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STATUTORY INSTRUMENTS

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**1992 No. 2225**

**HEALTH AND SAFETY**

**The Notification of Cooling Towers and  
Evaporative Condensers Regulations 1992**

*Made* - - - - *9th September 1992*  
*Laid before Parliament* *17th September 1992*  
*Coming into force* - - *2nd November 1992*

The Secretary of State, in exercise of the powers conferred on her by sections 15(1), (2), (4)(a) and 82(3)(a) of, and paragraph 15(1) of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(1)</sup> (“the 1974 Act”) and of all other powers enabling her in that behalf and for the purpose of giving effect without modifications to proposals submitted to her by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Notification of Cooling Towers and Evaporative Condensers Regulations 1992 and shall come into force on 2nd November 1992.

**Interpretation**

2. In these Regulations, unless the context otherwise requires—

“cooling tower” means a device whose main purpose is to cool water by direct contact between that water and a stream of air;

“evaporative condenser” means a device whose main purpose is to cool a fluid by passing that fluid through a heat exchanger which is itself cooled by contact with water passing through a stream of air;

“heat exchanger” means a device for transferring heat between fluids which are not in direct contact with one another;

“local authority” means—

- (a) in relation to England and Wales, a district council, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple, or the Under-Treasurer of the Middle Temple or the Council of the Isles of Scilly;
- (b) in relation to Scotland, an islands or district council;

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(1) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively.

“notifiable device” means a cooling tower or an evaporative condenser except—

- (a) where it contains no water that is exposed to air; and
- (b) where its water supply is not connected; and
- (c) where its electrical supply is not connected;

“premises” means all non-domestic premises used for or in connection with the carrying on of a trade, business or other undertaking (whether for profit or not).

### **Notification of a notifiable device**

3.—(1) Subject to this regulation and to regulation 4, it shall be the duty of each person who has, to any extent, control of premises to ensure that no notifiable device is situated on those premises unless the information set out in the Schedule to these Regulations has been notified in writing, on a form approved for the time being for the purposes of these Regulations by the Health and Safety Executive, to the local authority in whose area the premises are situated.

(2) Where the premises are to any extent under the control of the manufacturer of the device, it shall be sufficient compliance with paragraph (1) if the local authority in whose area the premises are situated is notified of the address of the premises and the name and telephone number of a person who has, to any extent, control of those premises.

(3) Where a notification has been made in accordance with paragraphs (1) or (2) of this regulation and subsequently a change occurs which affects the particulars notified, a person upon whom the duty is imposed by either of those paragraphs shall ensure that the change is notified in writing to the local authority concerned within one month after its occurrence.

(4) Where a notification has been made in accordance with paragraph (1), (2) or (3) of this regulation and subsequently the device ceases to be, and is no longer intended to remain, a notifiable device, a person upon whom the duty is imposed by any of those paragraphs shall as soon as is reasonably practicable after the cessation ensure that the fact is notified in writing to the local authority concerned.

(5) Paragraph (4) of this regulation shall not apply in any case where the operation of a notifiable device is suspended for the purposes of maintenance or by reason of seasonal shutdown.

### **Transitional provision**

4. Where a notifiable device is situated on premises before 3rd May 1993, it shall be sufficient compliance with regulation 3 of these Regulations if the notification required by that regulation is made by that date.

Signed by order of the Secretary of State.

9th September 1992

*Patrick McLoughlin*  
Parliamentary Under Secretary of State,  
Department of Employment

## SCHEDULE

Regulation 3(1)

Information to be notified to the local authority:

1. The address of the premises where the notifiable device is to be situated.
2. The name, address and telephone number of a person who has, to any extent, control of the premises referred to in paragraph 1 above.
3. The number of notifiable devices at the premises referred to in paragraph 1 above.
4. The location on the premises of each notifiable device referred to in paragraph 3 above.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Regulations require a person who has, to any extent, control of non-domestic premises to ensure that no notifiable device is situated on the premises unless information specified in the Schedule to the Regulations has been notified in writing to the local authority in whose area the premises are situated (regulation 3(1)). A separate provision is made in respect of information to be notified by a manufacturer pursuant to the requirement in regulation 3(1) (regulation 3(2)). Changes to the information required to be notified under regulation 3(1) or (2) must be notified within one month after their occurrence (regulation 3(3)). Where a device ceases to be, and is no longer intended to remain, a notifiable device that fact must be notified to the local authority concerned as soon as reasonably practicable after the cessation (regulation 3(4)). The requirement in regulation 3(4) of these Regulations will not apply where the operation of a notifiable device is suspended for the purpose of maintenance or by reason of seasonal shutdown (regulation 3(5)).

The Regulations also contain a transitional provision (regulation 4).