



# Health and Safety at Work etc. Act 1974

## 1974 CHAPTER 37

### PART I

#### HEALTH, SAFETY AND WELFARE IN CONNECTION WITH WORK, AND CONTROL OF DANGEROUS SUBSTANCES AND CERTAIN EMISSIONS INTO THE ATMOSPHERE

##### *Provisions as to offences*

### 33 Offences.

- (1) It is an offence for a person—
- (a) to fail to discharge a duty to which he is subject by virtue of sections 2 to 7;
  - (b) to contravene section 8 or 9;
  - (c) to contravene any health and safety regulations <sup>F1</sup> . . . or any requirement or prohibition imposed under any such regulations (including any requirement or prohibition to which he is subject by virtue of the terms of or any condition or restriction attached to any licence, approval, exemption or other authority issued, given or granted under the regulations);
  - (d) to contravene any requirement imposed by or under regulations under section 14 or intentionally to obstruct any person in the exercise of his powers under that section;
  - (e) to contravene any requirement imposed by an inspector under section 20 or 25;
  - (f) to prevent or attempt to prevent any other person from appearing before an inspector or from answering any question to which an inspector may by virtue of section 20(2) require an answer;
  - (g) to contravene any requirement or prohibition imposed by an improvement notice or a prohibition notice (including any such notice as modified on appeal);
  - (h) intentionally to obstruct an inspector in the exercise or performance of his powers or duties [<sup>F2</sup> or to obstruct a customs officer in the exercise of his powers under section 25A];
  - (i) to contravene any requirement imposed by a notice under section 27(1);

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- (j) to use or disclose any information in contravention of section 27(4) or 28;
  - (k) to make a statement which he knows to be false or recklessly to make a statement which is false where the statement is made—
    - (i) in purported compliance with a requirement to furnish any information imposed by or under any of the relevant statutory provisions; or
    - (ii) for the purpose of obtaining the issue of a document under any of the relevant statutory provisions to himself or another person;
  - (l) intentionally to make a false entry in any register, book, notice or other document required by or under any of the relevant statutory provisions to be kept, served or given or, with intent to deceive, to make use of any such entry which he knows to be false;
  - (m) with intent to deceive, to [<sup>F3</sup>forge or] use a document issued or authorised to be issued under any of the relevant statutory provisions or required for any purpose thereunder or to make or have in his possession a document so closely resembling any such document as to be calculated to deceive;
  - (n) falsely to pretend to be an inspector;
  - (o) to fail to comply with an order made by a court under section 42.
- [<sup>F4</sup>(2) Schedule 3A (which specifies the mode of trial and maximum penalty applicable to offences under this section and the existing statutory provisions) has effect.
- (3) Schedule 3A is subject to any provision made by virtue of section 15(6)(c) or (d).]
- <sup>F5</sup>(5) .....
- <sup>F6</sup>(6) .....

#### Textual Amendments

- F1** Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F2** Words inserted by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), s. 36, **Sch. 3 para. 6**
- F3** Words repealed (E.W.N.I.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, **Sch. Pt. I**
- F4** S. 33(2)(3) substituted (16.1.2009) for s. 33(1A)-(4) by [Health and Safety \(Offences\) Act 2008 \(c. 20\)](#), **ss. 1(1), 3(2)** (with s. 3(3))
- F5** S. 33(5) repealed (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\)](#), ss. 4(5)(6), 7(2), **Sch.2**
- F6** S. 33(6) repealed by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, **Sch. Pt. I**

#### Modifications etc. (not altering text)

- C1** S. 33 applied by [S.I. 1989/840](#), **arts. 2, 10**  
 S. 33 extended (E.W.S.) (1.10.1996) by [S.I. 1996/1513](#), **reg. 10 S. 33** excluded (with saving) (E.W.S.) (1.12.1997) by [S.I. 1997/1840](#), **regs. 7, 9**  
 S. 33 applied (with modifications) (E.W.S.) (1.3.1996) by [S.I. 1996/192](#), **reg. 15, Sch. 14 para. 1(b)**  
 S. 33 applied (with modifications) (1.7.1997) by [S.I. 1997/831](#), **reg. 19(1)-(4), Sch. 15 para. 1(a)(b)**  
 S. 33 applied (15.11.2000) by [S.I. 2000/2831](#), **reg. 26(1)(a)**
- C2** S. 33 extended (with modifications) (12.4.1999) by [S.I. 1999/743](#), **reg. 20(1)(d)(2)(3) S. 33** applied (20.9.2001) by [S.I. 2001/2975](#), **reg. 19(d)**  
 S. 33 applied (E.W.S.) (24.7.2002) by [S.I. 2002/1689](#), **reg. 14(1)(b)**  
 S. 33 applied (16.5.2002) by [S.I. 2002/1166](#), **reg. 31** (with art. 37)
- C3** S. 33 applied (with modifications) (19.11.1999) by [S.I. 1999/2892](#), **reg. 16(1)**
- C4** S. 33 applied (with modifications) (29.11.1999) by [S.I. 1999/2001](#), **reg. 24(1), Sch. 8 para. 1(b)**
- C5** S. 33 applied (11.7.2001) by [S.I. 2001/2127](#), **arts. 4(1), 5(1)(2), 6(1), 7(1), 8(1), 10** (with art. 11) (as amended by [S.I. 2009/1750](#), **art. 2(2)(4)**)

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- C6** S. 33 applied (with modifications) (E.W.S.) (3.5.2004) by S.I. 2004/129, **reg. 23(3)(e)**; s. 33 applied (E.W.S.) (22.4.2005) by S.I. 2005/928, **reg. 4(2)(3)(5)(6)**; s. 33 applied (2.4.2006) by S.I. 2006/397, **reg. 34(2)(d)**
- C7** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 (S.I. 2001/2127), arts. 8A, 8B (as inserted by S.I. 2009/1750, **art. 2(3)**)
- C8** Ss. 33-42 applied (with modifications) (E.W.) (12.8.2009 with application in accordance with reg. 3 of the amending S.I.) by The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries)(England and Wales) Regulations 2009 (S.I. 2009/1927), {reg. 9(1)}
- C9** Ss. 33-35 applied (with modifications) (E.W.S.) (4.7.2010 for certain purposes and otherwise 4.7.2013) by The Pyrotechnic Articles (Safety) Regulations 2010 (S.I. 2010/1554), **regs. 1, 18, 37(1)**, {Sch. 4 paras. 1, 2}
- C10** Ss. 1-59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) (Variation) Order 2011 (S.I. 2011/745), arts. 1(1), **3(2)**)
- C11** Ss. 33-42 applied (with modifications) (E.W.S.) (1.9.2013) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), **regs. 2(1), 8(1)** (with reg. 3(4), (5), 8(2)-(7), 31, 32, 33(1))
- C12** Ss. 33-42 applied (1.3.2014) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), **regs. 2(4), 19** (with reg. 3(4)(5)313233(1))
- C13** Ss. 33-35 applied (with modifications) (E.W.S.) (1.10.2014) by The Explosives Regulations 2014 (S.I. 2014/1638), **reg. 1(1)**, Sch. 12 paras. 2, **3**
- C14** Ss. 33-42 applied (1.10.2014) by The Genetically Modified Organisms (Contained Use) Regulations 2014 (S.I. 2014/1663), **regs. 1, 30(2)(a)** (with reg. 3(1)(2))
- C15** Ss. 33-42 applied (with modifications) (E.W.S.) (1.6.2015) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), **regs. 2(2), 17(1)** (with reg. 3(4)(5)313233(1))
- C16** Ss. 33-42 applied (with modifications) (E.W.S.) (1.6.2015) by The Control of Major Accident Hazards Regulations 2015 (S.I. 2015/483), **regs. 1(1), 27(1)(d)** (with regs. 3(2), 27(3))
- C17** Ss. 33-42 applied (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), **regs. 1, 36(8)(d)** (with reg. 4(2), Sch. 14)
- C18** Ss. 33-42 applied (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), **regs. 1, 36(1)(d)** (with reg. 4(2), Sch. 14)
- C19** S. 33 applied (with modifications) (17.8.2015) by The Pyrotechnic Articles (Safety) Regulations 2015 (S.I. 2015/1553), **reg. 1, Sch. 8 paras. 1(n), 2**
- C20** S. 33(1)(c) restricted (12.4.1999) by S.I. 1999/743, **reg. 20(2)**  
S. 33(1)(c) excluded (16.5.2002) by S.I. 2002/1166, **reg. 31(4)** (with art. 37) S. 33(1)(c) modified (E.W.S.) (3.5.2004) by S.I. 2004/129, **reg. 23(4)**
- C21** S. 33(1)(c) (e)-(h) (k)-(o) (2) (2A) (3) applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by The Channel Tunnel (Safety) Order 2007 (S.I. 2007/3531), **art. 4(2)(3)(h)** (subject to (4)-(6)) (with art. 7)
- C22** S. 33(1)(c) applied (with modifications) (E.W.S.) (6.4.2010) by The Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (S.I. 2010/432), **reg. 6(2)(3)(g)** (with reg. 6(4)(5))
- C23** S. 33(1)(c) applied (with modifications) (E.W.S.) (6.4.2010) by The Train Driving Licences and Certificates Regulations 2010 (S.I. 2010/724), **regs. 1(2), 38(2)(3)(g)** (with reg. 38(4)(5))
- C24** S. 33(1)(c)(e)-(h)(j)-(o) applied (with modifications) (16.1.2012) by The Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), **regs. 1(2), 39(2)(3)(g)** (with reg. 3)
- C25** S. 33(1)(c) excluded (1.3.2014) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), **regs. 2(4), 21** (with reg. 3(4)(5)31)
- C26** S. 33(1)(c) excluded (1.10.2014) by The Genetically Modified Organisms (Contained Use) Regulations 2014 (S.I. 2014/1663), **regs. 1, 30(4)** (with reg. 3(1)(2))
- C27** S. 33(1)(c) applied (E.W.S.) (1.6.2015) by The Control of Major Accident Hazards Regulations 2015 (S.I. 2015/483), **regs. 1(1), 27(4)** (with regs. 3(2), 27(3))

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- C28** S. 33(1)(e) applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by [S.I. 2003/403, regs. 1\(2\), 23\(2\)\(a\)\(3\)](#)
- C29** S. 33(1)(e) applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772, reg. 17](#); s. 33(1)(e) applied (with modifications) (9.6.2004) by [S.I. 2004/1309, reg. 17](#)
- C30** S. 33(1)(e)-(h) applied (with modifications) (E.W.S.) (6.4.2010) by [The Rail Vehicle Accessibility \(Non-Interoperable Rail System\) Regulations 2010 \(S.I. 2010/432\), reg. 6\(2\)\(3\)\(g\)](#) (with [reg. 6\(4\)\(5\)](#))
- C31** S. 33(1)(e)-(h) applied (with modifications) (E.W.S.) (6.4.2010) by [The Train Driving Licences and Certificates Regulations 2010 \(S.I. 2010/724\), regs. 1\(2\), 38\(2\)\(3\)\(g\)](#) (with [reg. 38\(4\)\(5\)](#))
- C32** S. 33(1)(f) applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by [S.I. 2003/403, regs. 1\(2\), 23\(2\)\(a\)\(3\)](#)
- C33** S. 33(1)(f) modified (6.4.1992) by [S.I. 1992/711, regs. 1\(2\), 28\(3\)\(b\)\(5\)\(a\)](#)
- C34** Ss. 33(1)(f) applied (9.1.1995) by [S.I. 1994/3260, reg. 17\(3\)\(5\)](#)
- C35** S. 33(1)(f): power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15, ss. 2\(4\)\(f\), 5](#) (with [s. 3\(5\)](#))
- C36** S. 33(1)(f) applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772, reg. 17](#); s. 33(1)(f) applied (with modifications) (9.6.2004) by [S.I. 2004/1309, reg. 17](#)
- C37** S. 33(1)(c) (e)-(h) (k)-(o) (2) (2A) (3) applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by [The Channel Tunnel \(Safety\) Order 2007 \(S.I. 2007/3531\), art. 4\(2\)\(3\)\(h\)](#) (subject to (4)-(6)) (with [art. 7](#))
- C38** S. 33(1)(g) modified (6.4.1992) by [S.I. 1992/711, regs. 1\(2\), 28\(3\)\(b\)\(5\)\(a\)](#)
- C39** S. 33(1)(g) applied (9.1.1995) by [S.I. 1994/3260, reg. 17\(3\)\(5\)](#)
- C40** S. 33(1)(g): power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15, ss. 2\(4\)\(f\), 5](#) (with [s. 3\(5\)](#))
- C41** S. 33(1)(g) applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772, reg. 17](#); s. 33(1)(g) applied (with modifications) (9.6.2004) by [S.I. 2004/1309, reg. 17](#)
- C42** S. 33(1)(g): power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15, ss. 2\(4\)\(f\), 5](#) (with [s. 3\(5\)](#))
- C43** S. 33(1)(c) (e)-(h) (k)-(o) (2) (2A) (3) applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by [The Channel Tunnel \(Safety\) Order 2007 \(S.I. 2007/3531\), art. 4\(2\)\(3\)\(h\)](#) (subject to (4)-(6)) (with [art. 7](#))
- C44** S. 33(1)(h) applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by [S.I. 2003/403, regs. 1\(2\), 23\(2\)\(a\)\(3\)](#)
- C45** S. 33(1)(h) modified (6.4.1992) by [S.I. 1992/711, regs. 1\(2\), 28\(3\)\(b\)\(5\)\(a\)](#)
- C46** Ss. 33(1)(h) applied (9.1.1995) by [S.I. 1994/3260, reg. 17\(3\)\(5\)](#)
- C47** S. 33(1)(h): power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15, ss. 2\(4\)\(f\), 5](#) (with [s. 3\(5\)](#))
- C48** Ss. 33(1)(h) applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772, reg. 17](#); s. 33(1)(h) applied (with modifications) (9.6.2004) by [S.I. 2004/1309, reg. 17](#)
- C49** S. 33(1)(c) (e)-(h) (k)-(o) (2) (2A) (3) applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by [The Channel Tunnel \(Safety\) Order 2007 \(S.I. 2007/3531\), art. 4\(2\)\(3\)\(h\)](#) (subject to (4)-(6)) (with [art. 7](#))
- C50** S. 33(1)(i) applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by [S.I. 2003/403, regs. 1\(2\), 23\(2\)\(a\)\(3\)](#)
- C51** S. 33(1)(i) modified (6.4.1992) by [S.I. 1992/711, regs. 1\(2\), 28\(3\)\(b\)\(5\)\(a\)](#)
- C52** S. 33(1)(i): power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15, ss. 2\(4\)\(f\), 5](#) (with [s. 3\(5\)](#))
- C53** S. 33(1)(i) applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772, reg. 17](#); s. 33(1)(i) applied (with modifications) (9.6.2004) by [S.I. 2004/1309, reg. 17](#)
- C54** S. 33(1)(j) applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by [S.I. 2003/403, regs. 1\(2\), 23\(2\)\(a\)\(3\)](#)
- C55** S. 33(1)(j) modified (6.4.1992) by [S.I. 1992/711, regs. 1\(2\), 28\(3\)\(b\)\(5\)\(a\)](#)
- C56** S. 33(1)(j): power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15, ss. 2\(4\)\(f\), 5](#) (with [s. 3\(5\)](#))
- C57** S. 33(1)(j)-(o) applied (with modifications) (E.W.S.) (6.4.2010) by [The Rail Vehicle Accessibility \(Non-Interoperable Rail System\) Regulations 2010 \(S.I. 2010/432\), reg. 6\(2\)\(3\)\(g\)](#) (with [reg. 6\(4\)\(5\)](#))
- C58** S. 33(1)(j)-(o) applied (with modifications) (E.W.S.) (6.4.2010) by [The Train Driving Licences and Certificates Regulations 2010 \(S.I. 2010/724\), regs. 1\(2\), 38\(2\)\(3\)\(g\)](#) (with [reg. 38\(4\)\(5\)](#))
- C59** S. 33(1)(k) applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by [S.I. 2003/403, regs. 1\(2\), 23\(2\)\(a\)\(3\)](#)

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- C60** S. 33(1)(k) modified (6.4.1992) by S.I. 1992/711, **regs. 1(2), 28(3)(b)(5)(a)**
- C61** S. 33(1)(l) applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by S.I. 2003/403, **regs. 1(2), 23(2)(a)(3)**
- C62** S. 33(1)(l) modified (6.4.1992) by S.I. 1992/711, **regs. 1(2), 28(3)(b)(5)(a)**
- C63** S. 33(1)(c) (e)-(h) (k)-(o) (2) (2A) (3) applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by **The Channel Tunnel (Safety) Order 2007 (S.I. 2007/3531), art. 4(2)(3)(h)** (subject to (4)-(6)) (with art. 7)
- C64** S. 33(1)(m) applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by S.I. 2003/403, **regs. 1(2), 23(2)(a)(3)**
- C65** S. 33(1)(m) modified (6.4.1992) by S.I. 1992/711, **regs. 1(2), 28(3)(b)(5)(a)**
- C66** S. 33(1)(c) (e)-(h) (k)-(o) (2) (2A) (3) applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by **The Channel Tunnel (Safety) Order 2007 (S.I. 2007/3531), art. 4(2)(3)(h)** (subject to (4)-(6)) (with art. 7)
- C67** S. 33(1)(n) applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by S.I. 2003/403, **regs. 1(2), 23(2)(a)(3)**
- C68** S. 33(1)(n): power to apply conferred (E.W.S.) (28.8.1995) by 1995 c. 15, **ss. 2(4)(f), 5** (with s. 3(5))
- C69** S. 33(1)(n) applied (with modifications) (E.W.S.) (16.4.1996) by S.I. 1996/772, **reg. 17**; s. 33(1)(n) applied (with modifications) (9.6.2004) by S.I. 2004/1309, **reg. 17**
- C70** S. 33(1)(c) (e)-(h) (k)-(o) (2) (2A) (3) applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by **The Channel Tunnel (Safety) Order 2007 (S.I. 2007/3531), art. 4(2)(3)(h)** (subject to (4)-(6)) (with art. 7)
- C71** S. 33(1)(o) applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by S.I. 2003/403, **regs. 1(2), 23(2)(a)(3)**
- C72** Ss. 33(1)(o) applied (9.1.1995) by S.I. 1994/3260, **reg. 17(3)(5)**
- C73** S. 33(1)(o): power to apply conferred (E.W.S.) (28.8.1995) by 1995 c. 15, **ss. 2(4)(f), 5** (with s. 3(5))
- C74** S. 33(1)(o) applied (with modifications) (E.W.S.) (16.4.1996) by S.I. 1996/772, **reg. 17**; s. 33(1)(o) applied (with modifications) (9.6.2004) by S.I. 2004/1309, **reg. 17**
- C75** S. 33(1)(c) (e)-(h) (k)-(o) (2) (2A) (3) applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by **The Channel Tunnel (Safety) Order 2007 (S.I. 2007/3531), art. 4(2)(3)(h)** (subject to (4)-(6)) (with art. 7)

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