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**Changes to legislation:** Environment Act 1995, Cross Heading: *The Health and Safety at Work etc. Act 1974* is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 22

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Health and Safety at Work etc. Act 1974*

- 30 (1) The <sup>M1</sup>Health and Safety at Work etc. Act 1974 (in this paragraph referred to as “the 1974 Act”) shall have effect in accordance with the following provisions of this paragraph.
- (2) [<sup>F1</sup>The appropriate new Agency shall, in consequence of the transfer effected by virtue of section 2(2)(c) or, as the case may be, 21(2)(a) of this Act, be regarded for the purposes of Part I of the 1974 Act as the authority which is, by any of the relevant statutory provisions, made responsible in relation to England and Wales or, as the case may be, Scotland for the enforcement of the relevant enactments (and, accordingly, as the enforcing authority in relation to those enactments).]
- (3) [<sup>F2</sup>Neither the Agency nor SEPA shall have power to appoint inspectors under section 19 of the 1974 Act.]
- (4) [<sup>F3</sup>Sections 21 to 23 (improvement notices and prohibition notices) shall have effect in any case where the relevant statutory provision in question is any of the relevant enactments as if references in those sections to an inspector were references to the appropriate new Agency.]
- (5) [<sup>F4</sup>Section 27 (obtaining of information by the Commission etc) shall have effect in relation to the appropriate new Agency, in its relevant capacity, as it has effect in relation to [<sup>F5</sup>the Health and Safety Executive] (and not as it has effect in relation to an enforcing authority), except that the consent of the Secretary of State shall not be required to the service by the appropriate new Agency of a notice under subsection (1) of that section; and, accordingly, where that section has effect by virtue of this sub-paragraph—
- (a) any reference in that section to the Commission shall be construed as a reference to the appropriate new Agency;
  - (b) any reference to an enforcing authority shall be disregarded; and
  - (c) in subsection (3) of that section, the words from “and also” onwards shall be disregarded.]
- (6) In section 28 (restrictions on disclosure of information)—
- (a) in paragraph (a) of subsection (3) (exception for disclosure of information to certain bodies) after the words “the Executive,” there shall be inserted the words “ the Environment Agency, the Scottish Environment Protection Agency, ”;
  - (b) in paragraph (c)(ii) of that subsection (exception for disclosure to officers of certain bodies) as it applies to England and Wales—
    - (i) the words “of the National Rivers Authority or”, and

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- (ii) the word “Authority,” (where next occurring),  
shall be omitted;
- (c) for paragraph (c)(ii) of that subsection as it applies to Scotland there shall be substituted—
  - “(ii) an officer of a water undertaker, sewerage undertaker, sewerage authority or water authority who is authorised by that authority to receive it.”;
- (d) paragraph (c)(iii) of that subsection (exception for disclosure to officers of river purification boards) shall cease to have effect;
- (e) in subsection (4) (references to certain bodies to include references to officers or inspectors), after the words “the Executive” (in the first place where they occur) there shall be inserted the words “ the Environment Agency, the Scottish Environment Protection Agency, ”;
- (f) in subsection (5) (information disclosed in pursuance of subsection (3) not to be used by recipient except for specified purposes)—
  - (i) in paragraph (a) (use for a purpose of the Executive etc) after the words “of the Executive or” there shall be inserted the words “ of the Environment Agency or of the Scottish Environment Protection Agency or ”;
  - (ii) in paragraph (b) as it applies to England and Wales (use for the purposes of certain bodies of information given to officers of those bodies), the words “the National Rivers Authority” shall be omitted;
  - (iii) in the said paragraph (b) as it applies to Scotland, for the words from the beginning to “in connection” there shall be substituted the words “ in the case of information given to an officer of a body which is a local authority, a water undertaker, a sewerage undertaker, a sewerage authority or a water authority the purposes of the body in connection ”.
- (7) In section 38 (restriction on institution of proceedings in England and Wales) after the words “except by an inspector or” there shall be inserted the words “ the Environment Agency or ”.
- (8) [F6In this paragraph—
  - “the appropriate new Agency” means—
    - (a) in relation to England and Wales, the Agency; and
    - (b) in relation to Scotland, SEPA;
  - “relevant capacity”, in relation to the appropriate new Agency, means its capacity as the enforcing authority, for the purposes of Part I of the 1974 Act, which is responsible in relation to England and Wales or, as the case may be, Scotland for the enforcement of the relevant enactments;
  - “the relevant enactments” means the <sup>M2</sup>Alkali, &c, Works Regulation Act 1906 and section 5 of the 1974 Act;
  - “the relevant statutory provisions” has the same meaning as in Part I of the 1974 Act.]

#### Textual Amendments

- F1** Sch. 22 para. 30(2) repealed (S.) (26.2.2015) by The Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374), arts. 1(1), 6(4)

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- F2** Sch. 22 para. 30(3) repealed (S.) (26.2.2015) by The Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374), arts. 1(1), **6(4)**
- F3** Sch. 22 para. 30(4) repealed (S.) (26.2.2015) by The Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374), arts. 1(1), **6(4)**
- F4** Sch. 22 para. 30(5) repealed (S.) (26.2.2015) by The Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374), arts. 1(1), **6(4)**
- F5** Words in Sch. 22 para. 30(5) substituted (1.4.2008) by The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21, Sch. 2)
- F6** Sch. 22 para. 30(8) repealed (S.) (26.2.2015) by The Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374), arts. 1(1), **6(4)**

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**Marginal Citations**

- M1** 1974 c. 37.
- M2** 1906 c. 14.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 41(1)(s) inserted by [2021 c. 30 s. 57\(8\)](#)
- s. 80(8) inserted by [2024 asc 2 s. 12\(1\)](#)
- s. 80(9)(10) inserted by [2024 asc 2 s. 13](#)
- s. 81B inserted by [2024 asc 2 s. 14\(1\)](#)
- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- s. 87(2)(o)(i) words in s. 87(2)(o) renumbered as s. 87(2)(o)(i) by [2024 asc 2 s. 24\(2\)\(a\)\(i\)](#)
- s. 87(2)(o)(ii) and word inserted by [2024 asc 2 s. 24\(2\)\(a\)\(ii\)](#)
- s. 87(2B) inserted by [2024 asc 2 s. 24\(2\)\(b\)](#)
- s. 87(7A)(7B) inserted by [2024 asc 2 s. 15](#)
- s. 87(9A) inserted by [2024 asc 2 s. 12\(2\)](#)
- s. 88(4)(5) inserted by [2024 asc 2 s. 14\(3\)\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)