
STATUTORY INSTRUMENTS

1989 No. 1903

The Health and Safety (Enforcing Authority) Regulations 1989

Exceptions

- 4.—(1) The Executive shall be the enforcing authority for—
- (a) the enforcement of any of the relevant statutory provisions against a body specified in paragraph (3) or the officers or servants of such a body;
 - (b) any part of premises occupied by such a body.
- (2) Where premises are mainly occupied by a body specified in paragraph (3) and are partly occupied by another person for the purpose of providing services at the premises for that body, the Executive shall be the enforcing authority for the part of the premises occupied by that other person.
- (3) The bodies referred to in paragraphs (1) and (2) are—
- (a) a local authority as defined in regulation 2;
 - (b) Parish Councils in England and Community Councils in Wales and Scotland;
 - (c) any other local authority within the meaning of section 53(1) of the 1974 Act;
 - (d) a police authority or the Receiver for the Metropolitan Police District;
 - (e) a fire authority within the meaning of section 43(1) of the Fire Precautions Act 1971⁽¹⁾;
 - (f) a headquarters or an organisation designated for the purposes of the International Headquarters and Defence Organisation Act 1964⁽²⁾; or a service authority of a visiting force within the meaning of section 12 of the Visiting Forces Act 1952⁽³⁾;
 - (g) the United Kingdom Atomic Energy Authority;
 - (h) the Crown, but regulation 3 shall apply to any part of premises occupied by the Executive and to any activity carried on there.
- (4) The Executive shall be the enforcing authority for premises if the main activity carried on there is indoor sports and any body referred to in paragraph (3)(a) to (c) has any duty under section 4 of the 1974 Act in respect of those premises or any plant therein.
- (5) The Executive shall be the enforcing authority for—
- (a) section 6 of the 1974 Act;
 - (b) the other relevant statutory provisions in respect of any activity specified in Schedule 2 (whether or not it is the main activity carried on in premises).
- (6) Regulation 3 and the preceding provisions of this regulation shall have effect subject to any provisions made for enforcement responsibility by other regulations made under the 1974 Act or by any of the existing statutory provisions.
- (7) The preceding provisions of this regulation shall have effect subject to regulations 5 and 6.
- (8) Notwithstanding regulation 3 and the preceding provisions of this regulation, an authority empowered to grant a licence for a factory, magazine or store or to register premises under the 1875

(1) 1971 c. 40.
(2) 1964 c. 5.
(3) 1952 c. 67.

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Act shall be the enforcing authority for the 1875 Act in relation to such factory, magazine, store or premises, as the case may be; and in this paragraph “the 1875 Act” means such provisions of the Explosives Act 1875⁽⁴⁾ and such Orders in Council, Orders, Byelaws, Regulations and Rules made thereunder as are relevant statutory provisions.

⁽⁴⁾ 1875 c. 17; the relevant amending instrument is S.I.1974/1885.