



# 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

##### *Financial provisions*

#### **43 Financial provisions**

- (1) It shall be the duty of the Secretary of State to pay to the Commission such sums as are approved by the Treasury and as he considers appropriate for the purpose of enabling the Commission to perform its functions; and it shall be the duty of the Commission to pay to the Executive such sums as the Commission considers appropriate for the purpose of enabling the Executive to perform its functions.
- (2) Regulations may provide for such fees as may be fixed by or determined under the regulations to be payable for or in connection with the performance by or on behalf of any authority to which this subsection applies of any function conferred on that authority by or under any of the relevant statutory provisions.
- (3) Subsection (2) above applies to the following authorities, namely the Commission, the Executive, the Secretary of State, the Minister of Agriculture, Fisheries and Food, every enforcing authority, and any other person on whom any function is conferred by or under any of the relevant statutory provisions.
- (4) Regulations under this section may specify the person by whom any fee payable under the regulations is to be paid; but no such fee shall be made payable by a person in any of the following capacities, namely an employee, a person seeking employment, a person training for employment, and a person seeking training for employment.
- (5) Without prejudice to section 82(3), regulations under this section may fix or provide for the determination of different fees in relation to different functions, or in relation to the same function in different circumstances.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The power to make regulations under this section shall be exercisable—
- (a) as regards functions with respect to matters not relating exclusively to agricultural operations, by the Secretary of State;
  - (b) as regards functions with respect to matters relating exclusively to the relevant agricultural purposes, by the appropriate agricultural authority.
- (7) Regulations under this section as regards functions falling within subsection (6)(b) above may be either regulations applying to Great Britain and made by the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, or regulations applying to England and Wales only and made by the said Minister, or regulations applying to Scotland only and made by the Secretary of State; and in subsection (6) (b) above " the appropriate agricultural authority" shall be construed accordingly.
- (8) In subsection (4) above the references to a person training for employment and a person seeking training for employment shall include respectively a person attending an industrial rehabilitation course provided by virtue of the Employment and Training Act 1973 and a person seeking to attend such a course.
- (9) For the purposes of this section the performance by an inspector of his functions shall be treated as the performance by the enforcing authority which appointed him of functions conferred on that authority by or under any of the relevant statutory provisions.