

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

Improvement Notice

Serial number IN/AW07022024-01

Name Network Rail Infrastructure Limited

Address Waterloo General Office
Waterloo Station
London, England
SE1 8SW

Trading as

Inspector's full name I,
[REDACTED]

Official address one of Her Majesty's Inspectors of Railways, of
The Office of Rail and Road, 7th Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD

Telephone number [REDACTED]

Location of premises or place of activity hereby give you notice that I am of the opinion that at
All worksites that are part of a railway undertaking within Great Britain, where welding is undertaken under Network Rail's control.

you, as an employer

are contravening the following relevant statutory provisions

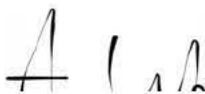
The Health and Safety at Work etc. Act 1974, section 2(1)
The Control of Substances Hazardous to Health Regulations 2002, Regulation 6 (1)

The reasons for my said opinion are

You have failed to make suitable and sufficient assessment of the risks created by work liable to expose employees to a substance hazardous to health, namely welding and welding fumes, identify steps to be taken to prevent or adequately control that exposure, and implement the steps identified.

and I require you to remedy those contraventions, or as the case may be, the matters occasioning them, by 31st May 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 

Date / Time 29th Feb 2024

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~~ _____ ~~Date~~ _____

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 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding £20,000, 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. All Employment Tribunal appeals are subject to a fee that should be enclosed with the submission. Details of the method of completing and submitting a notice of appeal are contained in leaflet T420 and form ET1. A copy of the leaflet will be provided by the Inspector with this Notice. Copies are also available from the Employment Tribunal Public Enquiry Line (Tel: 0845 795 9775) or online at <http://www.justice.gov.uk/forms/hmcts/employment>.

Time limit for appeal

5. A notice of appeal, together with the relevant fee, 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. If posted the appeal should be sent by recorded delivery.
6. The entering of an appeal suspends the Improvement Notice until the appeal has been determined, 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 2004 (SI 2004 No 1861), and the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (SI 2001 No 1171) for England and Wales and the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 2001 (SI 2001 1170) for Scotland to the extent those Regulations remain in force.

PUBLIC AVAILABILITY OF INFORMATION ON ALL ENFORCEMENT NOTICES

8. 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.rail-reg.gov.uk).
9. Information on a notice will not be placed on the ORR website until after the right of appeal against the notice has expired. No entry will be made where a notice is suspended during appeal proceedings or withdrawn or cancelled on appeal. Entries relating to notices served on individuals will be kept on the ORR website for a period of 5 years from the date of issue.
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 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the ORR website.
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.



EMPLOYMENT TRIBUNALS

Appellant: Network Rail Infrastructure Limited

Respondent: His Majesty's Inspector of Railways FAO: [REDACTED]
[REDACTED]

CONSIDERED ON THE PAPERS WITHOUT A HEARING

UPON APPLICATION made by email dated 27 October 2025 to reconsider the judgment dated **1 October 2025** under rule 69 of the Employment Tribunal Procedure Rules 2024

JUDGMENT

The judgment of 1 October 2025 is varied so as to read as follows:

1. The appeal is dismissed upon withdrawal.
2. Improvement Notice (Serial Number IN/AW07022024-01) is affirmed with the modifications set out in the attached schedule.
3. There be no order for costs between the parties.

Date: 4 December 2025

Approved by

Employment Judge [REDACTED]

[REDACTED]

For the Tribunal

Sent to Parties.
16 December 2025

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/

SCHEDULE

The modifications to the Improvement Notice including the Schedule are as follows:

Page 1 of the Notice (LP1-Page 1 of 2)

1. Under '*Location of premises or place of activity*'
Substitute for current text: '*All Maintenance and Works Delivery worksites that are part of a railway undertaking, where Network Rail employees are undertaking welding activities*'.
2. Under '*the following relevant statutory provisions*'
Substitute '*Regulation 6(1)(b)*' for Regulation 6(1)
3. Under '*The reasons for my said opinion are*'
Substitute for current text: '*You have failed to implement adequate control measures to prevent or adequately control exposure of your employees to welding fume, a substance hazardous to health. You have not demonstrated you have implemented the steps identified in your risk assessment to control exposure to welding fume.*'
4. Under '*I require you to remedy those contraventions, or as the case may be, the matters occasioning them by 31st May 2024*'
Substitute '*1st February 2026*' for 31st May 2024.

Schedule to the Notice (LP3-ORR Notice Schedule)

5. Under '*To comply with this notice you should carry out the following:*'
Substitute for paragraphs 1-3 of the current text:
'Either
 1. *From your risk assessment of welding activities, develop an action plan to implement the following steps, timescales for action, budget allocated and person(s) responsible to:*
 - a. *prevent or adequately control exposures;*
 - b. *ensure correct use and efficient maintenance, examination and testing of the control measures;*
 - c. *ensure that exposure monitoring and health surveillance are carried out, if required;*
 - d. *ensure information and instruction are provided and training is carried out;*
 - e. *deal with accidents, incidents and emergencies;*

OR

Any other equally effective measures to remedy the said contraventions.