

SCHEDULE 11

ENFORCEMENT, OFFENCES AND CIVIL LIABILITY

Application of the 1974 Act

2.—(1) Sections—

- (a) 16 to 26 (approval of codes of practice and enforcement);
- (b) 33 to 42 (provisions as to offences); and
- (c) 47(2) (civil liability),

of the 1974 Act shall, subject to the following provisions of this Schedule, and to the extent that they would not otherwise do so, apply to these Regulations as if they were health and safety regulations for the purposes of that Act.

(2) Any function of the Health and Safety Commission under any other provision of the 1974 Act which is exercisable in relation to any function of the Health and Safety Executive under or in respect of health and safety regulations (including their enforcement) shall be exercisable as if these Regulations were, to the extent they would not otherwise be so, health and safety regulations for the purposes of that Act.

(3) The sections of the 1974 Act which are applied to these Regulations by sub-paragraph (1) shall so apply as if any reference to—

- (a) danger, or danger to health and safety, were a reference to danger to the health or safety of humans or animals or to danger to the environment; and
- (b) harm were a reference to harm to humans, animals or the environment.

(4) Sections 22 and 25 of the 1974 Act, as applied to these Regulations by sub-paragraph (1), shall apply as if the reference in those sections to serious personal injury were a reference to—

- (a) serious personal injury to humans;
- (b) a breach of the Regulations and serious injury to animals; or
- (c) a breach of the Regulations and serious harm to the environment.