



# 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

##### *Health and safety regulations and approved codes of practice*

#### 15 Health and safety regulations.

[<sup>F1</sup>( 1 ) Subject to the provisions of section 50, the Secretary of State <sup>F2</sup> . . . shall have power to make regulations under this section for any of the general purposes of this Part (and regulations so made are in this Part referred to as “ health and safety regulations ”). ]

[<sup>F3</sup>(1A) In subsection (1), the reference to the general purposes of this Part does not include a reference to any of the following—

- (a) the nuclear safety purposes;
- (b) the nuclear security purposes;
- (c) the nuclear safeguards purposes;
- (d) the radioactive material transport purposes.

(1B) Subsection (1A) does not preclude health and safety regulations from including provision merely because the provision could be made for any of the purposes mentioned in paragraphs (a) to (d) of that subsection.]

(2) Without prejudice to the generality of [<sup>F4</sup>subsection (1) ], health and safety regulations may for any of the general purposes of this Part make provision for any of the purposes mentioned in Schedule 3.

(3) Health and safety regulations—

- (a) may repeal or modify any of the existing statutory provisions;
- (b) may exclude or modify in relation to any specified class of case any of the provisions of sections 2 to 9 or any of the existing statutory provisions;

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**Changes to legislation:** *Health and Safety at Work etc. Act 1974, Section 15 is up to date with all changes known to be in force on or before 19 July 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (c) may <sup>F5</sup>, subject to subsection (3A), ]make a specified authority or class of authorities responsible, to such extent as may be specified, for the enforcement of any of the relevant statutory provisions.

<sup>F6</sup>(3A) Nothing in this section is to be taken to permit health and safety regulations to make provision about responsibility for the enforcement of any of the relevant statutory provisions as they apply in relation to any GB nuclear site.

(3B) Subsection (3A) does not prevent health and safety regulations providing for the <sup>F7</sup>Office of Rail and Road] to be responsible for the enforcement, in relation to GB nuclear sites, of any of the relevant statutory provisions that are made for the railway safety purposes.

(3C) In subsections (3A) and (3B), “ GB nuclear site ” has the same meaning as in section 68 of the Energy Act 2013 (nuclear safety purposes). ]

(4) Health and safety regulations—

- (a) may impose requirements by reference to the approval of <sup>F8</sup>the Executive] or any other specified body or person;
- (b) may provide for references in the regulations to any specified document to operate as reference to that document as revised or re-issued from time to time.

(5) Health and safety regulations—

- (a) may provide (either unconditionally or subject to conditions, and with or without limit of time) for exemptions from any requirement or prohibition imposed by or under any of the relevant statutory provisions;
- (b) may enable exemptions from any requirement or prohibition imposed by or under any of the relevant statutory provisions to be granted (either unconditionally or subject to conditions, and with or without limit of time) by any specified person or by any person authorised in that behalf by a specified authority.

(6) Health and safety regulations—

- (a) may specify the persons or classes of persons who, in the event of a contravention of a requirement or prohibition imposed by or under the regulations, are to be guilty of an offence, whether in addition to or to the exclusion of other persons or classes of persons;
- (b) may provide for any specified defence to be available in proceedings for any offence under the relevant statutory provisions either generally or in specified circumstances;
- (c) may exclude proceedings on indictment in relation to offences consisting of a contravention of a requirement or prohibition imposed by or under any of the existing statutory provisions, sections 2 to 9 or health and safety regulations;
- (d) may restrict the punishments <sup>F9</sup>(other than the maximum fine on conviction on indictment)] which can be imposed in respect of any such offence as is mentioned in paragraph (c) above.

<sup>F10</sup>(e) <sup>F11</sup> .....

(7) Without prejudice to section 35, health and safety regulations may make provision for enabling offences under any of the relevant statutory provisions to be treated as having been committed at any specified place for the purpose of bringing any such offence within the field of responsibility of any enforcing authority or conferring jurisdiction on any court to entertain proceedings for any such offence.

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- (8) Health and safety regulations may take the form of regulations applying to particular circumstances only or to a particular case only (for example, regulations applying to particular premises only).
- (9) If an Order in Council is made under section 84(3) providing that this section shall apply to or in relation to persons, premises or work outside Great Britain then, notwithstanding the Order, health and safety regulations shall not apply to or in relation to aircraft in flight, vessels, hovercraft or offshore installations outside Great Britain or persons at work outside Great Britain in connection with submarine cables or submarine pipelines except in so far as the regulations expressly so provide.
- (10) In this section “specified” means specified in health and safety regulations.

#### Annotations:

##### Amendments (Textual)

- F1** S. 15(1) substituted by [Employment Protection Act 1975 \(c. 71\), Sch. 15 para. 6](#)
- F2** Words in S. 15(1) repealed (27.3.2002) by [S.I. 2002/794, art. 5\(2\), Sch. 2](#)(with art. 6)
- F3** S. 15(1A)(1B) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 5\(2\)](#); [S.I. 2014/251, art. 4](#)
- F4** Words in s. 15(2) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 5\(3\)](#); [S.I. 2014/251, art. 4](#)
- F5** Words in s. 15(3)(c) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 5\(4\)](#); [S.I. 2014/251, art. 4](#)
- F6** S. 15(3A)-(3C) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 5\(5\)](#); [S.I. 2014/251, art. 4](#)
- F7** Words in s. 15(3B) substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\), reg. 1\(2\), Sch. para. 4\(c\)\(i\)](#)
- F8** Words in s. 15(4)(a) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\), art. 7](#) (with art. 21, Sch. 2)
- F9** Words inserted by [Criminal Law Act 1977 \(c. 45\), Sch. 12](#)
- F10** S. 15(6)(e) inserted (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\), s. 4\(1\)\(6\)](#).
- F11** S. 15(6)(e) repealed (16.1.2009) by [Health and Safety \(Offences\) Act 2008 \(c. 20\), ss. 2, 3\(2\), Sch. 3 para. 2\(1\), Sch. 4](#) (with s. 3(3))

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

- C1** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840, arts. 2–10](#)
- C2** S. 15 extended (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\), ss. 1\(2\), 2\(2\)](#).  
S. 15 extended (31.10.1994) by [1994 c. 21, s. 55\(1\)\(3\)](#) (with s. 40(7)); [S.I. 1994/2553, art. 2](#)  
S. 15 applied (19.10.1994) by [S.I. 1994/2479, reg. 3](#)  
S. 15 applied (31.1.1995) by [S.I. 1994/3247, reg. 16\(1\)\(a\)](#)
- C3** 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\(2\)\(4\)](#))
- C4** S. 15 modified (20.9.2001) by [S.I. 2001/2975, reg. 19](#)
- C5** 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\(3\)](#))
- C6** 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\(2\)](#))
- C7** S. 15(1) extended (E.W.S) (2.2.1994) by [1993 c. 43, ss. 117\(3\)\(6\), 150\(1\)\(e\)](#); [S.I. 1994/202, art. 2](#)
- C8** S. 15(7): power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15, ss. 2\(4\)\(a\), 5](#) (with s. 3(5))

**Changes to legislation:**

Health and Safety at Work etc. Act 1974, Section 15 is up to date with all changes known to be in force on or before 19 July 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(9)(10) inserted by [2016 c. 25 Sch. 2 para. 1](#)