



# 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.

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- 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

*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.

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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**

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- 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.](#)