



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

General duties

6 General duties of manufacturers etc. as regards articles and substances for use at work.

[^{F1}(1) It shall be the duty of any person who designs, manufactures, imports or supplies any article for use at work or any article of fairground equipment—

- (a) to ensure, so far as is reasonably practicable, that the article is so designed and constructed that it will be safe and without risks to health at all times when it is being set, used, cleaned or maintained by a person at work;
- (b) to carry out or arrange for the carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him by the preceding paragraph;
- (c) to take such steps as are necessary to secure that persons supplied by that person with the article are provided with adequate information about the use for which the article is designed or has been tested and about any conditions necessary to ensure that it will be safe and without risks to health at all such times as are mentioned in paragraph (a) above and when it is being dismantled or disposed of; and
- (d) to take such steps as are necessary to secure, so far as is reasonably practicable, that persons so supplied are provided with all such revisions of information provided to them by virtue of the preceding paragraph as are necessary by reason of its becoming known that anything gives rise to a serious risk to health or safety.

(1A) It shall be the duty of any person who designs, manufactures, imports or supplies any article of fairground equipment—

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- (a) to ensure, so far as is reasonably practicable, that the article is so designed and constructed that it will be safe and without risks to health at all times when it is being used for or in connection with the entertainment of members of the public;
 - (b) to carry out or arrange for the carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him by the preceding paragraph;
 - (c) to take such steps as are necessary to secure that persons supplied by that person with the article are provided with adequate information about the use for which the article is designed or has been tested and about any conditions necessary to ensure that it will be safe and without risks to health at all times when it is being used for or in connection with the entertainment of members of the public; and
 - (d) to take such steps as are necessary to secure, so far as is reasonably practicable, that persons so supplied are provided with all such revisions of information provided to them by virtue of the preceding paragraph as are necessary by reason of its becoming known that anything gives rise to a serious risk to health or safety.]
- (2) It shall be the duty of any person who undertakes the design or manufacture of any article for use at work [^{F2}or of any article of fairground equipment] to carry out or arrange for the carrying out of any necessary research with a view to the discovery and, so far as is reasonably practicable, the elimination or minimisation of any risks to health or safety to which the design or article may give rise.
- (3) It shall be the duty of any person who erects or installs any article for use at work in any premises where that article is to be used by persons at work [^{F3}or who erects or installs any article of fairground equipment] to ensure, so far as is reasonably practicable, that nothing about the way in which [^{F4}the article is erected or installed makes it unsafe or a risk to health at any such time as is mentioned in paragraph (a) of subsection (1) or, as the case may be, in paragraph (a) of subsection (1) or (1A) above.]
- [^{F5}(4) It shall be the duty of any person who manufactures, imports or supplies any substance—
- (a) to ensure, so far as is reasonably practicable, that the substance will be safe and without risks to health at all times when it is being used, handled, processed, stored or transported by a person at work or in premises to which section 4 above applies;
 - (b) to carry out or arrange for the carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him by the preceding paragraph
 - (c) to take such steps as are necessary to secure that persons supplied by that person with the substance are provided with adequate information about any risks to health or safety to which the inherent properties of the substance may give rise, about the results of any relevant tests which have been carried out on or in connection with the substance and about any conditions necessary to ensure that the substance will be safe and without risks to health at all such times as are mentioned in paragraph (a) above and when the substance is being disposed of; and
 - (d) to take such steps as are necessary to secure, so far as is reasonably practicable, that persons so supplied are provided with all such revisions of information provided to them by virtue of the preceding paragraph as are necessary by

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reason of its becoming known that anything gives rise to a serious risk to health or safety.]

- (5) It shall be the duty of any person who undertakes the manufacture of any [^{F6}substance] to carry out or arrange for the carrying out of any necessary research with a view to the discovery and, so far as is reasonably practicable, the elimination or minimisation of any risks to health or safety to which the substance may give rise [^{F6}at all such times as are mentioned in paragraph (a) of subsection (4) above].
- (6) Nothing in the preceding provisions of this section shall be taken to require a person to repeat any testing, examination or research which has been carried out otherwise than by him or at his instance, in so far as it is reasonable for him to rely on the results thereof for the purposes of those provisions.
- (7) Any duty imposed on any person by any of the preceding provisions of this section shall extend only to things done in the course of a trade, business or other undertaking carried on by him (whether for profit or not) and to matters within his control.
- (8) Where a person designs, manufactures, imports or supplies an article [^{F7}for use at work or an article of fairground equipment and does so for or to another] on the basis of a written undertaking by that other to take specified steps sufficient to ensure, so far as is reasonably practicable, that the article will be safe and without risks to health [^{F8}at all such times as are mentioned in paragraph (a) of subsection (1) or, as the case may be, in paragraph (a) of subsection (1) or (1A) above], the undertaking shall have the effect of relieving the first-mentioned person from the duty imposed [^{F9}by virtue of that paragraph] to such extent as is reasonable having regard to the terms of the undertaking.
- [^{F10}(8A) Nothing in subsection (7) or (8) above shall relieve any person who imports any article or substance from any duty in respect of anything which—
 - (a) in the case of an article designed outside the United Kingdom, was done by and in the course of any trade, profession or other undertaking carried on by, or was within the control of, the person who designed the article; or
 - (b) in the case of an article or substance manufactured outside the United Kingdom, was done by and in the course of any trade, profession or other undertaking carried on by, or was within the control of, the person who manufactured the article or substance.]
 - (9) Where a person (“the ostensible supplier”) supplies any [^{F11}article or substance] to another (“the customer”) under a hire-purchase agreement, conditional sale agreement or credit-sale agreement, and the ostensible supplier—
 - (a) carries on the business of financing the acquisition of goods by others by means of such agreements; and
 - (b) in the course of that business acquired his interest in the article or substance supplied to the customer as a means of financing its acquisition by the customer from a third person (“the effective supplier”),
 the effective supplier and not the ostensible supplier shall be treated for the purposes of this section as supplying the article or substance to the customer, and any duty imposed by the preceding provisions of this section on suppliers shall accordingly fall on the effective supplier and not on the ostensible supplier.
 - [^{F12}(10) For the purposes of this section an absence of safety or a risk to health shall be disregarded in so far as the case in or in relation to which it would arise is shown to be one the occurrence of which could not reasonably be foreseen; and in determining

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whether any duty imposed by virtue of paragraph (a) of subsection (1), (1A) or (4) above has been performed regard shall be had to any relevant information or advice which has been provided to any person by the person by whom the article has been designed, manufactured, imported or supplied or, as the case may be, by the person by whom the substance has been manufactured, imported or supplied.]

Textual Amendments

- F1** S. 6(1)(1A) substituted for s. 6(1) by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(2\)](#)
- F2** Words inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(4\)](#)
- F3** Words inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(4\)\(a\)](#)
- F4** Words substituted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(4\)\(b\)](#)
- F5** S. 6(4) substituted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(5\)](#)
- F6** Word substituted and words beginning “at all such times...” inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(6\)\(a\)\(b\)](#)
- F7** Words substituted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(7\)\(a\)](#)
- F8** Words substituted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(7\)\(b\)](#)
- F9** Words substituted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(7\)\(c\)](#)
- F10** S. 6(8A) inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(8\)](#)
- F11** Words substituted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(9\)](#)
- F12** S. 6(10) substituted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 36, Sch. 3 para. 1\(10\)](#)

Modifications etc. (not altering text)

- C1** S. 6 modified by [S.I. 1980/907, reg. 3](#)
- C2** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840, arts. 2–10](#)
- C3** S. 6 modified by [S.I. 1989/1790, reg. 12](#)
- C4** S. 6 modified (3.8.1992) by [S.I. 1992/1524, reg. 3](#)
- C5** 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\(2\)\(4\)\)](#)
- C6** 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\(3\)\)](#)
- C7** 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\(2\)\)](#)
- C8** S. 6(1) modified *ibid.*, reg. 4
- C9** S. 6(1)(1A) modified (3.8.1992) by [S.I. 1992/1524, reg. 4](#)
- C10** S. 6(1) modified (1.1.2000) by [S.I. 1999/3232, reg. 31\(1\)](#)
- C11** S. 6(9) applied by [S.I. 1989/2169, reg. 3\(4\), Sch. 3 para. 3](#)
 S. 6(9) applied (21.2.2000) by [S.I. 2000/128, reg. 3, Sch. 2](#)

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