



# Health and Safety at Work etc. Act 1974

## 1974 CHAPTER 37

### PART IV

#### MISCELLANEOUS AND GENERAL

#### 78 Amendment of Fire Precautions Act 1971.

<sup>X1</sup><sup>F1</sup>(1) The <sup>M1</sup>Fire Precautions Act 1971 shall be amended in accordance with the following provisions of this section.

<sup>X1</sup>(2) In section 1(2) (power to designate uses of premises for which fire certificate is compulsory) at the end there shall be inserted as paragraph (f)—  
“(f) use of place of work.”

<sup>F2</sup>(3) .....

<sup>F3</sup>(4) .....

<sup>X1</sup>(5) In section 12(1) (power to make regulations about fire precautions as regards certain premises), at the end there shall be added the words “ and nothing in this section shall confer on the Secretary of State power to make provision with respect to the taking or observance of special precautions in connection with the carrying on of any manufacturing process ”.

<sup>X1</sup>(6) In section 17 (duty of fire authorities to consult other authorities before requiring alterations to buildings)—

(a) in subsection (1), the word “and” shall be omitted where last occurring in paragraph (i) and shall be added at the end of paragraph (ii), and after paragraph (ii) there shall be added as paragraph (iii)—

“(iii) if the premises are used as a place of work and are within the field of responsibility of one or more enforcing authorities within the meaning of Part I of the Health and Safety at Work etc. Act 1974, consult that authority or each of those authorities.”;

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*Changes to legislation: There are currently no known outstanding effects for the  
 Health and Safety at Work etc. Act 1974, Section 78. (See end of Document for details)*

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- (b) in subsection (2) (clarification of references in section 9 to persons aggrieved), for the words “or buildings authority” there shall be substituted the words “buildings authority or other authority”;
- (c) after subsection (2) there shall be added as subsection (3)—

“(3) Section 18(7) of the Health and Safety at Work etc. Act 1974 (meaning in Part I of that Act of “enforcing authority” and of such an authority’s “field of responsibility”) shall apply for the purposes of this section as it applies for the purposes of that Part.”

<sup>X1</sup>(7) In section 18 (enforcement of Act)—

- (a) for the word “it” there shall be substituted the words “ (1) Subject to subsection (2) below, it ”;
- (b) for the word “section” there shall be substituted the word “ subsection ”; and
- (c) [<sup>F4</sup>after the word “offence” there shall be added as subsection (2)—

“(2) A fire authority shall have power to arrange with the Health and Safety Commission for such of the authority’s functions under this Act as may be specified in the arrangements to be performed on their behalf by the Health and Safety Executive (with or without payment) in relation to any particular premises so specified which are used as a place of work.”]

<sup>X1</sup>(8) In section 40 (application to Crown etc.)—

- (a) in subsection (1)(a) (provisions which apply to premises owned, but not occupied by the Crown), after the word “6” there shall be inserted the words “ , 9A (except subsection (4)) ”;
- (b) in subsection (1)(b) (provisions which apply to premises owned, but not occupied by the Crown), after the word “8” there shall be inserted the word “ 9A ”;
- (c) in subsection (10) (application of Act to hospital premises in Scotland), for the words from “Regional” to “hospitals” there shall be substituted the words “ Health Board ”;

<sup>F5</sup>(d) .....

<sup>X1</sup>(9) In section 43(1) (interpretation) there shall be added at the end the following definition—

““work” has the same meaning as it has for the purposes of Part I of the Health and Safety at Work etc. Act 1974”

- (10) Schedule 8 (transitional provisions with respect to fire certificates under the <sup>M2</sup>Factories Act 1961 or the <sup>M3</sup>Offices, Shops and Railway Premises Act 1963) shall have effect.]

#### **Editorial Information**

**X1** The text of ss. 75, 77, 78(1)–(3)(5)–(9), 83, Sch. 7, Sch. 9 para. 1, and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### **Textual Amendments**

**F1** S. 78 repealed (E.W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), [art. 53\(2\)](#), [Sch. 4](#) (with [art. 49](#)) (as amended by [The Regulatory Reform \(Fire Safety\)](#)

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Subordinate Provisions Order 2006 (S.I. 2006/484), **arts. 1(1), 2**); and s. 78 repealed (S.) (1.10.2006) by The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 2(2), **Sch. 2**

**F2** S. 78(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XVI** Group 1.

**F3** S. 78(4) repealed by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 45A), s. 49, **Sch. 4**

**F4** S. 78(7)(c) repealed (E.W.S.) (1.4.2006) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/266, **art. 2(2)**, Sch.

**F5** S. 78(8)(d) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3**

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### Marginal Citations

**M1** 1971 c. 40.

**M2** 1961 c. 34.

**M3** 1963 c. 41.

**Changes to legislation:**

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