



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

Provisions as to offences

33 Offences.

- (1) It is an offence for a person—
- (a) to fail to discharge a duty to which he is subject by virtue of sections 2 to 7;
 - (b) to contravene section 8 or 9;
 - (c) to contravene any health and safety regulations ^{F1}. . . or any requirement or prohibition imposed under any such regulations (including any requirement or prohibition to which he is subject by virtue of the terms of or any condition or restriction attached to any licence, approval, exemption or other authority issued, given or granted under the regulations);
 - (d) to contravene any requirement imposed by or under regulations under section 14 or intentionally to obstruct any person in the exercise of his powers under that section;
 - (e) to contravene any requirement imposed by an inspector under section 20 or 25;
 - (f) to prevent or attempt to prevent any other person from appearing before an inspector or from answering any question to which an inspector may by virtue of section 20(2) require an answer;
 - (g) to contravene any requirement or prohibition imposed by an improvement notice or a prohibition notice (including any such notice as modified on appeal);
 - (h) intentionally to obstruct an inspector in the exercise or performance of his powers or duties [^{F2}or to obstruct a customs officer in the exercise of his powers under section 25A];

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- (i) to contravene any requirement imposed by a notice under section 27(1);
 - (j) to use or disclose any information in contravention of section 27(4) or 28;
 - (k) to make a statement which he knows to be false or recklessly to make a statement which is false where the statement is made—
 - (i) in purported compliance with a requirement to furnish any information imposed by or under any of the relevant statutory provisions; or
 - (ii) for the purpose of obtaining the issue of a document under any of the relevant statutory provisions to himself or another person;
 - (l) intentionally to make a false entry in any register, book, notice or other document required by or under any of the relevant statutory provisions to be kept, served or given or, with intent to deceive, to make use of any such entry which he knows to be false;
 - (m) with intent to deceive, to [^{F3}forge or] use a document issued or authorised to be issued under any of the relevant statutory provisions or required for any purpose thereunder or to make or have in his possession a document so closely resembling any such document as to be calculated to deceive;
 - (n) falsely to pretend to be an inspector;
 - (o) to fail to comply with an order made by a court under section 42.
- (2) A person guilty of an offence under paragraph (d), (f), (h) or (n) of subsection (1) above, or of an offence under paragraph (e) of that subsection consisting of contravening a requirement imposed by an inspector under section 20, shall be liable on summary conviction to a fine not exceeding [^{F4}level 5 on the standard scale]
- (3) Subject to any provision made by virtue of section 15(6)(d) or by virtue of paragraph 2(2) of Schedule 3, a person guilty of an offence under any paragraph of subsection (1) above not mentioned in the preceding subsection, or of an offence under subsection (1) (e) above not falling within the preceding subsection, or of an offence under any of the existing statutory provisions, being an offence for which no other penalty is specified, shall be liable—
- (a) on summary conviction, to a fine not exceeding £400;
 - (b) on conviction on indictment—
 - (i) if the offence is one to which this sub-paragraph applies, to imprisonment for a term not exceeding two years, or a fine, or both;
 - (ii) if the offence is not one to which the preceding sub-paragraph applies, to a fine.
- (4) Subsection (3)(b)(i) above applies to the following offences—
- (a) an offence consisting of contravening any of the relevant statutory provisions by doing otherwise than under the authority of a licence issued by the Executive . . . ^{F1} something for the doing of which such a licence is necessary under the relevant statutory provisions;
 - (b) an offence consisting of contravening a term of or a condition or restriction attached to any such licence as is mentioned in the preceding paragraph;
 - (c) an offence consisting of acquiring or attempting to acquire, possessing or using an explosive article or substance (within the meaning of any of the relevant statutory provisions) in contravention of any of the relevant statutory provisions;
 - (d) an offence under subsection (1)(g) above consisting of contravening a requirement or prohibition imposed by a prohibition notice;

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(e) an offence under subsection (1)(j) above.

(5) Where a person is convicted of an offence under subsection (1)(g) or (o) above, then, if the contravention in respect of which he was convicted is continued after the conviction he shall (subject to section 42(3)) be guilty of further offence and [^{F5}liable on summary conviction to a fine not exceeding £100] for each day on which the contravention is so continued.

^{F6}(6)

Textual Amendments

- F1** Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F2** Words inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), s. 36, **Sch. 3 para. 6**
- F3** Words repealed (E.W.N.I.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, **Sch. Pt. I**
- F4** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G and (N.I.) by S.I. 1984/703 (N.I. 3) arts. 5, 6
- F5** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), ss. 15(1), 30, **Sch. 1 para. 21** and [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 7A** item 17
- F6** S. 33(6) repealed by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, **Sch. Pt. I**

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**

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