



Deregulation and Contracting Out Act 1994

1994 CHAPTER 40

PART I

DEREGULATION

CHAPTER II

MISCELLANEOUS DEREGULATORY PROVISIONS

37 Power to repeal certain health and safety provisions.

- (1) The appropriate authority may by regulations repeal or, as the case may be, revoke—
 - (a) any provision which is an existing statutory provision for the purposes of Part I of ^{M1} the Health and Safety at Work etc. Act 1974 (“the 1974 Act”),
 - (b) any provision of regulations under section 15 of the 1974 Act (health and safety regulations) which has effect in place of a provision which was an existing statutory provision for the purposes of that Part,
 - [^{F1}(ba) any of the relevant nuclear provisions,
 - (bb) any provision of regulations under section 74 of the Energy Act 2013 which has effect in place of any of the relevant nuclear provisions,]
 - (c) any provision which is an existing statutory provision for the purposes of ^{M2} the Health and Safety at Work (Northern Ireland) Order 1978 (“the 1978 Order”), or
 - (d) any provision of regulations under Article 17 of the 1978 Order (health and safety regulations) which has effect in place of a provision which was an existing statutory provision for the purposes of that Order.
- (2) Before making regulations under subsection (1) above, the appropriate authority shall consult—

Changes to legislation: *Deregulation and Contracting Out Act 1994, Section 37 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- [^{F2}(a) in the case of regulations under paragraph (a) of that subsection repealing or revoking a provision specified in section 117(4) of the Railways Act 1993, [^{F3}the Office of Rail and Road] ,
- (aa) in the case of regulations under paragraph (a) of that subsection not falling within paragraph (a) of this subsection, [^{F4} the Health and Safety Executive],
- (ab) in the case of regulations under paragraph (b) of that subsection revoking a provision of regulations which make provision exclusively in relation to transport systems falling within paragraph 1(3) of Schedule 3 to the Railways Act 2005, [^{F3}the Office of Rail and Road],
- (ac) in the case of regulations under paragraph (b) of that subsection not falling within paragraph (ab) of this subsection, [^{F4} the Health and Safety Executive],
- [^{F5}(ad) in the case of regulations under paragraph (ba) or (bb) of that subsection, the Office for Nuclear Regulation,]
- (b) in the case of regulations under paragraph (c) or (d) of that subsection, the Health and Safety Agency for Northern Ireland,
- and, in [^{F6}either][^{F6} any] case, such other persons as the appropriate authority considers appropriate.
- (3) Instead of consulting such other persons as the appropriate authority considers it appropriate to consult under subsection (2) above, the authority may require [^{F7} the Health and Safety Commission or, as the case may be, the Health and Safety Agency for Northern Ireland][^{F7} the required consultee] to consult such persons as it considers appropriate for the purpose of deciding how it should respond to consultation under that subsection.
- (4) Instead of consulting a person whom the appropriate authority considers it appropriate to consult under subsection (2) above, the authority may require [^{F8} the Health and Safety Commission or, as the case may be, the Health and Safety Agency for Northern Ireland][^{F8} the required consultee] to consult the person for the purpose of deciding how it should respond to consultation under that subsection.
- [^{F9}(4A) In subsections (3) and (4), “ the required consultee ” means the body which the appropriate authority is required to consult by virtue of subsection (2)(a) to (b).]
- (5) The appropriate authority may require consultation under subsection (3) or (4) above to be carried out in accordance with the authority’s directions.
- (6) Regulations under subsection (1) above may contain such transitional provisions and savings as the appropriate authority considers appropriate.
- (7) Regulations under paragraph (a) [^{F10} (b), (ba) or (bb)] of subsection (1) above shall be made by statutory instrument, and no instrument shall be made under that paragraph unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- (8) Regulations under subsection (1)(c) or (d) above—
- (a) shall be statutory rules for the purposes of ^{M3} the Statutory Rules (Northern Ireland) Order 1979, and
- (b) shall be subject to affirmative resolution, as defined in section 41(4) of ^{M4} the Interpretation Act (Northern Ireland) 1954, as if they were statutory instruments within the meaning of that Act.
- (9) In this section, “appropriate authority”—

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- (a) in relation to regulations under subsection (1)(a) [^{F11}(b), (ba) or (bb)] above, means the Secretary of State, and
- (b) in relation to regulations under subsection (1)(c) or (d) above, means the Department concerned (within the meaning of the 1978 Order, but as if any reference to that Order included a reference to this section).

[^{F12}(10) In subsection (1), “ the relevant nuclear provisions ” means—

- (a) sections 1, 3 to [^{F13}5], 22 and 24A of the Nuclear Installations Act 1965,
[section 6 of that Act, so far as it relates to sites in respect of which nuclear
^{F14}(aa) site licences (within the meaning of that Act) have been granted,] and
- (b) any regulations made under any of those sections,
so far as they have effect in England and Wales or Scotland.]

Textual Amendments

- F1** S. 37(1)(ba)(bb) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 71(2)**; S.I. 2014/251, art. 4
- F2** S. 37(2)(a)-(ac) substituted for s. 37(2)(a) (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 12 para. 12(2)(a)**; S.I. 2006/266, art. 2(2)
- F3** Words in s. 37(2) substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 4(k)**
- F4** Words in s. 37(2)(aa)(ac) substituted (1.4.2008) by [Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, **Sch. 3** (with art. 21, Sch. 2)
- F5** S. 37(2)(ad) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 71(3)**; S.I. 2014/251, art. 4
- F6** Word in s. 37(2) substituted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 12 para. 12(2)(b)**; S.I. 2006/266, art. 2(2)
- F7** Words in s. 37(3) substituted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 12 para. 12(3)**; S.I. 2006/266, art. 2(2)
- F8** Words in s. 37(4) substituted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 12 para. 12(3)**; S.I. 2006/266, art. 2(2)
- F9** S. 37(4A) inserted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 12 para. 12(4)**; S.I. 2006/266, art. 2(2)
- F10** Words in s. 37(7) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 71(4)**; S.I. 2014/251, art. 4
- F11** Words in s. 37(9)(a) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 71(5)**; S.I. 2014/251, art. 4
- F12** S. 37(10) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 71(6)**; S.I. 2014/251, art. 4
- F13** Word in s. 37(10)(a) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), art. 1(2), **Sch. 2 para. 3(a)** (with art. 40)
- F14** S. 37(10)(aa) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), art. 1(2), **Sch. 2 para. 3(b)** (with art. 40)

Marginal Citations

- M1** 1974 c. 37.
- M2** S.I. 1978/1039 (N.I. 9).
- M3** S.I. 1979/1573 (N.I. 12).
- M4** 1954 c. 33 (N.I.).

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 71(3)(ha) inserted by [2023 c. 55 Sch. 12 para. 4](#)