



# Health and Safety at Work etc. Act 1974

## 1974 CHAPTER 37

### PART II

#### THE EMPLOYMENT MEDICAL ADVISORY SERVICE

#### **55 Functions of, and responsibility for maintaining, employment medical advisory service.**

- (1) There shall continue to be an employment medical advisory service, which shall be maintained for the following purposes, that is to say—
  - (a) securing that the Secretary of State, [<sup>F1</sup>the Health and Safety Executive] ,<sup>F2</sup> . . . and others concerned with the health of employed persons or of persons seeking or training for employment can be kept informed of, and adequately advised on, matters of which they ought respectively to take cognisance concerning the safeguarding and improvement of the health of those persons;
  - (b) giving to employed persons and persons seeking or training for employment information and advice on health in relation to employment and training for employment;
  - (c) other purposes of the Secretary of State's functions relating to employment.
- (2) The authority responsible for maintaining the said service shall be the Secretary of State; but if arrangements are made by the Secretary of State for that responsibility to be discharged on his behalf by [<sup>F3</sup>the Health and Safety Executive] or some other body, then, while those arrangements operate, the body so discharging that responsibility (and not the Secretary of State) shall be the authority responsible for maintaining that service.
- (3) The authority for the time being responsible for maintaining the said service may also for the purposes mentioned in subsection (1) above, and for the purpose of assisting employment medical advisers in the performance of their functions, investigate or assist in, arrange for or make payments in respect of the investigation of problems arising in connection with any such matters as are so mentioned or otherwise in connection with the functions of employment medical advisers, and for the purpose

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of investigating or assisting in the investigation of such problems may provide and maintain such laboratories and other services as appear to the authority to be requisite.

- (4) Any arrangements made by the Secretary of State in pursuance of subsection (2) above may be terminated by him at any time, but without prejudice to the making of other arrangements at any time in pursuance of that subsection (including arrangements which are to operate from the time when any previous arrangements so made cease to operate).
- [<sup>F4</sup>(5) Without prejudice to section 12, it shall be the duty of the Health and Safety Executive, if so directed by the Secretary of State, to enter into arrangements with him for the Executive to be responsible for maintaining the said service.]
- (6) In subsection (1) above—
- (a) the reference to persons training for employment shall include persons attending industrial rehabilitation courses provided by virtue of the <sup>M1</sup>Employment and Training Act 1973; and
  - (b) the reference to persons (other than the Secretary of State and the [<sup>F5</sup>the Health and Safety Executive]) concerned with the health of employed persons or of persons seeking or training for employment shall be taken to include organisations representing employers, employees and occupational health practitioners respectively.

#### Textual Amendments

- F1** Words in s. 55(1) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 18\(2\)](#) (with art. 21, Sch. 2)
- F2** Words repealed by virtue of [Employment Act 1988 \(c. 19, SIF 43:5\)](#), s. 33(1), [Sch. 3 Pt. II para. 7\(a\)](#) and [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(3)(4), Sch. 6 para. 11(2), [Sch. 7 Pt. I](#)
- F3** Words in s. 55(2) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 18\(2\)](#) (with art. 21, Sch. 2)
- F4** S. 55(5) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 18\(3\)](#) (with art. 21, Sch. 2)
- F5** Words in s. 55(6)(b) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), [art. 18\(3\)](#) (with art. 21, Sch. 2)

#### Modifications etc. (not altering text)

- C1** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by S.I. 1989/840, [arts. 2–10](#)
- C2** 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\(2\)\(4\)](#))
- C3** 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\(3\)](#))
- C4** 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\(2\)](#)

#### Marginal Citations

- M1** 1973 c. 50.

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There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Section 55.