



# Police (Health and Safety) Act 1997

## 1997 CHAPTER 42

### 5 Payment of damages, compensation and fines out of certain funds.

- (1) There shall be paid out of the relevant fund—
- (a) any damages, costs or expenses awarded against the responsible officer in any proceedings brought against him by virtue of section 51A(1) of the <sup>M1</sup>Health and Safety at Work etc. Act 1974 in respect of a breach of health and safety regulations and any costs or expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings,
  - (b) any sum required in settlement of any claim made against the responsible officer by virtue of section 51A(1) of that Act in respect of an alleged breach of health and safety regulations, if the settlement is approved by the relevant authority,
  - (c) any compensation, costs or expenses awarded against the responsible officer in any proceedings brought against him—
    - (i) under section 48 of the Employment Rights Act 1996 by virtue of section 49A of that Act, or
    - (ii) under section 111 of that Act by virtue of section 134A of that Act, and any costs or expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings, and
  - (d) any sum required in settlement of any claim made against the responsible officer as mentioned in paragraph (c)(i) or (ii) above, if the settlement is approved by the relevant authority.
- (2) Any fine imposed on the responsible officer on conviction of an offence under Part I of the <sup>M2</sup>Health and Safety at Work etc. Act 1974 by virtue of section 51A(1) of that Act, any costs or expenses ordered to be paid by him on conviction of such an offence and any costs or expenses incurred by him in connection with proceedings for such an offence may, with the approval of the relevant authority, be paid out of the relevant fund.
- (3) In this section—
- “health and safety regulations” has the same meaning as in Part I of the Health and Safety at Work etc. Act 1974;

*Changes to legislation: Police (Health and Safety) Act 1997, Section 5 is up to date with all changes known to be in force on or before 29 March 2024. 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*

“the relevant authority” means—

- (a) in relation to a chief officer of police in England and Wales, the [<sup>F1</sup> local policing body ],
- (b) [<sup>F2</sup> in relation to the chief constable of the Police Service of Scotland, the Scottish Police Authority, and]
- (c) <sup>F3</sup> ...
- (d) <sup>F3</sup> ...
- (e) in relation to any other responsible officer, the authority by whom the constables or cadets in question are paid;

“the relevant fund” means—

- (a) in relation to a chief officer of police [<sup>F4</sup> in England and Wales], the police fund,
- (aa) [<sup>F5</sup> in relation to the chief constable of the Police Service of Scotland, money provided by the Scottish Police Authority, and]
- (b) <sup>F6</sup> ...
- (c) <sup>F6</sup> ...
- (d) in relation to any other responsible officer, money provided by the relevant authority;

“the responsible officer” means—

- (a) in relation to a police force or police cadets appointed for a police area [<sup>F7</sup> in England and Wales], the chief officer of police,
- (aa) [<sup>F8</sup> in relation to the Police Service of Scotland (including police cadets appointed under section 25 of the Police and Fire Reform (Scotland) Act 2012), the chief constable of that Service, and]
- (b) <sup>F9</sup> ...
- (c) in relation to any other body of constables or cadets, the person who has the direction and control of the body of constables or cadets in question.

#### Textual Amendments

- F1** Words in s. 5(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 225**; S.I. 2011/3019, art. 3, Sch. 1
- F2** Words in s. 5(3) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 27(a)**
- F3** Words in s. 5(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8)(8), Sch. 4 para. 93(a), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 10Sch. para. 13(cc)
- F4** Words in s. 5(3) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 27(b) (i)**
- F5** Words in s. 5(3) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 27(b) (ii)**
- F6** Words in s. 5(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8)(8), Sch. 4 para. 93(b), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 10Sch. para. 13(cc)
- F7** Words in s. 5(3) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 27(c) (i)**
- F8** Words in s. 5(3) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 27(c) (ii)**

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**F9** Words in s. 5(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8)(8), Sch. 4 para. 93(c), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 10Sch. para. 13(cc)

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**Marginal Citations**

**M1** 1974 c. 37.

**M2** 1974 c. 37.

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**Changes and effects yet to be applied to :**

- s. 5 repealed by [2002 c. 30 s. 95\(7\)Sch. 8](#)