



Health and Safety at Work etc. Act 1974

CHAPTER 37

HEALTH AND SAFETY AT WORK ETC. ACT 1974

PART I

HEALTH, SAFETY AND WELFARE IN CONNECTION WITH WORK, AND CONTROL OF DANGEROUS SUBSTANCES AND CERTAIN EMISSIONS INTO THE ATMOSPHERE

Preliminary

- 1 Preliminary.

General duties

- 2 General duties of employers to their employees.
- 3 General duties of employers and self-employed to persons other than their employees.
- 4 General duties of persons concerned with premises to persons other than their employees.
- 5 General duty of persons in control of certain premises in relation to harmful emissions into atmosphere.
- 6 General duties of manufacturers etc. as regards articles and substances for use at work.
- 7 General duties of employees at work.
- 8 Duty not to interfere with or misuse things provided pursuant to certain provisions.
- 9 Duty not to charge employees for things done or provided pursuant to certain specific requirements.

The Health and Safety Commission and the Health and Safety Executive

- 10 Establishment of the Executive.
- 11 Functions of the Executive.

Changes to legislation: Health and Safety at Work etc. Act 1974 is up to date with all changes known to be in force on or before 19 July 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 12 Control of the Executive by the Secretary of State.
- 13 Powers of the Executive.
- 14 Power of the Commission to direct investigations and inquiries.

Health and safety regulations and approved codes of practice

- 15 Health and safety regulations.
- 16 Approval of codes of practice by the Executive.
- 17 Use of approved codes of practice in criminal proceedings.

Enforcement

- 18 Authorities responsible for enforcement of the relevant statutory provisions.
- 19 Appointment of inspectors.
- 20 Powers of inspectors.
- 21 Improvement notices.
- 22 Prohibition notices.
- 23 Provisions supplementary to ss. 21 and 22.
- 24 Appeal against improvement or prohibition notice.
- 25 Power to deal with cause of imminent danger.
- 25A Power of customs officer to detain articles and substances.
- 26 Power of enforcing authorities to indemnify their inspectors.

Obtaining and disclosure of information

- 27 Obtaining of information by the Commission, the Executive, enforcing authorities etc.
- 27A Information communicated by Commissioners for Revenue and Customs.
- 28 Restrictions on disclosure of information.

Special provisions relating to agriculture

- 29
- 30 Agricultural health and safety regulations.
- 31, 32

Provisions as to offences

- 33 Offences.
- 34 Extension of time for bringing summary proceedings.
- 35 Venue.
- 36 Offences due to fault of other person.
- 37 Offences by bodies corporate.
- 38 Restrictions on institution of proceedings in England and Wales.
- 39 Prosecutions by inspectors.
- 40 Onus of proving limits of what is practicable etc.
- 41 Evidence.
- 42 Power of court to order cause of offence to be remedied or, in certain cases, forfeiture.

Financial provisions

- 43 Financial provisions.
- 43A Railway safety levy

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Miscellaneous and supplementary

- 44 Appeals in connection with licensing provisions in the relevant statutory provisions.
- 45 Default powers.
- 46 Service of notices.
- 47 Civil liability.
- 48 Application to Crown.
- 49 Adaptation of enactments to metric units or appropriate metric units.
- 50 Regulations under the relevant statutory provisions.
- 51 Exclusion of application to domestic employment.
- 51A Application of Part to police.
- 52 Meaning of work and at work.
- 53 General interpretation of Part I.
- 54 Application of Part I to Isles of Scilly.

PART II

THE EMPLOYMENT MEDICAL ADVISORY SERVICE

- 55 Functions of, and responsibility for maintaining, employment medical advisory service.
- 56 Functions of authority responsible for maintaining the service.
- 57 Fees.
- 58 Other financial provisions.
- 59 Duty of responsible authority to keep accounts and to report.
- 60 Supplementary.

PART III

BUILDING REGULATIONS, AND AMENDMENT OF BUILDING (SCOTLAND) ACT 1959

- 61, 62
- 63 Miscellaneous provisions as to the approval of plans.
- 64—69
- 70 Power to make building regulations for Inner London.
- 71—74
- 75 Amendment of Building (Scotland) Act 1959.
- 76

PART IV

MISCELLANEOUS AND GENERAL

- 77 Amendment of Radiological Protection Act 1970.
- 78 Amendment of Fire Precautions Act 1971.
- 79
- 80 General power to repeal or modify Acts and instruments.
- 81 Expenses and receipts.
- 82 General provisions as to interpretation and regulations.
- 83 Minor and consequential amendments, and repeals.
- 84 Extent, and application of Act.
- 85 Short title and commencement.

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SCHEDULES

SCHEDULE 1 — Existing Enactments which are Relevant Statutory Provisions

SCHEDULE 2 — Additional Provisions Relating to the Constitution etc. of the Health and Safety Executive

— *THE HEALTH AND SAFETY EXECUTIVE*

- 1 The Executive shall consist of— (a) the Chair of the...
- 2 (1) The Secretary of State shall appoint the Chair of...
— *TERMS OF APPOINTMENT OF THE EXECUTIVE*
- 3 Subject to paragraphs 4 , 4A and 5, a person...
- 4 The Chair or any other member of the Executive ,...
- 4A (1) An ONR member may at any time resign from...
- 5 The Secretary of State may remove a Chair or other...
— *REMUNERATION OF MEMBERS*
- 6 (1) The Executive shall pay — (a) to each member,...
— *PROCEEDINGS OF THE EXECUTIVE*
- 7 (1) The Executive may regulate its own procedure.
— *STAFF*
- 8 (1) The Executive shall, with the consent of the Secretary...
— *PERFORMANCE OF FUNCTIONS*
- 9 (1) Subject to sub-paragraphs (2) to (4), anything authorised or...
— *ACCOUNTS AND REPORTS*
- 10 (1) It shall be the duty of the Chief Executive—...
— *SUPPLEMENTAL*
- 11 The Secretary of State shall not make any determination or...
- 12 (1) The fixing of the common seal of the Executive...

SCHEDULE 3 — Subject-Matter of Health and Safety Regulations

- 1 (1) Regulating or prohibiting— (a) the manufacture, supply or use...
- 2 (1) Prohibiting the importation into the United Kingdom or the...
- 3 (1) Prohibiting or regulating the transport of articles or substances...
- 4 (1) Prohibiting the carrying on of any specified activity or...
- 5 Requiring any person, premises or thing to be registered in...
- 6 (1) Requiring, in specified circumstances, the appointment (whether in
a...
- 7 Regulating or prohibiting the employment in specified circumstances of
all...
- 8 (1) Requiring the making of arrangements for securing the health...
- 9 Imposing requirements with respect to any matter affecting the
conditions...
- 10 Securing the provision of specified welfare facilities for persons at...
- 11 Imposing requirements with respect to the provision and use in...
- 12 Requiring in specified circumstances the taking of specified precautions
in...
- 13 (1) Prohibiting or imposing requirements in connection with the
emission...
- 14 Imposing requirements with respect to the instruction, training and
supervision...
- 15 (1) Requiring in specified circumstances, specified matters to be
notified...
- 16 Imposing requirements with respect to the keeping and preservation of...

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- 17 Imposing requirements with respect to the management of animals.
- 18 The following purposes as regards premises of any specified description...
- 19 Conferring, in specified circumstances involving a risk of fire or...
- 20 Restricting, prohibiting or requiring the doing of any specified thing...
- 21 As regards cases of any specified class, being a class...
- 22 Conferring on any local or public authority power to make...

Interpretation

- 23 (1) In this Schedule “specified” means specified in health and...

SCHEDULE 3A — OFFENCES: MODE OF TRIAL AND MAXIMUM PENALTY

- 1 The mode of trial and maximum penalty applicable to each...
- 2 (1) This paragraph makes transitional modifications of the table as...

SCHEDULE 4 —

SCHEDULE 5 —

SCHEDULE 6 —

SCHEDULE 7 —

- 1 In section 3 (building standards regulations)— (a) in subsection (2),...
- 2 In section 4 (relaxation of building standards regulations)—
- 3 After subsection 4A, there shall be inserted the following section—...
- 4 In section 6 (application of building standards regulations and building...
- 5 In section 9 (certificates of completion)— (a) in subsection (2),...
- 6 In section 11(1)(b) (power of local authorities to require buildings...
- 7 In section 19 (penalties), for the words “ten pounds” and...
- 8 After section 19 there shall be inserted the following section—...
- 9 In section 26 (Crown rights)— (a) in subsection (1) after...

SCHEDULE 8 — Transitional Provisions with respect to Fire Certificates under
Factories Act 1961 or Offices, Shops and Railway Premises Act
1963

- 1 In this Schedule— “ the 1971 Act ” means the...
- 2 (1) Where by virtue of an order under section 1...
- 3

SCHEDULE 9 —

The Coroners (Amendment) Act 1926

- 1 In section 1392(c) of the Coroners (Amendment) Act 1926 (by...
- 2
- 3

SCHEDULE 10 —

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Changes and effects yet to be applied to :

- Pt. 1 modified by [2008 c. 32 s. 99\(1\)](#)
- Pt. 1 power to exclude conferred by [2014 c. 20 Sch. 1 para. 4\(1\)\(b\)\(c\)](#)
- Pt. 1 power to repeal or modify conferred by [2008 c. 32 s. 99\(2\)](#)
- s. 21-25 power to exclude conferred by [2014 c. 20 Sch. 1 para. 4\(1\)\(a\)](#)
- s. 51A(1) word substituted by [2002 c. 30 s. 95\(1\)\(a\) \(2\)](#) (This amendment not applied to legislation.gov.uk. S. 95 repealed (7.4.2005) without ever being in force by 2005 c. 15, ss. 158(4)(a), 174(2), 178(1), Sch. 17 Pt. 1)
- s. 51A(2) (2A) substituted for s. 51A(2) by [2002 c. 30 s. 95\(1\)\(a\) \(3\)](#) (This amendment not applied to legislation.gov.uk. S. 95 repealed (7.4.2005) without ever being in force by 2005 c. 15, ss. 158(4)(a), 174(2), 178(1), Sch. 17 Pt. 1)
- s. 51A(2B)-(2D) inserted by [2002 c. 30 s. 95\(4\)](#) (This amendment not applied to legislation.gov.uk. S. 95 repealed (7.4.2005) without ever being in force by 2005 c. 15, ss. 158(4)(a), 174(2), 178(1), Sch. 17 Pt. 1)
- s. 51A(3)(a) words substituted by [2002 c. 30 s. 95\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 95 repealed (7.4.2005) without ever being in force by 2005 c. 15, ss. 158(4)(a), 174(2), 178(1), Sch. 17 Pt. 1)
- s. 51A(3)(b) words substituted by [2002 c. 30 s. 95\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 95 repealed (7.4.2005) without ever being in force by 2005 c. 15, ss. 158(4)(a), 174(2), 178(1), Sch. 17 Pt. 1)
- s. 51A(3)(c) words substituted by [2002 c. 30 s. 95\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 95 repealed (7.4.2005) without ever being in force by 2005 c. 15, ss. 158(4)(a), 174(2), 178(1), Sch. 17 Pt. 1)
- s. 51A(4) words substituted by [2002 c. 30 s. 95\(6\)](#) (This amendment not applied to legislation.gov.uk. S. 95 repealed (7.4.2005) without ever being in force by 2005 c. 15, ss. 158(4)(a), 174(2), 178(1), Sch. 17 Pt. 1)
- Sch. 1 words repealed by [2003 c. 22 Sch.](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(9)(10) inserted by [2016 c. 25 Sch. 2 para. 1](#)