SUBSIDIARY LEGISLATION 424.12

OCCUPATIONAL HEALTH AND SAFETY APPEALS BOARD (PROCEDURE) REGULATIONS*

22nd January, 2002

LEGAL NOTICE 10 of 2002.

Title.

1. The title of these regulations is the Occupational Health and Safety Appeals Board (Procedure) Regulations.

Interpretation.

2. (1) In these regulations, unless the context otherwise requires -

Cap. 424.

"Act" means the Occupational Health and Safety Authority Act;

"Appeals Board" means the Occupational Health and Safety Appeals Board;

"Chief Executive Officer" means the Chief Executive Officer of the Occupational Health and Safety Authority appointed under article 10 of the Act;

"officer" means an Occupational Health and Safety Officer appointed under article 15 of the Act;

"order" means an order issued by an officer in terms of article 20 of the Act;

"President" means the President of the Appeals Board appointed under article 21 of the Act;

"Secretary" means the Secretary of the Appeals Board.

(2) In the regulations, words and expressions defined in the Act shall have the same meaning as they have in these regulations, and the provisions of these regulations shall be read and construed in conjunction with the Act.

Filing of an appeal.

3. (1) An appeal against an order issued by an officer is to be lodged in writing and served upon the Secretary of the Appeals Board:

Provided that any person who feels aggrieved by the order may file an appeal before the Appeals Board within five working days from the day of service of the order in writing.

(2) The Secretary shall forthwith refer all appeals received to the President who shall fix a date for the hearing, being not later than five working days from the date when the appeal was served upon the Secretary of the Appeals Board:

Provided that the President shall direct the Secretary of the Appeals Board to advise, when applicable, the members of the

*These regulations have been repealed by Legal Notice 320 of 2024.

Appeals Board, the person making the appeal and the Chief Executive Officer of the date fixed for the hearing, and to transmit a copy of the appeal received to the Chief Executive Officer and the members of t]e Appeals Board.

Deposit fee.

4. A person making an appeal shall pay a fee of forty-six euro fifty-nine cents (€46.59) when filing the appeal, and such fee shall be refunded if the appeal is upheld in its entirety:

Provided that the fee shall be made payable to the Occupational Health and Safety Authority established by virtue of article 8 of the Act.

President may rejeet appeal.

5. The President shall reject any appeal which is not made in writing within the time specified in regulation 3 allowing such appeal.

Proceedings before Appeals Board.

6. The Appeals Board shall hear the appellant, the officer and any witnesses produced. The Chief Executive Officer may intervene in any appeal and make his own submissions and produce witnesses.

List of witneses to be produced.

7. In any case where the person who is making the appeal, the officer or the Chief Executive Officer, intend to produce persons as witnesses, they shall submit to the President a list of all such witnesses before the date of the hearing, and the names of such witnesses shall be transmitted to all parties concerned:

Provided that no person, whose name has not been included in the list witnesses, may be produced to give evidence unless the Appeals Board is satisfied that the omission of the name of such witness is justified on the grounds that the person asking to produce such witness did not know of such evidence on the date of the filing of the appeal or that the need to produce such evidence arose after the filing of the appeal, or for any other reason to the satisfaction of the Appeals Board.

Sittings to be held in public.

8. The sittings of the Appeals Board shall be held in public:

Provided that where the Appeals Board is of the opinion that the holding of any sitting in public would prejudice the rights of any person to intellectual property or business secrecy, the Appeals Board shall hold the sitting *in camera*.

Summoning of witnesses.

9. The President shall have the power to summon witnesses and to administer an oath to any witness and to require him to give evidence or to produce any object, thing or document before the Appeals Board.

Service of summons.

10. Summons for the attendance of witnesses shall be signed by the President, and may be served either personally or by registered post, and in the latter case, in proving service, it shall be sufficient to prove that the summons was properly addressed and posted.

Persons summoned bound to attend.

11. All persons summoned to attend and give evidence at any sitting of the Appeals Board shall be bound to obey the summons served on them; and any person refusing or omitting without sufficient cause to attend at the day, time and place mentioned in

the summons served on him or to answer to the best of his knowledge and belief, all questions put to him by or with the concurrence of the Appeals Board, or to produce any object, thing or document required by the Appeals Board, shall be guilty of an offence against the Act:

Provided that no person giving evidence before the Appeals Board shall be compelled to incriminate himself and every such person shall, in respect of any evidence given by him before the Appeals Board, be entitled to all the privileges to which a person giving evidence before a court of law is entitled in respect of evidence given by him before such court.

Sittings.

12. The sittings of the Appeals Board shall be held at any place where it so decides and such decision shall be communicated in writing to the interested parties.

Decisions.

13. The decisions of the Appeals Board shall be in writing and shall be read out in public, be deemed final and conclusive and shall not be subject to review by the ordinary courts of law except on points of law or of natural justice.

Contlict of interest.

14. Where the President or any other member of the Appeals Board considers that there are sufficient grounds to preclude him from hearing any particular appeal against an order made by an officer, or where any of the parties objects to his hearing of the case, the member of the Appeals Board shall inform the Minister, stating the grounds on which he considers that he should be relieved from hearing the appeal, or the grounds of objection against him, as the case may be:

Provided that a member of the Appeals Board who does not declare any possible conflict of interest in any appeal brought before any Appeals Board, shall be guilty of an offence under the Act.