

SCHEDULES

SCHEDULE 15

Section 116.

AMENDMENTS OF THE HEALTH AND SAFETY AT WORK ETC. ACT 1974

- 1 In section 1(2) omit the words " and agricultural health and safety regulations ".
- 2 In section 2, omit subsection (5) and in subsection (7) for the words " subsections (4) and (5) " substitute the words " subsection (4) ".
- 3 After section 10(7) insert the following subsection:—

“(8) For the purposes of any civil proceedings arising out of those functions, the Crown Proceedings Act 1947 and the Crown Suits (Scotland) Act 1857 shall apply to the Commission and the Executive as if they were government departments within the meaning of the said Act of 1947 or, as the case may be, public departments within the meaning of the said Act of 1857.”.
- 4 In section 11, in subsection (1) omit the words " except as regards matters relating exclusively to agricultural operations " , and in subsection (2) omit the words " except as aforesaid ".
- 5 In section 14(2), omit the words from " but shall not do so " to " agricultural operations ".
- 6 In section 15, for subsection (1) substitute—

“(1) Subject to the provisions of section 50, the Secretary of State, the Minister of Agriculture, Fisheries and Food or the Secretary of State and that Minister acting jointly 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).”.
- 7 In section 16(1), omit the words " and except as regards matters relating exclusively to agricultural operations ".
- 8 In section 18, in subsection (3) omit the words " or agricultural health and safety regulations " , and in subsection (5) omit the words " the appropriate Agriculture Minister ".
- 9 In section 28, after subsection (8) insert the following subsection—

“(9) Notwithstanding anything in subsection (7) above, a person who has obtained such information as is referred to in that subsection may furnish to a person who appears to him to be likely to be a party to any civil proceedings arising out of any accident, occurrence, situation or other matter, a written statement of relevant facts observed by him in the course of exercising any of the powers referred to in that subsection.”.
- 10 Sections 29, 30, 31 and 32 are hereby repealed.

Status: This is the original version (as it was originally enacted).

- 11 In section 33, in subsection (1)(c) omit the words " or agricultural health and safety regulations ", and in subsection (4)(a) omit the words " or the appropriate Agriculture Minister ".
- 12 In section 43, in subsection (3) omit the words " the Minister of Agriculture, Fisheries and Food " and for subsections (6) and (7) substitute—
- “(6) The power to make regulations under this section shall be exercisable by the Secretary of State, the Minister of Agriculture, Fisheries and Food or the Secretary of State and that Minister acting jointly.”.
- 13 In section 44, in subsection (1) omit the words " agricultural licences and ", and in subsection (7)(a) for the words " an agricultural licence or nuclear site licence " substitute the words " a nuclear site licence ".
- 14 In section 47, in subsection (2) omit the words " or agricultural health and safety regulations ", in subsection (3) omit the words " or, as the case may be, agricultural health and safety regulations " and in subsection (5) omit the words " or, as the case may be, agricultural health and safety regulations ".
- 15 (1) In section 49, in subsection (1) for the words "The appropriate Minister may by regulations amend " substitute the words " Regulations made under this subsection may amend ", in subsection (2) for the words " appropriate Minister" substitute the words " authority making the regulations ", in subsection (3) omit the words " by the appropriate Minister " and for the words " if the appropriate Minister" substitute the words " if the authority making the regulations ".
- (2) For subsection (4) of that section substitute—
- “(4) The power to make regulations under this section shall be exercisable by the Secretary of State, the Minister of Agriculture, Fisheries and Food or the Secretary of State and that Minister acting jointly.”.
- 16 (1) In section 50, for subsection (1) substitute—
- “(1) Where any power to make regulations under any of the relevant statutory provisions is exercisable by the Secretary of State, the Minister of Agriculture, Fisheries and Food or both of them acting jointly that power may be exercised either so as to give effect (with or without modifications) to proposals submitted by the Commission under section 11(2)(d) or independently of any such proposals ; but the authority who is to exercise the power shall not exercise it independently of proposals from the Commission unless he has consulted the Commission and such other bodies as appear to him to be appropriate.”.
- (2) In subsection (2) of that section, for the words from " Secretary of State " to " preceding subsection " substitute " authority who is to exercise any such power as is mentioned in subsection (1) above proposes to exercise that power ".
- (3) In subsection (3), for the words " to the Secretary of State " substitute the words " under section 11(2)(d) ".
- (4) Subsections (4) and (5) are hereby repealed.
- 17 In section 52, for subsections (3) and (4) substitute—

- “(3) The power to make regulations under subsection (2) above shall be exercisable by the Secretary of State, the Minister of Agriculture, Fisheries and Food or the Secretary of State and that Minister acting jointly.”.
- 18 (1) In section 53, in subsection (1) omit the definitions of " agriculture ", "the Agriculture Ministers", "agricultural health and safety regulations ", " agricultural licence ", " agricultural operation ", "the appropriate Agriculture Minister", "forestry", "livestock " and " the relevant agricultural purposes " and in the definition of " the relevant statutory provisions " omit the words " and agricultural health and safety regulations ".
- (2) Subsections (2) to (6) of that section are hereby repealed.
- 19 In section 80, for subsections (4) to (6) substitute—
- “(4) The power to make regulations under subsection (1) above shall be exercisable by the Secretary of State, the Minister of Agriculture, Fisheries and Food or the Secretary of State and that Minister acting jointly ; but the authority who is to exercise the power shall, before exercising it, consult such bodies as appear to him to be appropriate.
- (5) In this section ' the relevant statutory provisions' has the same meaning as in Part I.”.
- 20 In section 84(1)(a), omit the words " or 30 ".
- 21 Schedule 4 is hereby repealed.