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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 3(2) of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) was amended by the Deregulation Act 2015 (c. 20) to limit the scope of the general duty under that section. Only those self-employed persons who conduct undertakings of a prescribed description will have an obligation to conduct their undertaking in such a way as to ensure that, so far as is reasonably practicable, they themselves and other persons who may be affected thereby are not exposed to risks to their health and safety.

For the purposes of Part 1 of the 1974 Act, “prescribed” means prescribed in regulations made by the Secretary of State. The Health and Safety at Work etc. Act 1974 (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations (S.I. 2015/1583) prescribe descriptions of undertakings for the purposes of section 3 of the 1974 Act.

This Order makes amendments to Regulations made under section 15 of the 1974 Act in consequence of these changes.

Article 3 requires the Secretary of State to review the operation and effect of this Order and publish a report within five years after it comes into force and within every five years after that. Following a review, it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or amended. A further instrument would be required to revoke this Order or to amend it.

A full impact assessment of the effect that section 1 of the Deregulation Act 2015 will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum accompanying this Order. It is available from the Health and Safety Executive, Redgrave Court, Merton Road, Merseyside, L20 7HS and also in the libraries of both Houses of Parliament.