



Health and Safety at Work etc. Act 1974

1974 CHAPTER 37

PART IV

MISCELLANEOUS AND GENERAL

77 Amendment of Radiological Protection Act 1970

(1) Section 1 of the Radiological Protection Act 1970 (establishment and functions of the National Radiological Protection Board) shall be amended in accordance with the following provisions of this subsection—

(a) after subsection (6) there shall be inserted as subsection (6A)—

“(6A) In carrying out such of their functions as relate to matters to which the functions of the Health and Safety Commission relate, the Board shall (without prejudice to subsection (7) below) act in consultation with the Commission and have regard to the Commission's policies with respect to such matters.”;

(b) after subsection (7) there shall be inserted as subsections (7A) and (7B)—

“(7A) Without prejudice to subsection (6) or (7) above, it shall be the duty of the Board, if so directed by the Health Ministers, to enter into an agreement with the Health and Safety Commission for the Board to carry out on behalf of the Commission such of the Commission's functions relating to ionising or other radiations (including those which are not electro-magnetic) as may be determined by or in accordance with the direction; and the Board shall have power to carry out any agreement entered into in pursuance of a direction under this subsection.

(7B) The requirement as to consultation in subsection (7) above shall not apply to a direction under subsection (7A).”;

(c) in subsection (8), after the words " subsection (7)" there shall be inserted the words " or (7A) ".

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- (2) In section 2(6) of the Radiological Protection Act 1970 (persons by whom, as regards premises occupied by the said Board, sections 1 to 51 of the Offices, Shops and Railway Premises Act 1963 and regulations thereunder are enforceable) for the words from " inspectors appointed " to the end of the subsection there shall be substituted the words " inspectors appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974. "

78 Amendment of Fire Precautions Act 1971

- (1) The Fire Precautions Act 1971 shall be amended in accordance with the following provisions of this section.
- (2) In section 1(2) (power to designate uses of premises for which fire certificate is compulsory) at the end there shall be inserted as paragraph (f)—
 “(f) use as a place of work.”
- (3) In section 2 (premises exempt from section 1), paragraphs (a) to (c) (which exempt certain premises covered by the Offices, Shops and Railway Premises Act 1963, the Factories Act 1961 or the Mines and Quarries Act 1954) shall cease to have effect.
- (4) After section 9 there shall be inserted as section 9A—

“9A Duty to provide certain premises with means of escape in case of fire.

- (1) All premises to which this section applies shall be provided with such means of escape in case of fire for the persons employed to work therein as may reasonably be required in the circumstances of the case.
- (2) The premises to which this section applies are—
 (a) office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies; and
 (b) premises which are deemed to be such premises for the purposes of that Act,
 being (in each case) premises in which persons are employed to work.
- (3) In determining, for the purposes of this section, what means of escape may reasonably be required in the case of any premises, regard shall be had (amongst other things) not only to the number of persons who may be expected to be working in the premises at any time but also to the number of persons (other than those employed to work therein) who may reasonably be expected to be resorting to the premises at that time.
- (4) In the event of a contravention of subsection (1) above the occupier of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.”
- (5) In section 12(1) (power to make regulations about fire precautions as regards certain premises), at the end there shall be added the words " and nothing in this section shall confer on the Secretary of State power to make provision with respect to the taking or observance of special precautions in connection with the carrying on of any manufacturing process.

(6) In section 17 (duty of fire authorities to consult other authorities before requiring alterations to buildings)—

(a) in subsection (1), the word " and" shall be omitted where last occurring in paragraph (i) and shall be added at the end of paragraph (ii), and after paragraph

(ii) there shall be added as paragraph (iii)—

“(iii) if the premises are used as a place of work and are within the field of responsibility of one or more enforcing authorities within the meaning of Part I of the Health and Safety at Work etc. Act 1974, consult that authority or each of those authorities.”;

(b) in subsection (2) (clarification of references in section 9 to persons aggrieved), for the words " or buildings authority" there shall be substituted the words " buildings authority or other authority ";

(c) after subsection (2) there shall be added as subsection (3)—

“(3) Section 18(7) of the Health and Safety at Work etc. Act 1974 (meaning in Part I of that Act of ' enforcing authority' and of such an authority's ' field of responsibility ') shall apply for the purposes of this section as it applies for the purposes of that Part.”

(7) In section 18 (enforcement of Act)—

(a) for the word " it" there shall be substituted the words " (1) Subject to subsection (2) below, it ";

(b) for the word "section" there shall be substituted the word " subsection ";

(c) after the word " offence " there shall be added as subsection (2)—

“(2) A fire authority shall have power to arrange with the Health and Safety Commission for such of the authority's functions under this Act as may be specified in the arrangements to be performed on their behalf by the Health and Safety Executive (with or without payment) in relation to any particular premises so specified which are used as a place of work.”

(8) In section 40 (application to Crown etc.)—

(a) in subsection (1)(a) (provisions which apply to premises occupied by the Crown), after the word " 6 " there shall be inserted the words " , 9A (except subsection (4)) ";

(b) in subsection (1)(b) (provisions which apply to premises owned, but not occupied by, the Crown), after the word " 8 " there shall be inserted the word " 9A ";

(c) in subsection (10) (application of Act to hospital premises in Scotland), for the words from " Regional " to " hospitals" there shall be substituted the words " Health Board ";

(d) after subsection (10) there shall be inserted the following subsection—

“(10A) This Act shall apply to premises in England occupied by a Board of Governors of a teaching hospital (being a body for the time being specified in an order under section 15(1) of the National Health Service Reorganisation Act 1973) as if they were premises occupied by the Crown.”.

(9) In section 43(1) (interpretation) there shall be added at the end the following definition—

““ work ” has the same meaning as it has for the purposes of Part I of the Health and Safety at Work etc. Act 1974”.

(10) Schedule 8 (transitional provisions with respect to fire certificates under the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963) shall have effect.

79 Amendment of Companies Acts as to directors' reports

(1) The Companies Act 1967 shall be amended in accordance with the following provisions of this section.

(2) In section 16 (additional general matters to be dealt with in directors' reports) in subsection (1) there shall be added after paragraph (f)—

“(g) in the case of companies of such classes as may be prescribed by regulations made by the Secretary of State, contain such information as may be so prescribed about the arrangements in force in that year for securing the health, safety and welfare at work of employees of the company and its subsidiaries and for protecting other persons against risks to health or safety arising out of or in connection with the activities at work of those employees.”

(3) After subsection (4) of the said section 16 there shall be added—

“(5) Regulations made under paragraph (g) of subsection (1) above may—

- (a) make different provision in relation to companies of different classes;
- (b) enable any requirements of the regulations to be dispensed with or modified in particular cases by any specified person or by any person authorised in that behalf by a specified authority ;
- (c) contain such transitional provisions as the Secretary of State thinks necessary or expedient in connection with any provision made by the regulations.

(6) The power to make regulations under the said paragraph (g) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Any expression used in the said paragraph (g) and in Part I of the Health and Safety at Work etc. Act 1974 shall have the same meaning in that paragraph as it has in that Part of that Act and section 1(3) of that Act shall apply for interpreting that paragraph as it applies for interpreting that Part of that Act; and in subsection (5) above " specified" means specified in regulations made under that paragraph.”.

80 General power to repeal or modify Acts and instruments

(1) Regulations made under this subsection may repeal or modify any provision to which this subsection applies if it appears to the authority making the regulations that the repeal or, as the case may be, the modification of that provision is expedient in consequence of or in connection with any provision made by or under Part I.

- (2) Subsection (1) above applies to any provision, not being among the relevant statutory provisions, which—
- (a) is contained in this Act or in any other Act passed before or in the same Session as this Act; or
 - (b) is contained in any regulations, order or other instrument of a legislative character which was made under an Act before the passing of this Act; or
 - (c) applies, excludes or for any other purpose refers to any of the relevant statutory provisions and is contained in any Act not falling within paragraph (a) above or in any regulations, order or other instrument of a legislative character which is made under an Act but does not fall within paragraph (b) above.
- (3) Without prejudice to the generality of subsection (1) above, the modifications which may be made by regulations thereunder include modifications relating to the enforcement of provisions to which this section applies (including the appointment of persons for the purpose of such enforcement, and the powers of persons so appointed).
- (4) The power to make regulations under subsection (1) above shall be exercisable—
- (a) in relation to provisions not relating exclusively to agricultural operations, by the Secretary of State ;
 - (b) in relation to provisions relating exclusively to the relevant agricultural purposes, by the appropriate agriculture authority;
- but before making regulations under that subsection the Secretary of State or the appropriate agriculture authority shall consult such bodies as appear to the Secretary of State or, as the case may be, that authority to be appropriate.
- (5) Regulations under subsection (1) above in relation to provisions falling within subsection (4)(b) above may be either regulations applying to Great Britain and made by the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, or regulations applying to England and Wales only and made by the said Minister, or regulations applying to Scotland only and made by the Secretary of State; and in subsection (4)(b) above " the appropriate agriculture authority " shall be construed accordingly.
- (6) In this section " the relevant statutory provisions," " the relevant agricultural purposes " and " agricultural operation " have the same meaning as in Part I.

81 Expenses and receipts

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by a Minister of the Crown or government department for the purposes of this Act; and
- (b) any increase attributable to the provisions of this Act in the sums payable under any other Act out of money so provided;

and any sums received by a Minister of the Crown or government department by virtue of this Act shall be paid into the Consolidated Fund.

82 General provisions as to interpretation and regulations

(1) In this Act—

- (a) " Act" includes a provisional order confirmed by an Act;

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- (b) "contravention" includes failure to comply, and "contravene" has a corresponding meaning;
 - (c) "modifications" includes additions, omissions and amendments, and related expressions shall be construed accordingly;
 - (d) any reference to a Part, section or Schedule not otherwise identified is a reference to that Part or section of, or Schedule to, this Act.
- (2) Except in so far as the context otherwise requires, any reference in this Act to an enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment, including this Act.
- (3) Any power conferred by Part I or II or this Part to make regulations—
- (a) includes power to make different provision by the regulations for different circumstances or cases and to include in the regulations such incidental, supplemental and transitional provisions as the authority making the regulations considers appropriate in connection with the regulations; and
 - (b) shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

83 Minor and consequential amendments, and repeals

- (1) The enactments mentioned in Schedule 9 shall have effect subject to the amendments specified in that Schedule (being minor amendments or amendments consequential upon the provisions of this Act).
- (2) The enactments mentioned in Schedule 10 are hereby repealed to the extent specified in the third column of that Schedule.

84 Extent, and application of Act

- (1) This Act, except—
 - (a) Part I and this Part so far as may be necessary to enable regulations under section 15 or 30 to be made and operate for the purpose mentioned in paragraph 2 of Schedule 3 ; and
 - (b) paragraphs 2 and 3 of Schedule 9,
 does not extend to Northern Ireland.
- (2) Part III, except section 75 and Schedule 7, does not extend to Scotland.
- (3) Her Majesty may by Order in Council provide that the provisions of Parts I and II and this Part shall, to such extent and for such purposes as may be specified in the Order, apply (with or without modification) to or in relation to persons, premises, work, articles, substances and other matters (of whatever kind) outside Great Britain as those provisions apply within Great Britain or within a part of Great Britain so specified. For the purposes of this subsection "premises", "work" and "substance" have the same meaning as they have for the purposes of Part I.
- (4) An Order in Council under subsection (3) above—
 - (a) may make different provision for different circumstances or cases;
 - (b) may (notwithstanding that this may affect individuals or bodies corporate outside the United Kingdom) provide for any of the provisions mentioned in that subsection, as applied by such an Order, to apply to individuals whether

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- or not they are British subjects and to bodies corporate whether or not they are incorporated under the law of any part of the United Kingdom;
- (c) may make provision for conferring jurisdiction on any court or class of courts specified in the Order with respect to offences under Part I committed outside Great Britain or with respect to causes of action arising by virtue of section 47(2) in respect of acts or omissions taking place outside Great Britain, and for the determination, in accordance with the law in force in such part of Great Britain as may be specified in the Order, of questions arising out of such acts or omissions;
 - (d) may exclude from the operation of section 3 of the Territorial Waters Jurisdiction Act 1878 (consents required for prosecutions) proceedings for offences under any provision of Part I committed outside Great Britain;
 - (e) may be varied or revoked by a subsequent Order in Council under this section; and any such Order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In relation to proceedings for an offence under Part I committed outside Great Britain by virtue of an Order in Council under subsection (3) above, section 38 shall have effect as if the words " by an inspector, or " were omitted.
- (6) Any jurisdiction conferred on any court under this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any other court.

85 Short title and commencement

- (1) This Act may be cited as the Health and Safety at Work etc. Act 1974.
- (2) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed under this subsection for different purposes.
- (3) An order under this section may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provision of this Act then in force as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).