



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

Financial provisions

[^{F1} 43A Railway safety levy **E+W+S**

- (1) The Secretary of State may make regulations requiring persons who provide railway services to pay railway safety levy.
- (2) Railway safety levy shall be applied only for the purpose of meeting expenses incurred—
 - [^{F2}(a) in respect of activities undertaken by the [^{F3}Office of Rail and Road] under or by virtue of this Act or Schedule 3 to the Railways Act 2005; or
 - (b) in respect of activities in relation to a transport system falling within paragraph 1(3) of that Schedule that are undertaken by that Office under or by virtue of any other enactment.]
- (3) The railway safety levy shall not be used to meet—
 - (a) an expense in respect of which a fee is payable under regulations made under section 43, or
 - (b) an expense in respect of a matter specified by the regulations for the purpose of this paragraph.
- (4) Where an expense is incurred partly in respect of activity within subsection (2)(a) or (b) and partly in respect of other activity, the railway safety levy may be used to meet a part of that expense which is reasonably referable to activity within subsection (2) (a) or (b).
- (5) Regulations under subsection (1) may, in particular, determine or enable the [^{F3}Office of Rail and Road] to determine—

Status: *There are multiple versions of this provision on screen. These apply to different geographical extents.*
Skip to: *E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent*
Changes to legislation: *There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Section 43A . (See end of Document for details)*

- (a) the total amount of the railway safety levy to be imposed in respect of a specified period;
 - (b) the persons by whom the levy is to be paid;
 - (c) the criteria for assessing the proportion of the levy to be paid by a particular person (which may, in particular, refer to the size of a person's income or provide for an amount to be reduced or waived in specified circumstances);
 - (d) the periods in respect of which the levy is to be paid;
 - (e) the manner in which the levy is to be paid;
 - (f) the person to whom the levy is to be paid;
 - (g) when the levy is to be paid.
- (6) Regulations under subsection (1) may, in particular, enable the [^{F3}Office of Rail and Road]—
- (a) to require a person who provides railway services to supply information for the purposes of the consideration of a matter specified in subsection (5);
 - (b) where information requested is not supplied, to make assumptions;
 - (c) to revise a determination of a matter specified in subsection (5) (whether before, during or after the period to which it relates);
 - (d) to make refunds.
- (7) Regulations by virtue of subsection (6)(a) may, in particular, make provision—
- (a) about the manner and timing of the supply of information;
 - (b) about certification of the accuracy of information supplied;
 - (c) creating a criminal offence in connection with the supply of inaccurate or misleading information (but not an offence punishable with imprisonment).
- (8) Regulations under subsection (1) may enable payment to be enforced by civil proceeding.
- (9) For the purposes of this section a person provides railway services if he manages or controls, or participates in managing or controlling, a transport system [^{F4}falling within paragraph 1(3) of Schedule 3 to the Railways Act 2005] .]

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

- F1** S. 43A inserted (10.9.2003) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **ss. 105(1)**, 120
- F2** S. 43A(2)(a)(b) substituted (E.W.S.) (7.2.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 2, 60, **Sch. 3 para. 12(2)**; S.I. 2006/266, **art. 2(1)(a)(b)**
- F3** Words in s. 43A substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 4(c)(iii)**
- F4** Words in s. 43A(9) substituted (E.W.S.) (7.2.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 2, 60, **Sch. 3 para. 12(4)**; S.I. 2006/266, **art. 2(1)(a)(b)**

Modifications etc. (not altering text)

C22 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)**)

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- C23** Ss. 1-59, 80-82 applied by S.I. 2001/2127, arts. 4(1), 5(1)(2), 6(1), 7(1), 8(1), 10 (with art. 11) (as amended (5.8.2009) by S.I. 2009/1750, art. 2(2)(4))
- 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))

43A Railway safety levy **N.I.**

- (1) The Secretary of State may make regulations requiring persons who provide railway services to pay railway safety levy.
- (2) Railway safety levy shall be applied only for the purpose of meeting expenses incurred—
 - (a) in respect of activity undertaken by the Executive in reliance on section 117 of the Railways Act 1993 (safety of railways, &c.), or
 - (b) in respect of activity undertaken by the Executive, under or by virtue of any other enactment, in relation to a transport system to which that section applies.
- (3) The railway safety levy shall not be used to meet—
 - (a) an expense in respect of which a fee is payable under regulations made under section 43, or
 - (b) an expense in respect of a matter specified by the regulations for the purpose of this paragraph.
- (4) Where an expense is incurred partly in respect of activity within subsection (2)(a) or (b) and partly in respect of other activity, the railway safety levy may be used to meet a part of that expense which is reasonably referable to activity within subsection (2) (a) or (b).
- (5) Regulations under subsection (1) may, in particular, determine or enable the Commission or the Executive to determine—
 - (a) the total amount of the railway safety levy to be imposed in respect of a specified period;
 - (b) the persons by whom the levy is to be paid;
 - (c) the criteria for assessing the proportion of the levy to be paid by a particular person (which may, in particular, refer to the size of a person's income or provide for an amount to be reduced or waived in specified circumstances);
 - (d) the periods in respect of which the levy is to be paid;
 - (e) the manner in which the levy is to be paid;
 - (f) the person to whom the levy is to be paid;
 - (g) when the levy is to be paid.
- (6) Regulations under subsection (1) may, in particular, enable the Commission or the Executive—
 - (a) to require a person who provides railway services to supply information for the purposes of the consideration of a matter specified in subsection (5);
 - (b) where information requested is not supplied, to make assumptions;
 - (c) to revise a determination of a matter specified in subsection (5) (whether before, during or after the period to which it relates);
 - (d) to make refunds.
- (7) Regulations by virtue of subsection (6)(a) may, in particular, make provision—

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- (a) about the manner and timing of the supply of information;
 - (b) about certification of the accuracy of information supplied;
 - (c) creating a criminal offence in connection with the supply of inaccurate or misleading information (but not an offence punishable with imprisonment).
- (8) Regulations under subsection (1) may enable payment to be enforced by civil proceeding.
- (9) For the purposes of this section a person provides railway services if he manages or controls, or participates in managing or controlling, a transport system to which section 117 of the Railways Act 1993 applies.

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

Modifications etc. (not altering text)

- 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, 80-82 applied by S.I. 2001/2127, [arts. 4\(1\), 5\(1\)\(2\), 6\(1\), 7\(1\), 8\(1\), 10](#) (with [art. 11](#)) (as amended (5.8.2009) by S.I. 2009/1750, [art. 2\(2\)\(4\)](#))

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