
 STATUTORY INSTRUMENTS

1977 No. 294 (C. 10)

HEALTH AND SAFETY

The Health and Safety at Work etc. Act 1974 (Commencement

No. 4) Order 1977

Made - - - - - 24th February 1977

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 85(2) and (3) of the Health and Safety at Work etc. Act 1974(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation

1. This order may be cited as the Health and Safety at Work etc. Act 1974 (Commencement No. 4) Order 1977.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

“the Act” means the Health and Safety at Work etc. Act 1974;

“the 1936 Act” means the Public Health Act 1936(b);

“the 1961 Act” means the Public Health Act 1961(c);

“existing regulations” means regulations under section 4 of the 1961 Act which, on the coming into operation of the provisions specified in the schedule to this order, have effect by virtue of section 61(6) of the Act as if made under the substituted section 61(1) of the 1936 Act, whether in the form in which they accordingly have effect or as amended;

“substituted” in a reference to a numbered provision of the 1936 Act means substituted by section 61 of the Act.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Appointed day

3. Subject to article 4 below, the provisions of the Act specified in the first column of the schedule hereto shall come into operation on 17th March 1977; and any provision in relation to which a purpose is specified in the third column of the schedule shall come into operation only for that purpose.

(a) 1974 c. 37.

(b) 1936 c. 49.

(c) 1961 c. 64.

(d) 1889 c. 63.

Transitional provisions and savings

4. Section 74(1) of the Act (meaning of "building" etc.), section 76(4) thereof (meaning of "prescribed") and the repeals of section 64(4) and (5) of the 1936 Act (which relate to deposited plans) shall have effect subject to the following provisions:—

- (a) Paragraph (a) and, in so far as it relates to services, fittings and equipment, paragraph (b) of section 74(1) of the Act shall not have effect as respects existing regulations unless and until those regulations are amended by regulations which make provision for exemptions in pursuance of the substituted section 61(5) of the 1936 Act (exemption from building regulations of prescribed classes of buildings etc.).
- (b) Notwithstanding section 76(4) of the Act (as it applies for the purposes of section 64(2) of the 1936 Act) and the repeal of section 64(4) of the 1936 Act, the said section 64(4) shall continue to have effect as respects any plans deposited in pursuance of existing regulations unless and until regulations prescribing a period for the purposes of the said section 64(2) have been made and apply in relation to the plans so deposited.
- (c) Notwithstanding the repeal of section 64(5) of the 1936 Act, that subsection, in so far as it relates to the retention of plans or other documents by a local authority, shall continue to have effect as respects any documents deposited in duplicate in pursuance of existing regulations unless and until regulations with respect to the retention by local authorities of copies of deposited plans have been made in pursuance of the substituted section 61(4)(c) of the 1936 Act and apply in relation to the documents so deposited.

SCHEDULE

Provisions of the Act	Subject matter of provisions	Purpose
Section 61(1), (2), (3) and (6).	Amendment of enactments relating to building regulations.	In the case of section 61(3), for the purposes of the provisions of Schedule 6 specified below.
Section 62.	Further matters for which building regulations may provide.	—
Section 63(1), (3), (4) and (5).	Miscellaneous provisions as to the approval of plans.	To enable regulations to be made.
Section 65.	Continuing requirements.	—
Section 67(1), (2), (7) and (12).	Power of Secretary of State to approve types of building etc.	To enable regulations to be made.
Section 69(5) to (8).	Provisions relating to appeals etc. to the Secretary of State.	To enable rules of court and regulations to be made.
Section 70.	Power to make building regulations for Inner London.	—
Section 71(1) and (4).	Civil liability.	To enable regulations to be made.
Section 74(1) and (2).	Meaning of "building" etc. in connection with building regulations.	—
Section 76(4) (in so far as not already in operation).	Meaning of "prescribed".	—

Provisions of the Act	Subject matter of provisions	Purpose
Section 83(2).	Repeals.	For the purposes of the provisions of Schedule 10 specified below.
Schedule 5.	Subject-matter of building regulations.	—
Schedule 6, Part I, the following provisions— Paragraph 1(b).	Repeal of section 64(4) of the 1936 Act.	—
Paragraph 3.	Amendment of section 90 of the 1936 Act.	—
Paragraph 4.	Amendment of section 4 of the 1961 Act.	In the case of paragraph 4(b), to enable regulations to be made for the purposes of section 4(6) of the 1961 Act as amended.
Paragraph 5(e).	Repeal of section 6(8) of the 1961 Act.	—
Paragraph 6(a) and (b).	Amendment of section 7 of the 1961 Act.	To enable regulations to be made for the purposes of subsections (1) and (2) of section 7 of the 1961 Act as amended.
Paragraph 7.	Substitution of new section 8 of the 1961 Act.	To enable regulations to be made for the purposes of the new section 8.
Paragraph 8.	Amendment of section 9(3) of the 1961 Act.	—
Schedule 10— entries relating to the repeals specified opposite in column 2.	The following repeals— In the 1936 Act— section 64(4) and (5), and in section 343(1) the definition of “building regulations”. In the Clean Air Act 1956(a)— section 24. In the 1961 Act— section 4(1), in section 4(4) the words from “and building” to the end of the subsection, in section 6(4) the words “as may be prescribed by building regulations” and the word “so”, and section 6(8). In the Fire Precautions Act 1971(b)— section 11, and in section 43(1) the definition of “building regulations”.	—

(a) 1956 c. 52.

(b) 1971 c. 40.

Signed by authority of
the Secretary of State.
24th February 1977.

R. Freeson,
Minister for Housing and Construction,
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation on 17th March 1977 certain of the provisions of Part III of the Health and Safety at Work etc. Act 1974 specified in the schedule to the order.

The provisions brought into operation are for the most part those which enable the Secretary of State to make building regulations, including, in particular, section 61(1) of the Act, which enacts two new sections in substitution for the previous sections 61 and 62 of the Public Health Act 1936. As provided in article 3 of the order and the schedule, some provisions of wider scope are brought into operation to a limited extent for the purpose only of enabling regulations to be made.

Article 4 makes special provision with respect to the effect of the order in three cases in relation to existing building regulations, which are kept in force by the Act (section 61(6)) as if made under the new powers.

SI 1977/294
ISBN 0-11-070294-8

