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

37  Offences by bodies corporate.

(1) Where an offence under any of the relevant statutory provisions committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the preceding subsection shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Changes to legislation: Health and Safety at Work etc. Act 1974, Section 37 is up to date with all changes known to be in force on or before 22 October 2019. 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) View outstanding changes
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Ss. 36(1)(2), 37 applied (with modifications) (1.7.1997) by S.I. 1997/831, reg. 19(1)-(4), Sch. 15 para. 1(a)(c)


C5 Ss. 33-42 applied (with modifications) (1.4.1999) by S.I. 1999/743, reg. 20(1), (2)(3)

C6 Ss. 33-42 applied (with modifications) (19.11.1999) by S.I. 1999/2892, reg. 16(1)

C7 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. 2000/1750, art. 2(2)(4))

C8 Ss. 33-42 applied (20.9.2001) by S.I. 2001/2975, reg. 19(d)


C11 Ss. 37-41 applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by The Channel Tunnel (Safety) Order 2007 (S.I. 2007/3531), art. 4(2)(3)(b) (subject to (4)-(6)) (with art. 7)

C12 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))

C13 Ss. 33-42 applied (with modifications) (E.W.) (12.8.2009 with application in accordance with reg. 3 of the amending S.I.) by The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009 (S.I. 2009/1927), (reg. 9(1))

C14 Ss. 37-41 applied (with modifications) (E.W.S.) (6.4.2010) by The Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (S.I. 2010/432), reg. 6(2)(3)(g)

C15 Ss. 37-41 applied (with modifications) (E.W.S.) (6.4.2010) by The Train Driving Licences and Certificates Regulations 2010 (S.I. 2010/724), regs. 1(2), 38(2)(3)(g)

C16 S. 37 applied (with modifications) (E.W.S.) (4.7.2010 for certain purposes and otherwise 4.7.2013) by The Pyrotechnic Articles (Safety) Regulations 2010 (S.I. 2010/1554), regs. 1, 18, 37(1), (Sch. 4 paras. 1, 2)


C19 Ss. 33-42 applied (with modifications) (E.W.S.) (1.9.2013) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(1), 8(1) (with reg. 3(4), (5), 8(2)-(7), 31, 32, 33(1))

C20 Ss. 33-42 applied (1.3.2014) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(4), 19 (with reg. 3(4)(5)313233(1))

C21 S. 37 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

C22 Ss. 33-42 applied (1.10.2014) by The Genetically Modified Organisms (Contained Use) Regulations 2014 (S.I. 2014/1663), regs. 1, 30(2)(a) (with reg. 3(1)(2))

C23 Ss. 33-42 applied (with modifications) (E.W.S.) (1.6.2015) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(2), 17(1) (with reg. 3(4)(5)313233(1))

C24 Ss. 33-42 applied (with modifications) (E.W.S.) (1.6.2015) by The Control of Major Accident Hazards Regulations 2015 (S.I. 2015/483), regs. 1(1), 27(1)(d) (with regs. 3(2), 27(3))

C25 Ss. 33-42 applied (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), regs. 1, 36(8)(d) (with reg. 4(2), Sch. 14)
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| C26 | Ss. 33-42 applied (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), regs. 1, 36(1)(d) (with reg. 4(2), Sch. 14) |
| C27 | S. 37 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)) |
| C28 | Ss. 34-42 applied (with modifications) (30.7.2018) by The Cableway Installations Regulations 2018 (S.I. 2018/816), regs. 1, 21(1)-(3) (with reg. 4) |
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
– Act amendment to earlier affecting provision S.I. 2015/430, reg. 5 by S.I. 2019/277 reg. 3(4)

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