

*Status: Point in time view as at 07/02/2023.*

*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))

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

- C1** Sch. 3A applied (with modifications) (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 12** paras. 2, 3
- C2** Sch. 3A applied (with modifications) by S.I. 2014/1638, Sch. 12 paras. 5-7 (as substituted (E.W.S.) (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), reg. 1, **Sch. 1** (with regs. 2(1), 15))
- C3** Sch. 3A applied (with modifications) (30.7.2018) by [The Cableway Installations Regulations 2018 \(S.I. 2018/816\)](#), regs. 1, **21(1)-(3)** (with reg. 4)

- 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 [ <sup>F2</sup> 12 months][ <sup>F2</sup> the general limit in a magistrates' court], or a [ <sup>F3</sup> fine not exceeding £20,000][ <sup>F3</sup> fine], 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 [ <sup>F2</sup> 12 months][ <sup>F2</sup> the general limit in a magistrates' court], or a [ <sup>F4</sup> fine not exceeding the statutory	Imprisonment for a term not exceeding two years, or a fine, or both.

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			maximum][ <sup>F4</sup> 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 [ <sup>F2</sup> 12 months][ <sup>F2</sup> the general limit in a magistrates' court], or a [ <sup>F3</sup> fine not exceeding £20,000][ <sup>F3</sup> fine], 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 [ <sup>F3</sup> fine not exceeding £20,000][ <sup>F3</sup> fine].	A fine.	
An offence under section 33(1)(c).	Summarily or on indictment.	Imprisonment for a term not exceeding [ <sup>F2</sup> 12 months][ <sup>F2</sup> the general limit in a magistrates' court], or a [ <sup>F3</sup> fine not exceeding £20,000][ <sup>F3</sup> fine], 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 [ <sup>F5</sup> fine not exceeding level 5 on the standard scale][ <sup>F5</sup> fine].		
An offence under section 33(1)(e), (f) or (g).	Summarily or on indictment.	Imprisonment for a term not exceeding [ <sup>F2</sup> 12 months][ <sup>F2</sup> the general limit in a magistrates' court], or a [ <sup>F3</sup> fine not exceeding £20,000][ <sup>F3</sup> fine], 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 [ <sup>F5</sup> fine not exceeding level 5 on the standard		

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		scale][ <sup>F5</sup> fine], or both.	
An offence under section 33(1)(i).	Summarily or on indictment.	A [ <sup>F4</sup> fine not exceeding the statutory maximum][ <sup>F4</sup> fine].	A fine.
An offence under section 33(1)(j).	Summarily or on indictment.	Imprisonment for a term not exceeding [ <sup>F2</sup> 12 months][ <sup>F2</sup> the general limit in a magistrates' court], or a [ <sup>F4</sup> fine not exceeding the statutory maximum][ <sup>F4</sup> fine], 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 [ <sup>F2</sup> 12 months][ <sup>F2</sup> the general limit in a magistrates' court], or a [ <sup>F3</sup> fine not exceeding £20,000][ <sup>F3</sup> fine], 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 [ <sup>F5</sup> fine not exceeding level 5 on the standard scale][ <sup>F5</sup> fine].	
An offence under section 33(1)(o).	Summarily or on indictment.	Imprisonment for a term not exceeding [ <sup>F2</sup> 12 months][ <sup>F2</sup> the general limit in a magistrates' court], or a [ <sup>F3</sup> fine not exceeding £20,000][ <sup>F3</sup> fine], or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under the existing statutory provisions for which no other penalty is specified.	Summarily or on indictment.	Imprisonment for a term not exceeding [ <sup>F2</sup> 12 months][ <sup>F2</sup> the general limit in a magistrates' court], or a [ <sup>F3</sup> fine not exceeding £20,000][ <sup>F3</sup> fine], or both.	Imprisonment for a term not exceeding two years, or a fine, or both.

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### Textual Amendments

- F2** Words in Sch. 3A table substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F3** Words in Sch. 3A para. 1 substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 7(a)** (with reg. 5(1))
- F4** Words in Sch. 3A para. 1 substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 7(b)** (with reg. 5(1))
- F5** Words in Sch. 3A para. 1 substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 7(c)** (with reg. 5(1))

- 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 [<sup>F6</sup>2 May 2022], a reference to imprisonment for a term not exceeding [<sup>F7</sup>12 months][<sup>F7</sup>the general limit in a magistrates' court] 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.]

### Textual Amendments

- F6** Words in Sch. 3A para. 2(2) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F7** Words in Sch. 3A para. 2(2) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**

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