
STATUTORY INSTRUMENTS

1989 No. 1903

The Health and Safety (Enforcing Authority) Regulations 1989

Local authorities to be enforcing authorities in certain cases

3.—(1) Where the main activity carried on in non-domestic premises is specified in Schedule 1, the local authority for the area in which those premises are situated shall be the enforcing authority for them, and the Executive shall be the enforcing authority in any other case.

(2) Where such premises are occupied by more than one occupier each part separately occupied shall be regarded as being separate premises for the purposes of paragraph (1).

(3) Where paragraph (2) applies, the local authority shall be the enforcing authority for the common parts, except that if the Executive is the enforcing authority for—

- (a) all other parts of the premises, the Executive shall be the enforcing authority for the common parts;
- (b) any other part of the premises and the occupier of that part has any obligations under the relevant statutory provisions for any matters appertaining to the common parts, the Executive shall be the enforcing authority for those provisions in respect of such matters.

(4) Paragraph (2) shall not apply to—

- (a) any land within the perimeter of an airport;
- (b) the tunnel system within the meaning of section 1(7) of the Channel Tunnel Act 1987 (1);
- (c) an offshore installation within the meaning of section 1(4) of the Mineral Workings (Offshore Installations) Act 1971(2);
- (d) a building or construction site, that is to say, premises where the only activities being undertaken are construction work and activities for the purpose of or in connection with such work;
- (e) the campus of a university, polytechnic, college, school or similar educational establishment;
- (f) a hospital; and the Executive shall be the enforcing authority for the whole of any such premises.

(5) In relation to a railway operated by the British Railways Board, London Regional Transport or a subsidiary of that body, Tyne and Wear Passenger Transport Executive or Strathclyde Passenger Transport Executive, notwithstanding paragraph (3), the Executive shall be the enforcing authority for the common parts in a railway station or in a goods yard served by the railway.

(6) Where any part of premises at or adjacent to a railway track or railway station is occupied by a railway undertaking not mentioned in paragraph (5), then notwithstanding paragraph (2), the Executive shall be the enforcing authority for the whole premises.

(7) This regulation shall have effect subject to regulations 4, 5 and 6.

(1) 1987 c. 53.

(2) 1971 c. 61; section 1 was substituted by section 24 of the Oil and Gas (Enterprise) Act 1982 (c. 23).

Status: *This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.*
