



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

The Health and Safety Commission and the Health and Safety Executive

[^{F1}10 Establishment of the Executive.

- (1) There shall be a body corporate to be known as the Health and Safety Executive (in this Act referred to as “the Executive”).
- (2) The provisions of Schedule 2 shall have effect with respect to the Executive.
- (3) The functions of the Executive and of its officers and servants shall be performed on behalf of the Crown.
- (4) For the purpose of any civil proceedings arising out of those functions—
 - (a) in England and Wales and Northern Ireland, the Crown Proceedings Act 1947 shall apply to the Executive as if it were a government department within the meaning of that Act, and
 - (b) in Scotland, the Crown Suits (Scotland) Act 1857 shall apply to the Executive as if it were a public department within the meaning of that Act.]

Textual Amendments

- F1** S. 10 substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 4](#) (with [art. 21](#), [Sch. 2](#))

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** 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\(2\)\(4\)](#))

Status: Point in time view as at 01/04/2008.

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

C22 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\(3\)](#))

[^{F2}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 such 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 such 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)—
 - (a) references to the general purposes of this Part do not include references to the railway safety purposes; and
 - (b) the reference to the making of regulations under the relevant statutory provisions does not include a reference so far as the regulations are made 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

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- (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.]

Textual Amendments

F2 Ss. 11-13 substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 5](#) (with [art. 21](#), [Sch. 2](#))

Modifications etc. (not altering text)

C23 Ss. 1-25, 26, 27, 28, 30, 33, 34-59, 80, 81 and 82 applied by [S.I. 1989/840](#), [arts. 2-10](#)

C24 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\(2\)\(4\)](#))

C25 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\(3\)](#))

[^{F3}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—
- such directions as he thinks fit with respect to its functions, or
 - such directions as 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)—
- includes directions modifying the Executive's functions, but
 - 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).]

Textual Amendments

F3 Ss. 11-13 substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 5](#) (with [art. 21](#), [Sch. 2](#))

Modifications etc. (not altering text)

C26 Ss. 1-25, 26, 27, 28, 30, 33, 34-59, 80, 81 and 82 applied by [S.I. 1989/840](#), [arts. 2-10](#)

C27 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\(2\)\(4\)](#))

C28 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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[^{F4}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.]

Textual Amendments

F4 Ss. 11-13 substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 5](#) (with [art. 21](#), [Sch. 2](#))

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Modifications etc. (not altering text)

- C29** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by S.I. 1989/840, **arts. 2–10**
- 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** S. 13(2) restricted (E.W.S.) (8.11.2006) by 2006 c. 49, **s. 51(2)** (with s. 61(9)(a))
- C32** 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)**)

14 Power of the Commission to direct investigations and inquiries. E+W+S

- (1) This section applies to the following matters, that is to say any accident, occurrence, situation or other matter whatsoever which [^{F5}the Executive] thinks it necessary or expedient to investigate for any of the general purposes of this Part or with a view to the making of regulations for those purposes; and for the purposes of this subsection [^{F6}(a) those general purposes shall be treated as not including the railway safety purposes; but (b) it is otherwise] immaterial whether the Executive is or is not responsible for securing the enforcement of such (if any) of the relevant statutory provisions as relate to the matter in question.
- [^{F7}(2) The Executive may at any time—
- (a) investigate and make a special report on any matter to which this section applies; or
 - (b) authorise another person to investigate and make a special report into any such matter.
- (2A) The Executive may at any time, with the consent of the Secretary of State, direct an inquiry to be held into any matter to which this section applies.]
- (3) Any inquiry held by virtue of [^{F8}subsection (2A)] above shall be held in accordance with regulations made for the purposes of this subsection by the Secretary of State, and shall be held in public except where or to the extent that the regulations provide otherwise.
- (4) Regulations made for the purposes of subsection (3) above may in particular include provision—
- (a) conferring on the person holding any such inquiry, and any person assisting him in the inquiry, powers of entry and inspection;
 - (b) conferring on any such person powers of summoning witnesses to give evidence or produce documents and power to take evidence on oath and administer oaths or require the making of declarations;
 - (c) requiring any such inquiry to be held otherwise than in public where or to the extent that a Minister of the Crown so directs.
- [^{F9}(5) In the case of a special report made by virtue of subsection (2), or a report made by the person holding an inquiry by virtue of subsection (2A), the Executive may cause the report, or so much of it as the Executive thinks fit, to be made public at such time and in such manner as it thinks fit.]
- (6) [^{F10}The Executive]—

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- (a) in the case of an investigation and special report made by virtue of [F11 subsection (2)] above (otherwise than by an officer or servant of the Executive), may pay to the person making it such remuneration and expenses as the Secretary of State may, with the approval of the Minister for the Civil Service, determine;
 - (b) in the case of an inquiry held by virtue of [F12 subsection (2A)] above, may pay to the person holding it and to any assessor appointed to assist him such remuneration and expenses, and to persons attending the inquiry as witnesses such expenses, as the Secretary of State may, with the like approval, determine; and
 - (c) may, to such extent as the Secretary of State may determine, defray the other costs, if any, of any such investigation and special report or inquiry.
- (7) Where an inquiry is directed to be held by virtue of [F13 subsection (2A)] above into any matter to which this section applies arising in Scotland, being a matter which causes the death of any person, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents [F14M1 and Sudden Deaths Inquiry (Scotland) Act 1976.]

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

- F5** Words in s. 14(1) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 6(2)** (with art. 21, Sch. 2)
- F6** Words in s. 14(1) substituted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 2, 60, **Sch. 3 para. 4(5)** (with paras. 5, 6); S.I. 2006/266, **art. 2**
- F7** S. 14(2)(2A) substituted (1.4.2008) for s. 14(2) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 6(3)** (with art. 21, Sch. 2)
- F8** Words in s. 14(3) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 6(4)** (with art. 21, Sch. 2)
- F9** S. 14(5) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 6(5)** (with art. 21, Sch. 2)
- F10** Words in s. 14(6) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 6(6)(a)** (with art. 21, Sch. 2)
- F11** Words in s. 14(6)(a) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 6(6)(b)** (with art. 21, Sch. 2)
- F12** Words in s. 14(6)(b) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 6(6)(c)** (with art. 21, Sch. 2)
- F13** Words in s. 14(7) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 6(7)** (with art. 21, Sch. 2)
- F14** Words substituted by [Fatal Accidents and Sudden Deaths Inquiry \(Scotland\) Act 1976 \(c. 14\)](#), **Sch. 1 para. 4**

Modifications etc. (not altering text)

- C33** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840](#), **arts. 2–10**
- C34** 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)**)
- C35** S. 14 continued (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 21, **Sch. 2 para. 6(2)**

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C36 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))

Marginal Citations

M1 1976 c. 14.

14 Power of the Commission to direct investigations and inquiries. **N.I.**

- (1) This section applies to the following matters, that is to say any accident, occurrence, situation or other matter whatsoever which [^{F5}the Executive] thinks it necessary or expedient to investigate for any of the general purposes of this Part or with a view to the making of regulations for those purposes; and for the purposes of this subsection it is immaterial whether the Executive is or is not responsible for securing the enforcement of such (if any) of the relevant statutory provisions as relate to the matter in question.
- [^{F7}(2) The Executive may at any time—
- (a) investigate and make a special report on any matter to which this section applies; or
 - (b) authorise another person to investigate and make a special report into any such matter.
- (2A) The Executive may at any time, with the consent of the Secretary of State, direct an inquiry to be held into any matter to which this section applies.]
- (3) Any inquiry held by virtue of [^{F8}subsection (2A)] above shall be held in accordance with regulations made for the purposes of this subsection by the Secretary of State, and shall be held in public except where or to the extent that the regulations provide otherwise.
- (4) Regulations made for the purposes of subsection (3) above may in particular include provision—
- (a) conferring on the person holding any such inquiry, and any person assisting him in the inquiry, powers of entry and inspection;
 - (b) conferring on any such person powers of summoning witnesses to give evidence or produce documents and power to take evidence on oath and administer oaths or require the making of declarations;
 - (c) requiring any such inquiry to be held otherwise than in public where or to the extent that a Minister of the Crown so directs.
- [^{F9}(5) In the case of a special report made by virtue of subsection (2), or a report made by the person holding an inquiry by virtue of subsection (2A), the Executive may cause the report, or so much of it as the Executive thinks fit, to be made public at such time and in such manner as it thinks fit.]
- (6) [^{F10}The Executive]—
- (a) in the case of an investigation and special report made by virtue of [^{F11}subsection (2)] above (otherwise than by an officer or servant of the Executive), may pay to the person making it such remuneration and expenses as the Secretary of State may, with the approval of the Minister for the Civil Service, determine;
 - (b) in the case of an inquiry held by virtue of [^{F12}subsection (2A)] above, may pay to the person holding it and to any assessor appointed to assist him

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such remuneration and expenses, and to persons attending the inquiry as witnesses such expenses, as the Secretary of State may, with the like approval, determine; and

- (c) may, to such extent as the Secretary of State may determine, defray the other costs, if any, of any such investigation and special report or inquiry.

- (7) Where an inquiry is directed to be held by virtue of [F13 subsection (2A)] above into any matter to which this section applies arising in Scotland, being a matter which causes the death of any person, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents [F14M1 and Sudden Deaths Inquiry (Scotland) Act 1976.]

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

- F5** Words in s. 14(1) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 6\(2\)](#) (with art. 21, Sch. 2)
- F7** S. 14(2)(2A) substituted (1.4.2008) for s. 14(2) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 6\(3\)](#) (with art. 21, Sch. 2)
- F8** Words in s. 14(3) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 6\(4\)](#) (with art. 21, Sch. 2)
- F9** S. 14(5) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 6\(5\)](#) (with art. 21, Sch. 2)
- F10** Words in s. 14(6) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 6\(6\)\(a\)](#) (with art. 21, Sch. 2)
- F11** Words in s. 14(6)(a) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 6\(6\)\(b\)](#) (with art. 21, Sch. 2)
- F12** Words in s. 14(6)(b) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 6\(6\)\(c\)](#) (with art. 21, Sch. 2)
- F13** Words in s. 14(7) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 6\(7\)](#) (with art. 21, Sch. 2)
- F14** Words substituted by [Fatal Accidents and Sudden Deaths Inquiry \(Scotland\) Act 1976 \(c. 14\)](#), [Sch. 1 para. 4](#)

Modifications etc. (not altering text)

- C33** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840](#), [arts. 2–10](#)
- C34** 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\(2\)\(4\)](#))
- C35** S. 14 continued (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 21](#), [Sch. 2 para. 6\(2\)](#)
- C36** 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\(3\)](#))

Marginal Citations

- M1** 1976 c. 14.

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