



Health and Safety at Work etc. Act 1974

1974 CHAPTER 37

PART I

HEALTH, SAFETY AND WELFARE IN CONNECTION WITH WORK, AND CONTROL OF DANGEROUS SUBSTANCES AND CERTAIN EMISSIONS INTO THE ATMOSPHERE

Provisions as to offences

42 Power of court to order cause of offence to be remedied or, in certain cases, forfeiture.

- (1) Where a person is convicted of an offence under any of the relevant statutory provisions in respect of any matters which appear to the court to be matters which it is in his power to remedy, the court may, in addition to or instead of imposing any punishment, order him, within such time as may be fixed by the order, to take such steps as may be specified in the order for remedying the said matters.
- (2) The time fixed by an order under subsection (1) above may be extended or further extended by order of the court on an application made before the end of that time as originally fixed or as extended under this subsection, as the case may be.
- (3) Where a person is ordered under subsection (1) above to remedy any matters, that person shall not be liable under any of the relevant statutory provisions in respect of those matters in so far as they continue during the time fixed by the order or any further time allowed under subsection (2) above.

[^{F1}(3A) Subsection (4) applies where a person is convicted of an offence consisting of acquiring or attempting to acquire, possessing or using an explosive article or substance (within the meaning of any of the relevant statutory provisions) in contravention of any of the relevant statutory provisions.]

- (4) Subject to the following subsection, the court by or before which [^{F2}the person is convicted of the offence] may order the article or substance in question to be forfeited and either destroyed or dealt with in such other manner as the court may order.

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- (5) The court shall not order anything to be forfeited under the preceding subsection where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

Textual Amendments

- F1** S. 42(3A) inserted (16.1.2009) by [Health and Safety \(Offences\) Act 2008 \(c. 20\)](#), ss. 2, 3(2), **Sch. 3 para. 2(2)** (with s. 3(3))
- F2** Words in s. 42(4) substituted (16.1.2009) by [Health and Safety \(Offences\) Act 2008 \(c. 20\)](#), ss. 2(1), 3(2), **Sch. 3 para. 2(3)** (with s. 3(3))

Modifications etc. (not altering text)

- C1** S. 42 applied by [S.I. 1989/840](#), **arts. 2-10**
 S. 42 excluded (with saving) (E.W.S.) (1.12.1997) by [S.I. 1997/1840](#), **regs. 7, 9**
 S. 42 applied (with modifications) (9.1.1995) by [S.I. 1994/3260](#), **reg. 17(3)(5)**
 S. 42: power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15](#), **ss. 2(4)(k)**, 5 (with s. 3(5))
 S. 42 applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772](#), **reg. 17**
 S. 42 applied (with modifications) (E.W.S.) (1.3.1996) by [S.I. 1996/192](#), **reg. 15**, **Sch. 14 para. 1(b)**
 S. 42 applied (with modifications) (1.7.1997) by [S.I. 1997/831](#), **reg. 19(1)-(4)**, **Sch. 15 para. 1(a)(b)**
 S. 42 applied (15.11.2000) by [S.I. 2000/2831](#), **reg. 26(1)(a)**
- C2** S. 42 applied (with modifications) (1.1.1993) by [S.I. 1992/3073](#), **reg. 28**, **Sch. 6 para. 1(b)**
- C3** S. 42 modified (6.4.1992) by [S.I. 1992/711](#), **regs. 1(2)**, 28(3)(b)(5)(a).
- C4** Ss. 33-42 applied (with modifications) (1.4.1999) by [S.I. 1999/743](#), **reg. 20(1)**, (2)(3)
- C5** Ss. 33-42 applied (with modifications) (19.11.1999) by [S.I. 1999/2892](#), **reg. 16(1)**
 Ss. 33-42 applied (20.9.2001) by [S.I. 2001/2975](#), **reg. 19(d)**
- C6** S. 42 applied (with modifications) (29.11.1999) by [S.I. 1999/2001](#), **reg. 24(1)**, **Sch. 8 para. 1(b)**
- C7** Ss. 1-59, 80-82 applied (11.7.2001) by [S.I. 2001/2127](#), **arts. 4(1)**, 5(1)(2), 6(1), 7(1), 8(1), 10 (with art. 11) (as amended by [S.I. 2009/1750](#), **art. 2(2)(4)**)
 Ss. 33-42 applied (E.W.S.) (24.7.2002) by [S.I. 2002/1689](#), **reg. 14(1)(b)**
 Ss. 33-42 applied (16.5.2002) by [S.I. 2002/1166](#), **reg. 31** (with art. 37)
- C8** S. 42 applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by [S.I. 2003/403](#), **regs. 1(2)**, **23(2)(a)(3)**; s. 42 applied (with modifications) (E.W.S.) (3.5.2004) by [S.I. 2004/129](#), **reg. 23(3)(e)**; ss. 37-42 applied (with modifications) (E.W.S.) (9.6.2004) by [S.I. 2004/1309](#), **reg. 17**; s. 42 applied (E.W.S.) (22.4.2005) by [S.I. 2005/928](#), **reg. 4(2)(3)(5)(6)**; s. 42 applied (2.4.2006) by [S.I. 2006/397](#), **reg. 34(3)(d)**
- C9** Ss. 1-59, 80-82 applied (temp.) (5.8.2009) by [The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) Order 2001 \(S.I. 2001/2127\)](#), arts. 8A, 8B (as inserted by [S.I. 2009/1750](#), **art. 2(3)**)
- C10** Ss. 33-42 applied (with modifications) (E.W.) (12.8.2009 with application in accordance with reg. 3 of the amending S.I.) by [The Major Accident Off-Site Emergency Plan \(Management of Waste from Extractive Industries\)\(England and Wales\) Regulations 2009 \(S.I. 2009/1927\)](#), {reg. 9(1)}
- C11** S. 42 applied (with modifications) (E.W.S.) (4.7.2010 for certain purposes and otherwise 4.7.2013) by [The Pyrotechnic Articles \(Safety\) Regulations 2010 \(S.I. 2010/1554\)](#), **regs. 1**, 18, 37(1), {Sch. 4 paras. 1, 2}
- C12** Ss. 1-59 applied by [S.I. 2001/2127 art. 8A 8B \(as inserted \(E.W.S.\) \(6.4.2011\) by The Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) \(Variation\) Order 2011 \(S.I. 2011/745\)](#), arts. 1(1), **3(2)**
- C13** Ss. 33-42 applied (with modifications) (E.W.S.) (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), **regs. 2(1)**, **8(1)** (with **reg. 3(4)**, (5), 8(2)-(7), 31, 32, 33(1))

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- C14** Ss. 33-42 applied (1.3.2014) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(4), **19** (with reg. 3(4)(5)313233(1))
- C15** S. 42 applied (with modifications) (1.10.2014) by The Explosives Regulations 2014 (S.I. 2014/1638), reg. 1(1), Sch. 12 paras. 2, **3**
- C16** Ss. 33-42 applied (1.10.2014) by The Genetically Modified Organisms (Contained Use) Regulations 2014 (S.I. 2014/1663), regs. 1, **30(2)(a)** (with reg. 3(1)(2))
- C17** Ss. 33-42 applied (with modifications) (E.W.S.) (1.6.2015) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(2), **17(1)** (with regs. 3(4)(5), 31, 32, 33(1))
- C18** Ss. 33-42 applied (with modifications) (E.W.S.) (1.6.2015) by The Control of Major Accident Hazards Regulations 2015 (S.I. 2015/483), regs. 1(1), **27(1)(d)** (with regs. 3(2), 27(3))
- C19** Ss. 33-42 applied (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), regs. 1, **36(8)(d)** (with reg. 4(2), Sch. 14)
- C20** Ss. 33-42 applied (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), regs. 1, **36(1)(d)** (with reg. 4(2), Sch. 14)
- C21** S. 42 applied (with modifications) (17.8.2015) by The Pyrotechnic Articles (Safety) Regulations 2015 (S.I. 2015/1553), reg. 1, Sch. 8 paras. 1(s), **2**
- C22** S. 42 applied (with modifications) by S.I. 2014/1638, Sch. 12 paras. 5-7 (as substituted (E.W.S.) (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), reg. 1, **Sch. 1** (with regs. 2(1), 15))
- C23** S. 42 applied (with modifications) (8.12.2016) by The Electrical Equipment (Safety) Regulations 2016 (S.I. 2016/1101), reg. 1, Sch. 4 paras. 1, **2** (with reg. 3)
- C24** S. 42 applied (with modifications) (8.12.2016) by The Simple Pressure Vessels (Safety) Regulations 2016 (S.I. 2016/1092), reg. 1, Sch. 6 paras. 1(r), **2** (with reg. 3)
- C25** S. 42 applied (with modifications) (8.12.2016) by The Lifts Regulations 2016 (S.I. 2016/1093), reg. 1, Sch. 8 paras. 1(s), **2** (with regs. 3-5)
- C26** S. 42 applied (with modifications) (8.12.2016) by The Pressure Equipment (Safety) Regulations 2016 (S.I. 2016/1105), reg. 1, Sch. 8 paras. 1(r), **2** (with reg. 88)
- C27** S. 42 applied (with modifications) (E.W.S.) (8.12.2016) by The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 (S.I. 2016/1107), reg. 1(1), **Sch. 4 para. 1(r)**
- C28** S. 42 applied (with modifications) (21.4.2018) by The Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390), reg. 1(1), **Sch. 2** (with reg. 2(1)-(3))
- C29** S. 42 applied (with modifications) (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), reg. 1(1), **Sch. 2** (with reg. 2)
- C30** Ss. 34-42 applied (with modifications) (30.7.2018) by The Cableway Installations Regulations 2018 (S.I. 2018/816), regs. 1, **21(1)-(3)** (with reg. 4)
- C31** S. 42(1) extended (E.W.S.) (1.10.1996) by S.I. 1996/1513, **reg. 10**
- C32** S. 42(1)-(3) applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by The Channel Tunnel (Safety) Order 2007 (S.I. 2007/3531), **art. 4(2)(3)(h)** (subject to (4)-(6)) (with art. 7)
- C33** S. 42(1)-(3) applied (with modifications) (E.W.S.) (6.4.2010) by The Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (S.I. 2010/432), **reg. 6(2)(3)(g)**
- C34** S. 42(1)-(3) applied (with modifications) (E.W.S.) (6.4.2010) by The Train Driving Licences and Certificates Regulations 2010 (S.I. 2010/724), regs. 1(2), **38(2)(3)(g)**
- C35** S. 42(1)-(3) applied (with modifications) (16.1.2012) by The Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), regs. 1(2), **39(2)(3)(g)** (with reg. 3)
- C36** S. 42(2) extended (E.W.S.) (1.10.1996) by S.I. 1996/1513, **reg. 10**
- C37** S. 42(1)-(3) applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by The Channel Tunnel (Safety) Order 2007 (S.I. 2007/3531), **art. 4(2)(3)(h)** (subject to (4)-(6)) (with art. 7)
- C38** S. 42(3) extended (E.W.S.) (1.10.1996) by S.I. 1996/1513, **reg. 10**

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C39 S. 42(1)-(3) applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by [The Channel Tunnel \(Safety\) Order 2007 \(S.I. 2007/3531\)](#), [art. 4\(2\)\(3\)\(h\)](#) (subject to [\(4\)-\(6\)](#)) (with [art. 7](#))

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