures to be taken to remove any danger, likely danger, risk, matter or activity to which the notice relates and the directions may refer to any approved industry code of practice.

(5) Without prejudice to the provision of subsection (2) an officer may, if he considers it necessary, proceed to render inoperative the place of work, plant, substance or process by any means he may deem best suited for the purpose.

(6) Where such an action is taken by the officer under subsection (5) he may, if he deems fit, recover the cost of the action from the occupier or person having responsibility or control of the place of work, plant, substance or process.