

1974 No. 1886

## HEALTH AND SAFETY

**The Boiler Explosions Acts 1882 and 1890 (Repeals and  
Modifications) Regulations 1974**

<i>Made - - - -</i>	<i>12th November 1974</i>
<i>Laid before Parliament</i>	<i>21st November 1974</i>
<i>Coming into Operation</i>	<i>1st January 1975</i>

The Secretary of State in exercise of the powers conferred on him by sections 15(1) and (3)(a) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(a) (“the 1974 Act”) and of all other powers enabling him in that behalf, and after consultation with the Health and Safety Commission and such other bodies as appeared to him to be appropriate, hereby makes the following Regulations:—

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Boiler Explosions Acts 1882 and 1890 (Repeals and Modifications) Regulations 1974 and shall come into operation on 1st January 1975.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

*Repeals and modifications*

2.—(1) The Boiler Explosions Act 1882(c) shall, in its application to Great Britain, have effect as if—

- (a) in section 5(1) and (2), as amended by the Secretary of State for Trade and Industry Order 1970(d), for the references to the Secretary of State there were substituted references to the Health and Safety Executive;
- (b) in section 5(3), for the words from “on summary conviction” to the end of the subsection there were substituted the words “be guilty of an offence”;
- (c) except in relation to inquiries and investigations commenced before 1st January 1975, sections 6 and 7 were omitted; and
- (d) section 8 were omitted.

---

(a) 1974 c. 37.  
(c) 1882 c. 22.

(b) 1889 c. 63.  
(d) S.I. 1970/1537 (1970 III, p. 5293).

(2) The Boiler Explosions Act 1890(a) is hereby repealed in so far as it relates to Great Britain.

*Supplemental*

3.—(1) These Regulations shall not affect the validity of anything done under the provisions of the Boiler Explosions Acts 1882 and 1890 before the coming into operation of these Regulations.

(2) Any notice sent to the Secretary of State in pursuance of section 5 of the said Act of 1882 before the coming into operation of these Regulations shall have effect as if it had been sent to the Health and Safety Executive.

(3) The penalty prescribed by section 5(3) of the 1882 Act shall, notwithstanding these Regulations, continue to apply to offences under that provision committed before 1st January 1975.

Signed by order of the Secretary of State.

12th November 1974.

*Harold Walker,*

Joint Parliamentary Under Secretary of State,  
Department of Employment.

---

EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations contain repeals and modifications of the Boiler Explosions Acts 1882 and 1890 made in consequence of the establishment on 1st January 1975 of the Health and Safety Executive and the coming into operation on that date of provisions of the Health and Safety at Work etc. Act 1974.

The Regulations require that notices of boiler explosions to which the 1882 Act applies shall be sent to the Health and Safety Executive and apply to the offence of failing to comply with that requirement, where committed on or after 1st January 1975, the penalties prescribed in the 1974 Act. The Regulations repeal the power to direct inquiries into such explosions, which is superseded by the power of the Health and Safety Commission to direct investigations and inquiries under section 14 of the said Act of 1974. The Regulations also repeal provisions applying to boiler explosions in ships, which are provided for by the Merchant Shipping Acts 1894 to 1970.

---

(a) 1890 c. 35.

SI 1974/1886  
ISBN 0-11-041886-7

