

*Status: Point in time view as at 01/04/2006.**Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, SCHEDULE 8. (See end of Document for details)*

SCHEDULES

[^{F1}SCHEDULE 8]

Section 78.

TRANSITIONAL PROVISIONS WITH RESPECT TO FIRE CERTIFICATES UNDER
FACTORIES ACT 1961^{M1} OR OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963^{M2}**Textual Amendments**

- F1** Sch. 8 repealed (E.W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 53(2), [Sch. 4](#) (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), [arts. 1\(1\), 2](#)); and Sch. 8 repealed (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 2(2), [Sch. 2](#)

Marginal Citations

- M1** 1961 c. 34.
M2 1963 c. 41.

[^{F2}1 In this Schedule—“the 1971 Act” means the ^{M3}Fire Precautions Act 1971;

“1971 Act certificate” means a fire certificate within the meaning of the 1971 Act;

“Factories Act certificate” means a certificate under section 40 of the ^{M4}Factories Act 1961 (means of escape in case of fire-certification by fire authority);“Offices Act certificate” means a fire certificate under section 29 of the ^{M5}Offices, Shops and Railway Premises Act 1963.]**Textual Amendments**

- F2** Sch. 8 repealed (E.W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 53(2), [Sch. 4](#) (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), [arts. 1\(1\), 2](#)); and Sch. 8 repealed (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 2(2), [Sch. 2](#)

Marginal Citations

- M3** 1971 c. 40.
M4 1961 c. 34.
M5 1963 c. 41.

[^{F3}2 (1) Where by virtue of an order under section 1 of the 1971 Act a 1971 Act certificate becomes required in respect of any premises at a time when there is in force in respect of those premises a Factories Act certificate or an Offices Act certificate (“the existing certificate”), the following provisions of this paragraph shall apply.

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- (2) The existing certificate shall continue in force (irrespective of whether the section under which it was issued remains in force) and—
 - (a) shall as from the said time be deemed to be a 1971 Act certificate validly issued with respect to the premises with respect to which it was issued and to cover the use or uses to which those premises were being put at that time; and
 - (b) may (in particular) be amended, replaced or revoked in accordance with the 1971 Act accordingly.

- (3) Without prejudice to sub-paragraph (2)(b) above, the existing certificate, as it has effect by virtue of sub-paragraph (2) above, shall as from the said time be treated as imposing in relation to the premises the like requirements as were previously imposed in relation thereto by the following provisions, that is to say—
 - (a) if the existing certificate is a Factories Act certificate, the following provision of the Factories Act 1961, namely sections 41(1), 48 (except subsections (5), (8) and (9)), 49(1), 51(1) and 52(1) and (4) and, so far as it relates to a proposed increase in the number of persons employed in any premises, section 41(3);
 - (b) if the existing certificate is an Offices Act certificate the following provisions of the Offices, Shops and Railway Premises Act 1963, namely section 30(1), 33, 34(1) and (2), 36(1) and 38(1) and, so far as it relates to a proposed increase in the number of persons employed to work in any premises at any one time, section 30(3).]

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Textual Amendments

F3 Sch. 8 repealed (E.W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 53(2), **Sch. 4** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**); and Sch. 8 repealed (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 2(2), **Sch. 2**

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Textual Amendments

F4 Sch. 8 para. 3 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. XVI** Group1.

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