

2004 No. 1359

HEALTH AND SAFETY

**The Adventure Activities (Enforcing Authority) Regulations
2004**

<i>Made</i> - - - -	<i>14th May 2004</i>
<i>Laid before Parliament</i>	<i>19th May 2004</i>
<i>Coming into force</i> - -	<i>9th June 2004</i>

The Secretary of State for Education and Skills, acting in relation to England, Scotland and Wales, in exercise of the powers conferred on the Secretary of State by section 18(2) of the Health and Safety at Work etc. Act 1974(a), having consulted the Health and Safety Commission (“the Commission”) and such other bodies as appear to the Secretary of State to be appropriate in accordance with section 50(1) of that Act, hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Adventure Activities (Enforcing Authority) Regulations 2004 and shall come into force on 9th June 2004.

(2) In these Regulations, “the 2004 Regulations” means the Adventure Activities Licensing Regulations 2004(b).

Application of Health and Safety (Enforcing Authority) Regulations 1998

2.—(1) The Health and Safety (Enforcing Authority) Regulations 1998(c) shall, subject to paragraph (2) below, apply in respect of the enforcement of the 2004 Regulations.

(2) Where, by virtue of paragraph (1) above, a local authority is responsible for the enforcement of the 2004 Regulations in relation to premises, it shall be responsible for such enforcement in relation to the provision of facilities for adventure activities (within the meaning of the 2004 Regulations)—

- (a) at those premises; and
- (b) from those premises if the premises are, at the time in question, primarily used for, or as a base for, the provision of instruction or leadership in sporting, recreational or outdoor activities;

and references in the said Regulations of 1998 to an enforcing authority for premises shall be construed accordingly.

(a) 1974 c.37; as applied with modification by regulation 17 of the Adventure Activities Licensing Regulations 2004.
(b) S.I. 2004/1309.
(c) S.I. 1998/494; to which there are amendments not relevant to these Regulations.

Revocation

3. The Adventure Activities (Enforcing Authority and Licensing Amendment) Regulations 1996^(a) are hereby revoked.

14th May 2004

Ivan Lewis
Parliamentary Under Secretary of State
Department for Education and Skills

^(a) S.I. 1996/1647.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact with necessary amendments the Adventure Activities (Enforcing Authority and Licensing Amendment) Regulations 1996 which are revoked.

The Regulations apply, with modifications, the Health and Safety (Enforcing Authority) Regulations 1998 (which allocate enforcement responsibilities between local authorities and the Health and Safety Executive) in respect of the enforcement of the Adventure Activities Licensing Regulations 2004.

STATUTORY INSTRUMENTS

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