

1974 No. 1439 (C. 26)**HEALTH AND SAFETY****The Health and Safety at Work etc. Act 1974
(Commencement No. 1) Order 1974***Made* - - - -*27th August 1974*

The Secretary of State, in exercise of the powers conferred on him by section 85(2) of the Health and Safety at Work etc. Act 1974(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Health and Safety at Work etc. Act 1974 (Commencement No. 1) Order 1974.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Appointed days

2. The provisions mentioned in the first column of each of the Schedules to this Order (which relate to the matters specified in the second column of each Schedule) shall come into operation—

- (a) in the case of the provisions mentioned in Schedule 1, on 1st October 1974;
- (b) in the case of the provisions mentioned in Schedule 2, on 1st January 1975; and
- (c) in the case of the provisions mentioned in Schedule 3, on 1st April 1975.

Signed by order of the Secretary of State.

27th August 1974.

Harold Walker,
Joint Parliamentary Under Secretary of State,
Department of Employment.

(a) 1974 c. 37.

(b) 1889 c. 63.

SCHEDULE 1

Article 2(a)

PROVISIONS COMING INTO OPERATION ON 1ST OCTOBER 1974

Provisions	Subject-matter of provisions
Section 1. Section 10(1) (so far as it relates to the Commission). Section 10(2) to (4) and section 10(6) and (7) (so far as aforesaid). Section 11(1) to (3) and section 11(6) (so far as aforesaid). Section 12. Section 13. Section 15. Section 16. Section 29.	General purposes of Part I of the Act. Establishment of Commission. Constitution and status of Commission. General functions of Commission. Control of Commission by Secretary of State. Other powers of the Commission. Health and safety regulations. Approval of codes of practice. General functions of Agriculture Ministers in relation to the relevant agricultural purposes. Agricultural health and safety regulations. Application of provisions of Part I in connection with agriculture.
Section 30. Section 32 (so far as it relates to the provisions of sections 13 and 16 and the provisions of Schedule 4 mentioned below). Section 43 (so far as it relates to payments to the Commission). Section 50. Section 51. Section 52. Section 53 (so far as it relates to provisions mentioned in this Schedule). Section 77(1). Section 80.	Financial provisions. Regulations. Exclusion of domestic employment. Meaning of "work" and "at work". General interpretation of Part I.
Section 81. Section 82. Section 83(1) (so far as it relates to the provisions of Schedule 9 mentioned below). Section 84. Section 85. Schedule 1.	Amendment of Radiological Protection Act 1970(a). General power to repeal or modify Acts and instruments. Expenses and receipts. General interpretation and regulations. Minor amendments of other enactments.
Schedule 2, paragraphs 1 to 9 and 13 to 19. Schedule 3. Schedule 4, paragraphs 1 and 3. Schedule 9 (paragraph 2 and paragraph 3 so far as it relates to the Commission).	Extent and application of Act. Short title and commencement. Existing enactments which are relevant statutory provisions. Constitution etc. of Commission. Subject-matter of health and safety regulations. Modifications of Part I in connection with agriculture. Minor amendments of other enactments.

(a) 1970 c. 46.

SCHEDULE 2

Article 2(b)

PROVISIONS COMING INTO OPERATION ON 1ST JANUARY 1975

Provisions	Subject-matter of provisions
Section 10(1) (so far as it relates to the Executive).	Establishment of Executive.
Section 10(5) and section 10(6) and (7) (so far as aforesaid).	Constitution and status of Executive.
Section 11(4) and (5) and Section 11(6) (so far as aforesaid).	Functions of Executive.
Section 14.	Power of Commission to direct investigations and inquiries.
Section 17.	Use of approved codes of practice in criminal proceedings.
Sections 18 to 20.	Enforcing authorities, appointment and powers of inspectors.
Sections 21 to 23.	Improvement and prohibition notices.
Section 24.	Appeal against improvement or prohibition notice.
Section 25.	Power to deal with cause of imminent danger.
Section 26.	Power of enforcing authorities to indemnify their inspectors.
Sections 27 and 28.	Obtaining and disclosure of information.
Section 31.	Enforcement of the relevant statutory provisions in connection with agriculture.
Section 32 (except so far as already in operation).	Application of provisions of Part I in connection with agriculture.
Section 33 (except subsection (1)(a) and (b)).	Offences and penalties.
Sections 34 to 42.	Further provisions as to offences.
Section 43 (except so far as already in operation).	Financial provisions.
Section 44.	Appeals in connection with licensing provisions.
Section 45.	Default powers.
Section 46.	Service of notices.
Section 47 (except in relation to sections 2 to 8).	Civil liability.
Section 48 (except in relation to sections 2 to 9).	Application to the Crown.
Section 49.	Adaptation of enactments to metric units.
Section 53 (so far as it relates to provisions mentioned in this Schedule).	General interpretation of Part I.
Section 54.	Application to Isles of Scilly.
Sections 55 to 60.	Employment Medical Advisory Service.
Section 77(2).	Amendment of Radiological Protection Act 1970.
Section 83 (so far as it relates to the provisions of Schedules 9 and 10 mentioned below).	Minor amendments and repeals of other enactments.
Schedule 2, paragraphs 10 to 12 and 20.	Constitution etc. of Executive.
Schedule 4 (except so far as already in operation).	Modifications of Part I in connection with agriculture.
Schedule 9, paragraph 1 and paragraph 3 (so far as it relates to the Executive).	Minor amendments of other enactments.

Provisions	Subject-matter of provisions
<p>Schedule 10, the following repeals:—</p> <p>The Employment Medical Advisory Service Act 1972(a)-sections 1 and 6 and Schedule 1.</p> <p>The National Health Service (Scotland) Act 1972(b)-in Schedule 6, paragraph 157.</p> <p>The National Health Service Reorganisation Act 1973(c)-in Schedule 4, paragraph 137.</p> <p>The Employment and Training Act 1973(d)-in Schedule 3, paragraph 14.</p>	Repeals.

SCHEDULE 3

Article 2(c)

PROVISIONS COMING INTO OPERATION ON 1ST APRIL 1975

Provisions	Subject-matter of provisions
Section 2.	General duties of employers to their employees.
Section 3.	General duties of employers and self-employed to persons other than their employees.
Section 4.	General duties of persons concerned with premises to persons other than their employees.
Section 5.	General duty of persons in control of certain premises in relation to emissions into atmosphere.
Section 6.	General duties of manufacturers etc. as regards articles and substances for use at work.
Section 7.	General duties of employees at work.
Section 8.	Duty not to interfere with or misuse things provided pursuant to certain provisions.
Section 9.	Duty not to charge employees for things done or provided pursuant to certain specific requirements.
Section 33(1)(a) and (b).	Offences.
Section 47 (except so far as already in operation).	Civil liability.
Section 48 (except as aforesaid).	Application to the Crown.
Section 53 (except as aforesaid).	General interpretation of Part I.
Section 78.	Amendment of Fire Precautions Act 1971(e).
Section 79.	Amendment of Companies Acts as to directors' reports.
Schedule 8.	Transitional provisions with respect to fire certificates.

(a) 1972 c. 28.

(b) 1972 c. 58.

(c) 1973 c. 32.

(d) 1973 c. 50.

(e) 1971 c. 40.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation Parts I, II and IV of the Health and Safety at Work etc. Act 1974 on the following dates:—

- (a) the provisions which relate to the establishment and functions of the Health and Safety Commission and to certain regulation-making powers—on 1st October 1974;
- (b) the provisions which relate to the establishment and functions of the Health and Safety Executive and to enforcement—on 1st January 1975;
- (c) Part II of the Act, which relates to the Employment Medical Advisory Service—on 1st January 1975; and
- (d) the remaining provisions including those which relate to the general duties of employers and others—on 1st April 1975.

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