



# 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*

#### **26 Power of enforcing authorities to indemnify their inspectors.**

Where an action has been brought against an inspector in respect of an act done in the execution or purported execution of any of the relevant statutory provisions and the circumstances are such that he is not legally entitled to require the enforcing authority which appointed him to indemnify him, that authority may, nevertheless, indemnify him against the whole or part of any damages and costs or expenses which he may have been ordered to pay or may have incurred, if the authority is satisfied that he honestly believed that the act complained of was within his powers and that his duty as an inspector required or entitled him to do it.

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

- C1** S. 26 applied by [S.I. 1989/840, arts. 2-10](#)  
S. 26 excluded (with saving) (E.W.S.) (1.12.1997) by [S.I. 1997/1840, regs. 7, 9](#)  
S. 26 extended (E.W.S.) (1.10.1996) by [S.I. 1996/1513, reg. 10](#)  
S. 26 applied (E.W.S.) (24.7.2002) by [S.I. 2002/1689, reg. 14\(1\)\(a\)](#)  
S. 26 applied (31.3.2002) by [S.I. 2002/528, reg. 10](#)  
S. 26 applied (16.5.2002) by [S.I. 2002/1166, reg. 31](#) (with art. 37)  
S. 26 applied (with modifications) (9.1.1995) by [S.I. 1994/3260, reg. 17\(3\)\(5\)](#)  
S. 26: power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15, ss. 2\(4\)\(b\), 5](#) (with s. 3(5)) S. 26 applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772, reg. 17](#)  
S. 26 applied (with modifications) (E.W.S.) (1.3.1996) by [S.I. 1996/192, reg. 15, Sch. 14 para. 1\(b\)](#)  
S. 26 applied (with modifications) (E.W.S.) (1.7.1997) by [S.I. 1997/831, reg. 19\(1\)-\(4\), Sch. 15 para. 1\(a\)\(b\)](#)

*Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the*  
*Health and Safety at Work etc. Act 1974, Section 26. (See end of Document for details)*

- S. 26 applied (15.11.2000) by [S.I. 2000/2831, reg. 26\(1\)\(a\)](#)
- C2** S. 26 applied (with modifications) (1.1.1993) by [S.I.1992/3073, reg. 28, Sch. 6 para. 1\(b\)](#)
- C3** S. 26 modified (6.4.1992) by [S.I. 1992/711, regs. 1\(2\), 28\(3\)\(b\)\(5\)\(a\)](#)
- C4** S. 26 extended (with modifications) (1.4.1999) by [S.I. 1999/743, reg. 20\(1\)\(c\), \(2\)\(3\)](#)
- C5** S. 26 applied (with modifications) (19.11.1999) by [S.I. 1999/2892, reg. 16\(1\)](#)
- C6** S. 26 applied (with modifications) (29.11.1999) by [S.I. 1999/2001, reg. 24\(1\), Sch. 8 para. 1\(b\)](#)
- C7** S. 26 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\(2\)\(4\)](#))
- C8** S. 26 applied (E.W.S.) (20.9.2001) by [S.I. 2001/2975, reg. 19\(c\)](#)
- C9** S. 26 applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by [S.I. 2003/403, regs. 1\(2\), 23\(2\)\(a\)\(3\)](#); s. 26 applied (with modifications) (E.W.S.) (3.5.2004) by [S.I. 2004/129, reg. 23\(3\)\(c\)](#); s. 26 applied (with modifications) (E.W.S.) (9.6.2004) by [S.I. 2004/1309, reg. 17](#); s. 26 applied (E.W.S.) (22.4.2005) by [S.I. 2005/928, reg. 4\(2\)\(3\)\(5\)\(6\)](#); s. 26 applied (2.4.2006) by [S.I. 2006/397, reg. 34](#)
- C10** S. 26 applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by [The Channel Tunnel \(Safety\) Order 2007 \(S.I. 2007/3531\), art. 4\(2\)\(3\)\(f\)](#) (subject to (4)-(6)) (with art. 7)
- C11** 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\(3\)](#))
- C12** S. 26 applied (with modifications) (E.W.S.) (6.4.2010) by [The Rail Vehicle Accessibility \(Non-Interoperable Rail System\) Regulations 2010 \(S.I. 2010/432\), reg. 6\(2\)\(3\)\(e\)](#)
- C13** S. 26 applied (with modifications) (E.W.S.) (6.4.2010) by [The Train Driving Licences and Certificates Regulations 2010 \(S.I. 2010/724\), regs. 1\(2\), 38\(2\)\(3\)\(e\)](#)
- C14** Ss. 19-28 applied (with modifications) (E.W.S.) (4.7.2010 for certain purposes and otherwise 4.7.2013) by [The Pyrotechnic Articles \(Safety\) Regulations 2010 \(S.I. 2010/1554\), regs. 1, 18, 37\(1\), {Sch. 4 paras. 1, 2}](#)

**Status:**

Point in time view as at 01/04/2005. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Section 26.