

Health and Safety at Work etc. Act 1974, sections 21, 23, and 24

Improvement Notice

Serial number I/LS-300124-1 -



Name EAST ANGLIA TRANSPORT MUSEUM SOCIETY LIMITED(THE)

Address The East Anglia Transport Museum, Chapel Rd, Carlton Colville, Lowestoft, Suffolk, NR33 8BL

Trading as N/A

Inspector's full name I,
Lindsey Smith

Official address one of His Majesty's Inspectors of Railways, of
The Office of Rail and Road, 3rd Floor, Mallard House, Kingspool, 1-2 Peasholme Green, York, YO1 7PX

Telephone number

Location of premises or place of activity hereby give you notice that I am of the opinion that at
The East Anglia Transport Museum, Chapel Rd, Carlton Colville, Lowestoft, Suffolk, NR33 8BL

you, as a person wholly or partly in control of the premises*

,
are contravening in circumstances that make it likely that the contravention will continue or be repeated*
the following relevant statutory provisions

Health and Safety at Work etc Act 1974 Section 4 (2)
The Provision and Use of Work Equipment Regulations 1998 Regulation 9(1)

The reasons for my said opinion are

You have failed to ensure that persons using the JCB Loadall Telehandler (EUR52055RE0277310), Small Dumper Truck, Case Excavator CX16B, Scissor Lift UPRSL26 (SL26-01005108), Nicosail FC-30 wheel loader and the Leeheey have received adequate training for the purposes of health and safety

and I require you to remedy those contraventions, or as the case may be, the matters occasioning them, by 30th April 2024 ,

and I direct that the measures specified in the schedule which forms part of this Notice shall be taken to remedy those contraventions or matters*.

Signature

A handwritten signature in blue ink, appearing to be 'Lindsey Smith', written over a horizontal line.

Date / Time 30th January 2024 10:00

An inspector appointed by an instrument in writing made under section 19 of the Health & Safety at Work etc Act 1974.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988.

Signature

A handwritten signature in blue ink, written over a horizontal line.

Date 30th January 2024

Notes

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974. Section 33(2) and Schedule 3A of that Act renders an offender liable, on summary conviction, to imprisonment for a term not exceeding 6 months in England and Wales and 12 months in Scotland, or to a fine unlimited in England and Wales or not exceeding £20 000 in Scotland, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or to extend the period specified in the Notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the Notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this Notice.
3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the Notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this Notice to an Employment Tribunal. Details of the method of making an appeal can be found on the [GOV.UK](https://www.gov.uk) website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can be submitted either online at the above address, or by downloading Form ET1 and posting it to either the Employment Tribunal Central Office (England and Wales), PO Box 10218, Leicester, LE1 8EG; or Employment Tribunal Central Office (Scotland), PO Box 27105, Glasgow, G2 9JR. If you do not have access to the Internet, contact the person who issues the Notice and ask to be supplied with a hard copy of Form ET1 and guidance note T420: Making a Claim to an Employment Tribunal.

Time limit for appeal

5. A notice of appeal must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days.
6. The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this Notice by which the matters contained in it must be remedied.
7. The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

PUBLIC AVAILABILITY OF INFORMATION ON ALL ENFORCEMENT NOTICES

8. The Office of Rail and Road (ORR) for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is ORR's policy that this information should be brought to the public's attention. ORR also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be placed on the ORR website (www.orr.gov.uk).
9. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.
10. Information may be withheld where, in ORR's belief, its disclosure would:
 - cause harm or prejudice; or
 - be in breach of the law.
11. Personal information is dealt with in accordance with the Data Protection Act 2018. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.
12. If you are not satisfied with the information contained in the entry you have a further right to appeal to ORR in the first instance.

Schedule



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To comply with this notice, you should carry out the following:

1. All current operators of the JCB Loadall Telehandler (EUR52055RE0277310), Small Dumper Truck, Case Excavator CX16B, Scissor Lift UPRSL26 (SL26-01005108), Nicosail FC-30 wheel loader and the Leeheey should be adequately trained to operate the equipment.

AND

2. Training should be provided by a competent and qualified person with the necessary skills knowledge and experience.

OR

Any other equally effective measures to remedy the said contraventions

Signature

A handwritten signature in blue ink is contained within a rectangular box. The signature is stylized, starting with a large loop and ending with a long horizontal stroke.

Date:

30th January 2024