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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

**The Legislative Reform (Health  
and Safety Executive) Order 2008**

**Establishment of the new Health and Safety Executive**

5. For sections 11 to 13 substitute—

**“11. Functions of the Executive**

(1) It shall be the general duty of the Executive to do such things and make such arrangements as it considers appropriate for the general purposes of this Part.

(2) In connection with the general purposes of this Part, the Executive shall—

- (a) assist and encourage persons concerned with matters relevant to those purposes to further those purposes;
- (b) make arrangements as it considers appropriate for the carrying out of research and the publication of the results of research and the provision of training and information, and encourage research and the provision of training and information by others;
- (c) make arrangements as it considers appropriate to secure that the following persons are provided with an information and advisory service on matters relevant to those purposes and are kept informed of and are adequately advised on such matters—
  - (i) government departments,
  - (ii) local authorities,
  - (iii) employers,
  - (iv) employees,
  - (v) organisations representing employers or employees, and
  - (vi) other persons concerned with matters relevant to the general purposes of this Part.

(3) The Executive shall submit from time to time to the Secretary of State such proposals as the Executive considers appropriate for the making of regulations under any of the relevant statutory provisions.

(4) In subsections (1) to (3) above—

- (a) references to the general purposes of this Part do not include references to the railway safety purposes; and
- (b) the reference to a power to make regulations under the relevant statutory provisions does not include a reference so far as it is exercisable for the railway safety purposes.

(5) It shall be the duty of the Executive—

- (a) to submit to the Secretary of State from time to time particulars of what it proposes to do for the purpose of performing of its functions;

- (b) to ensure that its activities are in accordance with proposals approved by the Secretary of State; and
- (c) to give effect to any directions given to it by the Secretary of State.
- (6) The Executive shall provide a Minister of the Crown on request—
  - (a) with information about its activities in connection with any matter with which the Minister is concerned; and
  - (b) with advice on any matter with which he is concerned, where relevant expert advice is obtainable from any of the officers or servants of the Executive, but which is not relevant to the general purposes of this Part.

## **12. Control of the Executive by the Secretary of State**

- (1) The Secretary of State may approve any proposals submitted to him under section 11(5)(a) with or without modifications.
- (2) The Secretary of State may at any time give to the Executive—
  - (a) such directions as he thinks fit with respect to its functions, or
  - (b) such directions which appear to him requisite or expedient to give in the interests of the safety of the State.
- (3) The Secretary of State may not under subsection (2) give any directions with regard to the enforcement of the relevant statutory provisions in any particular case.
- (4) The reference to directions in subsection (2)(a)—
  - (a) includes directions modifying the Executive’s functions, but
  - (b) does not include directions conferring functions on the Executive other than any functions of which it was deprived by previous directions given under subsection (2)(a).

## **13. Powers of the Executive**

- (1) Subject to subsection (2), the Executive shall have power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of its functions, including a function conferred on it under this subsection.
- (2) The power in subsection (1) shall not include the power to borrow money.
- (3) The Executive may make agreements with a government department or other person for that department or person to perform any of its functions, with or without payment.
- (4) Subject to subsections (5) and (6), the Executive may make agreements with a Minister of the Crown, with a government department or with a public authority to perform functions exercisable by that Minister, department or authority, with or without payment.
- (5) The functions referred to in subsection (4)—
  - (a) in the case of a Minister of the Crown, include functions not conferred by an enactment;
  - (b) shall be functions which the Secretary of State considers can be appropriately performed by the Executive; and
  - (c) do not include any power to make regulations or other instruments of a legislative character.
- (6) The Executive may provide services or facilities, with or without payment, otherwise than for the general purposes of this Part, to a government department or public authority in connection with the exercise of that department’s or authority’s functions.

(7) The Executive may appoint persons or committees of persons to provide it with advice in connection with any of its functions and, without prejudice to subsection (8), it may remunerate these persons.

(8) The Executive may, in connection with the performance of its functions, pay to any person—

- (a) travelling and subsistence allowances, and
- (b) compensation for loss of remunerative time.

(9) Any amounts paid under subsections (7) and (8) shall be such as may be determined by the Secretary of State, with the approval of the Minister for the Civil Service.

(10) The Executive may—

- (a) carry out, arrange for, or make payments for the carrying out of, research into any matter connected with its functions, and
- (b) disseminate or arrange for or make payments for the dissemination of information derived from this research.

(11) The Executive may include, in any arrangements made for the provision of services or facilities under subsection (6), provision for the making of payments to the Executive, or any person acting on its behalf, by other parties to the arrangements and by persons using those services or facilities. ”