

Changes to legislation: There are currently no known outstanding effects for the Consumer Protection Act 1987, Paragraph 1. (See end of Document for details)

SCHEDULES

SCHEDULE 3

AMENDMENTS OF PART I OF THE HEALTH AND SAFETY AT WORK ETC. ACT 1974

- 1 (1) Section 6 (general duties of manufacturers etc. as regard articles and substances for use at work) shall be amended as follows.
- (2) For subsection (1) (general duties of designers, manufacturers, importers and suppliers of articles for use at work) there shall be substituted the following subsections—
 - “(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—
 - (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

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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.”
- (3) In subsection (2) (duty of person who undertakes the design or manufacture of an article for use at work to carry out research), after the word “work” there shall be inserted the words “or of any article of fairground equipment”.
- (4) In subsection (3) (duty of persons who erect or install articles for use at work)—
- (a) after the words “persons at work” there shall be inserted the words “or who erects or installs any article of fairground equipment”; and
- (b) for the words from “it is” onwards there shall be substituted the words “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.”
- (5) For subsection (4) (general duties of manufacturers, importers and suppliers of substances for use at work) there shall be substituted the following subsection—
- “(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 reason of its becoming known that anything gives rise to a serious risk to health or safety.”
- (6) In subsection (5) (duty of person who undertakes the manufacture of a substance for use at work to carry out research)—
- (a) for the words “substance for use at work” there shall be substituted the word “substance”; and
- (b) at the end there shall be inserted the words “at all such times as are mentioned in paragraph (a) of subsection (4) above”.

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- (7) In subsection (8) (relief from duties for persons relying on undertakings by others)—
- (a) for the words “for or to another” there shall be substituted the words “for use at work or an article of fairground equipment and does so for or to another”;
 - (b) for the words “when properly used” there shall be substituted the words “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”; and
 - (c) for the words “by subsection (1)(a) above” there shall be substituted the words “by virtue of that paragraph”.
- (8) After the said subsection (8) there shall be inserted the following subsection—
- “(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) In subsection (9) (definition of supplier in certain cases of supply under a hire-purchase agreement), for the words “article for use at work or substance for use at work” there shall be substituted the words “article or substance”.
- (10) For subsection (10) (meaning of “properly used”) there shall be substituted the following subsection—
- “(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 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.”

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