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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**

**16.**—(1) Section 50 is amended as follows.

(2) For subsection (1), substitute—

“(1) Where any power to make regulations under any of the relevant statutory provisions is exercisable by the Secretary of State, that power may be exercised either—

(a) so as to give effect (with or without modifications) to proposals submitted by the Executive under section 11(3); or

(b) subject to subsection (1AA), independently of such proposals.

(1AA) The Secretary of State shall not exercise the power referred to in subsection (1) independently of proposals from the Executive unless he has consulted the Executive and such other bodies as appear to him to be appropriate.”.

(3) In subsection (2), for “the Commission” substitute “the Executive”.

(4) In subsection (3)—

(a) for “11(2)(d)”, substitute “11(3)”; and

(b) for each reference to “the Commission” substitute “the Executive”.