

Extract from HSE Guidance – Improvement Notices

Improvement notices

1. Section 21 HSWA¹ states that, where an inspector is of the opinion that a person is contravening one or more of the relevant statutory provisions, or has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated, s/he may serve an improvement notice. The notice should:

- state that s/he is of that opinion;
- specify the provision(s) in question;
- give particulars of the reasons why s/he is of that opinion;
- require the person to remedy the contravention or the matters occasioning it; and
- specify the period for compliance, which should be not less than 21 days from the date of service of the notice, being the period in which the recipient of the notice may lodge an appeal with the employment tribunal.

2. Where any of the relevant statutory provisions applies to a building, an improvement notice should not direct measures to be taken which are more onerous than any current building regulation, unless the relevant statutory provision imposes specific requirements which are more onerous².

3. An improvement notice cannot be used to require a duty holder to do something which has no attainable end within the compliance period. For example, a notice might require a duty holder to provide, by a given date, a guard on a dangerous part of machinery but it cannot require the person to maintain the guard in good condition as this would be an ongoing requirement. A notice can, however, properly require that, by the given date, a suitable system is put into place to ensure that the guard is maintained in an efficient state, efficient working order and good repair.

4. When an improvement notice is served, there should be a discussion with the duty holder about the notice and how s/he can comply with it. An effort should be made to resolve any points of difference³. For guidance on selecting an appropriate period for compliance, extensions of time and withdrawing improvement notices, see Drafting notices.

5. The notice should not direct a duty holder to go beyond what is legally required of them. You may put any such advice in a covering letter, making it clear that it is guidance and does not form part of the notice.

6. If an appeal is brought against service of an improvement notice, the operation of the notice is suspended until the appeal is either heard or withdrawn⁴. Further guidance on the effect of an appeal can be found in the section [Notice of appeal](#).