



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

Health and safety regulations and approved codes of practice

15 Health and safety regulations.

[^{F1}(1) Subject to the provisions of section 50, the Secretary of State ^{F2} . . . shall have power to make regulations under this section for any of the general purposes of this Part (and regulations so made are in this Part referred to as “ health and safety regulations ”).]

[^{F3}(1A) In subsection (1), the reference to the general purposes of this Part does not include a reference to any of the following—

- (a) the nuclear safety purposes;
- (b) the nuclear security purposes;
- (c) the nuclear safeguards purposes;
- (d) the radioactive material transport purposes.

(1B) Subsection (1A) does not preclude health and safety regulations from including provision merely because the provision could be made for any of the purposes mentioned in paragraphs (a) to (d) of that subsection.]

(2) Without prejudice to the generality of [^{F4}subsection (1)], health and safety regulations may for any of the general purposes of this Part make provision for any of the purposes mentioned in Schedule 3.

(3) Health and safety regulations—

- (a) may repeal or modify any of the existing statutory provisions;
- (b) may exclude or modify in relation to any specified class of case any of the provisions of sections 2 to 9 or any of the existing statutory provisions;

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- (c) may ^[F5], subject to subsection (3A),]make a specified authority or class of authorities responsible, to such extent as may be specified, for the enforcement of any of the relevant statutory provisions.

^[F6](3A) Nothing in this section is to be taken to permit health and safety regulations to make provision about responsibility for the enforcement of any of the relevant statutory provisions as they apply in relation to any GB nuclear site.

(3B) Subsection (3A) does not prevent health and safety regulations providing for the Office of Rail Regulation to be responsible for the enforcement, in relation to GB nuclear sites, of any of the relevant statutory provisions that are made for the railway safety purposes.

(3C) In subsections (3A) and (3B), “ GB nuclear site ” has the same meaning as in section 68 of the Energy Act 2013 (nuclear safety purposes).]

(4) Health and safety regulations—

- (a) may impose requirements by reference to the approval of ^[F7]the Executive] or any other specified body or person;
- (b) may provide for references in the regulations to any specified document to operate as reference to that document as revised or re-issued from time to time.

(5) Health and safety regulations—

- (a) may provide (either unconditionally or subject to conditions, and with or without limit of time) for exemptions from any requirement or prohibition imposed by or under any of the relevant statutory provisions;
- (b) may enable exemptions from any requirement or prohibition imposed by or under any of the relevant statutory provisions to be granted (either unconditionally or subject to conditions, and with or without limit of time) by any specified person or by any person authorised in that behalf by a specified authority.

(6) Health and safety regulations—

- (a) may specify the persons or classes of persons who, in the event of a contravention of a requirement or prohibition imposed by or under the regulations, are to be guilty of an offence, whether in addition to or to the exclusion of other persons or classes of persons;
- (b) may provide for any specified defence to be available in proceedings for any offence under the relevant statutory provisions either generally or in specified circumstances;
- (c) may exclude proceedings on indictment in relation to offences consisting of a contravention of a requirement or prohibition imposed by or under any of the existing statutory provisions, sections 2 to 9 or health and safety regulations;
- (d) may restrict the punishments ^[F8](other than the maximum fine on conviction on indictment)] which can be imposed in respect of any such offence as is mentioned in paragraph (c) above.

^[F9](e) ^{F10}

(7) Without prejudice to section 35, health and safety regulations may make provision for enabling offences under any of the relevant statutory provisions to be treated as having been committed at any specified place for the purpose of bringing any such offence within the field of responsibility of any enforcing authority or conferring jurisdiction on any court to entertain proceedings for any such offence.

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- (8) Health and safety regulations may take the form of regulations applying to particular circumstances only or to a particular case only (for example, regulations applying to particular premises only).
- (9) If an Order in Council is made under section 84(3) providing that this section shall apply to or in relation to persons, premises or work outside Great Britain then, notwithstanding the Order, health and safety regulations shall not apply to or in relation to aircraft in flight, vessels, hovercraft or offshore installations outside Great Britain or persons at work outside Great Britain in connection with submarine cables or submarine pipelines except in so far as the regulations expressly so provide.
- (10) In this section “specified” means specified in health and safety regulations.

Textual Amendments

- F1** S. 15(1) substituted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 15 para. 6**
- F2** Words in S. 15(1) repealed (27.3.2002) by [S.I. 2002/794](#), art. 5(2), **Sch. 2**(with art. 6)
- F3** S. 15(1A)(1B) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 5(2)**; [S.I. 2014/251](#), art. 4
- F4** Words in s. 15(2) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 5(3)**; [S.I. 2014/251](#), art. 4
- F5** Words in s. 15(3)(c) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 5(4)**; [S.I. 2014/251](#), art. 4
- F6** S. 15(3A)-(3C) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 5(5)**; [S.I. 2014/251](#), art. 4
- F7** Words in s. 15(4)(a) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 7** (with art. 21, Sch. 2)
- F8** Words inserted by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 12**
- F9** S. 15(6)(e) inserted (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\)](#), **s. 4(1)(6)**.
- F10** S. 15(6)(e) repealed (16.1.2009) by [Health and Safety \(Offences\) Act 2008 \(c. 20\)](#), ss. 2, 3(2), Sch. 3 para. 2(1), **Sch. 4** (with s. 3(3))

Modifications etc. (not altering text)

- C20** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840](#), **arts. 2–10**
- C21** S. 15 extended (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\)](#), **ss. 1(2)**, 2(2).
S. 15 extended (31.10.1994) by [1994 c. 21](#), **s. 55(1)(3)** (with s. 40(7)); [S.I. 1994/2553](#), **art. 2**
S. 15 applied (19.10.1994) by [S.I. 1994/2479](#), **reg. 3**
S. 15 applied (31.1.1995) by [S.I. 1994/3247](#), **reg. 16(1)(a)**
- C22** Ss. 1-59, 80-82 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)**)
- C23** S. 15 modified (20.9.2001) by [S.I. 2001/2975](#), **reg. 19**
- C24** 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)**)
- C25** 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)**)
- C26** S. 15(1) extended (E.W.S) (2.2.1994) by [1993 c. 43](#), **ss. 117(3)(6)**, 150(1)(e); [S.I. 1994/202](#), **art. 2**
- C27** S. 15(7): power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15](#), **ss. 2(4)(a)**, 5 (with s. 3(5))

Status: Point in time view as at 01/06/2015.

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16 Approval of codes of practice by ^{F11}the Executive]. **E+W+S**

- (1) For the purpose of providing practical guidance with respect to the requirements of any provision of ^{F12}any of the enactments or instruments mentioned in subsection (1A) below], ^{F11}the Executive] may, subject to the following subsection ^{F13}. . .
- (a) approve and issue such codes of practice (whether prepared by it or not) as in its opinion are suitable for that purpose;
 - (b) approve such codes of practice issued or proposed to be issued otherwise than by ^{F11}the Executive] as in its opinion are suitable for that purpose.

^{F14}(1A) Those enactments and instruments are—

- (a) sections 2 to 7 above;
 - (b) health and safety regulations, except so far as they make provision exclusively in relation to transport systems falling within paragraph 1(3) of Schedule 3 to the Railways Act 2005; and
 - (c) the existing statutory provisions that are not such provisions by virtue of section 117(4) of the Railways Act 1993.]
- (2) ^{F11}The Executive] shall not approve a code of practice under subsection (1) above without the consent of the Secretary of State, and shall, before seeking his consent, consult—
- (a) any government department or other body that appears to ^{F11}the Executive] to be appropriate^{F15} ... ^{F15} ... ^{F15} ...; and
 - (b) such government departments and other bodies, if any, as in relation to any matter dealt with in the code, ^{F11}the Executive] is required to consult under this section by virtue of directions given to it by the Secretary of State.
- (3) Where a code of practice is approved by ^{F11}the Executive] under subsection (1) above, ^{F11}the Executive] shall issue a notice in writing—
- (a) identifying the code in question and stating the date on which its approval by ^{F11}the Executive] is to take effect; and
 - (b) specifying for which of the provisions mentioned in subsection (1) above the code is approved.
- (4) ^{F11}The Executive] may—
- (a) from time to time revise the whole or any part of any code of practice prepared by it in pursuance of this section;
 - (b) approve any revision or proposed revision of the whole or any part of any code of practice for the time being approved under this section;
- and the provisions of subsections (2) and (3) above shall, with the necessary modifications, apply in relation to the approval of any revision under this subsection as they apply in relation to the approval of a code of practice under subsection (1) above.
- (5) ^{F11}The Executive] may at any time with the consent of the Secretary of State withdraw its approval from any code of practice approved under this section, but before seeking his consent shall consult the same government departments and other bodies as it would be required to consult under subsection (2) above if it were proposing to approve the code.
- (6) Where under the preceding subsection ^{F11}the Executive] withdraws its approval from a code of practice approved under this section, ^{F11}the Executive] shall issue a notice in writing identifying the code in question and stating the date on which its approval of it is to cease to have effect.

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- (7) References in this Part to an approved code of practice are references to that code as it has effect for the time being by virtue of any revision of the whole or any part of it approved under this section.
- (8) The power of [F11the Executive] under subsection (1)(b) above to approve a code of practice issued or proposed to be issued otherwise than by [F11the Executive] shall include power to approve a part of such a code of practice; and accordingly in this Part “code of practice” may be read as including a part of such a code of practice.

Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F11** Words in s. 16 substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 8** (with **art. 21**, **Sch. 2**)
- F12** Words in s. 16(1) substituted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 2, 60, **Sch. 3 para. 9(1)**; [S.I. 2006/266](#), **art. 2**, **Sch.**
- F13** Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F14** S. 16(1A) inserted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 2, 60, **Sch. 3 para. 9(2)**; [S.I. 2006/266](#), **art. 2**, **Sch.**
- F15** Words in s. 16(2)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 7 para. 5**; [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)

Modifications etc. (not altering text)

- C25** 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)**)
- C28** Ss. 1-25, 26, 27, 28, 30, 33, 34-59, 80, 81 and 82 applied by [S.I. 1989/840](#), **arts. 2-10**
Ss. 16-21, 23, 24, 26, 28, 33, 34, 36-39, 42(1)-(3), 46 extended (E.W.S.) (1.10.1996) by [S.I. 1996/1513](#), **reg. 10**
Ss. 16-24, 26, 28, 33-40, 42, 46, 47 excluded (with saving) (E.W.S.) (1.12.1997) by [S.I. 1997/1840](#), **regs. 7, 9**
Ss. 16-26, 33-42, 47 applied (15.11.2000) by [S.I. 2000/2831](#), **reg. 26(1)(a)**
- C29** Ss. 16-21 extended (with modifications) (1.4.1999) by [S.I. 1999/743](#), **reg. 20(1)**, (2), (3)
Ss. 16-21 applied (E.W.S.) (20.9.2001) by [S.I. 2001/2975](#), **reg. 19(a)**
Ss. 16-26 applied (E.W.S.) (24.7.2002) by [S.I. 2002/1689](#), **reg. 14(1)(a)**
- C30** Ss. 1-59, 80-82 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)**)
- C31** 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)**)
- C32** Ss. 16-26 applied (E.W.S.) (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)**)
- C33** Ss. 16-21 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)(a)** (with **reg. 3(2)**)

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16 Approval of codes of practice by [F11the Executive]. **N.I.**

- (1) For the purpose of providing practical guidance with respect to the requirements of any provision of sections 2 to 7 or of health and safety regulations or of any of the existing statutory provisions, [F11the Executive] may, subject to the following subsection^{F13} . . .
 - (a) approve and issue such codes of practice (whether prepared by it or not) as in its opinion are suitable for that purpose;
 - (b) approve such codes of practice issued or proposed to be issued otherwise than by [F11the Executive] as in its opinion are suitable for that purpose.
- (2) [F11The Executive] shall not approve a code of practice under subsection (1) above without the consent of the Secretary of State, and shall, before seeking his consent, consult—
 - (a) any government department or other body that appears to [F11the Executive] to be appropriate^{F15} . . .; and
 - (b) such government departments and other bodies, if any, as in relation to any matter dealt with in the code, [F11the Executive] is required to consult under this section by virtue of directions given to it by the Secretary of State.
- (3) Where a code of practice is approved by [F11the Executive] under subsection (1) above, [F11the Executive] shall issue a notice in writing—
 - (a) identifying the code in question and stating the date on which its approval by [F11the Executive] is to take effect; and
 - (b) specifying for which of the provisions mentioned in subsection (1) above the code is approved.
- (4) [F11The Executive] may—
 - (a) from time to time revise the whole or any part of any code of practice prepared by it in pursuance of this section;
 - (b) approve any revision or proposed revision of the whole or any part of any code of practice for the time being approved under this section;

and the provisions of subsections (2) and (3) above shall, with the necessary modifications, apply in relation to the approval of any revision under this subsection as they apply in relation to the approval of a code of practice under subsection (1) above.
- (5) [F11The Executive] may at any time with the consent of the Secretary of State withdraw its approval from any code of practice approved under this section, but before seeking his consent shall consult the same government departments and other bodies as it would be required to consult under subsection (2) above if it were proposing to approve the code.
- (6) Where under the preceding subsection [F11the Executive] withdraws its approval from a code of practice approved under this section, [F11the Executive] shall issue a notice in writing identifying the code in question and stating the date on which its approval of it is to cease to have effect.
- (7) References in this Part to an approved code of practice are references to that code as it has effect for the time being by virtue of any revision of the whole or any part of it approved under this section.
- (8) The power of [F11the Executive] under subsection (1)(b) above to approve a code of practice issued or proposed to be issued otherwise than by [F11the Executive] shall include power to approve a part of such a code of practice; and accordingly in this Part “code of practice” may be read as including a part of such a code of practice.

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Changes to legislation: There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Cross Heading: Health and safety regulations and approved codes of practice. (See end of Document for details)

Extent Information

- E3** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F11** Words in s. 16 substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 8** (with **art. 21**, **Sch. 2**)
- F13** Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F15** Words in s. 16(2)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 7 para. 5**; [S.I. 2013/160](#), **art. 2(2)** (with **arts. 7-9**)

Modifications etc. (not altering text)

- C28** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840](#), **arts. 2–10**
Ss. 16–21, 23, 24, 26, 28, 33, 34, 36–39, 42(1)–(3), 46 extended (E.W.S.) (1.10.1996) by [S.I. 1996/1513](#), **reg. 10**
Ss. 16–24, 26, 28, 33–40, 42, 46, 47 excluded (with saving) (E.W.S.) (1.12.1997) by [S.I. 1997/1840](#), **regs. 7, 9**
Ss. 16–26, 33–42, 47 applied (15.11.2000) by [S.I. 2000/2831](#), **reg. 26(1)(a)**
- C29** Ss. 16–21 extended (with modifications) (1.4.1999) by [S.I. 1999/743](#), **reg. 20(1)**, (2), (3)
Ss. 16–21 applied (E.W.S.) (20.9.2001) by [S.I. 2001/2975](#), **reg. 19(a)**
Ss. 16–26 applied (E.W.S.) (24.7.2002) by [S.I. 2002/1689](#), **reg. 14(1)(a)**
- C30** Ss. 1–59, 80–82 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)**)
- C31** 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)**)

17 Use of approved codes of practice in criminal proceedings.

- (1) A failure on the part of any person to observe any provision of an approved code of practice shall not of itself render him liable to any civil or criminal proceedings; but where in any criminal proceedings a party is alleged to have committed an offence by reason of a contravention of any requirement or prohibition imposed by or under any such provision as is mentioned in section 16(1) being a provision for which there was an approved code of practice at the time of the alleged contravention, the following subsection shall have effect with respect to that code in relation to those proceedings.
- (2) Any provision of the code of practice which appears to the court to be relevant to the requirement or prohibition alleged to have been contravened shall be admissible in evidence in the proceedings; and if it is proved that there was at any material time a failure to observe any provision of the code which appears to the court to be relevant to any matter which it is necessary for the prosecution to prove in order to establish a contravention of that requirement or prohibition, that matter shall be taken as proved unless the court is satisfied that the requirement or prohibition was in respect of that matter complied with otherwise than by way of observance of that provision of the code.
- (3) In any criminal proceedings—
 - (a) a document purporting to be a notice issued by [^{F16}the Executive] under section 16 shall be taken to be such a notice unless the contrary is proved; and

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- (b) a code of practice which appears to the court to be the subject of such a notice shall be taken to be the subject of that notice unless the contrary is proved.

Textual Amendments

- F16** Words in s. 17(3)(a) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 9](#) (with [art. 21](#), [Sch. 2](#))

Modifications etc. (not altering text)

- C25** 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\(2\)](#))
- C32** Ss. 16-26 applied (E.W.S.) (1.10.2014) by [The Genetically Modified Organisms \(Contained Use\) Regulations 2014 \(S.I. 2014/1663\)](#), regs. 1, [30\(2\)\(a\)](#) (with [reg. 3\(1\)\(2\)](#))
- C33** Ss. 16-21 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\(1\)\(a\)](#) (with [reg. 3\(2\)](#))
- C34** Ss. 1-25, 26, 27, 28, 30, 33, 34-59, 80, 81 and 82 applied by S.I. 1989/840, [arts. 2-10](#)
 Ss. 16-21, 23, 24, 26, 28, 33, 34, 36-39, 42(1)-(3), 46 extended (E.W.S.) (1.10.1996) by S.I. 1996/1513, [reg. 10](#)
 Ss. 16-24, 26, 28, 33-40, 42, 46, 47 excluded (with saving) (E.W.S.) (1.12.1997) by S.I. 1997/1840, [regs. 7, 9](#)
 Ss. 16-26, 33-42, 47 applied (15.11.2000) by S.I. 2000/2831, [reg. 26\(1\)\(a\)](#)
 Ss. 16-26 applied (E.W.S.) (24.7.2002) by S.I. 2002/1689, [reg. 14\(1\)\(a\)](#)
- C35** Ss. 16-21 extended (with modifications) (1.4.1999) by S.I. 1999/743, [reg. 20\(1\)\(a\)](#), (2)(3)
 Ss. 16-21 applied (E.W.S.) (20.9.2001) by S.I. 2001/2975, [reg. 19\(a\)](#)
- C36** Ss. 1-59, 80-82 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\(2\)\(4\)](#))
- C37** 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\(3\)](#))

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Changes to legislation:

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