

*Status: Point in time view as at 16/01/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, SCHEDULE 3A. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3A

#### OFFENCES: MODE OF TRIAL AND MAXIMUM PENALTY

##### Textual Amendments

**F1** Sch. 3A inserted (16.1.2009) by [Health and Safety \(Offences\) Act 2008 \(c. 20\)](#), ss. 1(2), 3(2), [Sch. 1](#) (with s. 3(3))

1 The mode of trial and maximum penalty applicable to each offence listed in the first column of the following table are as set out opposite that offence in the subsequent columns of the table.

<i>Offence</i>	<i>Mode of trial</i>	<i>Penalty on summary conviction</i>	<i>Penalty on conviction on indictment</i>
An offence under section 33(1) (a) consisting of a failure to discharge a duty to which a person is subject by virtue of sections 2 to 6.	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under section 33(1) (a) consisting of a failure to discharge a duty to which a person is subject by virtue of section 7.	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under section 33(1)(b) consisting of a contravention of section 8.	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under section 33(1)(b) consisting of a contravention of section 9.	Summarily or on indictment.	A fine not exceeding £20,000.	A fine.

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An offence under section 33(1)(c).	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under section 33(1)(d).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under section 33(1)(e), (f) or (g).	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under section 33(1)(h).	Summarily only.	Imprisonment for a term not exceeding 51 weeks (in England and Wales) or 12 months (in Scotland), or a fine not exceeding level 5 on the standard scale, or both.	
An offence under section 33(1)(i).	Summarily or on indictment.	A fine not exceeding the statutory maximum.	A fine.
An offence under section 33(1)(j).	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under section 33(1)(k), (l) or (m).	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under section 33(1)(n).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under section 33(1)(o).	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.

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	An offence under the existing statutory provisions for which no other penalty is specified.	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
2	(1) This paragraph makes transitional modifications of the table as it applies to England and Wales.			
	(2) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's powers to imprison), a reference to imprisonment for a term not exceeding 12 months is to be read as a reference to imprisonment for a term not exceeding six months.			
	(3) In relation to an offence committed before the commencement of section 281(5) of that Act (alteration of penalties for summary offences), a reference to imprisonment for a term not exceeding 51 weeks is to be read as a reference to imprisonment for a term not exceeding six months.]			

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