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## SCHEDULES

### SCHEDULE 1

Sections 1 and 53.

#### EXISTING ENACTMENTS WHICH ARE RELEVANT STATUTORY PROVISIONS

**Modifications etc. (not altering text)**

**C1** Sch. 1 amended (E.W.S) (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 10(1)(b)(3)**; S.I. 1996/218, **art. 2**

<b>Chapter</b>	<b>Short title</b>	<b>Provisions which are relevant statutory provisions</b>
1875 c. 17.	The Explosives Act 1875.	The whole Act except sections 30 to 32, 80 and 116 to 121.
1882 c. 22.	The Boiler Explosions Act 1882.	The whole Act.
1890 c. 35.	The Boiler Explosions Act 1890.	The whole Act.
1906 c. 14.	The Alkali, &c. Works Regulation Act 1906.	The whole Act.
1909 c. 43.	The Revenue Act 1909.	Section 11.
<b>F1</b>	<b>F1</b>	<b>F1</b>
...	...	...
1920 c. 65.	The Employment of Women, Young Persons and Children Act 1920.	The whole Act.
<b>F2</b>	<b>F2</b>	<b>F2</b>
...	...	...
<b>F3</b>	<b>F3</b>	<b>F3</b>
...	...	...
1926 c. 43.	The Public Health (Smoke Abatement) Act 1926.	The whole Act.
1928 c. 32.	The Petroleum (Consolidation) Act 1928.	The whole Act.
1936 c. 22.	The Hours of Employment (Conventions) Act 1936.	The whole Act except section 5.
1936 c. 27.	The Petroleum (Transfer of Licences) Act 1936.	The whole Act.

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1937 c. 45.	The Hydrogen Cyanide (Fumigation) Act 1937.	The whole Act.
1945 c. 19.	The Ministry of Fuel and Power Act 1945.	Section 1(1) so far as it relates to maintaining and improving the safety, health and welfare of persons employed in or about mines and quarries in Great Britain.
1946 c. 59.	The Coal Industry Nationalisation Act 1946.	Section 42(1) and (2).
1948 c. 37.	The Radioactive Substances Act 1948.	Section 5(1)(a).
1951 c. 21.	The Alkali, &c. Works Regulation (Scotland) Act 1951.	The whole Act.
<b>F4</b>	<b>F4</b>	<b>F4</b>
...	...	...
1952 c. 60.	The Agriculture (Poisonous Substances) Act 1952.	The whole Act.
<b>F5</b>	<b>F5</b>	<b>F5</b>
...	...	...
...	...	...
<b>F6</b>	<b>F6</b>	<b>F6</b>
1954 c. 70.	The Mines and Quarries Act 1954.	The whole Act except section 151.
1956 c. 49.	The Agriculture (Safety, Health and Welfare Provisions) Act 1956.	The whole Act.
1961 c. 34.	The Factories Act 1961.	The whole Act except section 135.
1961 c. 64.	The Public Health Act 1961.	Section 73.
1962 c. 58.	The Pipe-lines Act 1962.	Sections 20 to 26, 33, 34 and 42, Schedule 5.
1963 c. 41.	The Offices, Shops and Railway Premises Act 1963.	The whole Act.
1965 c. 57.	The Nuclear Installations Act 1965.	Sections 1, 3 to 6, 22 and [F724A], Schedule 2.
1969 c. 10.	The Mines and Quarries (Tips) Act 1969.	Sections 1 to 10.
1971 c. 20.	The Mines Management Act 1971.	The whole Act.

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1972 c. 28.	The Employment Medical Advisory Service Act 1972.	The whole Act except sections 1 and 6 and Schedule 1.
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#### Textual Amendments

- F1** Sch. 1: "reference to the Anthrax Prevention Act 1919" repealed (6.4.2005) by [The Anthrax Prevention Order 1971 etc. \(Revocation\) Regulations 2005 \(S.I. 2005/228\)](#), [art. 2\(2\)](#)
- F2** Words in Sch. 1 repealed (E.W.S.) (6.4.2013) by [The Health and Safety \(Miscellaneous Repeals, Revocations and Amendments\) Regulations 2013 \(S.I. 2013/448\)](#), reg. 1, [Sch. Table 3](#)
- F3** Sch. 1: entry repealed (26.4.2005) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), reg. 28(1)(2), Sch. 5 para. 14, [Sch. 6 Pt. 1](#)
- F4** Sch. 1: entry repealed (26.4.2005) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), reg. 28(1)(2), Sch. 5 para. 14, [Sch. 6 Pt. 1](#)
- F5** Sch. 1: entry repealed (26.4.2005) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), reg. 28(1)(2), Sch. 5 para. 14, [Sch. 6 Pt. 1](#)
- F6** Entry inserted by [Sex Discrimination Act 1975 \(c. 65\)](#), [Sch. 5 para. 3](#) and repealed by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), s. 9(2), [Sch. Pt. III](#)
- F7** Word substituted by [Atomic Energy Act 1989 \(c. 7, SIF 8\)](#), [s. 6\(3\)](#)

## [<sup>F8</sup>SCHEDULE 2

### ADDITIONAL PROVISIONS RELATING TO THE CONSTITUTION ETC. OF THE HEALTH AND SAFETY EXECUTIVE

#### Textual Amendments

- F8** Sch. 2 substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 20](#), [Sch. 1](#) (with [art. 21](#), [Sch. 2](#))

#### Section 10

#### *THE HEALTH AND SAFETY EXECUTIVE*

- 1 The Executive shall consist of—
  - (a) the Chair of the Executive, and
  - (b) at least seven and no more than eleven other members (referred to in this Schedule as “members”).
- 2 (1) The Secretary of State shall appoint the Chair of the Executive.  
(2) The Secretary of State shall appoint the other members of the Executive according to sub-paragraph (3).  
(3) The Secretary of State—
  - (a) shall appoint three members after consulting such organisations representing employers as he considers appropriate;

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- (b) shall appoint three members after consulting such organisations representing employees as he considers appropriate;
  - (c) shall appoint one member after consulting such organisations representing local authorities as he considers appropriate; and
  - (d) may appoint up to four other members after consulting, as he considers appropriate—
    - (i) the Scottish Ministers,
    - (ii) the Welsh Ministers, or
    - (iii) such organisations as he considers appropriate, including professional bodies, whose activities are concerned with matters relating to the general purposes of this Part.
- (4) Service as the Chair or as another member of the Executive is not service in the civil service of the State.
- (5) The Secretary of State, with the approval of the Chair, may appoint one of the other members appointed under sub-paragraph (2) to be the deputy chair of the Executive.

#### *TERMS OF APPOINTMENT OF THE EXECUTIVE*

- 3 Subject to paragraphs 4 and 5, a person shall hold and vacate office as the Chair or as another member according to the terms of the instrument appointing him to that office.
- 4 The Chair or any other member of the Executive may at any time resign his office by giving notice in writing to the Secretary of State.
- 5 The Secretary of State may remove a Chair or other member who—
- (a) has been absent from meetings of the Executive for a period longer than six months without the permission of the Executive;
  - (b) has become bankrupt or [<sup>F9</sup>has had a debt relief order (under Part 7A of the Insolvency Act 1986) made in respect of him or] has made an arrangement with his creditors;
  - (c) in Scotland, has had his estate sequestrated or has made a trust deed for creditors or a composition contract;
  - (d) has become incapacitated by physical or mental illness; or
  - (e) is otherwise, in the opinion of the Secretary of State, unable or unfit to carry out his functions.

#### **Textual Amendments**

- F9** Words in Sch. 2 para. 5(b) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 6** (with art. 5)

#### *REMUNERATION OF MEMBERS*

- 6 (1) The Executive shall pay to each member such remuneration and such travelling and other allowances as may be determined by the Secretary of State.
- (2) The Executive shall pay to, or in respect of, any member, such sums by way of pension, superannuation allowances and gratuities as the Secretary of State may determine.

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- (3) Where a person ceases to be a member otherwise than on the expiry of his term of office, and the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the Executive shall pay to him such amount by way of compensation as the Secretary of State may determine.
- [<sup>F10</sup>(4) Where—
- (a) a member appointed under paragraph 4(4)(a) of Schedule 7 to the Energy Act 2013 to be a member of the Office for Nuclear Regulation (the “HSE member of the ONR”)—
- (i) ceases to be the HSE member of the ONR otherwise than on the expiry of his or her term of office as HSE member of the ONR, but
- (ii) does not cease to be a member of the Executive, and
- (b) it appears to the Executive that there are special circumstances that make it right for that person to receive compensation,
- the Executive may pay the member such amount by way of compensation as the Secretary of State may determine.]

#### Textual Amendments

- F10** Sch. 2 para. 6(4) inserted (10.3.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\)](#), [Sch. 12 para. 15\(13\)](#); [S.I. 2014/251, art. 3\(f\)\(i\)](#)

#### PROCEEDINGS OF THE EXECUTIVE

- 7 (1) The Executive may regulate its own procedure.
- (2) The validity of any proceedings of the Executive shall not be affected by any vacancy among the members or by any defect in the appointment of a member.
- (3) The Executive shall consult with the Secretary of State before making or revising its rules and procedures for dealing with conflicts of interest.
- (4) The Executive shall from time to time publish a summary of its rules and procedures.

#### STAFF

- 8 (1) The Executive shall, with the consent of the Secretary of State, appoint a person to act as Chief Executive on such terms and conditions as the Secretary of State may determine.
- (2) The Executive shall appoint such other staff to the service of the Executive as it may determine, with the consent of the Secretary of State as to numbers of persons appointed and as to the terms and conditions of their service.
- (3) The Executive shall pay to the Minister for the Civil Service at such times as that Minister may direct, such sums as the Minister may determine in respect of any increase attributable to this paragraph in the sums payable out of monies provided by Parliament under the Superannuation Act 1972.
- (4) A person appointed to the staff of the Executive may not at the same time be a member of the Executive.
- (5) Service as a member of staff of the Executive is service in the civil service of the State.

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#### *PERFORMANCE OF FUNCTIONS*

- 9 (1) Subject to sub-paragraphs (2) to (4), anything authorised or required to be done by the Executive (including exercising the powers under this paragraph) may be done by—
- (a) such members of the Executive or members of staff of the Executive as the Executive considers fit to authorise for that purpose, whether generally or specifically; or
  - (b) any committee of the Executive which has been so authorised.
- (2) Sub-paragraph (1)(b) does not apply to a committee whose members include a person who is neither a member of the Executive nor a member of staff of the Executive.
- (3) The Executive—
- (a) shall authorise such of its members of staff as it considers fit to authorise for that purpose, to perform on its behalf those of its functions which consist of the enforcement of the relevant statutory provisions in any particular case; but
  - (b) shall not authorise any member or committee of the Executive to make decisions concerning the enforcement of the relevant statutory provisions in any particular case.
- (4) The Executive shall not authorise any person to legislate by subordinate instrument.
- (5) The Executive shall publish any authorisations which it makes under this paragraph.

#### *ACCOUNTS AND REPORTS*

- 10 (1) It shall be the duty of the Chief Executive—
- (a) to keep proper accounts and proper records in relation to the accounts;
  - (b) to prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury; and
  - (c) to send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of November next following the accounting year to which the statement relates.
- (2) The Comptroller and the Auditor General shall examine, certify and report on each statement referred to in sub-paragraph (1)(c) and shall lay copies of each statement and his report before each House of Parliament.
- (3) As soon as possible after the end of the accounting year, the Executive shall make to the Secretary of State a report on the performance of the Executive's functions during the year.
- (4) The Secretary of State shall lay the report referred to in sub-paragraph (3) before each House of Parliament.
- (5) In this paragraph, “accounting year” means the period of 12 months ending with 31st March in any year; but the first accounting year of the Executive shall, if the Secretary of State so directs, be of such other period not exceeding 2 years as may be specified in the direction.

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#### SUPPLEMENTAL

- 11 The Secretary of State shall not make any determination or give his consent under paragraph 6 or 8 of this Schedule except with the approval of the Minister for the Civil Service.
- 12 (1) The fixing of the common seal of the Executive shall be authenticated by the signature of the Chair or some other person authorised by the Executive to act for that purpose.  
(2) A document purporting to be duly executed under the seal of the Executive shall be received in evidence and shall be deemed to be so executed unless the contrary is proved.  
(3) This paragraph does not apply to Scotland.]

### SCHEDULE 3

Section 15.

#### SUBJECT-MATTER OF HEALTH AND SAFETY REGULATIONS

- 1 (1) Regulating or prohibiting—
  - (a) the manufacture, supply or use of any plant;
  - (b) the manufacture, supply, keeping or use of any substance;
  - (c) the carrying on of any process or the carrying out of any operation.  
(2) Imposing requirements with respect to the design, construction, guarding, siting, installation, commissioning, examination, repair, maintenance, alteration, adjustment, dismantling, testing or inspection of any plant.  
(3) Imposing requirements with respect to the marking of any plant or of any articles used or designed for use as components in any plant, and in that connection regulating or restricting the use of specified markings.  
(4) Imposing requirements with respect to the testing, labelling or examination of any substance.  
(5) Imposing requirements with respect to the carrying out of research in connection with any activity mentioned in subparagraphs (1) to (4) above.
- 2 (1) Prohibiting the importation into the United Kingdom or the landing or unloading there of articles or substances of any specified description, whether absolutely or unless conditions imposed by or under the regulations are complied with.  
(2) Specifying, in a case where an act or omission in relation to such an importation, landing or unloading as is mentioned in the preceding sub-paragraph constitutes an offence under a provision of this Act and of [F11the Customs and Excise Acts 1979] the Act under which the offence is to be punished.

#### Textual Amendments

**F11** Words substituted by [Customs and Excise Management Act 1979 \(c. 2\)](#), [Sch. 4 para. 12](#) Table Pt. I

- 3 (1) Prohibiting or regulating the transport of articles or substances of any specified description.

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- (2) Imposing requirements with respect to the manner and means of transporting articles or substances of any specified description, including requirements with respect to the construction, testing and marking of containers and means of transport and the packaging and labelling of articles or substances in connection with their transport.
- 4 (1) Prohibiting the carrying on of any specified activity or the doing of any specified thing except under the authority and in accordance with the terms and conditions of a licence, or except with the consent or approval of a specified authority.
- (2) Providing for the grant, renewal, variation, transfer and revocation of licences (including the variation and revocation of conditions attached to licences).
- 5 Requiring any person, premises or thing to be registered in any specified circumstances or as a condition of the carrying on of any specified activity or the doing of any specified thing.
- 6 (1) Requiring, in specified circumstances, the appointment (whether in a specified capacity or not) of persons (or persons with specified qualifications or experience, or both) to perform specified functions, and imposing duties or conferring powers on persons appointed (whether in pursuance of the regulations or not) to perform specified functions.
- (2) Restricting the performance of specified functions to persons possessing specified qualifications or experience.
- 7 Regulating or prohibiting the employment in specified circumstances of all persons or any class of persons.
- 8 (1) Requiring the making of arrangements for securing the health of persons at work or other persons, including arrangements for medical examinations and health surveys.
- (2) Requiring the making of arrangements for monitoring the atmospheric or other conditions in which persons work.
- 9 Imposing requirements with respect to any matter affecting the conditions in which persons work, including in particular such matters as the structural condition and stability of premises, the means of access to and egress from premises, cleanliness, temperature, lighting, ventilation, overcrowding, noise, vibrations, ionising and other radiations, dust and fumes.
- 10 Securing the provision of specified welfare facilities for persons at work, including in particular such things as an adequate water supply, sanitary conveniences, washing and bathing facilities, ambulance and first-aid arrangements, cloakroom accommodation, sitting facilities and refreshment facilities.
- 11 Imposing requirements with respect to the provision and use in specified circumstances of protective clothing or equipment, including clothing affording protection against the weather.
- 12 Requiring in specified circumstances the taking of specified precautions in connection with the risk of fire.
- 13 (1) Prohibiting or imposing requirements in connection with the emission into the atmosphere of any specified gas, smoke or dust or any other specified substance whatsoever.
- (2) Prohibiting or imposing requirements in connection with the emission of noise, vibrations or any ionising or other radiations.



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- (3) Imposing requirements with respect to the monitoring of any such emission as is mentioned in the preceding sub-paragraphs.
- 14 Imposing requirements with respect to the instruction, training and supervision of persons at work.
- 15 (1) Requiring in specified circumstances, specified matters to be notified in a specified manner to specified persons.
- (2) Empowering inspectors in specified circumstances to require persons to submit written particulars of measures proposed to be taken to achieve compliance with any of the relevant statutory provisions.
- 16 Imposing requirements with respect to the keeping and preservation of records and other documents, including plans and maps.
- 17 Imposing requirements with respect to the management of animals.
- 18 The following purposes as regards premises of any specified description where persons work, namely—
- (a) requiring precautions to be taken against dangers to which the premises or persons therein are or may be exposed by reason of conditions (including natural conditions) existing in the vicinity;
- (b) securing that persons in the premises leave them in specified circumstances.
- 19 Conferring, in specified circumstances involving a risk of fire or explosion, power to search a person or any article which a person has with him for the purpose of ascertaining whether he has in his possession any article of a specified kind likely in those circumstances to cause a fire or explosion, and power to seize and dispose of any article of that kind found on such a search.
- 20 Restricting, prohibiting or requiring the doing of any specified thing where any accident or other occurrence of a specified kind has occurred.
- 21 As regards cases of any specified class, being a class such that the variety in the circumstances of particular cases within it calls for the making of special provision for particular cases, any of the following purposes, namely—
- (a) conferring on employers or other persons power to make rules or give directions with respect to matters affecting health or safety;
- (b) requiring employers or other persons to make rules with respect to any such matters;
- (c) empowering specified persons to require employers or other persons either to make rules with respect to any such matters or to modify any such rules previously made by virtue of this paragraph; and
- (d) making admissible in evidence without further proof, in such circumstances and subject to such conditions as may be specified, documents which purport to be copies of rules or rules of any specified class made under this paragraph.
- 22 Conferring on any local or public authority power to make byelaws with respect to any specified matter, specifying the authority or person by whom any byelaws made in the exercise of that power need to be confirmed, and generally providing for the procedure to be followed in connection with the making of any such byelaws.

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### *Interpretation*

- 23 (1) In this Schedule “specified” means specified in health and safety regulations.
- (2) It is hereby declared that the mention in this Schedule of a purpose that falls within any more general purpose mentioned therein is without prejudice to the generality of the more general purpose.

## [<sup>F12</sup>SCHEDULE 3A

### OFFENCES: MODE OF TRIAL AND MAXIMUM PENALTY

#### **Textual Amendments**

**F12** Sch. 3A inserted (16.1.2009) by [Health and Safety \(Offences\) Act 2008 \(c. 20\)](#), ss. 1(2), 3(2), [Sch. 1](#) (with s. 3(3))

- 1 The mode of trial and maximum penalty applicable to each offence listed in the first column of the following table are as set out opposite that offence in the subsequent columns of the table.

<i>Offence</i>	<i>Mode of trial</i>	<i>Penalty on summary conviction</i>	<i>Penalty on conviction on indictment</i>
An offence under section 33(1) (a) consisting of a failure to discharge a duty to which a person is subject by virtue of sections 2 to 6.	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under section 33(1) (a) consisting of a failure to discharge a duty to which a person is subject by virtue of section 7.	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under section 33(1)(b) consisting of a contravention of section 8.	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under section 33(1)(b) consisting of a	Summarily or on indictment.	A fine not exceeding £20,000.	A fine.

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contravention of section 9.				
An offence under section 33(1)(c).	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.	
An offence under section 33(1)(d).	Summarily only.	A fine not exceeding level 5 on the standard scale.		
An offence under section 33(1)(e), (f) or (g).	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.	
An offence under section 33(1)(h).	Summarily only.	Imprisonment for a term not exceeding 51 weeks (in England and Wales) or 12 months (in Scotland), or a fine not exceeding level 5 on the standard scale, or both.		
An offence under section 33(1)(i).	Summarily or on indictment.	A fine not exceeding the statutory maximum.	A fine.	
An offence under section 33(1)(j).	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.	
An offence under section 33(1)(k), (l) or (m).	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.	
An offence under section 33(1)(n).	Summarily only.	A fine not exceeding level 5 on the standard scale.		
An offence under section 33(1)(o).	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a	Imprisonment for a term not exceeding	

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		fine not exceeding £20,000, or both.	two years, or a fine, or both.
An offence under the existing statutory provisions for which no other penalty is specified.	Summarily or on indictment.	Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
2	(1) This paragraph makes transitional modifications of the table as it applies to England and Wales.		
	(2) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's powers to imprison), a reference to imprisonment for a term not exceeding 12 months is to be read as a reference to imprisonment for a term not exceeding six months.		
	(3) In relation to an offence committed before the commencement of section 281(5) of that Act (alteration of penalties for summary offences), a reference to imprisonment for a term not exceeding 51 weeks is to be read as a reference to imprisonment for a term not exceeding six months.]		

<sup>F13</sup>SCHEDULE 4

**Textual Amendments**

**F13** Sch. 4 repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**

<sup>F14</sup>SCHEDULE 5

**Textual Amendments**

**F14** Ss. 61, 62, 63(5)(6)(7), 64–69, 70(2)–(8), 71–74, 76, [Sch. 5](#) and [Sch. 6](#) repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), **Sch. 7**

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## F<sup>15</sup>SCHEDULE 6

### Textual Amendments

- F15** Ss. 61, 62, 63(5)(6)(7), 64–69, 70(2)–(8), 71–74, 76, Sch. 5 and Sch. 6 repealed by [Building Act 1984](#) (c. 55, SIF 15), s. 133(2), [Sch. 7](#)

## F<sup>16</sup>F<sup>16X1</sup>SCHEDULE 7

### 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

- F16** [Sch. 7](#) repealed (S.) (1.5.2005) by [Building \(Scotland\) Act 2003](#) (asp 8), s. 58, [Sch. 6 para. 9](#), S.S.I. 2004/404, [arts. 2\(1\)](#), 3, 4

## [F<sup>17</sup>SCHEDULE 8]

Section 78.

### TRANSITIONAL PROVISIONS WITH RESPECT TO FIRE CERTIFICATES UNDER FACTORIES ACT 1961<sup>M1</sup> OR OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963<sup>M2</sup>

### Textual Amendments

- F17** [Sch. 8](#) 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 \(Fire Safety\) Subordinate Provisions Order 2006](#) (S.I. 2006/484), [arts. 1\(1\)](#), 2); and [Sch. 8](#) 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](#)

### Marginal Citations

- M1** 1961 c. 34.  
**M2** 1963 c. 41.

[F<sup>18</sup>1] In this Schedule—

“the 1971 Act” means the <sup>M3</sup>Fire Precautions Act 1971;  
“1971 Act certificate” means a fire certificate within the meaning of the 1971 Act;

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“Factories Act certificate” means a certificate under section 40 of the  
<sup>M4</sup>Factories Act 1961 (means of escape in case of fire-certification by fire  
 authority);  
 “Offices Act certificate” means a fire certificate under section 29 of the  
<sup>M5</sup>Offices, Shops and Railway Premises Act 1963.]

#### Textual Amendments

**F18** Sch. 8 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 \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**); and Sch. 8 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**

#### Marginal Citations

**M3** 1971 c. 40.  
**M4** 1961 c. 34.  
**M5** 1963 c. 41.

- [<sup>F192</sup> (1) Where by virtue of an order under section 1 of the 1971 Act a 1971 Act certificate becomes required in respect of any premises at a time when there is in force in respect of those premises a Factories Act certificate or an Offices Act certificate (“the existing certificate”), the following provisions of this paragraph shall apply.
- (2) The existing certificate shall continue in force (irrespective of whether the section under which it was issued remains in force) and—
- (a) shall as from the said time be deemed to be a 1971 Act certificate validly issued with respect to the premises with respect to which it was issued and to cover the use or uses to which those premises were being put at that time; and
  - (b) may (in particular) be amended, replaced or revoked in accordance with the 1971 Act accordingly.
- (3) Without prejudice to sub-paragraph (2)(b) above, the existing certificate, as it has effect by virtue of sub-paragraph (2) above, shall as from the said time be treated as imposing in relation to the premises the like requirements as were previously imposed in relation thereto by the following provisions, that is to say—
- (a) if the existing certificate is a Factories Act certificate, the following provision of the Factories Act 1961, namely sections 41(1), 48 (except subsections (5), (8) and (9)), 49(1), 51(1) and 52(1) and (4) and, so far as it relates to a proposed increase in the number of persons employed in any premises, section 41(3);
  - (b) if the existing certificate is an Offices Act certificate the following provisions of the Offices, Shops and Railway Premises Act 1963, namely section 30(1), 33, 34(1) and (2), 36(1) and 38(1) and, so far as it relates to a proposed increase in the number of persons employed to work in any premises at any one time, section 30(3).]

#### Textual Amendments

**F19** Sch. 8 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 \(Fire Safety\) Subordinate](#)

SCHEDULE 9

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Provisions Order 2006 (S.I. 2006/484), **arts. 1(1), 2**); and Sch. 8 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**

F20<sup>3</sup> .....

**Textual Amendments**

**F20** Sch. 8 para. 3 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XVI** Group1.

F21 SCHEDULE 9

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**Textual Amendments**

**F21** Sch. 9 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XVI** Group1.

F25 SCHEDULE 10

**Textual Amendments**

**F25** Sch. 10 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XVI** Group1.

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