

## SCHEDULE 5

### ENFORCEMENT

*Powers of the Health and Safety Executive and the  
Office of Rail Regulation as enforcement authorities*

7. In relation to the enforcement of these Regulations by the Health and Safety Executive or the Office of Rail Regulation—

- (a) sections 19 to 28(1), 33 to 35(2), 38, 39, 41 and 42 of the 1974 Act shall apply as provided in paragraph 8; and
- (b) sections 36(1) and (2) and 37 of the 1974 Act shall apply in relation to offences under section 33 as applied in relation to these Regulations and modified by paragraph 8.

- 
- (1) Sections 18, 27, 28 and 34(1) were amended by [S.I. 2008/960](#). Section 20(7) was amended by the Civil Partnership Act 2004 ([c.33](#)), section 261(1) and Schedule 27, paragraph 49. Sections 22 and 28(1)(a) were amended, and sections 25A and 27A were inserted, by section 36 of, and Schedule 3 to, the 1987 Act. Section 23(4) was amended by the Fire and Rescue Services Act 2004 ([c.21](#)), Schedule 1, paragraph 44 and by [S.I. 2005/1541](#), [S.I. 2006/475](#), and (in relation to Scotland) [S.S.I. 2005/383](#). Section 24 was amended by section 1(2)(a) of the Employment Rights (Dispute Resolution) Act 1998 ([c.8](#)). Section 27 was amended by the Employment Act 1989 ([c.38](#)), Schedule 6, paragraph 10 and Schedule 7, Part I. Section 27A was amended by the Commissioners for Revenue and Customs Act 2005 ([c.11](#)), Schedule 4, paragraph 18. Section 28(1)(a) was amended by section 105(2) of the Railways and Transport Safety Act 2003 ([c.20](#)). Subsections (3), (4) and (5) of section 28 were amended by the Environment Act 1995 ([c.25](#)), Schedule 22, paragraph 30(6); subsection (3)(c) was also amended by the Water Act 1989 ([c.15](#)), Schedule 25, paragraph 46, and (in relation to Scotland) by the Local Government etc. (Scotland) Act 1994 ([c.39](#)), Schedule 13, paragraph 93 and [S.I. 2004/1822](#). Section 28(3)(f) was inserted by [S.I. 2004/3363](#). Section 28(5) was amended by the Water Act 1989, Schedule 25, paragraph 46, [S.I. 2004/1822](#) and [S.I. 2004/3363](#). Section 28(6) was amended by the Local Government Act 1985 ([c.51](#)), Schedule 14, paragraph 52, by the Education Reform Act 1988 ([c.40](#)), Schedule 13, Part I, by the Greater London Authority Act 1999 ([c.29](#)), Schedule 29, Part I, paragraph 23, and by the Local Government and Public Involvement in Health Act 2007 ([c.28](#)), Schedule 13, Part 2, paragraph 32. Section 28(9) was inserted by the Employment Protection Act 1975 ([c.71](#)), Schedule 15, paragraph 9. Section 28(9A) was inserted by [S.I. 2004/3363](#). Section 28(10) was inserted by the Norfolk and Suffolk Broads Act 1988 ([c.4](#)), Schedule 6, paragraph 13, and substituted by the Environment Act 1995, Schedule 10, paragraph 12. Section 33(2) was amended by section 31 of, and Schedule 6 to, the Criminal Law Act 1977 ([c.45](#)) and sections 37 and 46 of the Criminal Justice Act 1982 ([c.48](#)).
  - (2) Section 33 was amended by the Employment Protection Act 1975, Schedule 15, paragraph 11 and Schedule 18, by section 32(2) of the Magistrates' Courts Act 1980 ([c.43](#)), by the Forgery and Counterfeiting Act 1981 ([c.45](#)), Schedule, Part I, by section 36 of, and Schedule 3 to, the 1987 Act, and by section 4 of the Offshore Safety Act 1992 ([c.15](#)). In section 34, subsection (5) was amended by section 461(1) of, and Schedule 9, paragraph 51 to, the Criminal Procedure (Scotland) Act 1975 ([c.21](#)); and subsection (6) was inserted, in relation to Scotland, by the Gas Act 1986 ([c.44](#)), Schedule 7, paragraph 18.