



# Health and Safety at Work etc. Act 1974

## 1974 CHAPTER 37

### PART I

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

##### *Miscellaneous and supplementary*

#### **44 Appeals in connection with licensing provisions in the relevant statutory provisions.**

- (1) Any person who is aggrieved by a decision of an authority having power to issue licences (other than <sup>FI</sup> . . . nuclear site licences) under any of the relevant statutory provisions—
  - (a) refusing to issue him a licence, to renew a licence held by him, or to transfer to him a licence held by another;
  - (b) issuing him a licence on or subject to any term, condition or restriction whereby he is aggrieved;
  - (c) varying or refusing to vary any term, condition or restriction on or subject to which a licence is held by him; or
  - (d) revoking a licence held by him,may appeal to the Secretary of State.
- (2) The Secretary of State may, in such cases as he considers it appropriate to do so, having regard to the nature of the questions which appear to him to arise, direct that an appeal under this section shall be determined on his behalf by a person appointed by him for that purpose.
- (3) Before the determination of an appeal the Secretary of State shall ask the appellant and the authority against whose decision the appeal is brought whether they wish to appear and be heard on the appeal and—
  - (a) the appeal may be determined without a hearing of the parties if both of them express a wish not to appear and be heard as aforesaid;

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

- (b) the Secretary of State shall, if either of the parties expresses a wish to appear and be heard, afford to both of them an opportunity of so doing.
- (4) The Tribunals and Inquiries Act [<sup>F2</sup>1992] shall apply to a hearing held by a person appointed in pursuance of subsection (2) above to determine an appeal as it applies to a statutory inquiry held by the Secretary of State, but as if in [<sup>F2</sup>section 10(1)] of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State included a reference to a decision taken on his behalf by that person.
- <sup>F3</sup>( 4A ) . . . . .
- (5) A person who determines an appeal under this section on behalf of the Secretary of State and the Secretary of State, if he determines such an appeal, may give such directions as he considers appropriate to give effect to his determination.
- (6) The Secretary of State may pay to any person appointed to hear or determine an appeal under this section on his behalf such remuneration and allowances as the Secretary of State may with the approval of the Minister for the Civil Service determine.
- (7) In this section—
- (a) “licence” means a licence under any of the relevant statutory provisions other than [<sup>F4</sup>a nuclear site licence];
- (b) “nuclear site licence” means a licence to use a site for the purpose of installing or operating a nuclear installation within the meaning of the following subsection.
- (8) For the purposes of the preceding subsection “nuclear installation” means—
- (a) a nuclear reactor (other than such a reactor comprised in a means of transport, whether by land, water or air); or
- (b) any other installation of such class or description as may be prescribed for the purposes of this paragraph or section 1(1)(b) of the <sup>M1</sup>Nuclear Installations Act 1965 being an installation designed or adapted for—
- (i) the production or use of atomic energy; or
- (ii) the carrying out of any process which is preparatory or ancillary to the production or use of atomic energy and which involves or is capable of causing the emission of ionising radiations; or
- (iii) the storage, processing or disposal of nuclear fuel or of bulk quantities of other radioactive matter, being matter which has been produced or irradiated in the course of the production or use of nuclear fuel;
- and in this subsection—
- “atomic energy” has the meaning assigned by the <sup>M2</sup>Atomic Energy Act 1946;
- “nuclear reactor” means any plant (including any machinery, equipment or appliance, whether affixed to land or not) designed or adapted for the production of atomic energy by a fission process in which a controlled chain reaction can be maintained without an additional source of neutrons.

#### Textual Amendments

**F1** Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 18](#)

**F2** Words in s. 44(4) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), [Sch. 3 para.9](#)

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

**F3** S. 44(4A) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), **Sch. para. 2**

**F4** Words substituted by Employment Protection Act 1975 ((c. 71), Sch. 15 para. 13

#### **Modifications etc. (not altering text)**

**C20** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840](#), **arts. 2–10**

**C21** Ss. 1-59, 80-82 applied (11.7.2001) by [S.I. 2001/2127](#), **arts. 4(1), 5(1)(2), 6(1), 7(1), 8(1), 10** (with art. 11) (as amended by [S.I. 2009/1750](#), **art. 2(2)(4)**)

**C22** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) Order 2001 \(S.I. 2001/2127\)](#), arts. 8A, 8B (as inserted by [S.I. 2009/1750](#), **art. 2(3)**)

**C23** Ss. 1-59 applied by [S.I. 2001/2127](#) art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#), arts. 1(1), **3(2)**)

**C24** S. 44(2)-(6) applied (13.5.2000) by [S.I. 1999/3232](#), **reg. 5(6)**

**C25** S. 44(2)-(6) applied (26.4.2005) by [S.I. 2005/1082](#), **reg. 19**

#### **Marginal Citations**

**M1** 1965 c. 57.

**M2** 1946 c. 80.

## **45 Default powers.**

- (1) Where, in the case of a local authority who are an enforcing authority, [<sup>F5</sup>the Executive] is of the opinion that an investigation should be made as to whether that local authority have failed to perform any of their enforcement functions [<sup>F5</sup>the Executive] may make a report to the Secretary of State.
- (2) The Secretary of State may, after considering a report submitted to him under the preceding subsection, cause a local inquiry to be held; and the provisions of subsections (2) to (5) of section 250 of the <sup>M3</sup>Local Government Act 1972 as to local inquiries shall, without prejudice to the generality of subsection (1) of that section, apply to a local inquiry so held as they apply to a local inquiry held in pursuance of that section.
- (3) If the Secretary of State is satisfied, after having caused a local inquiry to be held into the matter, that a local authority have failed to perform any of their enforcement functions, he may make an order declaring the authority to be in default.
- (4) An order made by virtue of the preceding subsection which declares an authority to be in default may, for the purpose of remedying the default, direct the authority (hereafter in this section referred to as “the defaulting authority”) to perform such of their enforcement functions as are specified in the order in such manner as may be so specified and may specify the time or times within which those functions are to be performed by the authority.
- (5) If the defaulting authority fail to comply with any direction contained in such an order the Secretary of State may, instead of enforcing the order by mandamus, make an order transferring to the Executive such of the enforcement functions of the defaulting authority as he thinks fit.
- (6) Where any enforcement functions of the defaulting authority are transferred in pursuance of the preceding subsection, the amount of any expenses which the

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

Executive certifies were incurred by it in performing those functions shall on demand be paid to it by the defaulting authority.

- (7) Any expenses which in pursuance of the preceding subsection are required to be paid by the defaulting authority in respect of any enforcement functions transferred in pursuance of this section shall be defrayed by the authority in the like manner, and shall be debited to the like account, as if the enforcement functions had not been transferred and the expenses had been incurred by the authority in performing them.
- (8) Where the defaulting authority are required to defray any such expenses the authority shall have the like powers for the purpose of raising the money for defraying those expenses as they would have had for the purpose of raising money required for defraying expenses incurred for the purpose of the enforcement functions in question.
- (9) An order transferring any enforcement functions of the defaulting authority in pursuance of subsection (5) above may provide for the transfer to the Executive of such of the rights, liabilities and obligations of the authority as the Secretary of State considers appropriate; and where such an order is revoked the Secretary of State may, by the revoking order or a subsequent order, make such provision as he considers appropriate with respect to any rights, liabilities and obligations held by the Executive for the purposes of the transferred enforcement functions.
- (10) The Secretary of State may by order vary or revoke any order previously made by him in pursuance of this section.
- (11) In this section “enforcement functions”, in relation to a local authority, means the functions of the authority as an enforcing authority.
- (12) In the application of this section to Scotland—
  - (a) in subsection (2) for the words “subsections (2) to (5) of section 250 of the <sup>M4</sup>Local Government Act 1972” there shall be substituted the words “subsections (2) to (8) of section 210 of the <sup>M5</sup>Local Government (Scotland) Act 1973”, except that before 16th May 1975 for the said words there shall be substituted the words “subsections (2) to (9) of section 355 of the <sup>M6</sup>Local Government (Scotland) Act 1947”;
  - (b) in subsection (5) the words “instead of enforcing the order by mandamus” shall be omitted.

#### Textual Amendments

- F5** Words in s. 45(1) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 15](#) (with [art. 21](#), [Sch. 2](#))

#### Modifications etc. (not altering text)

- C23** Ss. 1-59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#), [arts. 1\(1\)](#), [3\(2\)](#))
- C26** Ss. 1-25, 26, 27, 28, 30, 33, 34-59, 80, 81 and 82 applied by S.I. 1989/840, [arts. 2-10](#)
- C27** Ss. 1-59, 80-82 applied (11.7.2001) by S.I. 2001/2127, [arts. 4\(1\)](#), [5\(1\)\(2\)](#), [6\(1\)](#), [7\(1\)](#), [8\(1\)](#), [10](#) (with [art. 11](#)) (as amended by S.I. 2009/1750, [art. 2\(2\)\(4\)](#))
- C28** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) Order 2001 \(S.I. 2001/2127\)](#), [arts. 8A](#), [8B](#) (as inserted by S.I. 2009/1750, [art. 2\(3\)](#))

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

#### Marginal Citations

**M3** 1972 c. 70.

**M4** 1972 c. 70.

**M5** 1973 c. 65.

**M6** 1947 c. 43.

#### 46 Service of notices.

- (1) Any notice required or authorised by any of the relevant statutory provisions to be served on or given to an inspector may be served or given by delivering it to him or by leaving it at, or sending it by post to, his office.
- (2) Any such notice required or authorised to be served on or given to a person other than an inspector may be served or given by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (3) Any such notice may—
  - (a) in the case of a body corporate, be served on or given to the secretary or clerk of that body;
  - (b) in the case of a partnership, be served on or given to a partner or a person having the control or management of the partnership business or, in Scotland, the firm.
- (4) For the purposes of this section and of [<sup>F6</sup>section 7 of the <sup>M7</sup>Interpretation Act 1978] (service of documents by post) in its application to this section, the proper address of any person on or to whom any such notice is to be served or given shall be his last known address, except that—
  - (a) in the case of a body corporate or their secretary or clerk, it shall be the address of the registered or principal office of that body;
  - (b) in the case of a partnership or a person having the control or the management of the partnership business, it shall be the principal office of the partnership;and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office within the United Kingdom.
- (5) If the person to be served with or given any such notice has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) above as the one at which he or someone on his behalf will accept notices of the same description as that notice, that address shall also be treated for the purposes of this section and [<sup>F6</sup>section 7 of the Interpretation Act 1978] as his proper address.
- (6) Without prejudice to any other provision of this section, any such notice required or authorised to be served on or given to the owner or occupier of any premises (whether a body corporate or not) may be served or given by sending it by post to him at those premises, or by addressing it by name to the person on or to whom it is to be served or given and delivering it to some responsible person who is or appears to be resident or employed in the premises.
- (7) If the name or the address of any owner or occupier of premises on or to whom any such notice as aforesaid is to be served or given cannot after reasonable inquiry be ascertained, the notice may be served or given by addressing it to the person on or to whom it is to be served or given by the description of “owner” or “occupier” of the premises (describing them) to which the notice relates, and by delivering it to some

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

responsible person who is or appears to be resident or employed in the premises, or, if there is no such person to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

- (8) The preceding provisions of this section shall apply to the sending or giving of a document as they apply to the giving of a notice.

#### Textual Amendments

**F6** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. **25(2)**

#### Modifications etc. (not altering text)

- C23** Ss. 1-59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#), arts. 1(1), **3(2)**)
- C29** S. 46 applied by [S.I. 1989/840](#), arts. **2-10**  
 S. 46 excluded (with saving) (E.W.S.) (1.12.1997) by [S.I. 1997/1840](#), regs. **7, 9**  
 S. 46 extended (E.W.S.) (1.10.1996) by [S.I. 1996/1513](#), reg. **10 S. 46**: power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15](#), ss. **2(4)(l)**, 5 (with s. 3(5))  
 S. 46 applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772](#), reg. **17**
- C30** Ss. 1-59, 80-82 applied (11.7.2001) by [S.I. 2001/2127](#), arts. **4(1)**, 5(1)(2), 6(1), 7(1), 8(1), 10 (with art. 11) (as amended by [S.I. 2009/1750](#), art. **2(2)(4)**)
- C31** S. 46 applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by [S.I. 2003/403](#), regs. 1(2), **23(2)(a)(3)**; s. 46 applied (with modifications) (E.W.S.) (9.6.2004) by [S.I. 2004/1309](#), reg. **17**
- C32** S. 46 applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by [The Channel Tunnel \(Safety\) Order 2007 \(S.I. 2007/3531\)](#), art. **4(2)(3)(i)** (subject to (4)-(6)) (with art. 7)
- C33** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) Order 2001 \(S.I. 2001/2127\)](#), arts. 8A, 8B (as inserted by [S.I. 2009/1750](#), art. **2(3)**)
- C34** S. 46 applied (with modifications) (E.W.S.) (6.4.2010) by [The Rail Vehicle Accessibility \(Non-Interoperable Rail System\) Regulations 2010 \(S.I. 2010/432\)](#), reg. **6(2)(3)(h)**
- C35** S. 46 applied (with modifications) (E.W.S.) (6.4.2010) by [The Train Driving Licences and Certificates Regulations 2010 \(S.I. 2010/724\)](#), regs. 1(2), **38(2)(3)(h)**
- C36** S. 46 applied (with modifications) (16.1.2012) by [The Railways \(Interoperability\) Regulations 2011 \(S.I. 2011/3066\)](#), regs. 1(2), **39(2)(3)(h)** (with reg. 3)

#### Marginal Citations

**M7** 1978 c. 30.

## 47 Civil liability.

- (1) Nothing in this Part shall be construed—
- (a) as conferring a right of action in any civil proceedings in respect of any failure to comply with any duty imposed by sections 2 to 7 or any contravention of section 8; or
  - <sup>F7</sup>(b) .....
  - (c) as affecting the operation of section 12 of the <sup>M8</sup>Nuclear Installations Act 1965 (right to compensation by virtue of certain provisions of that Act).



*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

- [<sup>F8</sup>(2) Breach of a duty imposed by a statutory instrument containing (whether alone or with other provision) health and safety regulations shall not be actionable except to the extent that regulations under this section so provide.
- (2A) Breach of a duty imposed by an existing statutory provision shall not be actionable except to the extent that regulations under this section so provide (including by modifying any of the existing statutory provisions).
- (2B) Regulations under this section may include provision for—
- (a) a defence to be available in any action for breach of the duty mentioned in subsection (2) or (2A);
  - (b) any term of an agreement which purports to exclude or restrict any liability for such a breach to be void.]
- (3) No provision made by virtue of section 15(6)(b) shall afford a defence in any civil proceedings <sup>F9</sup>...
- (4) Subsections (1)(a) [<sup>F10</sup>, (2) and (2A)] above are without prejudice to any right of action which exists apart from the provisions of this Act, and subsection [<sup>F11</sup>(2B)(a)] above is without prejudice to any defence which may be available apart from the provisions of the regulations there mentioned.
- <sup>F12</sup>(5) .....
- <sup>F12</sup>(6) .....
- [<sup>F13</sup>(7) The power to make regulations under this section shall be exercisable by the Secretary of State.]

#### Textual Amendments

- F7** S. 47(1)(b) omitted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(2)**, 103(1)(i), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F8** S. 47(2)-(2B) substituted for s. 47(2) (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes ) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(3)**, 103(1)(i), (3), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F9** Words in s. 47(3) omitted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(4)**, 103(1)(i), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F10** Words in s. 47(4) substituted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(5)(a)**, 103(1)(i), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F11** Word in s. 47(4) substituted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(5)(b)**, 103(1)(i), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F12** S. 47(5)(6) omitted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(6)**, 103(1)(i), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F13** s. 47(7) inserted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(7)**, 103(1)(i), (3), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

#### **Modifications etc. (not altering text)**

- C23** Ss. 1-59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#), arts. 1(1), 3(2))
- C37** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840](#), arts. 2–10  
 Ss. 16-24, 26, 28, 33-40, 42, 46, 47 excluded (with saving) (E.W.S.) (1.12.1997) by [S.I. 1997/1840](#), regs. 7, 9  
 Ss. 16-26, 33-42, 47 applied (15.11.2000) by [S.I. 2000/2831](#), reg. 26(1)(a)
- C38** Ss. 1-59, 80-82 applied (11.7.2001) by [S.I. 2001/2127](#), arts. 4(1), 5(1)(2), 6(1), 7(1), 8(1), 10 (with art. 11) (as amended by [S.I. 2009/1750](#), art. 2(2)(4))
- C39** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) Order 2001 \(S.I. 2001/2127\)](#), arts. 8A, 8B (as inserted by [S.I. 2009/1750](#), art. 2(3))
- C40** S. 47(2) applied (E.W.S.) (24.7.2002) by [S.I. 2002/1689](#), reg. 14(1)(c)

#### **Marginal Citations**

**M8** 1965 c. 57.

## **48 Application to Crown.**

- (1) Subject to the provisions of this section, the provisions of this Part, except sections 21 to 25 and 33 to 42, and of regulations made under this Part shall bind the Crown.
- (2) Although they do not bind the Crown, sections 33 to 42 shall apply to persons in the public service of the Crown as they apply to other persons.
- (3) For the purposes of this Part and regulations made thereunder persons in the service of the Crown shall be treated as employees of the Crown whether or not they would be so treated apart from this subsection.
- (4) Without prejudice to section 15(5), the Secretary of State may, to the extent that it appears to him requisite or expedient to do so in the interests of the safety of the State or the safe custody of persons lawfully detained, by order exempt the Crown either generally or in particular respects from all or any of the provisions of this Part which would, by virtue of subsection (1) above, bind the Crown.
- (5) The power to make orders under this section shall be exercisable by statutory instrument, and any such order may be varied or revoked by a subsequent order.
- (6) Nothing in this section shall authorise proceedings to be brought against Her Majesty in her private capacity, and this subsection shall be construed as if section 38(3) of the <sup>M9</sup>Crown Proceedings Act 1947 (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.

#### **Modifications etc. (not altering text)**

- C23** Ss. 1-59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#), arts. 1(1), 3(2))
- C41** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840](#), arts. 2–10  
 S. 48 extended (E.W.S.) (1.10.1996) by [S.I. 1996/1513](#), reg. 11  
 S. 48 applied (with modifications) (E.W.S.) (1.10.1996) by [S.I. 1996/1513](#), reg. 11



*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

- C42** Ss. 1-59, 80-82 applied (11.7.2001) by S.I. 2001/2127, **arts. 4(1), 5(1)(2), 6(1), 7(1), 8(1), 10** (with art. 11) (as amended by S.I. 2009/1750, **art. 2(2)(4)**)
- C43** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 (S.I. 2001/2127), arts. 8A, 8B (as inserted by S.I. 2009/1750, **art. 2(3)**)
- C44** S. 48(1) applied (with modifications) (E.W.S.) (3.5.2004) by S.I. 2004/129, **reg. 23(3)(f)**
- C45** S. 48(2) applied (with modifications) (E.W.S.) (3.5.2004) by S.I. 2004/129, **reg. 23(3)(f)**
- C46** S. 48(3) applied (with modifications) (E.W.S.) (3.5.2004) by S.I. 2004/129, **reg. 23(3)(f)**
- C47** S. 48(4) modified (E.W.) (25.09.1991) by Atomic Weapons Establishment Act 1991 (c. 46, SIF 8), ss. 3, 6, **Sch. para. 7(1)**.

#### Marginal Citations

**M9** 1947 c. 44.

## 49 Adaptation of enactments to metric units or appropriate metric units.

- (1) [<sup>F14</sup>Regulations made under this subsection may amend]—
- any of the relevant statutory provisions; or
  - any provision of an enactment which relates to any matter relevant to any of the general purposes of this Part but is not among the relevant statutory provisions; or
  - any provision of an instrument made or having effect under any such enactment as is mentioned in the preceding paragraph,
- by substituting an amount or quantity expressed in metric units for an amount or quantity not so expressed or by substituting an amount or quantity expressed in metric units of a description specified in the regulations for an amount or quantity expressed in metric units of a different description.
- (2) The amendments shall be such as to preserve the effect of the provisions mentioned except to such extent as in the opinion of the [<sup>F14</sup>authority making the regulations] is necessary to obtain amounts expressed in convenient and suitable terms.
- (3) Regulations made <sup>F15</sup> . . . under this subsection may, in the case of a provision which falls within any of paragraphs (a) to (c) of subsection (1) above and contains words which refer to units other than metric units, repeal those words [<sup>F14</sup>if the authority making the regulations] is of the opinion that those words could be omitted without altering the effect of that provision.
- [<sup>F16</sup>(4) The power to make regulations under this section shall be exercisable by the Secretary of State <sup>F17</sup> . . .].

#### Textual Amendments

- F14** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 15 para. 15(1)**
- F15** Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F16** S. 49(4) substituted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 15 para. 15(2)**
- F17** Words in s. 49(4) repealed (27.3.2002) by S.I. 2002/794, **art. 5(2)**, **Sch.** (with art. 6)

#### Modifications etc. (not altering text)

- C23** Ss. 1-59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#), arts. 1(1), **3(2)**)

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

- C48** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by S.I. 1989/840, **arts. 2–10**
- C49** Ss. 1-59, 80-82 applied (11.7.2001) by S.I. 2001/2127, **arts. 4(1), 5(1)(2), 6(1), 7(1), 8(1), 10** (with art. 11) (as amended by S.I. 2009/1750, **art. 2(2)(4)**)
- C50** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 (S.I. 2001/2127), arts. 8A, 8B (as inserted by S.I. 2009/1750, **art. 2(3)**)

## 50 Regulations under the relevant statutory provisions.

- [<sup>F18</sup>(1) Where any power to make regulations under any of the relevant statutory provisions is exercisable by the Secretary of State, that power may be exercised either—
- (a) so as to give effect (with or without modifications) to proposals submitted by the Executive under section 11(3); or
  - (b) subject to subsection (1AA), independently of such proposals.

(1AA) The Secretary of State shall not exercise the power referred to in subsection (1) independently of proposals from the Executive unless he has consulted the Executive and such other bodies as appear to him to be appropriate.]

- [<sup>F19</sup>(1A) Subsection (1) does not apply to the exercise of a power to make regulations so far as it is exercised—
- (a) for giving effect (with or without modifications) to proposals submitted by the Office of Rail Regulation under paragraph 2(5) of Schedule 3 to the Railways Act 2005; or
  - (b) otherwise for or in connection with the railway safety purposes.]

(2) Where the [<sup>F20</sup>authority who is to exercise any such power as is mentioned in subsection (1) above proposes to exercise that power] so as to give effect to any such proposals as are there mentioned with modifications, he shall, before making the regulations, consult [<sup>F21</sup>the Executive] .

(3) Where [<sup>F22</sup>the Executive] proposes to submit [<sup>F23</sup>under section [<sup>F24</sup>11(3)]] any such proposals as are mentioned in subsection (1) above except proposals for the making of regulations under section 43(2), it shall, before so submitting them, consult—

- (a) any government department or other body that appears to [<sup>F22</sup>the Executive] to be appropriate (and, in particular, in the case of proposals for the making of regulations under section 18(2), any body representing local authorities that so appears<sup>F25</sup>...);
- (b) such government departments and other bodies, if any, as, in relation to any matter dealt with in the proposals, [<sup>F22</sup>the Executive] is required to consult under this subsection by virtue of directions given to it by the Secretary of State.

<sup>F26</sup>(4) . . . . .

### Textual Amendments

- F18** S. 50(1)(1AA) substituted (1.4.2008) for s. 50(1) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 16(2)** (with art. 21, Sch. 2)
- F19** S. 50(1A) inserted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 2, 60, **Sch. 3 para. 13**; S.I. 2006/266, **art. 2(2)**, Sch.
- F20** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 15 para. 16(2)**

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

- F21** Words in s. 50(2) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 16\(3\)](#) (with art. 21, Sch. 2)
- F22** Words in s. 50(3) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 16\(4\)\(b\)](#) (with art. 21, Sch. 2)
- F23** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 15 para. 16\(3\)](#)
- F24** Words in s. 50(3) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 16\(4\)\(a\)](#) (with art. 21, Sch. 2)
- F25** Words in s. 50(3)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 7 para. 6](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with arts. 7-9)
- F26** Ss. 2(5), 29, 31, 32, 50(4)(5), 53(2)–(6) repealed by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 18](#)

#### Modifications etc. (not altering text)

- C23** Ss. 1-59 applied by [S.I. 2001/2127 art. 8A 8B](#) (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#)), arts. 1(1), [3\(2\)](#)
- C51** S. 50 applied by [S.I. 1989/840](#), [arts. 2-10](#)
- C52** S. 50 applied (11.7.2001) by [S.I. 2001/2127](#), [arts. 4\(1\)](#), 5(1)(2), 6(1), 7(1), 8(1), 10 (with art. 11) (as amended by [S.I. 2009/1750](#), [art. 2\(2\)\(4\)](#))
- C53** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) Order 2001 \(S.I. 2001/2127\)](#), arts. 8A, 8B (as inserted by [S.I. 2009/1750](#), [art. 2\(3\)](#))

## 51 Exclusion of application to domestic employment.

Nothing in this Part shall apply in relation to a person by reason only that he employs another, or is himself employed, as a domestic servant in a private household.

#### Modifications etc. (not altering text)

- C23** Ss. 1-59 applied by [S.I. 2001/2127 art. 8A 8B](#) (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#)), arts. 1(1), [3\(2\)](#)
- C54** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840](#), [arts. 2–10](#)
- C55** Ss. 1-59, 80-82 applied (11.7.2001) by [S.I. 2001/2127](#), [arts. 4\(1\)](#), 5(1)(2), 6(1), 7(1), 8(1), 10 (with art. 11) (as amended by [S.I. 2009/1750](#), [art. 2\(2\)\(4\)](#))
- C56** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) Order 2001 \(S.I. 2001/2127\)](#), arts. 8A, 8B (as inserted by [S.I. 2009/1750](#), [art. 2\(3\)](#))

## <sup>F27</sup> 51A Application of Part to police. **E+W**

- (1) For the purposes of this Part, a person who, otherwise than under a contract of employment, holds the office of constable or an appointment as police cadet shall be treated as an employee of the relevant officer.
- (2) In this section “ the relevant officer ”—
  - (a) in relation to a member of a police force or a special constable or police cadet appointed for a police area, <sup>F28</sup> means—
    - (i) the chief officer of police of that force, or
    - (ii) in the case of a member of the force or a special constable who is, by virtue of a collaboration agreement under section 22A of the Police

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

- Act 1996, under the direction and control of a chief officer (within the meaning given by section 23I of that Act), that chief officer.]
- [<sup>F29</sup>(b) in relation to a member of a police force seconded to the [<sup>F30</sup> National Crime Agency to serve as a National Crime Agency officer ], means that Agency, and]
  - (c) in relation to any other person holding the office of constable or an appointment as police cadet, [<sup>F31</sup> means—
    - (i) the person who has the direction and control of the body of constables or cadets in question, or
    - (ii) in the case of a constable who is, by virtue of a collaboration agreement under section 22A of the Police Act 1996, under the direction and control of a chief officer (within the meaning given by section 23I of that Act), that chief officer.]

[ For the purposes of this Part the relevant officer, as defined by subsection (2)(a) or (c) <sup>F32</sup>(2A) above, shall [<sup>F33</sup> , if not a corporation sole, ]be treated as a corporation sole.

- (2B) Where, in a case in which the relevant officer, as so defined, is guilty of an offence by virtue of this section, it is proved—
  - (a) that the officer-holder personally consented to the commission of the offence,
  - (b) that he personally connived in its commission, or
  - (c) that the commission of the offence was attributable to personal neglect on his part,

the office-holder (as well as the corporation sole) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

- (2C) In subsection (2B) above “ the office-holder ”, in relation to the relevant officer, means an individual who, at the time of the consent, connivance or neglect—
  - (a) held the office or other position mentioned in subsection (2) above as the office or position of that officer; or
  - (b) was for the time being responsible for exercising and performing the powers and duties of that office or position.

(2D) The provisions mentioned in subsection (2E) below (which impose the same liability for unlawful conduct of constables on persons having their direction or control as would arise if the constables were employees of those persons) do not apply to any liability by virtue of this Part.

- (2E) Those provisions are—
  - [<sup>F34</sup>(a) section 24 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) ; ]
  - (b) section 88(1) of the Police Act 1996;
  - (c) <sup>F35</sup> .....
  - (d) <sup>F35</sup> .....
  - (e) paragraph 14(1) of Schedule 3 to the Criminal Justice and Police Act 2001;
  - [<sup>F36</sup>(f) paragraph 2 of Schedule 4 to the Crime and Courts Act 2013;]
  - [ <sup>F37</sup>(g) paragraph 20 of Schedule 1 to the Police and Justice Act 2006;]

(2F) In the application of this section to Scotland—

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

- (a) subsection (2A) shall have effect as if for the words “corporation sole” there were substituted distinct juristic person (that is to say, as a juristic person distinct from the individual who for the time being is the office-holder);
  - (b) subsection (2B) shall have effect as if for the words “corporation sole” there were substituted juristic person; and
  - (c) subsection (2C) shall have effect as if for the words “subsection (2B)” there were substituted subsections (2A) and (2B).]
- (3) For the purposes of regulations under section 2(4) above—
- (a) the Police Federation for England and Wales shall be treated as a recognised trade union recognised by each chief officer of police in England and Wales,
  - (b) the Police Federation for Scotland shall be treated as a recognised trade union recognised by [<sup>F38</sup>the chief constable of the Police Service of Scotland], and
  - (c) any body recognised by the Secretary of State for the purposes of section 64 of the Police Act 1996 shall be treated as a recognised trade union recognised by each chief officer of police in England, Wales and Scotland.
- (4) Regulations under section 2(4) above may provide, in relation to persons falling within subsection (2)(b) or (c) above, that a body specified in the regulations is to be treated as a recognised trade union recognised by such person as may be specified.]

#### Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F27** S. 51A inserted (E.W.S.) (1.7.1998) by 1997 c. 42, s. 1; S.I. 1998/1542, art. 2
- F28** Words in s. 51A(2)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 119(2)(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F29** S. 51A(2)(b) substituted (E.W.) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c.15), ss. 59, 178, **Sch. 4 para. 20**; S.I. 2006/378, art. 4, Sch. para. 10
- F30** Words in s. 51A(2)(b) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 21(2)**; S.I. 2013/1682, art. 3(v)
- F31** Words in s. 51A(2)(c) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 119(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F32** S. 51A(2A)-(2F) inserted (7.4.2005) by Serious Organised Crime and Police Act 2005 (c. 15), s. **158(1)(5)-(7)**
- F33** Words in s. 51A(2A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 119(3)**; S.I. 2011/3019, art. 3, Sch. 1
- F34** S. 51A(2E)(a) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 1 para. 2(a)**
- F35** S. 51A(2E)(c)(d) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(o)(q) (subject to art. 6)
- F36** S. 51A(2E)(f) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 21(3)**; S.I. 2013/1682, art. 3(v)
- F37** S. 51A(2E)(g) inserted (1.4.2007.) by Police and Justice Act 2006 (c. 48), ss. 1, 53(1), **Sch. 1 para. 54**; S.I. 2007/709, art. 3(a) (subject to art. 6)
- F38** Words in s. 51A(3)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 1 para. 2(b)**

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C23** Ss. 1-59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#), arts. 1(1), 3(2))
- C57** S. 51A applied (14.4.1999) by [S.I. 1999/860, art. 2](#)
- C58** Ss. 1-59, 80-82 applied (11.7.2001) by [S.I. 2001/2127, arts. 4\(1\), 5\(1\)\(2\), 6\(1\), 7\(1\), 8\(1\), 10](#) (with art. 11) (as amended by [S.I. 2009/1750, art. 2\(2\)\(4\)](#))
- C59** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) Order 2001 \(S.I. 2001/2127\)](#), arts. 8A, 8B (as inserted by [S.I. 2009/1750, art. 2\(3\)](#))

[<sup>F27</sup> **51A Application of Part to police.** **S**

- (1) For the purposes of this Part, a person who, otherwise than under a contract of employment, holds the office of constable or an appointment as police cadet shall be treated as an employee of the relevant officer.
- (2) In this section “ the relevant officer ”—
- (a) in relation to a member of a police force or a special constable or police cadet appointed for a police area, means the chief officer of police,
  - (b) in relation to a person holding office under section 9(1)(b) or 55(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service and the National Crime Squad) means the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad, and
  - (c) in relation to any other person holding the office of constable or an appointment as police cadet, means the person who has the direction and control of the body of constables or cadets in question.

[ For the purposes of this Part the relevant officer, as defined by subsection (2)(a) or (c) <sup>F32</sup>(2A) above, shall be treated as a corporation sole.

- (2B) Where, in a case in which the relevant officer, as so defined, is guilty of an offence by virtue of this section, it is proved—
- (a) that the officer-holder personally consented to the commission of the offence,
  - (b) that he personally connived in its commission, or
  - (c) that the commission of the offence was attributable to personal neglect on his part,
- the office-holder (as well as the corporation sole) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (2C) In subsection (2B) above “ the office-holder ”, in relation to the relevant officer, means an individual who, at the time of the consent, connivance or neglect—
- (a) held the office or other position mentioned in subsection (2) above as the office or position of that officer; or
  - (b) was for the time being responsible for exercising and performing the powers and duties of that office or position.

- (2D) The provisions mentioned in subsection (2E) below (which impose the same liability for unlawful conduct of constables on persons having their direction or control as would arise if the constables were employees of those persons) do not apply to any liability by virtue of this Part.



*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

(2E) Those provisions are—

- (a) section 39 of the Police (Scotland) Act 1967;
- (b) section 88(1) of the Police Act 1996;
- (c) <sup>F60</sup> .....
- (d) <sup>F60</sup> .....
- (e) paragraph 14(1) of Schedule 3 to the Criminal Justice and Police Act 2001;
- <sup>F36</sup>(f) paragraph 2 of Schedule 4 to the Crime and Courts Act 2013;
- <sup>F37</sup>[ paragraph 20 of Schedule 1 to the Police and Justice Act 2006;]
- (g)

(2F) In the application of this section to Scotland—

- (a) subsection (2A) shall have effect as if for the words “corporation sole” there were substituted distinct juristic person (that is to say, as a juristic person distinct from the individual who for the time being is the office-holder);
- (b) subsection (2B) shall have effect as if for the words “corporation sole” there were substituted juristic person; and
- (c) subsection (2C) shall have effect as if for the words “subsection (2B)” there were substituted subsections (2A) and (2B).]

(3) For the purposes of regulations under section 2(4) above—

- (a) the Police Federation for England and Wales shall be treated as a recognised trade union recognised by each chief officer of police in England and Wales,
- (b) the Police Federation for Scotland shall be treated as a recognised trade union recognised by each chief officer of police in Scotland, and
- (c) any body recognised by the Secretary of State for the purposes of section 64 of the Police Act 1996 shall be treated as a recognised trade union recognised by each chief officer of police in England, Wales and Scotland.

(4) Regulations under section 2(4) above may provide, in relation to persons falling within subsection (2)(b) or (c) above, that a body specified in the regulations is to be treated as a recognised trade union recognised by such person as may be specified.]

#### Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F27** S. 51A inserted (E.W.S.) (1.7.1998) by [1997 c. 42, s. 1](#); [S.I. 1998/1542, art. 2](#)
- F32** S. 51A(2A)-(2F) inserted (7.4.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 158\(1\)\(5\)-\(7\)](#)
- F36** S. 51A(2E)(f) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 21\(3\)](#); [S.I. 2013/1682, art. 3\(v\)](#)
- F37** S. 51A(2E)(g) inserted (1.4.2007.) by [Police and Justice Act 2006 \(c. 48\), ss. 1, 53\(1\), Sch. 1 para. 54; S.I. 2007/709, art. 3\(a\)](#) (subject to [art. 6](#))
- F60** S. 51A(2E)(c)(d) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), ss. 52, 53\(1\), Sch. 15 Pt. 1\(A\)](#); [S.I. 2007/709, art. 3\(o\)\(q\)](#) (subject to [art. 6](#))

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

#### **Modifications etc. (not altering text)**

- C23** Ss. 1-59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#), arts. 1(1), 3(2))
- C57** S. 51A applied (14.4.1999) by [S.I. 1999/860](#), [art. 2](#)
- C58** Ss. 1-59, 80-82 applied (11.7.2001) by [S.I. 2001/2127](#), [arts. 4\(1\)](#), 5(1)(2), 6(1), 7(1), 8(1), 10 (with [art. 11](#)) (as amended by [S.I. 2009/1750](#), [art. 2\(2\)\(4\)](#))
- C59** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) Order 2001 \(S.I. 2001/2127\)](#), arts. 8A, 8B (as inserted by [S.I. 2009/1750](#), [art. 2\(3\)](#))

## **52 Meaning of work and at work.**

(1) For the purposes of this Part—

- (a) “work” means work as an employee or as a self-employed person;
- (b) an employee is at work throughout the time when he is in the course of his employment, but not otherwise;
- [<sup>F39</sup>(bb) a person holding the office of constable is at work throughout the time when he is on duty, but not otherwise; and]
- (c) a self-employed person is at work throughout such time as he devotes to work as a self-employed person;

and, subject to the following subsection, the expressions “work” and “at work”, in whatever context, shall be construed accordingly.

(2) Regulations made under this subsection may—

- (a) extend the meaning of “work” and “at work” for the purposes of this Part; and
- (b) in that connection provide for any of the relevant statutory provisions to have effect subject to such adaptations as may be specified in the regulations.

[<sup>F40</sup>(3) The power to make regulations under subsection (2) above shall be exercisable by the Secretary of State <sup>F41</sup> . . . ]

#### **Textual Amendments**

- F39** S. 52(1)(bb) substituted for word in s. 52(1)(b) (E.W.S.) (1.7.1998) by [1997 c. 42, s. 2](#); [S.I. 1998/1542](#), [art. 2](#)
- F40** S. 52(3) substituted for s. 52(3)(4) by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 15 para. 17](#)
- F41** Words in s. 52(3) repealed (27.3.2002) by [S.I. 2002/794](#), [art. 5\(2\)](#), [Sch.](#) (with [art. 6](#))

#### **Modifications etc. (not altering text)**

- C23** Ss. 1-59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#), arts. 1(1), 3(2))
- C60** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840](#), [arts. 2–10](#)
- C61** Ss. 1-59, 80-82 applied (11.7.2001) by [S.I. 2001/2127](#), [arts. 4\(1\)](#), 5(1)(2), 6(1), 7(1), 8(1), 10 (with [art. 11](#)) (as amended by [S.I. 2009/1750](#), [art. 2\(2\)\(4\)](#))
- C62** S. 52 applied (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 2, 60, {[Sch. 3 para. 11\(10\)](#)}; [S.I. 2006/266](#), [art. 2\(2\)](#), [Sch.](#)

Status: Point in time view as at 07/10/2013.

Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)

C63 Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 (S.I. 2001/2127), arts. 8A, 8B (as inserted by S.I. 2009/1750, art. 2(3))

53 General interpretation of Part I.

(1) In this Part, unless the context otherwise requires—

F42

“article for use at work” means—

- (a) any plant designed for use or operation (whether exclusively or not) by persons at work, and
(b) any article designed for use as a component in any such plant;

[F43 “ article of fairground equipment ” means any fairground equipment or any article designed for use as a component in any such equipment; ]

“code of practice” (without prejudice to section 16(8)) includes a standard, a specification and any other documentary form of practical guidance;

F44

“conditional sale agreement” means an agreement for the sale of goods under which the purchase price or part of it is payable by instalments, and the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;

“contract of employment” means a contract of employment or apprenticeship (whether express or implied and, if express, whether oral or in writing);

“credit-sale agreement” means an agreement for the sale of goods, under which the purchase price or part of it is payable by instalments, but which is not a conditional sale agreement;

[F45 “ customs officer ” means an officer within the meaning of the Customs and Excise Management Act M10 1979; ]

“domestic premises” means premises occupied as a private dwelling (including any garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling), and

“non-domestic premises” shall be construed accordingly;

“employee” means an individual who works under a contract of employment [F46 or is treated by section 51A as being an employee], and related expressions shall be construed accordingly;

“enforcing authority” has the meaning assigned by section 18(7);

“the Executive” has the meaning assigned by section [F47 10(1)];

“ the existing statutory provisions” means the following provisions while and to the extent that they remain in force, namely the provisions of the Acts mentioned in Schedule 1 which are specified in the third column of that Schedule and of the regulations, orders or other instruments of a legislative character made or having effect under any provision so specified;

F48

[F49 “ fairground equipment ” means any fairground ride, any similar plant which is designed to be in motion for entertainment purposes with members of the public on or inside it or any plant which is designed to be used by members of the public for entertainment purposes either as a slide or for bouncing upon, and in this definition the reference to plant which is designed to be in motion with

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

members of the public on or inside it includes a reference to swings, dodgems and other plant which is designed to be in motion wholly or partly under the control of, or to be put in motion by, a member of the public; ]

“the general purposes of this Part” has the meaning assigned by section 1;

“health and safety regulations” has the meaning assigned by section 15(1);

“hire-purchase agreement” means an agreement other than a conditional sale agreement, under which—

- (a) goods are bailed or (in Scotland) hired in return for periodical payments by the person to whom they are bailed or hired; and
- (b) the property in the goods will pass to that person if the terms of the agreement are complied with and one or more of the following occurs:
  - (i) the exercise of an option to purchase by that person;
  - (ii) the doing of any other specified act by any party to the agreement;
  - (iii) the happening of any other event;

and “hire-purchase” shall be construed accordingly;

“improvement notice” means a notice under section 21;

“inspector” means an inspector appointed under section 19;

<sup>F48</sup> .....

“local authority” means—

- (a) in relation to England <sup>F50</sup> . . . , a county council, <sup>F51</sup> . . . a district council, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple,
- (aa) [<sup>F52</sup> in relation to Wales, a county council or a county borough council,]
- (b) in relation to Scotland, a [<sup>F53</sup> council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

[<sup>F54</sup> “ micro-organism ” includes any microscopic biological entity which is capable of replication; ]

“offshore installation” means any installation which is intended for underwater exploitation of mineral resources or exploration with a view to such exploitation;

“personal injury” includes any disease and any impairment of a person’s physical or mental condition;

“plant” includes any machinery, equipment or appliance;

“premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft,
- (b) any installation on land (including the foreshore and other land intermittently covered by water), any offshore installation, and any other installation (whether floating, or resting on the seabed or the subsoil thereof, or resting on other land covered with water or the subsoil thereof), and
- (c) any tent or moveable structure;

“prescribed” means prescribed by regulations made by the Secretary of State;

“prohibition notice” means a notice under section 22;

<sup>F48</sup> .....

[<sup>F55</sup> “ railway safety purposes ” has the same meaning as in Schedule 3 to the Railways Act 2005; ]

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

“the relevant statutory provisions” means—

(a) the provisions of this Part and of any health and safety regulations<sup>F56</sup> . . . ;  
and

(b) the existing statutory provisions;

“self-employed person” means an individual who works for gain or reward otherwise than under a contract of employment, whether or not he himself employs others;

“substance” means any natural or artificial substance [<sup>F57</sup>(including micro-organisms)], whether in solid or liquid form or in the form of a gas or vapour;

<sup>F58</sup>

“supply”, where the reference is to supplying articles or substances, means supplying them by way of sale, lease, hire or hire-purchase, whether as principal or agent for another.

<sup>F59</sup>(2) . . . . .

#### Textual Amendments

- F42** Definitions repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F43** Definition inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), s. 36, **Sch. 3 para. 7(a)**
- F44** S. 53(1): definition of “the Commission” omitted (1.4.2008) by virtue of [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 17(a)** (with art. 21, Sch. 2)
- F45** Definition inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), s. 36, **Sch. 3 para. 7(b)**
- F46** S. 53(1): words in definition of “employee” inserted (E.W.S.) (1.7.1998) by [1997 c. 42, s. 6\(1\)](#); S.I. 1998/1542, **art. 2**
- F47** S. 53(1): word in definition of “the Executive” substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 17(b)** (with art. 21, Sch. 2)
- F48** Definition repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F49** Definition inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), s. 36, **Sch. 3 para. 7(c)**
- F50** S. 53(1): words in definition of “local authority” repealed (1.4.1996) by [1994 c. 19, s. 22\(3\)](#), Sch. 9 para. 9, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F51** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F52** S. 53(1): in definition of “local authority” para. (aa) inserted (1.4.1996) by [1994 c. 19, s. 22\(3\)](#), **Sch. 9 para. 9** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F53** S. 53(1): words in definition of “local authority” substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 93(3)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F54** Definition inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), s. 36, **Sch. 3 para. 7(d)**
- F55** S. 53(1): definition of “railway safety purposes” inserted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 2, 60, **Sch. 3 para. 15(3)**; S.I. 2006/266, **art. 2(2)**, Sch.
- F56** Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F57** Words inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), s. 36, **Sch. 3 para. 7(e)**
- F58** Definition repealed by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), s. 48(3), **Sch. 5**
- F59** Ss. 2(5), 29, 31, 32, 50(4)(5), 53(2)–(6) repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**

#### Modifications etc. (not altering text)

- C23** Ss. 1-59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#), arts. 1(1), **3(2)**)
- C64** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by S.I. 1989/840, **arts. 2–10**
- C65** Ss. 1-59, 80-82 applied (11.7.2001) by S.I. 2001/2127, **arts. 4(1)**, 5(1)(2), 6(1), 7(1), 8(1), 10 (with art. 11) (as amended by S.I. 2009/1750, **art. 2(2)(4)**)

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary. (See end of Document for details)*

- C66** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 (S.I. 2001/2127), arts. 8A, 8B (as inserted by S.I. 2009/1750, **art. 2(3)**)
- C67** In s. 53: definition of "relevant statutory provisions" applied by Tay Road Bridge Order Confirmation Act 1991 (c. iv), s. 1, **Sch. Pt. VII s. 62**  
 In s. 53: definition of "relevant statutory provisions" applied (25.7.1991) by Highland Regional Council (Harbours) Order Confirmation Act 1991 (c. xii), s. 1, **Sch. s. 61(1)(f)**

**Marginal Citations**

**M10** 1979 c.2(40:1).

**54 Application of Part I to Isles of Scilly.**

This Part, in its application to the Isles of Scilly, shall apply as if those Isles were a local government area and the Council of those Isles were a local authority.

**Modifications etc. (not altering text)**

- C23** Ss. 1-59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) (Variation) Order 2011 (S.I. 2011/745), arts. 1(1), **3(2)**)
- C68** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by S.I. 1989/840, **arts. 2–10**
- C69** Ss. 1-59, 80-82 applied (11.7.2001) by S.I. 2001/2127, **arts. 4(1), 5(1)(2), 6(1), 7(1), 8(1), 10** (with art. 11) (as amended by S.I. 2009/1750, **art. 2(2)(4)**)
- C70** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 (S.I. 2001/2127), arts. 8A, 8B (as inserted by S.I. 2009/1750, **art. 2(3)**)



**Status:**

Point in time view as at 07/10/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Miscellaneous and supplementary.