



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 6

#### MISCELLANEOUS

##### *Bodies with functions in relation to the police*

#### **95 Duties under the Health and Safety at Work etc. Act 1974**

- (1) The following enactments shall be amended in accordance with subsections (2) and (3)—
- (a) section 51A of the Health and Safety at Work etc. Act 1974 (c. 37) (application of Part 1 of that Act to the police);
  - (b) section 49A of the Employment Rights Act 1996 (c. 18) (right of police officers not to suffer a detriment in relation to health and safety at work issues); and
  - (c) section 134A of that Act (right of police officers not to be unfairly dismissed in relation to health and safety at work issues).
- (2) In subsection (1) of each of those sections, for “officer” there shall be substituted “authority”.
- (3) For subsection (2) of each of those sections, there shall be substituted—
- “(2) In this section “the relevant authority” means—
- (a) in relation to a member of a police force, a special constable appointed for a police area or a police cadet appointed by a chief officer of police, the police authority or, in the case of a combined area in Scotland, the police board (within the meaning of the Police (Scotland) Act 1967 (c. 77));
  - (b) in relation to a person appointed as a police member of the National Criminal Intelligence Service, the Service Authority for that service;
  - (c) in relation to a person appointed as a police member of the National Crime Squad, the Service Authority for that squad;

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*Status: This is the original version (as it was originally enacted).*

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- (d) in relation to any other person holding the office of constable or an appointment as police cadet, the person responsible for maintaining the body of constables or police cadets in question.
- (2A) The Commissioner of Police for the City of London shall be treated for the purposes of this section as if he were a member of the City of London police force.”
- (4) After subsection (2A) of section 51A of the Health and Safety at Work etc. Act 1974 (c. 37) (which is inserted by subsection (3)) there shall be inserted—
  - “(2B) The following provisions (which impose the same liability for unlawful conduct of constables on persons with their direction and control as would arise if the constables were the employees of those persons) do not apply in relation to any liability arising in respect of a contravention of this Act—
    - (a) section 88(1) of the Police Act 1996 (c. 16);
    - (b) section 97(9) of that Act;
    - (c) section 42(1) of the Police Act 1997 (c. 50);
    - (d) section 86(1) of that Act;
    - (e) paragraph 7(1) of Schedule 8 to that Act;
    - (f) section 39 of the Police (Scotland) Act 1967 (c. 77); and
    - (g) paragraph 14(1) of Schedule 3 to the Criminal Justice and Police Act 2001 (c. 16).
  - (2C) The provision which may be made by health and safety regulations includes in particular—
    - (a) provision which, for the purposes of this Part specified in the regulations, treats the acts or omissions of a chief officer as if they were acts or omissions of the relevant authority in relation to the constables or police cadets under that officer’s direction and control;
    - (b) provision which treats premises under the control of a chief officer as premises under the control of the relevant authority in relation to that officer.
  - (2D) In subsection (2C) “chief officer” means—
    - (a) a chief officer of police;
    - (b) the Director General of the National Criminal Intelligence Service;
    - (c) the Director General of the National Crime Squad; or
    - (d) any other person having direction and control of a body of constables or police cadets.”
- (5) In each of paragraphs (a), (b) and (c) of subsection (3) of that section, for “chief officer of police” there shall be substituted “police authority”.
- (6) In subsection (4) of that section, for “or (c)” there shall be substituted “, (c) or (d)”.
- (7) Section 5 of the Police (Health and Safety) Act 1997 (c. 42) (payments by police authorities etc. out of relevant funds in relation to contraventions of health and safety legislation) shall cease to have effect.
- (8) An order bringing this section into force may make such savings and transitional provisions as the Secretary of State thinks fit.