

HEALTH AND SAFETY AUTHORITY SCHEDULE OF DELEGATED FUNCTIONS

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For information

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1. Approved process for delegation of Authority functions

- a.The Board / Executive identifies a function to be delegated and proposes the function to be added to the draft Schedule of Delegated Functions
- b.Draft Schedule of Delegated Functions brought to Board for approval
- c.Board approval of delegations is recorded in Board meeting minutes
- d.The updated Schedule of Delegation Functions is uploaded to the Board portal
- e.The Schedule of Delegated Functions should be brought to the Board for annual review
- f.Any sub-delegation of functions from the CEO to another employee of the Authority should be brought to the Board for approval, providing details of duration and any conditions that apply.

2. Schedule of functions

Safety, Health and Welfare at Work Act 2005

(Act No.10 of 2005)

Delegated Functions

Section		Function
24	6	To publish a notice of approval of a Joint Safety and Health Agreement in Iris Oifigiuil and two daily newspapers
24	8	To take a Joint Safety and Health Agreement into account for the purposes of assessing compliance by an employer with relevant statutory provisions
33	2	To give guidelines to persons prescribed to perform certain functions by the Minister
33	2c	To require information from persons prescribed to perform certain functions by the Minister
33	4	To direct the form of annual reports to be supplied by prescribed persons
34	1a	To promote, encourage and foster the prevention of accidents, dangerous occurrences and personal injury at work in accordance with the relevant statutory provisions
34	1b	To promote, encourage, foster and provide education and training in the safety, health and welfare of persons at work
34	1c	To encourage and foster measures promoting the safety, health and welfare of persons at work
34	1d	To make adequate arrangements for the enforcement of the relevant statutory provisions,
34	1dd	To perform the functions conferred on the Authority by the Chemicals Act 2008
34	1f	To promote, encourage and foster co-operation with representatives of employers and employees or other bodies as regards the prevention of risks to safety, health and welfare at work
34	1g	To make arrangements for providing information and advice on matters relating to safety, health and welfare at work
34	1h	To make arrangements to conduct, commission, promote, support and evaluate research, surveys and studies relating to the functions of the Authority, to foster and promote contacts and exchange information with persons or bodies in and outside the State; to publish the results of research, studies and surveys.
40	1	To engage consultants and advisors as necessary or expedient for the performance of its functions
40	2	To have regard to guidelines issued by the Minister or the Minister for Finance in relation to fees payable to consultants or advisors
40	3	To comply with any directions from the Minister with regard to consultants or advisors
45	2	To invest money, subject to the consent of the Minister and Minister for Finance.
45	3	To seek and accept moneys from any source, with the prior consent of the Minister and Minister for Finance
47	2	To make available details of fees
47	4	To recover any amount due and owing to it from the person by whom it is payable in any court of competent jurisdiction
48	1	To keep all proper and usual accounts each year

52	1	To appoint persons to be members of the staff of the Authority
52	2a	To determine the terms and conditions of employment of staff (other than the CEO), with the consent of the Minister and the Minister for Finance
52	2b	To determine the remuneration and allowances for expenses of the staff of the Authority (other than the CEO), with the consent of the Minister and the Minister for Finance
52	3	To determine the grades of staff and the number of staff in each grade, with the consent of the Minister and the Minister for Finance
53		To determine the remuneration or allowances for expenses to be paid to staff or the other terms or conditions subject to which the staff holds their employment, having regard to Government or nationally agreed guidelines; to comply with any relevant directives given to the Authority by the Minister with the consent of the Minister for Finance.
56	4	To carry out the approved scheme for the granting of superannuation benefits to or in respect of staff in accordance with its terms
57	1e	To assist in the preparation of draft legislation as the Minister may direct
60	3	To publish a notice of the publication or approval of a code of practice in <i>Iris Oifigiúil</i>
60	5	To publish a notice of the amendment, revocation or withdrawal of approval of a code of practice in <i>Iris Oifigiúil</i>
60	6	To make copies of the approved codes of practice available for public inspection at its principal office
62	1	To authorise persons as inspectors for the purposes of enforcement of the relevant statutory provisions
62	3	To revoke authorisations
63	1	To designate any person, including inspectors, who is a registered medical practitioner to receive any notice, report or certificate required by any of the relevant statutory provisions to be sent to the Authority
64	8	To authorise persons to accompany inspectors on inspections
71	1	To apply to the High Court for an order restricting or prohibiting the use of the place of work
72	1	To serve a notice requiring a person to give to the Authority any information it may reasonably require in performing its functions
72	2	To extend the period of the information notice
73	1b 1d	To authorise disclosure of confidential information obtained in the performance of functions as staff member, consultant or advisor
82	1	To bring and prosecute summary proceedings in respect of relevant statutory provisions
83		To appeal to a judge of the Circuit Court an order made by the District Court on determining a complaint under this Act
85	1	To compile a list of names of every person on whom a fine or other penalty, a prohibition notice or a High Court order was imposed.
87		To request the Revenue Commissioners to detain any article or substance being imported for an inspector to examine it for the purposes of the 2005 Act
88	1	To issue licences in respect of activities to which the provisions of the Act apply
88	2	To attach conditions to licences
88	3	To grant or refuse applications for licences at the Authority's discretion
88	4	To publish particulars of a licence application and invite representations from interested persons
88	5a	To keep a register of all licences granted
88	6	To deliver a certificate stating the grounds on which a licence has been refused or conditions attached

Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006

(S.I. No. 386 of 2006), as amended

Delegated functions

Section		Function
11	1	To agree the period in which an employer shall submit a written notification to the Authority comprising details of any activity which would expose or would be liable to expose an employee to dust arising from asbestos or materials containing asbestos.
21	4	To decide of any dispute or difficulty arising in respect of the manner in which medical records are maintained or transferred, and its decision shall have effect accordingly.
22	1	To review an assessment and determination where an employee or his or her employer is aggrieved by a determination made by a responsible medical practitioner.
24	1	To establish and maintain a register, to be known as the “Asbestosis and Mesothelioma Register”, of diseases which have been reported to the Authority.
25	7b	To direct an employer to deposit the occupational health register with such a person as the Authority directs, where an employer ceases business and has a subsisting occupational health register.
25	7c	To direct a person to which individual medical records are made available by the employer’s responsible medical practitioner.
25	8A	To carry out a review in such form as the Authority or a person designated under Section 63 of the Act considers appropriate in the circumstances where individual medical records are made available to the Authority in accordance with paragraph (7)(c).

Safety, Health and Welfare at Work (General Application) Regulations 2007

(S.I. No. 299 of 2007)

Delegated functions

Section		Function
131	3c	To require from an employer copies of health surveillance records of hearing tests and audiometric checks
141	3e	To require from an employer copies of health surveillance records in respect of mechanical vibration
182	4b	To require from an employer copies of health surveillance records in respect of optical radiation

Safety, Health and Welfare at Work (General Application) Regulations 2016

(S.I. No.370 of 2016)

Delegated functions

Section		Function
226	5	To request a responsible person to send extracts from an accident record
229	1a	To require an employer, self-employed person or owner of an article to have the article examined and tested by a competent person
229	1b	To require an employer, self-employed person or owner of an article to have a report of the results of the examination and test prepared and submitted to the employer, self-employed person or owner
229	1c	To require an employer, self-employed person or owner of an article to give the Authority a copy of the examination report
229	2d	To specify matters to be included in the report report of the results of the examination
229	3	To require a re-examination or retest by a person nominated by the Authority

Chemicals Act 2008

(Act No.13 of 2008)

Delegated Functions

Section		Function
7	3	To publish a notification in <i>Iris Oifigiuil</i> when it publishes or approves a code of practice
7	6	To publish a notice in <i>Iris Oifigiuil</i> when it amends, revokes or withdraws approval of a code of practice
7	7	To publish codes of practice and amended codes of practice on the internet and make them available for public inspection at its principal office
8	4c(ii)	To require reports and information from national authorities related to the performance of their functions
9	1	To cooperate with other national authorities in the performance of functions under the relevant statutory provisions
9	2	To enter into arrangements with other national authorities
9	4	To enter into a mutual cooperation arrangement with an external authority, subject to approval by order by the Minister
10	1c	To sell anything produced, published or developed by the Authority
10	1d	To enter into contracts for the development and commercial exploitation of anything produced, published or developed by the Authority
10	2	To make available details of fees
10	4	To recover any amount due as fees as a simple contract debt
11	1	To appoint persons to be inspectors for the purposes of enforcement of the relevant chemicals statutory provisions
11	2	To provide a certificate of appointment as an inspector
11	4	To revoke appointments as inspectors
11	6	To authorise persons considered appropriate to accompany an inspector in the performance of functions
18	1	investigate the causes and circumstances surrounding any injury to health or damage to the environment or any other activity to which the relevant chemicals statutory provisions relate
18	1b	To direct staff or any other person to submit a special report of the investigation to the Authority
18	3	To pay fees for the preparation of a special report as determined by the Minister and the Minister for Finance
18	4	To discharge other costs incurred in the preparation of a special report as determined by the Minister and the Minister for Finance
19	1	To apply to the High Court for an order restricting or prohibit activity that contravenes the relevant chemicals statutory provisions and involves serious risk
22		To request that an officer of customs and excise to detain chemicals being exported or imported

23		To take measures to bring to the attention of the public matters giving rise to any contravention or prohibition notice under the Act
24	1	To compile a list of names and addresses and a description of the trade, business or other activity of persons convicted of an offence under the relevant chemical provisions, on whom a prohibition notice is served or a High Court order has been made
27	1	To serve an information notice requiring a person to provide such information as the Authority requires for the performance of its functions
27	2	To extend the period of an information notice
28	1	To authorise a person to disclose information obtained in the performance of functions
31	2b	To issue a receipt for payment made in respect of a fixed payment notice
31	5a	To dispose of moneys received for fixed payment notices, with the consent of the Minister and Minister for Finance
33	1	To bring and prosecute summary proceedings in relation to an offence under the relevant chemicals statutory provisions
33	3	To bring summary proceedings for a contravention identified in a special report

Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (S.I. No. 209 of 2015)

Delegated functions

Section		Function
7	4	To request an operator to provide such evidence (including documents) to prove that they have identified the major accident hazards, taken all necessary measures to prevent major accidents and to comply with the operator's obligations under these Regulations.
8	1	To specify the format of the written notification that an operator should send to the Authority
9	1	To use the information received from the operators to identify all lower-tier and upper-tier establishments or groups of establishments where the risk or consequences of a major accident may be increased because of the geographical position and the proximity of such establishments, and their inventories of dangerous substances.
9	4	To make additional information (other than that provided by an operator) available to that operator, if it is necessary for the proper application of these Regulations.
11	1	To specify the format of a written safety report to be submitted by every operator of an upper-tier establishment
11	5	To request from an operator any information during or following an examination of a safety report, and to specify in writing the time period for submission of the information
16	14	To provide sufficient information to potentially affected Member State where there is a possibility of a major accident with transboundary effects originating in an upper-tier establishment
16	15	To inform its counterpart authority in the other Member State of its reasoned decision where the Central Competent Authority is satisfied that an establishment close to the territory of another Member State is incapable of creating a major accident hazard beyond its boundary and is not therefore required to produce an external emergency plan
17	5	To give guidelines on an annual report of local authority activities in relation to external emergency plans.
19	1	Following a major accident, to ensure that any urgent, medium-term and long-term measures are taken; to collect the information necessary for a full analysis of the technical, organizational and managerial aspects of the accident; to take appropriate action to ensure that the operator takes any necessary remedial measures; and to make recommendations on future preventive measures.
19	2	To provide the European Commission with the required information about the accident using the European Commission database
20		To specify the format of the written notification of a notifiable incident of the type specified in Schedule 7
21	1a	To supply such information as is required to the other Member State of the European Union concerned;
21	1b	To exchange information with the European Commission and the competent authorities of other Member States on the experience acquired with regard to the prevention of major accidents and the limitation of their consequences;

21	1c	To encourage competent authorities to provide mechanisms and tools for exchanging experience and consolidating knowledge and to participate in such mechanisms at Union level.
21	1d	To cooperate with the European Commission in activities in support of the implementation of the Directive, involving competent authorities, local competent authorities, operators and other stakeholders
21	1e	To notify the European Commission where it considers that a dangerous substance does not present a major accident hazard in accordance with Article 4(1) of the Directive
21	1f	To supply the European Commission with the names, address and activities of establishment covered by these Regulations
21	1g	To provide the report to the European Commission on the implementation of the Directive, every four years.
21	2	To identify establishments or domino groups and to inform each operator in writing for the purpose of regulating domino effects
21	3	To examine the safety report.
21	4	Following the submission of a safety report, to communicate its conclusions to the operator or request the operator to supply additional information, within four months of receiving a safety report
21	5	To communicate the conclusions of its examination of the safety report or revised details to the operator no later than two months from the date of the receipt of the requested further information.
21	6	To prohibit the use or bringing into use of any establishment, installation or storage facility where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient, including where there are serious failures to take the necessary actions identified in an inspection report.
21	7	To prohibit the use or the bringing into use of any establishment, installation or storage facility by way of a prohibition notice if the operator has not submitted the notification, reports or other information required by these Regulations
21	8	To notify in writing the relevant local competent authorities of the Authority's conclusions in relation to a safety report
21	9a	To decide, based on the information provided, that the requirement for a local competent authority to prepare an external emergency plan shall not apply, and notify the local competent authority in writing of that decision, giving reasons for that decision
21	9b	To withdraw in writing an exemption given in 21 (9) (a) by stating the date upon which the exemption shall end and the date by which the emergency plan must be prepared
21	9c	Where an exemption is given or withdrawn with regard to an establishment close to the territory of another Member State, the Central Competent Authority shall inform the central competent authority of that Member State of its reasoned decision.
21	10	To consult as appropriate with the Environmental Protection Agency on the information contained in a safety report concerning the risks of a major accident to the environment
21	11	To accept equivalent information submitted by operators in accordance with other relevant Union legislation, where that information fulfils any of the requirements of the Directive or these Regulations.
21	12	To inform the European Commission of the name and address of any body which might have relevant information on major accidents and which is able to advise the competent authorities of other Member States which have to intervene in the event of such an accident.
22	1	To organise a national system of inspections of establishments, and ensure that this plan is kept under regular review.

22	4	To regularly draw up, based on inspection plans, programmes for routine inspections for all establishments
22	7	To communicate the conclusions of the inspection and all the necessary actions identified to the operator within four months after each inspection and ensure that the operator takes all those necessary actions within a reasonable period after receipt of the communication.
22	8	To carry out an additional inspection within six months where an inspection has identified an important case of non-compliance
22	9	To coordinate, and combine where possible, inspections under other European Union legislation where appropriate.
24	1	To advise a planning authority of a consultation distance for that establishment, if it is within the planning authority's functional area or could affect its functional area, and to review this advice and update it as necessary.
24	2	To provide technical advice in response to a notice sent by a planning authority requesting technical advice on the effects of a proposed development on the risk or consequences of a major accident in relation to the certain types of developments within the consultation distance notified
24	4	In the case of existing establishments, to review proposed modifications to determine whether additional technical measures should be taken
24	5	If a proposed modification is considered to be a significant change, to refer it to the relevant planning authority
24	9	To provide technical advice within four weeks of receiving a request from a planning authority
24	10	To provide technical advice within four weeks of receiving additional information requested from a planning authority
24	12	When it becomes aware of the possibility of a major accident with transboundary effects originating in an upper-tier establishment, to provide sufficient information to the competent authorities in the potentially affected other Member States
25	3	To ensure that information to be made permanently available becomes available to the public within a reasonable period of time from when the establishment becomes subject to these Regulations; for upper-tier establishments, to make the the safety report and the inventory of dangerous substances available to the public on request
25	8	To notify the operator of the area within which persons are likely to be affected following an assessment of the safety report
25	11	To specify in advance in writing the means by which operators shall send the information required to be made permanently available to the public and the format in which such information is to be provided.
26	2	To refuse or restrict the disclosure of any information required under these Regulations where the grounds for refusal laid down in the Access to Information on the Environment Regulations apply.
26	3	To refuse to disclosure of the complete information on the safety report or the inventory of dangerous substances if the operator has requested in writing at the time of submission not to disclose certain specific parts for reasons provided for in the Access to Information on the Environment Regulations.

Chemicals (Asbestos Articles) Regulations 2011

Delegated functions

Section		Function
4	1	To issue a certificate to exempt an asbestos containing article, or category of such articles, from the prohibition on the placing on the market of asbestos-containing articles provided for by Article 67 of, and Annex XVII to, the REACH Regulation
5	3	On receipt of an application, to (a) stamp each document with the date of its receipt, and (b) consider whether the application contains the required information.
5	4	To notify the applicant acknowledging the date of receipt of the valid application and issue a reference number for the certificate being applied for.
5	6	Where an application is deemed invalid, to (i) acknowledge receipt of the invalid application, (ii) inform the applicant that the application is invalid and cannot be considered by the exempting authority, and (iii) indicate which information has not been included in the application; to return to the applicant the certificate application; to enter details of the invalid application in the register provided for under Regulation 11
6	1	To require the applicant to (a) to submit any further information which it considers necessary to enable it to process the application, and/or (b) to produce any evidence it may reasonably require to verify any particulars or information given in, or in relation to, the application.
6	2	To refuse the certificate application where a requirement to submit further information is not complied with.
7	2	To notify the applicant when is not in a position to make a decision within the specified time period and the date by which a decision will be made by it.
8	1	To decide to refuse or grant with conditions the certification on the basis of its processing of an application.
8	2	To notify the applicant in writing of its decision to grant or refuse the certificate application.
8	4	To exercise all or any of the powers conferred on it by the Act in deciding to grant with conditions or refuse a certificate application.
9	1	To review the decision to grant a certificate if it has reason to believe that the conditions of the certificate are no longer being met
9	2	Where the exempting authority forms the intention to revoke a certificate issued to a person on foot of an application, to (i) give notice of its intention to revoke to the person(s) to whom the certificate was granted, and (ii) publish a notice of such an intention on its website; Where the exempting authority forms the intention to revoke a general certificate issued in relation to an asbestos-containing article or class of articles, to publish a notice of such intention on its website.
9	4	To make a decision on whether or not to revoke a certificate
9	5	Once a decision is made under 9 (4), to (a) in the case of a certificate issued to a person on foot of a certificate application (i) give notice of its decision to the person(s) to whom the certificate was issued and to any person who submitted representations in writing to the

		authority in relation to the proposed revocation, and (ii) publish a notice of its decision on its website; (b) in the case of a general certificate issued in relation to an asbestos containing article or class of articles, publish a notice of such decision on its website
9	6	To exercise all or any of the powers conferred on it by the Act in reviewing the grant of a certificate and deciding whether or not to revoke it.
10	1	To designate such and so many members of its staff as it considers appropriate to be appeals officers under this Regulation.
11		To establish and keep a register containing the particulars specified in Schedule 2 and to make available to the public.

Industrial Development (Forfás Dissolution) Act (Act No.13 of 2014)

Delegated Functions

Section		Function
32		Amending Part 5 of the 2005 Act: 56A 7 (a) To designate any member of the staff of the Authority for the purpose of performing one or more functions of the Accreditation Board

Dangerous Substances Act 1972 (Act No. 10 of 1972)

Delegated Functions

Section		Function
33	4	To determine appeals against a decision to refuse to grant a licence by the local or harbour authorities; to grant or cancel the licence, to attach specified conditions to the licence or to amend or delete a condition attached to the licence.

Dangerous Substances (Flammable Liquids and Fuels Retail Stores) Regulations (S.I. No. 630 of 2019)

Delegated functions

Section		Function
12	9	To determine an appeal and inform the applicant and the licensing authority within a period of 30 days from the date of receipt of the application. The appeals authority may direct the licensing authority to issue the licence with specified conditions.
18	1	To carry out an inspection of a store without notice at any time
Sch.1		To publish updated or revised versions of guidance documents periodically on the Authority website

Dangerous Substances (Flammable Liquids and Fuels Distribution and Commercial Supply Stores) Regulations

(S.I. No. 631 of 2019)

Delegated functions

Section		Function
8	9	To determine an appeal and inform the applicant and the licensing authority within a period of 60 days from the date of receipt of the application. The appeals authority may direct the licensing authority to issue the licence with specified conditions.
13	1	To carry out an inspection of a store without notice at any time
Sch.1		To publish updated or revised versions of guidance documents periodically on the Authority website

Dangerous Substances (Oil Jetties) Regulations 1979

(S.I. No. 312 of 1979)

Delegated functions

Note: The Authority has responsibilities under these Regulations for issuing, extending and and revoking written consents where the functional areas that the licence applies to are outside of a Harbour Master's authority (i.e. where an application relates to an area that is upriver of a harbour area) – see Section 7(2) of the Regulation below. While the Regulations refer to the Minister having this responsibility, the function was assigned to the Authority under section 29(1) of the Safety, Health and Welfare at Work Act 1989.

7. (1) Subject to these Regulations, a harbour master may grant a written consent authorising loading or unloading operations and when granted may, from time to time, renew the consent.

(2) Every application by a person concerned under Regulation 4 (5) of these Regulations for a consent under this Regulation or for the renewal of such a consent shall be in the form specified as Form A in the First Schedule to these Regulations and shall —

(a) be made to the Minister in the case of an oil jetty which is not within the functional area of a harbour authority, or

(b) be made to the harbour master of the harbour authority concerned.

Section		Function
5	1	<p>Where, on an application being made to him for a written consent in pursuance of Regulation 7(2) of these Regulations, a harbour master is satisfied that —</p> <p>(a) an oil jetty which was used for loading or unloading operations immediately before the coming into operation of these Regulations cannot at reasonable expense be made to comply with the requirements of Regulations 14 to 27 of these regulations, and</p> <p>(b) (i) all practicable steps have been taken in relation to the oil jetty to ensure a standard of protection against risk of injury approximating to that required by the requirements mentioned in subparagraph (a) of this paragraph, or</p> <p>(ii) alterations, additions or other works specified in the application (regarding which a written undertaking as to their execution within a specified period shall have been given to the harbour master by the applicant) which would when completed enable the oil jetty to</p>

		<p>comply with these Regulations</p> <p>the harbour master may issue, subject to approval, such a written consent, provided that in case such an undertaking is so given to the harbour master, the period within which the alterations, additions or other works specified in the undertaking shall be specified in the written consent.</p>
5	3	The Minister may, if he thinks fit, on an application being made to him in that behalf by the person to whom a written consent under this Regulation is granted, extend the period specified in the consent.
5	4	Where the Minister is of the opinion that owing to the nature of the loading or unloading operations or by reason of any special arrangements, the provisions of any of these Regulations are not necessary for the protection of persons or property against risk of injury, he may, by certificate in writing (which he may in his discretion revoke) suspend any such provision subject to such conditions as may be specified in the certificate.
5	5	Without prejudice to the provisions of Part VII of the Act, and notwithstanding any other requirement of these Regulations relating to the issue of a written consent, where, in the case of any oil jetty at which loading or unloading operations are carried on, the Minister considers that the relevant requirements of these Regulations are not being observed in such a manner as to prevent risk of injury, the Minister reserves the right in any such case to revoke the written consent and to prohibit its re-issue until such time as he is satisfied that the appropriate steps as specified by him have been taken by any person concerned under Regulation 4 of these Regulations to secure compliance with the requirements of these Regulations.

European Union (Personal Protective Equipment) Regulations 2018 (S.I. No.136 of 2018)

Delegated functions

Section		Function
26		To organise and carry out market surveillance on PPE and carry out its duties relating to market surveillance in accordance with Articles 15(3) and 16 to 29 of Regulation (EC) No. 765/2008.
27	1	To carry out an evaluation in relation to the PPE where a market surveillance authority has sufficient reason to believe that PPE presents a risk to the health or safety of persons.
27	3	To (a) require the economic operator to take corrective action to bring PPE into compliance, to withdraw the PPE from the market or to recall it. To inform the notified body that carried out the conformity assessment procedure on the PPE of the non-conformity of the PPE.
27	5	To inform the European Commission and all other Member States of the results of the evaluation where it considers that non-compliance is not restricted to the State.
27	7	To take appropriate provisional measures to prohibit or restrict PPE from being made available on the market of the State, to withdraw the PPE or to recall it where the relevant economic operator does not take adequate corrective action.
27	8	To inform the European Commission and all other Member States of any measures taken to prohibit or restrict PPE from being made available on the market of the State.
28	1	To ensure that non-compliant PPE is withdrawn from the market and inform the European Commission that the PPE has been so withdrawn where the European Commission adopts an implementing act determining that a measure taken by a competent national authority is justified.
28	2	To withdraw a measures where the European Commission adopts an implementing act determining that a measure taken by a competent national authority is unjustified.
29	1ab	Where a Competent Authority finds that, although the PPE is in compliance, it presents a risk to the health or safety of persons, to (a) require the relevant economic operator to take all appropriate measures to ensure that the PPE, when placed on the market, no longer presents that risk, to withdraw the PPE from the market or to recall it within a reasonable period, and (b) immediately inform the European Commission and all other Member States.
30		To appoint such and so many persons as it thinks fit to be Authorised Officers for the purposes of enforcement of the PPE Regulations
32	4	To authorise such and so many other persons as it considers appropriate to accompany an Authorised Officer in the performance of his or her functions
32	7	To be accompanied by a member of the Garda Síochána and by any other person or persons authorised by a market surveillance

		authority when performing any functions under these Regulations where an Authorised Officer has reasonable grounds for apprehending any serious obstruction in the performance of any of his or her functions.
35	7	To give the recipient of a contravention notice the opportunity to be heard as soon as possible after the service of the notice where an opportunity to make representations is not possible because of the urgency of the measure as justified by health or safety requirements or other grounds relating to public interests.
40	1	To apply for an order for the forfeiture of any PPE on the grounds that the it does not comply or is liable to be a risk to the health or safety of persons.
41	1	To serve an information notice on a person which may require the person to give any information specified in the notice that the authority may reasonably require for the proper performance of their functions under the PPE Regulation or these Regulations.
41	3	To extend the period specified in an information notice
42	1	To take measures to bring to the attention of the public matters giving rise to any direction served in a contravention notice, prohibition notice, seizure notice or forfeiture order.
42	2	To take such measures as it considers appropriate to bring to the attention of the public any other matter of concern arising from the requirements of the PPE Regulation or these Regulations.
43	2	To provide information to any European Union information network, the European Commission or a market surveillance authority of another Member State for the purpose of the application of the PPE Regulation and to raise any concerns it may have.
47	1	To bring summary proceedings in relation to an offence under these Regulations

European Union (Appliances Burning Gaseous Fuels) Regulations 2018 (S.I. No. 126 of 2018)

Delegated functions

Section		Function
12	1	To carry out an evaluation in relation to the appliance or fitting concerned covering all relevant requirements where the market surveillance authority has sufficient reason to believe that an appliance or fitting presents a risk to the health or safety of persons or domestic animals, or to property.
12	3	To require the relevant economic operator (a) to take all appropriate corrective actions to (a) bring the appliance or fitting into compliance with requirements, (b) withdraw the appliance or fitting from the market, or (c) recall it, where the market surveillance authority finds that the appliance or fitting does not comply with the requirements laid down in these Regulations or the Council Regulation.
12	5	To inform the Minister of requirements placed on economic operators under 12 (3).
12	6	To inform the European Commission and other Member States of the results of the evaluation and of the actions which it has required the economic operator to take where the market surveillance authority considers that non-compliance is not restricted to the State.
12	8	To take all appropriate provisional measures to (a) prohibit or restrict the appliances or fittings from being made available on the market in the State, (b) withdraw the appliance or fitting from the market, or (c) recall the appliance or fitting where the economic operator does not take adequate corrective action within the defined period.
12	9	To immediately inform the European Commission and other Member States of any measures taken under 12(8)
12	11	To inform the European Commission and other Member States of (i) of any measures adopted, and (ii) any additional information at its disposal relating to the non-compliance of the appliance or fitting concerned. To inform the European Commission and other Member States of its objections when it disagrees with a national measure adopted by another market surveillance authority.
12	13	To ensure that appropriate restrictive measures, such as withdrawal of the appliance or fitting from the market, are taken in respect of the appliance or fitting concerned, without delay.
13		To take the necessary measures to ensure that the non-compliant appliance or fitting is withdrawn from the market in the State, and inform the European Commission accordingly, where a national measure of a Member State is considered justified. To withdraw that appliance or fitting where the national measure of a Member State is considered unjustified.
14	1	To require the relevant economic operator to take all appropriate measures (a) to ensure that the appliance or fitting concerned, when placed on the market, no longer presents that risk, (b) to withdraw the appliance or fitting from the market, or (c) to recall it where the market surveillance authority finds that although an appliance or fitting is in compliance with the Council Regulation, it presents a risk

		to the health or safety of persons or to domestic animals or to property
14	3	To immediately inform the European Commission and the other Member States of the matters referred to in 14(1).
15	1	To request that an economic operator to put an end to the non-compliance within a specified period of time where the market surveillance authority finds that an economic operator has not complied with the Council Regulation or these Regulations in one or more of the ways listed in (a) to (i).
15	2	To take all appropriate measures to restrict or prohibit the appliance or fitting being made available on the market or ensure that it is recalled or withdrawn from the market where the non-compliance referred to in paragraph (1) persists.
16	1	To appoint such and so many persons as it thinks fit to be authorised officers for the purposes of ensuring compliance with these Regulations, the Council Regulation and the Articles of Regulation (EC) No. 765/2008 referred to in Regulation 11.
19	2 f	To include any other requirement that the market surveillance authority considers appropriate in a contravention notice
19	10	To withdraw a contravention notice at any time. To extend a contravention notice where no appeal is made.
20	1	To apply to the District Court for a forfeiture order for the forfeiture of any appliance or fitting on the grounds that the appliance or fitting, when properly stored and used for their intended purpose, endangers the health and safety of persons.
20	4	To seize any appliance or fitting that is the subject of a forfeiture order.
21	10	To revoke or vary a prohibition order made in accordance with this Regulation.
21	11 a	To apply to the High Court for an order to prohibit the continuance of the activities where activities are carried on in contravention of a prohibition order
25	5	To prosecute summarily an offence under these Regulations
25	7	To seize and detain the appliance or fitting where an order is made by the Court.

European Union (Pressure Equipment) Regulations 2017 (S.I. No. 233 of 2017)

Delegated functions

Section		Function
15	2	To allow individual pressure equipment items and assemblies which have not been subjected to the conformity assessment procedures to be made available on the market or put into service if the use to which they will be put is in the interests of experimentation
30		To organise and carry out market surveillance of pressure equipment and assemblies covered by these Regulations
31	1	To carry out an evaluation in relation to a product where the market surveillance authority has sufficient reason to believe that pressure equipment or assemblies covered by these Regulations present a risk to the health and safety of persons or to domestic animals or property.
31	3	To (a) require the relevant economic operator to take all appropriate corrective actions to bring pressure equipment or assembly into compliance with requirements, to withdraw the product from the market or to recall it, (b) inform the notified body who carried out the conformity assessment procedure on the pressure equipment or assembly of the non-compliance of that equipment or assembly, and (c) apply the provisions of Article 21 of Regulation (EC) No. 765/2008, where the authority finds that the pressure equipment or assembly does not comply with the requirements laid down in the Directive or these Regulations.
31	4	To inform the European Commission and other Member States of the results of the evaluation and of the actions which it has required the economic operator to take where the market surveillance authority considers that non-compliance is not restricted to the State.
31	6	To take all appropriate provisional measures to prohibit or restrict the pressure equipment or assembly from being made available on the market in the State, to withdraw the pressure equipment or assembly or to recall it, where the relevant economic operator does not take adequate corrective action.
31	7	To inform the European Commission and the other Member States of any measures taken where the relevant economic operator does not take adequate corrective action.
31	8	To inform the European Commission and the other Member States (a) of any measures adopted and of any additional information at their disposal relating to the non-compliance of a product, or (b) of its objections, in the event of disagreement with the adopted measure adopted of the other Member State, where another Member State has initiated the procedure under Article 40 of the Directive.
31	10	To ensure that appropriate restrictive measures, such as the withdrawal of the product from the market, are taken in respect of the product concerned without delay.
32	1	To take the necessary measures to ensure that the non-compliant product is withdrawn from the market in the State and shall inform the European Commission accordingly where a national measure taken by a Member State under Article 40 of the Directive is

		considered justified by the European Commission.
32	2	To withdraw a measure where the measure is considered unjustified by the European Commission.
33	1	To (a) require the economic operator to take all appropriate measures to ensure that the product concerned, when placed on the market, no longer presents that risk, to withdraw the product from the market, or to recall it, and (b) immediately inform the European Commission and the other Member States of all available details where the market surveillance authority finds that, although a product is in compliance with the Directive or these Regulations, it presents a risk to the health and safety of persons or to domestic animals or property.
34	1	To require the relevant economic operator to put an end to the listed non-compliances
34	2	To take all appropriate measures to restrict or prohibit the making available on the market of the product or ensure that it is recalled or withdrawn from the market where the non-compliance referred to in paragraph 1 persists.
35	1	To perform its market surveillance duties in accordance with the relevant provisions of Article 39 of the Directive.
35	5	To authorise such and so many other persons as it considers appropriate to accompany an inspector in the performance of his or her functions
39	5	To give a person an opportunity to make representations as soon as may be after a contravention notice is issued, where due to the urgency of the measure as justified by public health, security or safety requirements, it is not possible to give the opportunity to make representations in advance of the measure being taken.
43	1	To require a person, by written notice, to give any information that the market surveillance authority may reasonably require for the proper performance of its functions.
43	2	To extend the period of an information notice upon the written application of the person on whom the notice is served.
45	1	To provide information to any European Union information network, the European Commission or a competent authority of another Member State for the purpose of sharing information related to the application of the Directive.
45	2	To take such measures as it considers appropriate to bring to the attention of the public, any matter of concern arising from the requirements of these Regulations.
49	1	To bring and prosecute summary proceedings in relation to an offence under these Regulations.

European Union (Lifts and Safety Components for Lifts) Regulations 2017 (S.I. No. 232 of 2017)

Delegated functions

Section		Function
29		To organise and carry out market surveillance on lifts and safety components in accordance with Articles 16 to 29 of Regulation (EC) No. 765/2008.
30	1	To carry out an evaluation of a lift or the safety component concerned covering all relevant requirements laid down in the Directive or these Regulations where the market surveillance authority has sufficient reason to believe it presents a risk to the health or safety of persons or property.
30	3	To (a) require the installer to take all appropriate corrective actions to bring the lift into compliance, (b) inform the notified body who carried out the conformity assessment procedure on the lift of the lift's non-compliance, and (c) apply the provisions of Article 21 of Regulation (EC) No. 765/2008, where the market surveillance authority finds that a lift does not comply with the requirements.
30	4	To (a) require the relevant economic operator to take all appropriate corrective actions to bring the safety component into compliance with those requirements, to withdraw the safety component from the market or to recall it, (b) inform the notified body who carried out the conformity assessment procedure on the safety component of the component's non-compliance, and (c) apply the provisions of Article 21 of Regulation (EC) No 765/2008, where the market surveillance authority finds that a safety component does not comply with the requirements.
30	5	To inform the European Commission and the other Member States of the results of the evaluation and of the actions which it has required the economic operators to take where the market surveillance authority considers that non-compliance is not restricted to the State.
30	7	To take all appropriate provisional measures to restrict or prohibit the lift from being placed on the market in the State, or the use of the lift concerned or to recall it, where an installer does not take adequate corrective action.
30	8	To take all appropriate provisional measures to prohibit or restrict the safety component from being made available on the market in the State, to withdraw the safety component from the market or to recall it, where the relevant economic operator does not take adequate corrective action.
30	9	To inform the European Commission and the other Member States, without delay, of any measures taken under paragraphs (7) or (8) of the Regulations.
30	10	To inform the European Commission and the other Member States (a) of any measures adopted and of any additional information at its disposal relating to the non-compliance of the lift or the safety component concerned, or (b) of its objections, in the event of disagreement with the adopted measure of the other Member State, where another Member State has initiated the procedure under

		Article 38 of the Directive (Procedure for dealing with lifts or safety components for lifts presenting a risk at national level).
30	12	To ensure that appropriate restrictive measures, such as withdrawal of a safety component from the market, are taken in respect of the lift or the safety component concerned without delay.
31	1	To (a) in the case of a measure relating to a lift, take the measures necessary to ensure that the placing on the market or use of the non-compliant lift is restricted or prohibited, or that the lift is recalled and inform the European Commission accordingly, or (b) in the case of a measure relating to a safety component, take the necessary measures to ensure that the non-compliant safety component is withdrawn from the market in the State and inform the European Commission accordingly, where a measure taken by a Member State under Article 38 of the Directive.
31	2	To withdraw a measure where a measure proposed by the market surveillance authority is considered unjustified by the European Commission.
32	1	To (a) in the case of a lift, require the installer to take all appropriate measures to ensure that the lift concerned, when placed on the market, no longer presents that risk, to recall the lift or restrict or prohibit its use, (b) in the case of a safety component, require the relevant economic operator to take all appropriate measures to ensure that the safety component no longer presents that risk, to withdraw the safety component from the market or to recall it, (c) immediately inform the European Commission and the other Member States, where the market surveillance authority finds that, although a lift or a safety component is in compliance with the Directive or these Regulations, it presents a risk to the health or safety of persons and property.
33	1	To require the relevant economic operator to put an end to listed non-compliances.
33	2	To take all appropriate measures to restrict or prohibit the use of the lift or recall it or to restrict or prohibit the making available on the market of the safety component or ensure it is recalled or withdrawn from the market, where the listed non-compliance persists.
34	1	To perform its market surveillance duties in accordance with the relevant provisions of the Directive.
35	5	To authorise such and so many other persons as it considers appropriate to accompany an inspector in the performance of his or her functions.
38	5	To give a person an opportunity to make representations as soon as may be after a contravention notice is issued, where due to the urgency of the measure as justified by public health, security or safety requirements, it is not possible to give the opportunity to make representations in advance of the measure being taken.
42	1	To serve a notice requiring the person to give any information specified in the notice that the inspector or the market surveillance authority may reasonably require for the proper performance of his or her or its functions.
42	2	To extend the period specified in the information notice upon the written application of the person on whom the notice is served.
44	1	To provide information to any European Union information network, the European Commission or a competent authority of another Member State for the purpose of sharing information related to the application of the Directive.
44	2	To take measures to bring to the attention of the public, any matter of concern arising from the requirements of these Regulations.
48	1	To bring and prosecute summary proceedings in relation to an offence under these Regulations.

European Union (Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres) Regulations 2017 (S.I.No. 232 of 2017)

Delegated functions

Section		Function
14	5	To authorise, on a duly qualified request in writing, the placing on the market and putting into service of products other than components in respect of which the procedures referred to in paragraphs (1), (2) and (4) have not been applied and the use of which is in the interests of protection
26		The market surveillance authority shall organise and carry out market surveillance of products covered by these Regulations in accordance with Articles 16 to 29 of Regulation (EC) No. 765 of 2008.
27	1	To carry out an evaluation in relation to the product concerned where the market surveillance authority has sufficient reason to believe that a product covered by these Regulations presents a risk to the health or safety of persons or to domestic animals or property.
27	3	To (a) require the relevant economic operator to take all appropriate corrective actions to bring the product into compliance with those requirements, to withdraw the product from the market, or to recall it (b) inform the notified body who carried out the conformity assessment procedure on the product of the product's non-compliance, and (c) apply the provisions of Article 21 of Regulation (EC) No 765/2008, where the market surveillance authority finds that the product does not comply with the requirements laid down in the Directive or these Regulations.
27	4	To inform the European Commission and other Member States of the results of the evaluation and of the actions which it has required the economic operator to take where the market surveillance authority considers that non-compliance is not restricted to the State.
27	6	To take all appropriate provisional measures to prohibit or restrict the product from being made available on the market in the State, to withdraw the product from that market or to recall it, where the relevant economic operator does not take adequate corrective action.
27	7	To inform the European Commission and the other Member States of any measures taken under 27 (6)
27	8	To inform the European Commission and the other Member States (a) of any measures adopted and of any additional information at its disposal relating to the non-compliance of the product concerned, or (b) of its objections, in the event of disagreement with the adopted measure of the other Member State, where another Member State has initiated the procedure under Article 35 of the Directive.
27	10	To ensure that appropriate restrictive measures are taken in respect of the product concerned without delay.
28	1	To take the necessary measures to ensure that the non-compliant product is withdrawn from the market in the State and inform the European Commission accordingly, where a national measure taken by a Member State under Article 35 of the Directive is considered

		justified by the European Commission.
28	2	To withdraw a measure where a national measure taken by a Member State under Article 35 of the Directive is considered unjustified by the European Commission.
29	1	To (a) require the economic operator to take all appropriate measures to ensure that the product concerned, when placed on the market, no longer presents that risk, to withdraw the product from the market or to recall it and, (b) immediately inform the European Commission and the other Member States, of all available details, where the market surveillance authority finds that although a product is in compliance with the Directive or these Regulations, it presents a risk to the health or safety of persons or to domestic animals or to property.
30	1	To require the relevant economic operator to put an end to non-compliance where it finds listed non-compliances
30	2	To take all appropriate measures to restrict or prohibit the product from being made available on the market or shall ensure that it is recalled or withdrawn from the market, where a non-compliance under section 30 (1) persists.
31	1	To perform its market surveillance duties in accordance with the relevant provisions of Article 34 of the Directive
32	5	To authorise such and so many other persons as it considers appropriate to accompany an inspector in the performance of his or her functions.
35	5	To give a person an opportunity to make representations as soon as may be after a contravention notice is issued, where due to the urgency of the measure as justified by public health, security or safety requirements, it is not possible to give the opportunity to make representations in advance of the measure being taken.
39	1	To require the person to give any information that the authority may reasonably require for the proper performance by it of its functions.
39	2	To extent the period specified in the information notice upon the written application of the person on whom the notice is served.
41	1	To provide information to any European Union information network, the European Commission or a competent authority of another Member State for the purpose of sharing information related to the application of the Directive
41	2	To take such measures as it considers appropriate to bring to the attention of the public, any matter of concern in the interest of the protection of safety.
45	1	To bring and prosecute summary proceedings in relation to an offence under these Regulations.

European Communities (Carriage Of Dangerous Goods By Road And Use Of Transportable Pressure Equipment) Regulations 2011 (S.I. No. 349 of 2011), as amended

Delegated functions

Section		Function
5	3	To notify the Commission of measures proposed in the event of urgent need to take action to limit the hazards involved in transport operations in the event of an accident or incident within the State, and implement those measures in line with any Commission authorisation granted.
5	4a	To exceptionally issue individual authorisations to transport dangerous goods within the State where such transport is prohibited by the Directives or to carry out the transport under conditions different from those laid down in the Directives.
10	1g	To act as competent authority in respect of all other functions required to be performed by a competent authority pursuant to the relevant road transport statutory provisions, including matters relating to transportable pressure equipment, other than those functions specified in paragraphs (a) to (f) of this Regulation, and which functions, without prejudice to the generality of the foregoing, include— (i) vehicle and premises inspections,— (ii) the approval of driver— -(I) basic training courses, and -(II) specialisation training courses for transport in tanks for the carriage of dangerous goods by road other than those goods referred to in subparagraph (d) or (e), (iii) the examination of persons who have participated in the courses to which clause (ii) refers, required under the relevant road transport statutory provisions, (iv) the issue of driver training certificates, and (v) the administration of the Safety Adviser examination scheme as provided in Chapter 1.8 of the ADR.”
10	2a	To keeping records in relation to its functions under these Regulations
10	2b	To furnish information in relation to its functions to the Minister and to any other Minister or competent authority whose functional responsibility may be concerned
10	7	To fulfil the requirements of the Checks Directive in relation to the transport of dangerous goods by road in respect of its area of responsibility under this Regulation
10	9a	To recognise different reference temperatures from those set out in Part 4 to the ADR, paragraphs (5)(b) and (c) of packing instructions P200 of section 4.1.4 or sub-sections 4.2.2.7.2, 4.3.3.2.2 or 4.3.3.2.3, in relation to the filling of pressure receptacles and tanks intended to be used only for the national carriage of liquefied gas.

10	9b	To recognise standards for the construction of a shell of a tank intended to be used only for the national carriage of liquefied gas which specify— (i) A different design reference temperature for the shell of the tank from that set out in sub-section 6.7.3.1; or (ii) A different test pressure for the shell of the tank from that set out in sub-sections 4.3.3.2.2 and 4.3.3.2.3, provided that the temperature or pressure specified in the standard is such that it will ensure that the shell is safe and suitable for its intended use.
10	10a	In respect of transport equipment which may not be used for carriage of dangerous goods unless it has been approved for that use, to appoint persons to determine whether transport equipment used in connection with the transport of dangerous goods should be approved, and to approve the equipment for use.
11	2	To appoint persons to be inspectors for the purposes of enforcement of any or the entire relevant road transport statutory provisions within its area of responsibility
11	3	To furnish inspectors with a certificate of appointment
11	5	To revoke the appointment of persons as inspectors
12	6	To authorise any other person as it considers appropriate to accompany an inspector in the performance of their functions
18	1	To apply to the High Court for an order restricting or prohibiting an activity that is considered to involve serious risk
21	1	To serve an information notice requiring the person to give information specified in the notice that the CA requires for the proper performance of its functions.
21	2	To extend, at the CA's discretion, the period specified in the information notice
22	1	To authorise a person to disclose information obtained in the performance of functions
25		To compile a list of names and addresses on those on whom a fine or other penalty was imposed by a court, on whom a prohibition notice was served, on whom an order was made by the High Court
28	2c	To issue a receipt for a payment made in respect of a fixed payment notice
28	4	To determine the manner of disposal of moneys received pursuant to fixed payment notices, with the prior consent of the Minister and the Minister for Finance
31	1	To bring and prosecute summary proceedings in relation to an offence under the relevant statutory provisions
35		To request, for the purpose of the performance of relevant statutory functions, an officer of customs and excise to detain any dangerous goods or transport equipment being exported or imported
36	1	To engage consultants or advisers necessary for the performance of functions
36	2	To pay fees to a consultant or adviser out of moneys at its disposal taking account of guidelines issued by the Minister or the Minister for Finance
36	3	To comply with any directions with regard to consultants or advisers that the Minister, following consultation with any other Minister of the Government that he or she considers appropriate, may give with the consent of the Minister for Finance
39	2	To make available details of fees, on request and free of charge.
39	4	To recover any amount due under this Regulation from the person by whom it is payable in any court of competent jurisdiction

41	1	To charge a fee for the performance of functions under the relevant statutory provisions and be paid by the person who requested the performance of that function
44		To charge a fee for the performance of a function under the relevant statutory provisions and be paid by the training provider who requested the performance of that function
45		To charge a fee for the performance of a function under the relevant statutory provisions and be paid by the examination candidate who requested the performance of that function
47	1	To charge and be entitled to be paid a fee for the performance of a function under the relevant road transport statutory provisions by the person who requests the performance of that function
75	1	As a market surveillance authority, to carry out an evaluation of transportable pressure equipment (TPE) where there is sufficient reason to believe that it presents a risk to the health and safety of persons or to other aspects of public interest protection
75	2a	As a market surveillance authority, where TPE is found not to comply with the Directives, to require the economic operator to take all appropriate corrective action to bring it into compliance with the directives, and/or withdraw it from the market, and/or issue a recall from the end user
75	2b	As a market surveillance authority, to inform the relevant notified body
75	2c	As a market surveillance authority, to inform the Commission and other Member States in cases where the non-compliance has cross-border effects
75	3a	As a market surveillance authority, to take provisional measures to prohibit or restrict the TPE from being made available on the market, and/or withdraw the equipment from the market, and/or issue a recall from the end user, where TPE is found not to comply with the Directives, and the economic operator does not take adequate corrective action under Regulation 75(2)(a)
75	3b	As a market surveillance authority, to inform the Commission and other Member States of measures taken
76	1a	To require the economic operator by notice to take all appropriate action to ensure the TPE no longer presents a risk before placing it or making it available on the market, where TPE evaluated under Regulation 75 is found to be in compliance with the Directives but still represents a risk to the health and safety of persons or to other aspects of public interest protection, and/or
76	1b	To withdraw the equipment from the market and/or
76	1c	To issue a recall of the equipment from the end user
76	2	To direct the relevant economic operator to bring TPE into conformity with the Directives if conformity marking has been affixed to a product unduly, the technical documentation is not available or is incomplete, or the requirements of the Directive have not been complied with.
	2a	To require the relevant economic operator, where non-conformity persists, to take all appropriate corrective action to bring the TPE into compliance with the Directives before placing it on the market or making it available on the market, and/or
76	2b	To withdraw the equipment from the market, and/or

76	2c	To issue a recall of the equipment from the end user
77	1	To notify the Commission and other Member States of any restriction, prohibition, requirement or direction made, imposed or given by it under Regulation 76
78		To publish information in respect of any action taken by a Member State in respect of non-conformity of TPE with the requirements of the Directives subject to Regulation 24
79		To provide information to any EU information network, the Commission or a competent authority of another Member State for sharing information related to the application of the Directives

European Communities (Machinery) Regulations 2008 (S.I. No. 407 of 2008)

Delegated functions

Section		Function
18	2	To inform the Commission and other Member States when a competent authority receives information pursuant to a suspension or withdrawal of an EC type-examination certificate or an approval of a quality assurance system or of any restriction placed on either of them, or where the intervention of the competent authority may be necessary.
20	1 a	To monitor, by inspection and other necessary methods, the conformity of a product or partly completed machinery with the requirements of these Regulations
20	1 b	To (i) require the withdrawal from the market, (ii) prohibit the placing on the market and the putting into service, and (iii) restrict the free movement of any product or partly completed machinery concerned where it does not meet the requirements of these Regulations.
20	1 c	To inform the Commission and other Member States, in accordance with Article 11, of any measures taken in accordance with subparagraph (b),
20	1 d	To cooperate, including by the exchange of information, with competent authorities in other Member States and with the Commission to enable the Directive to be applied uniformly as required by Article 19
20	1 e	To publish any decisions referred to in Article 18(3)
20	2 a	To keep appropriate records in relation to its functions under these Regulations
23		To restrict or prohibit the placing on the market or the use of a product or have it withdrawn from the market or from circulation where, in the opinion of a competent authority, a product, when correctly maintained and used for its intended purpose or under conditions which can be reasonably foreseen, is liable to endanger the health or safety of persons, domestic animals, property or the environment, notwithstanding the fact that it bears the CE marking.
24		To direct the manufacturer or the authorised representative to ensure that a product conforms with these Regulations, where a competent authority establishes that the CE marking has been affixed to a product unduly. Where non-conformity persists, to restrict or prohibit the placing on the market, transport or use of the product in question, or have it withdrawn from the market or from circulation.
25		To notify the Commission of any restriction, prohibition, requirement or direction made, imposed or given by it under Regulation 23 or Regulation 24.
26		To publish information on specific products in relation to failure to satisfy the essential health and safety requirements set out in Annex 1
27		To publish information in respect of action taken by a Member State in respect of non-conformity of products with the requirements of

		the Directive, particularly where it relates to (a) failure to satisfy the essential health and safety requirements, (b) incorrect application of the harmonised standards (c) shortcomings in the harmonised standards themselves.
28		To provide information to any EU information network, the Commission or a competent authority of another Member State for the purpose of sharing information related to the application of the Directive
29	1	To serve a notice requiring a person to furnish to the competent authority concerned information about any matters to which these Regulations or the Directive relate specified in the notice
34		To appoint such and so many persons as it thinks fit to be authorised officers for the purposes of these Regulations and any function conferred on a competent authority by these Regulations may be performed by an authorised officer
35		To furnish a person appointed under Regulation 34 with a warrant or certificate of his or her appointment.
36	5	To authorise such and so many other persons as it considers appropriate to accompany an authorised officer in the performance of his or her functions.
41	1	To take such measures as it considers appropriate to bring to the attention of the public matters giving rise to any contravention notice or prohibition notice served under these Regulations in the interest of the protection of safety or health or the protection of the environment as it relates to machinery.

Chemical Weapons Act 1997

(Act No. 28 of 1997)

Delegated Functions

Section		Function
5	1	To issue a certificate to any person who is a member of an inspection team of the Organisation that has been authorised under the Convention to conduct on behalf of the Organisation inspections in the State.
6	1	To appoint such and so many officers of the Authority as it thinks fit to be authorised officers for the purposes of this Act.
6	2	To issue a warrant of the officer's appointment
10	1	To send a notice to any person who it believes on reasonable grounds has information or documents relevant to the enforcement of this Act, requesting the person to provide the information or document to it.
15		To bring and prosecute proceedings in relation to a summary offence under this Act.

Chemical Weapons (Licensing of Scheduled Toxic Chemicals and Precursors) Regulations, 2001

(S.I. No. 54 of 2001)

Delegated Functions

Section		Function
4	1	To grant a licence to produce, use, acquire or possess a Scheduled Toxic Chemical or Precursor if the National Authority is satisfied it shall be applied for research, medical, pharmaceutical or protective purposes.
5	3	To request in writing such additional information from the licence applicant.
6	1	To: (a) grant or refuse an application for a licence, (b) attach conditions to the licence relating to production, use, acquisition, possession of a Scheduled Toxic Chemical or Precursor, (c) attach conditions as to the expiry or cancellation of the licence, or (d) cancel the licence by serving a notice in writing to that effect on the holder of the licence.
7	2	To deliver to the applicant a statement in writing specifying details of the grounds on which they have refused to grant a licence or attached conditions.

Competent Authority Functions assigned in European Regulations

A number of Competent Authority functions are set out in EU Regulations and apply directly in each Member State; there is no requirement to transpose these functions by national legislation.

For the purposes of the EU Regulations below, the Chemicals Act 2008 lists the Health and Safety Authority as one of the designated National or Competent Authorities with assigned functions to implement the Regulations. However for a number of the EU Regulations, specific functions assigned to the Competent Authority of a Member State need to be further delegated to the CEO for operational reasons and these are set out below.

Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

Delegated Functions

Section		Function
9	9	The Agency and the competent authorities of the Member States concerned shall always keep confidential the information submitted in accordance with paragraphs 1 to 8.
42	2	The competent authorities shall use the information obtained from this evaluation for the purposes of Article 45(5), Article 59(3) and Article 69(4).
45	1	In carrying out an evaluation of a substance, the competent authorities may appoint another body to act on their behalf.
45	4	The competent authority identified in accordance with paragraphs 2 and 3 shall evaluate the allocated substances in accordance with this Chapter.
46	1	If the competent authority considers that further information is required, including, if appropriate, information not required in Annexes VII to X, it shall prepare a draft decision, stating reasons, requiring the registrant(s) to submit the further information and setting a deadline for its submission.
46	3	The competent authority shall examine any information submitted, and shall draft any appropriate decisions in accordance with this Article, if necessary, within 12 months of the information being submitted.
46	4	The competent authority shall finish its evaluation activities within 12 months of the start of the evaluation of the substance or within 12 months of the information being submitted under paragraph 2, and notify the Agency accordingly.
48		Once the substance evaluation has been completed, the competent authority shall consider how to use the information obtained from this evaluation for the purposes of Article 59(3), Article 69(4) and Article 115(1). The competent authority shall inform the Agency of its conclusions as to whether or how to use the information obtained.
49		For on-site isolated intermediates that are used in strictly controlled conditions, neither dossier nor substance evaluation shall apply. However, where the competent authority of the Member State in whose territory the site is located considers that a risk to human health or the environment, equivalent to the level of concern arising from the use of substances meeting the criteria in Article 57, arises from the use of an on-site isolated intermediate and that risk is not properly controlled, it may: (a) require the registrant to submit further information directly related to the risk identified. This request shall be accompanied by a written justification; (b) examine any information submitted and, if necessary, recommend any appropriate risk reduction measures to address

		<p>the risks identified in relation to the site in question.</p> <p>The procedure provided for in the first paragraph may be undertaken only by the competent authority referred to therein. The competent authority shall inform the Agency of the results of such an evaluation, which shall then inform the competent authorities of the other Member States and make the results available to them.</p>
50	1	The competent authority (for decisions taken under Article 46) and the Agency (for decisions taken under Articles 40 and 41) shall take any comments received into account and may amend the draft decision accordingly.
52	1	The competent authority shall circulate its draft decision in accordance with Article 46, together with any comments by the registrant or downstream user, to the Agency and to the competent authorities of the other Member States.
85	6	Each Member State competent authority shall facilitate the activities of the Committees and their working groups.
86	3	Each Member State competent authority shall facilitate the activities of the Forum and its working groups.
122		The competent authorities shall cooperate with each other in the performance of their tasks under this Regulation and shall give the competent authorities of other Member States all the necessary and useful support to this end.
123		The competent authorities of the Member States shall inform the general public about the risks arising from substances where this is considered necessary for the protection of human health or the environment.
124		Competent authorities shall submit electronically to the Agency any available information that they hold on substances registered in accordance with Article 12(1) whose dossiers do not contain the full information referred to in Annex VII, in particular whether enforcement or monitoring activities have identified suspicions of risk. The competent authority shall update this information as appropriate.
130		The competent authorities, the Agency and the Commission shall state the reasons for all decisions they take under this Regulation.

Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures

Delegated Functions

Section		Function
37	1	A competent authority may submit to the Agency a proposal for harmonised classification and labelling of substances and, where appropriate, specific concentration limits or M-factors, or a proposal for a revision thereof.
43		The competent authorities and the authorities responsible for enforcement shall cooperate with each other in the performance of their tasks under this Regulation and shall give the corresponding authorities of other Member States all necessary and useful support to this end.
49	3	The competent authority or the enforcement authorities of a Member State in which a supplier is established, or the Agency may require the supplier to submit to it any information referred to in the first subparagraph of paragraph 1.
52	3	In the case of an authorisation of a provisional measure related to classification or labelling of a substance as referred to in paragraph 2, the competent authority of the Member State concerned shall in accordance with the procedure laid down in Article 37 submit a proposal to the Agency for harmonised classification and labelling, within three months of the date of the Commission decision.

Regulation (EC) No 648/2004 of the European Parliament and of the Council on detergents

Delegated Functions

Section		Function
5	3	<p>The competent authority of the Member State, receiving applications for derogation in accordance with paragraphs 1 and 2, shall examine the requests, evaluate their compliance with the conditions for derogation and inform the Commission about the results within six months of receiving the complete application.</p> <p>If the competent authority of the Member State deems it necessary for the evaluation of the risk which may be caused by a substance and/or a preparation, it shall, within three months of receiving the application, ask for further information, verification and/or confirmatory tests concerning these substances and/or preparations or their transformation products, of which they have been notified or have received information under this Regulation.</p>
8	3	<p>Where the competent authority of a Member State has grounds for believing that an approved laboratory does not possess the competence referred to in paragraph 2, it shall raise the matter in the Committee referred to in Article 12.</p>

Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals

Delegated Functions

Section		Function
8	2	The designated national authority of the exporter's Member State shall check compliance of the information with Annex II and if the notification is complete forward it to the Agency no later than 25 days before the expected date of export.
8	5	Where the export of a chemical relates to an emergency situation in which any delay may endanger public health or the environment in the importing Party or other country, an exemption from the obligations set out in paragraphs 2, 3 and 4 in whole or in part may be granted at the reasoned request of the exporter or the importing Party or other country and at the discretion of the designated national authority of the exporter's Member State, in consultation with the Commission assisted by the Agency.
8	6	Without prejudice to the obligations set out in Article 19(2), the obligations set out in paragraphs 2, 3 and 4 of this Article shall also cease when both of the following conditions are fulfilled: (a) the designated national authority of the importing Party or the appropriate authority of the importing other country has waived the requirement to be notified before the export of the chemical; and (b) the Commission has received the information from the Secretariat or from the designated national authority of the importing Party or the appropriate authority of the importing other country and has forwarded it to the Member States and the Agency, which has made it available by means of the Database.
8	7	The Commission, the relevant designated national authorities of the Member States, the Agency and the exporters shall, on request, provide importing Parties and other countries with available additional information concerning the exported chemicals.
9	2	Where the Commission or the designated national authorities of the Member States receive any export notifications either directly or indirectly from the designated national authorities of Parties or the appropriate authorities of other countries, they shall immediately forward those notifications to the Agency together with all available information.
13	5	Each designated national authority of the Member States shall make the import decisions under paragraph 1 available to those

		concerned within its competence, in accordance with its legislative or administrative measures.
14	6	In the case of chemicals listed in Part 2 of Annex I that are to be exported to OECD countries, the designated national authority of the exporter's Member State may, at the request of the exporter, in consultation with the Commission and on a case-by-case basis, decide that no explicit consent is required if the chemical, at the time of importation into the OECD country concerned, is licensed, registered or authorised in that OECD country.
14	7	<p>In the case of chemicals listed in Part 2 or 3 of Annex I, the designated national authority of the exporter's Member State may, in consultation with the Commission assisted by the Agency, on a case-by-case basis and subject to the second subparagraph, decide that the export may proceed, if no evidence from official sources of final regulatory action to ban or severely restrict the use of the chemical taken by the importing Party or other country exists and if, after all reasonable efforts, no response to a request for explicit consent pursuant to point (a) of paragraph 6 has been received within 60 days and where one of the following conditions is met:</p> <p>When deciding on the export of chemicals listed in Part 3 of Annex I, the designated national authority of the exporter's Member State shall, in consultation with the Commission assisted by the Agency, consider the possible impact on human health or the environment of the use of the chemical in the importing Party or other country, and submit relevant documentation to the Agency, to be made available by means of the Database.</p>
16	3	The designated national authority of the exporter's Member State shall forward to the Commission with a copy to the Agency, the information received from the exporter under paragraph 2 together with any additional information available, subject to the PIC procedure.
21		The Commission, the designated national authorities of the Member States and the Agency shall, take into account in particular the needs of developing countries and countries with economies in transition, cooperate in promoting technical assistance, including training, for the development of the infrastructure, the capacity and the expertise necessary to manage chemicals properly throughout their lifecycles.