



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

Provisions as to offences

39 Prosecutions by inspectors.

- (1) An inspector, if authorised in that behalf by the enforcing authority which appointed him, may, although not of counsel or a solicitor, prosecute before a magistrates' court proceedings for an offence under any of the relevant statutory provisions.
- (2) This section shall not apply to Scotland.

Modifications etc. (not altering text)

- C1** S. 39 applied by [S.I. 1989/840](#), [arts. 2-10](#)
S. 39 excluded (with saving) (E.W.S.) (1.12.1997) by [S.I. 1997/1840](#), [regs. 7, 9](#)
S. 39 extended (E.W.) (1.10.1996) by [S.I. 1996/1513](#), [reg. 10](#)
S. 39 applied (with modifications) (9.1.1995) by [S.I. 1994/3260](#), [reg. 17\(3\)\(5\)](#)
S. 39: power to apply conferred (E.W.S.) (28.8.1995) by 1995 c. 15, [ss. 2\(4\)\(i\)](#), 5 (with s. 3(5))
S. 39 applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772](#), [reg. 17 S. 39](#) applied (with modifications) (E.W.S.) (1.3.1996) by [S.I. 1996/192](#), [reg. 15](#), [Sch. 14 para. 1\(b\)](#)
S. 39 applied (with modifications) (1.7.1997) by [S.I. 1997/831](#), [reg. 19\(1\)-\(4\)](#), [Sch. 15 para. 1\(a\)\(b\)](#)
S. 39 applied (15.11.2000) by [S.I. 2000/2831](#), [reg. 26\(1\)\(a\)](#)
- C2** S. 39 applied (with modifications) (1.1.1993) by [S.I. 1992/3073](#), [reg. 28](#), [Sch. 6 para. 1\(b\)](#)
- C3** Ss. 35-39 modified (6.4.1992) by [S.I. 1992/711](#), [regs. 1\(2\)](#), 28(3)(b)(5)(a)
- C4** Ss. 33-42 applied (with modifications) (1.4.1999) by [S.I. 1999/743](#), [reg. 20\(1\)](#), (2)(3)
- C5** Ss. 33-42 applied (with modifications) (19.11.1999) by [S.I. 1999/2892](#), [reg. 16\(1\)](#)
Ss. 33-42 applied (20.9.2001) by [S.I. 2001/2975](#), [reg. 19\(d\)](#)
- C6** S. 39 applied (with modifications) (29.11.1999) by [S.I. 1999/2001](#), [reg. 24\(1\)](#), [Sch. 8 para. 1\(b\)](#)

Status: Point in time view as at 30/07/2018.

Changes to legislation: There are currently no known outstanding effects for the
Health and Safety at Work etc. Act 1974, Section 39. (See end of Document for details)

- C7** S. 39 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)**)
 S. 39 applied (E.W.) (24.7.2002) by S.I. 2002/1689, **reg. 14(1)(b)**
 S. 39 applied (16.5.2002) by S.I. 2002/1166, **reg. 31** (with art. 37)
- C8** S. 39 applied (with modifications) (E.W.) (3.5.2004) by S.I. 2004/129, **reg. 23(3)(e)**; ss. 39 applied (with modifications) (E.W.) (9.6.2004) by S.I. 2004/1309, **reg. 17**; s. 39 applied (E.W.) (22.4.2005) by S.I. 2005/928, **reg. 4(2)(3)(5)(6)**; s. 39 applied (E.W.) (2.4.2006) by S.I. 2006/397, **reg. 34(3)(d)**
- C9** Ss. 37-41 applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by **The Channel Tunnel (Safety) Order 2007 (S.I. 2007/3531), art. 4(2)(3)(h)** (subject to (4)-(6)) (with art. 7)
- C10** 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)**)
- C11** Ss. 33-42 applied (with modifications) (E.W.) (12.8.2009 with application in accordance with reg. 3 of the amending S.I.) by **The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries)(England and Wales) Regulations 2009 (S.I. 2009/1927), {reg. 9(1)}**
- C12** Ss. 37-41 applied (with modifications) (E.W.S.) (6.4.2010) by **The Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (S.I. 2010/432), reg. 6(2)(3)(g)**
- C13** Ss. 37-41 applied (with modifications) (E.W.S.) (6.4.2010) by **The Train Driving Licences and Certificates Regulations 2010 (S.I. 2010/724), regs. 1(2), 38(2)(3)(g)**
- C14** S. 39 applied (with modifications) (E.W.S.) (4.7.2010 for certain purposes and otherwise 4.7.2013) by **The Pyrotechnic Articles (Safety) Regulations 2010 (S.I. 2010/1554), regs. 1, 18, 37(1), {Sch. 4 paras. 1, 2}**
- C15** 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)**)
- C16** Ss. 37-41 applied (with modifications) (16.1.2012) by **The Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), regs. 1(2), 39(2)(3)(g)** (with reg. 3)
- C17** Ss. 33-42 applied (with modifications) (E.W.S.) (1.9.2013) by **The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(1), 8(1)** (with reg. 3(4), (5), 8(2)-(7), 31, 32, 33(1))
- C18** Ss. 33-42 applied (1.3.2014) by **The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(4), 19** (with reg. 3(4)(5)313233(1))
- C19** S. 39 applied (with modifications) (E.W.S.) (1.10.2014) by **The Explosives Regulations 2014 (S.I. 2014/1638), reg. 1(1), Sch. 12 paras. 2, 3**
- C20** Ss. 33-42 applied (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))
- C21** Ss. 33-42 applied (with modifications) (E.W.S.) (1.6.2015) by **The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(2), 17(1)** (with reg. 3(4)(5)313233(1))
- C22** Ss. 33-42 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)(d)** (with regs. 3(2), 27(3))
- C23** Ss. 33-42 applied (19.7.2015) by **The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), regs. 1, 36(8)(d)** (with reg. 4(2), Sch. 14)
- C24** Ss. 33-42 applied (19.7.2015) by **The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), regs. 1, 36(1)(d)** (with reg. 4(2), Sch. 14)
- C25** S. 39 applied (with modifications) (17.8.2015) by **The Pyrotechnic Articles (Safety) Regulations 2015 (S.I. 2015/1553), reg. 1, Sch. 8 paras. 1(q), 2**
- C26** S. 39 applied (with modifications) by S.I. 2014/1638, Sch. 12 paras. 5-7 (as substituted (E.W.S.) (20.4.2016) by **The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), reg. 1, Sch. 1** (with regs. 2(1), 15))

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- C27** S. 39 applied (with modifications) (E.W.S.) (8.12.2016) by [The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 \(S.I. 2016/1107\)](#), reg. 1(1), **Sch. 4 para. 1(p)**
- C28** S. 39 applied (with modifications) (8.12.2016) by [The Lifts Regulations 2016 \(S.I. 2016/1093\)](#), reg. 1, **Sch. 8 paras. 1(q), 2** (with regs. 3-5)
- C29** S. 39 applied (with modifications) (8.12.2016) by [The Electrical Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1101\)](#), reg. 1, **Sch. 4 paras. 1, 2** (with reg. 3)
- C30** S. 39 applied (with modifications) (8.12.2016) by [The Pressure Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1105\)](#), reg. 1, **Sch. 8 paras. 1(p), 2** (with reg. 88)
- C31** S. 39 applied (with modifications) (8.12.2016) by [The Simple Pressure Vessels \(Safety\) Regulations 2016 \(S.I. 2016/1092\)](#), reg. 1, **Sch. 6 paras. 1(p), 2** (with reg. 3)
- C32** S. 39 applied (with modifications) (21.4.2018) by [The Personal Protective Equipment \(Enforcement\) Regulations 2018 \(S.I. 2018/390\)](#), reg. 1(1), **Sch. 2** (with reg. 2(1)-(3))
- C33** S. 39 applied (with modifications) (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 2** (with reg. 2)
- C34** Ss. 34-42 applied (with modifications) (30.7.2018) by [The Cableway Installations Regulations 2018 \(S.I. 2018/816\)](#), regs. 1, **21(1)-(3)** (with reg. 4)

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