



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

Enforcement

23 Provisions supplementary to ss. 21 and 22

- (1) In this section " a notice " means an improvement notice or a prohibition notice.
- (2) A notice may (but need not) include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates ; and any such directions—
 - (a) may be framed to any extent by reference to any approved code of practice ;
and
 - (b) may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention or matter.
- (3) Where any of the relevant statutory provisions applies to a building or any matter connected with a building and an inspector proposes to serve an improvement notice relating to a contravention of that provision in connection with that building or matter, the notice shall not direct any measures to be taken to remedy the contravention of that provision which are more onerous than those necessary to secure conformity with the requirements of any building regulations for the time being in force to which that building or matter would be required to conform if the relevant building were being newly erected unless the provision in question imposes specific requirements more onerous than the requirements of any such building regulations to which the building or matter would be required to conform as aforesaid.

In this subsection " the relevant building ", in the case of a building, means that building, and, in the case of a matter connected with a building, means the building with which the matter is connected.

Status: This is the original version (as it was originally enacted).

- (4) Before an inspector serves in connection with any premises used or about to be used as a place of work a notice requiring or likely to lead to the taking of measures affecting the means of escape in case of fire with which the premises are or ought to be provided, he shall consult the fire authority.

In this subsection " fire authority " has the meaning assigned by section 43(1) of the Fire Precautions Act 1971.

- (5) Where an improvement notice or a prohibition notice which is not to take immediate effect has been served—

- (a) the notice may be withdrawn by an inspector at any time before the end of the period specified therein in pursuance of section 21 or section 22(4) as the case may be; and
- (b) the period so specified may be extended or further extended by an inspector at any time when an appeal against the notice is not pending.

- (6) In the application of this section to Scotland—

- (a) in subsection (3) for the words from " with the requirements " to " aforesaid " there shall be substituted the words—

“(a) to any provisions of the building standards regulations to which that building or matter would be required to conform if the relevant building were being newly erected ; or

- (b) where the sheriff, on an appeal to him under section 16 of the Building (Scotland) Act 1959—

- (i) against an order under section 10 of that Act requiring the execution of operations necessary to make the building or matter conform to the building standards regulations, or

- (ii) against an order under section 11 of that Act requiring the building or matter to conform to a provision of such regulations, has varied the order, to any provisions of the building standards regulations referred to in paragraph (a) above as affected by the order as so varied, unless the relevant statutory provision imposes specific requirements more onerous than the requirements of any provisions of building standards regulations as aforesaid or, as the case may be, than the requirements of the order as varied by the sheriff.”;

- (b) after subsection (5) there shall be inserted the following subsection—

“(5A) In subsection (3) above ' building standards regulations' has the same meaning as in section 3 of the Building (Scotland) Act 1959.”.