



# Health and Safety at Work etc. Act 1974

## 1974 CHAPTER 37

### PART IV

#### MISCELLANEOUS AND GENERAL

##### Extent Information

**E1** For the application of Pt. IV to Northern Ireland see [s. 84\(1\)](#).

#### <sup>x1</sup>77 **Amendment of Radiological Protection Act 1970.**

[<sup>F1</sup>(1) Section 1 of the Radiological Protection Act 1970 (establishment and functions of the National Radiological Protection Board) shall be amended in accordance with the following provisions of this subsection—

(a) after subsection (6) there shall be inserted as subsection (6A)—

“(6A) In carrying out such of their functions as relate to matters to which functions of the Health and Safety Commission relate, the Board shall (without prejudice to subsection (7) below) act in consultation with the Commission and have regard to the Commission’s policies with respect to such matters.”

(b) after subsection (7) there shall be inserted as subsections (7A) and (7B)—

“(7A) Without prejudice to subsection (6) or (7) above, it shall be the duty of the Board, if so directed by the Health Ministers, to enter into an agreement with the Health and Safety Commission for the Board to carry out on behalf of the Commission such of the Commission’s functions relating to ionising or other radiations (including those which are not electro-magnetic) as may be determined by or in accordance with the direction ; and the Board shall have the power to carry out any agreement entered into in pursuance of a direction under this subsection.

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(7B) The requirement as to consultation in subsection (7) above shall not apply to a direction under subsection (7A).”

(c) in subsection (8), after the words “subsection (7)” there shall be inserted the words “ or (7A) ”.

(2) In section 2(6) of the Radiological Protection Act 1970 (persons by whom, as regards premises occupied by the said Board, sections 1 to 51 of the <sup>M1</sup>Offices, Shops and Railway Premises Act 1963 and regulations thereunder are enforceable) for the words from “inspectors appointed” to the end of the subsection there shall be substituted the words “ inspectors appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974. ”]

**Editorial Information**

**X1** The text of ss. 75, 77, 78(1)–(3)(5)–(9), 83, Sch. 7, Sch. 9 para. 1, and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Textual Amendments**

**F1** S. 77 repealed (1.4.2005) by [Health Protection Agency Act 2004 \(c. 17\)](#), ss. 11, 12, **Sch. 4**; S.I. 2005/121, **art. 2(2)**

**Marginal Citations**

**M1** 1963 c. 41.

**78 Amendment of Fire Precautions Act 1971.**

<sup>X2</sup><sub>1</sub><sup>F2</sup>(1) The <sup>M2</sup>Fire Precautions Act 1971 shall be amended in accordance with the following provisions of this section.

<sup>X2</sup>(2) In section 1(2) (power to designate uses of premises for which fire certificate is compulsory) at the end there shall be inserted as paragraph (f)—  
“(f) use of place of work.”

<sup>F3</sup>(3) .....

<sup>F4</sup>(4) .....

<sup>X2</sup>(5) In section 12(1) (power to make regulations about fire precautions as regards certain premises), at the end there shall be added the words “ and nothing in this section shall confer on the Secretary of State power to make provision with respect to the taking or observance of special precautions in connection with the carrying on of any manufacturing process ”.

<sup>X2</sup>(6) In section 17 (duty of fire authorities to consult other authorities before requiring alterations to buildings)—

(a) in subsection (1), the word “and” shall be omitted where last occurring in paragraph (i) and shall be added at the end of paragraph (ii), and after paragraph (ii) there shall be added as paragraph (iii)—

“(iii) if the premises are used as a place of work and are within the field of responsibility of one or more enforcing authorities within the meaning of Part I of

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the Health and Safety at Work etc. Act 1974, consult that authority or each of those authorities.”;

- (b) in subsection (2) (clarification of references in section 9 to persons aggrieved), for the words “or buildings authority” there shall be substituted the words “buildings authority or other authority”;
- (c) after subsection (2) there shall be added as subsection (3)—

“(3) Section 18(7) of the Health and Safety at Work etc. Act 1974 (meaning in Part I of that Act of “enforcing authority” and of such an authority’s “field of responsibility”) shall apply for the purposes of this section as it applies for the purposes of that Part.”

<sup>X2</sup>(7) In section 18 (enforcement of Act)—

- (a) for the word “it” there shall be substituted the words “ (1) Subject to subsection (2) below, it ”;
- (b) for the word “section” there shall be substituted the word “ subsection ”; and
- (c) [<sup>F5</sup>after the word “offence” there shall be added as subsection (2)—

“(2) A fire authority shall have power to arrange with the Health and Safety Commission for such of the authority’s functions under this Act as may be specified in the arrangements to be performed on their behalf by the Health and Safety Executive (with or without payment) in relation to any particular premises so specified which are used as a place of work.”]

<sup>X2</sup>(8) In section 40 (application to Crown etc.)—

- (a) in subsection (1)(a) (provisions which apply to premises owned, but not occupied by the Crown), after the word “6” there shall be inserted the words “ , 9A (except subsection (4)) ”;
- (b) in subsection (1)(b) (provisions which apply to premises owned, but not occupied by the Crown), after the word “8” there shall be inserted the word “ 9A ”;
- (c) in subsection (10) (application of Act to hospital premises in Scotland), for the words from “Regional” to “hospitals” there shall be substituted the words “ Health Board ”;

<sup>F6</sup>(d) .....

<sup>X2</sup>(9) In section 43(1) (interpretation) there shall be added at the end the following definition—

““work” has the same meaning as it has for the purposes of Part I of the Health and Safety at Work etc. Act 1974”

- (10) Schedule 8 (transitional provisions with respect to fire certificates under the <sup>M3</sup>Factories Act 1961 or the <sup>M4</sup>Offices, Shops and Railway Premises Act 1963) shall have effect.]

#### Editorial Information

**X2** The text of ss. 75, 77, 78(1)–(3)(5)–(9), 83, Sch. 7, Sch. 9 para. 1, and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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#### Textual Amendments

- F2** S. 78 repealed (E.W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005](#) (S.I. 2005/1541), art. 53(2), **Sch. 4** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006](#) (S.I. 2006/484), **arts. 1(1), 2**); and s. 78 repealed (S.) (1.10.2006) by [The Fire \(Scotland\) Act 2005](#) (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 2(2), **Sch. 2**
- F3** S. 78(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XVI** Group 1.
- F4** S. 78(4) repealed by [Fire Safety and Safety of Places of Sport Act 1987](#) (c. 27, SIF 45A), s. 49, **Sch. 4**
- F5** S. 78(7)(c) repealed (E.W.S.) (1.4.2006) by [Railways Act 2005](#) (c. 14), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11** para. 11(2)); S.I. 2006/266, **art. 2(2)**, **Sch.**
- F6** S. 78(8)(d) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3**

#### Marginal Citations

- M2** 1971 c. 40.
- M3** 1961 c. 34.
- M4** 1963 c. 41.

**F779** .....

#### Textual Amendments

- F7** S. 79 repealed by [Companies Consolidation \(Consequential Provisions\) Act 1985](#) (c. 9, SIF 27), s. 29, **Sch. 1**

### 80 General power to repeal or modify Acts and instruments.

- (1) Regulations made under this subsection may repeal or modify any provision to which this subsection applies if it appears to the authority making the regulations that the repeal or, as the case may be, the modification of that provision is expedient in consequence of or in connection with any provision made by or under Part I.
- (2) Subsection (1) above applies to any provision, not being among the relevant statutory provisions, which—
- is contained in this Act or in any other Act passed before or in the same Session as this Act; or
  - is contained in any regulations, order or other instrument of a legislative character which was made under an Act before the passing of this Act; or
  - applies, excludes or for any other purpose refers to any of the relevant statutory provisions and is contained in any Act not falling within paragraph (a) above or in any regulations, order or other instrument of a legislative character which is made under an Act but does not fall within paragraph (b) above.
- [<sup>F8</sup>(2A) Subsection (1) above shall apply to provisions in [<sup>F9</sup>the Employment Rights Act 1996 or the Trade Union and Labour Relations (Consolidation) Act 1992 which derive from provisions of the Employment Protection (Consolidation) Act 1978 which re-enacted]provisions previously contained in the <sup>M5</sup>Redundancy Payments Act 1965, the <sup>M6</sup>Contracts of Employment Act 1972 or the <sup>M7</sup>Trade Union and Labour Relations Act 1974 as it applies to provisions contained in Acts passed before or in the same Session as this Act.]

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- (3) Without prejudice to the generality of subsection (1) above, the modifications which may be made by regulations thereunder include modifications relating to the enforcement of provisions to which this section applies (including the appointment of persons for the purpose of such enforcement, and the powers of persons so appointed).
- [<sup>F10</sup>(4) The power to make regulations under subsection (1) above shall be exercisable by the Secretary of State <sup>F11</sup>. . . ; but the authority who is to exercise the power shall, before exercising it, consult such bodies as appear to him to be appropriate.
- (5) In this section “the relevant statutory provisions” has the same meaning as in Part I.]

#### Textual Amendments

- F8** S. 80(2A) inserted by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 16 para. 17**
- F9** Words in s. 80(2A) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 5** (with ss. 191-195, 202)
- F10** S. 80(4)(5) substituted for S. 80(4)-(6) by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 15 para. 19**
- F11** Words in s. 80(4) repealed (27.3.2002) by S.I. 2002/794, **art. 5(2)**, **Sch. 2** (with **art. 6**)

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

- C1** S. 80 extended by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **s. 12(3)**
- C2** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by S.I. 1989/840, **arts. 2–10**
- C3** S. 80 extended by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **s. 170B(5)**, as inserted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 102, **Sch. 13**
- C4** 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)**)
- C5** 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)**)
- C6** Ss. 80-82 applied by S.I. 2001/2127 art. 8A 8B (as inserted (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)**)
- C7** S. 80(1) extended (E.W.) by [British Waterways Act 1983 \(c. ii\)](#), **s. 19(1)**, and (S.) by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), **s. 109**
- C8** S. 80(1) extended (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **s. 128(2)**  
S. 80(1) extended (E.W.S.) (27.8.1993) by 1993 c. 11, ss. 67(1), 68(2), **Sch. 4 para. 1**.
- C9** S. 80(1) applied (18.6.1992) by [Pittenweem Harbour Order Confirmation Act 1992 \(c. ix\)](#), s. 1, **Sch. s. 22(2)**
- C10** S. 80(1) applied (16.7.1992) by [Peterhead Harbours Order Confirmation Act 1992 \(c. xii\)](#), s. 1, **Sch. s. 61**  
S. 80(1) applied (27.8.1993) by 1993 c. 12, ss. 49(2), 51(2), **Sch. 5 Pt. I para. 6** (with ss. 42, 46).  
S. 80(1) applied (5.9.2002) by S.S.I 2002/410, **art. 57(2)** (with arts. 59, 61)
- C11** S. 80(1) applied (S.) (23.5.2008) by [The Dumfries and Galloway Council \(Port William\) Harbour Empowerment Order 2008 \(S.S.I. 2008/188\)](#), **art. 53(2)** (with arts. 53-56)
- C12** S. 80(1) applied (S.) (23.5.2008) by [The Dumfries and Galloway Council \(Isle of Whithorn\) Harbour Empowerment Order 2008 \(S.S.I. 2008/189\)](#), **art. 53(2)** (with arts. 53-56)
- C13** S. 80(1) applied (S.) (23.5.2008) by [The Dumfries and Galloway Council \(Garlieston\) Harbour Empowerment Order 2008 \(S.S.I. 2008/190\)](#), **art. 53(2)** (with arts. 53-56)

#### Marginal Citations

- M5** 1965 c. 62.  
**M6** 1972 c. 53.

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M7 1974 c. 52.

## 81 Expenses and receipts.

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by a Minister of the Crown or government department for the purposes of this Act; and
- (b) any increase attributable to the provisions of this Act in the sums payable under any other Act out of money so provided;

and any sums received by a Minister of the Crown or government department by virtue of this Act shall be paid into the Consolidated Fund.

### Modifications etc. (not altering text)

- C6** Ss. 80-82 applied by S.I. 2001/2127 art. 8A 8B (as inserted (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))
- C14** Ss. 1-25, 26, 27, 28, 30, 33, 34-59, 80, 81 and 82 applied by S.I. 1989/840, **arts. 2-10**  
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)**)
- C15** 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)**)

## 82 General provisions as to interpretation and regulations.

(1) In this Act—

- (a) “Act” includes a provisional order confirmed by an Act;
- (b) “contravention” includes failure to comply, and “contravene” has a corresponding meaning;
- (c) “modifications” includes additions, omissions and amendments, and related expressions shall be construed accordingly;
- (d) any reference to a Part, section or Schedule not otherwise identified is a reference to that Part or section of, or Schedule to, this Act.

(2) Except in so far as the context otherwise requires, any references in this Act to an enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment, including this Act.

(3) Any power conferred by Part I or II or this Part to make regulations—

- (a) includes power to make different provision by the regulations for different circumstances or cases and to include in the regulations such incidental, supplemental and transitional provisions as the authority making the regulations considers appropriate in connection with the regulations; and
- (b) shall be exercisable by statutory instrument, which [<sup>F12</sup>(unless [<sup>F13</sup>subsection (3A), (3B) or (4)] applies)] shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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[<sup>F14</sup>(3A) In the case of a statutory instrument which also contains regulations under section 74 of the Energy Act 2013 (nuclear regulations), subsection (3) is subject to section 113 of that Act (subordinate legislation).]

[<sup>F15</sup>(3B) Regulations under section 3(2) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.]

[<sup>F16</sup>(4) The first regulations under section 43A(1) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.]

#### Textual Amendments

- F12** Words in s. 82(3)(b) inserted (10.9.2003) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **s. 105(3)(a)**
- F13** Words in s. 82(3)(b) substituted (26.3.2015 for specified purposes) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 1(5)(a), 115(2)(a)** (with s. 1(6))
- F14** S. 82(3A) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 13(3)**; S.I. 2014/251, art. 4
- F15** S. 82(3B) inserted (26.3.2015 for specified purposes) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 1(5)(b), 115(2)(a)** (with s. 1(6))
- F16** S. 82(4) inserted (10.9.2003) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **s. 105(3)(b)**

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

- C6** Ss. 80-82 applied by S.I. 2001/2127 art. 8A 8B (as inserted (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)**)
- C16** Ss. 1-25, 26, 27, 28, 30, 33, 34-59, 80, 81 and 82 applied by S.I. 1989/840, **arts. 2-10**
- C17** 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)**)
- C18** 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)**)

<sup>F17</sup>**83** .....

#### Textual Amendments

- F17** S. 83 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. XVI** Group1.

## 84 Extent, and application of Act.

(1) This Act, except—

- (a) Part I and this Part so far as may be necessary to enable regulations under section 15 [<sup>F18</sup>or 30] to be made and operate for the purpose mentioned in paragraph 2 of Schedule 3; and
- (b) paragraphs <sup>F19</sup>. . . 3 of Schedule 9, does not extend to Northern Ireland.

(2) Part III, except section 75 and Schedule 7, does not extend to Scotland.



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- (3) Her Majesty may by Order in Council provide that the provisions of Parts I and II and this Part shall, to such extent and for such purposes as may be specified in the Order, apply (with or without modification) to or in relation to persons, premises, work, articles, substances and other matters (of whatever kind) outside Great Britain as those provisions apply within Great Britain or within a part of Great Britain so specified.

For the purposes of this subsection “premises”, “work” and “substance” have the same meanings as they have for the purposes of Part I.

- (4) An Order in Council under subsection (3) above—
- (a) may make different provision for different circumstances or cases;
  - (b) may (notwithstanding that this may affect individuals or bodies corporate outside the United Kingdom) provide for any of the provisions mentioned in that subsection, as applied by such an Order, to apply to individuals whether or not they are British subjects and to bodies corporate whether or not they are incorporated under the law of any part of the United Kingdom;
  - (c) may make provision for conferring jurisdiction on any court or class of courts specified in the Order with respect to offences under Part I committed outside Great Britain or with respect to causes of action arising by virtue of section 47(2) in respect of acts or omissions taking place outside Great Britain, and for the determination, in accordance with the law in force in such part of Great Britain as may be specified in the Order, of questions arising out of such acts or omissions;
  - (d) may exclude from the operation of section 3 of the <sup>M8</sup>Territorial Waters Jurisdiction Act 1878 (consents required for prosecutions) proceedings for offences under any provision of Part I committed outside Great Britain;
  - (e) may be varied or revoked by a subsequent Order in Council under this section; and any such Order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F20</sup>(5) In relation to proceedings for an offence under Part I committed outside Great Britain by virtue of an Order in Council under subsection (3) above, section 38 shall have effect as if the words “by an inspector, or” were omitted.]

- (6) Any jurisdiction conferred on any court under this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any other court.

#### Textual Amendments

- F18** Words repealed (E.W.)(S.) by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 18](#)  
**F19** Words repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#)  
**F20** [S. 84\(5\)](#) repealed (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\)](#), ss. 3(1)(b), 7(2), [Sch. 2](#)

#### Marginal Citations

- M8** [1878 c. 73](#).

## 85 Short title and commencement.

- (1) This Act may be cited as the Health and Safety at Work etc. Act 1974.



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- (2) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed under this subsection for different purposes.
- (3) An order under this section may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provision of this Act then in force as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).

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

**C19** Power of appointment conferred by s. 85(2) partly exercised: [S.I. 1974/1439](#), 1975/344, 1364, 1977/294, 1980/208, 269

**Status:**

Point in time view as at 26/03/2015.

**Changes to legislation:**

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