
Changes to legislation: There are currently no known outstanding effects for the Health and Safety (Offences) Act 2008. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1(2)

NEW SCHEDULE 3A TO THE HEALTH AND SAFETY AT WORK ETC. ACT 1974

“SCHEDULE 3A

OFFENCES: MODE OF TRIAL AND MAXIMUM PENALTY

- 1 The mode of trial and maximum penalty applicable to each offence listed in the first column of the following table are as set out opposite that offence in the subsequent columns of the table.
- 2 (1) This paragraph makes transitional modifications of the table as it applies to England and Wales.
(2) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's powers to imprison), a reference to imprisonment for a term not exceeding 12 months is to be read as a reference to imprisonment for a term not exceeding six months.
(3) In relation to an offence committed before the commencement of section 281(5) of that Act (alteration of penalties for summary offences), a reference to imprisonment for a term not exceeding 51 weeks is to be read as a reference to imprisonment for a term not exceeding six months.”

SCHEDULE 2

Section 1(4)

NEW SCHEDULE 3A TO THE HEALTH AND SAFETY AT WORK (NORTHERN IRELAND) ORDER 1978

“SCHEDULE 3A

OFFENCES: MODE OF TRIAL AND MAXIMUM PENALTY

The mode of trial and maximum penalty applicable to each offence listed in the first column of the following table are as set out opposite that offence in the subsequent columns of the table.

<i>Offence</i>	<i>Mode of trial</i>	<i>Penalty on summary conviction</i>	<i>Penalty on conviction on indictment</i>
An offence under Article 31(1)(a) consisting of a failure to discharge a duty to which a person is	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.

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subject by virtue of Articles 4 to 7.

An offence under Article 31(1)(a) consisting of a failure to discharge a duty to which a person is subject by virtue of Article 8.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(b) consisting of a contravention of Article 9.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(b) consisting of a contravention of Article 10.	Summarily or on indictment.	A fine not exceeding £20,000.	A fine.
An offence under Article 31(1)(c).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(d).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under Article 31(1)(e), (f) or (g).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(h).	Summarily only.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding level 5 on the standard scale, or both.	
An offence under Article 31(1)(i).	Summarily or on indictment.	A fine not exceeding the statutory maximum.	A fine.
An offence under Article 31(1)(j).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.

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An offence under Article 31(1)(k), (l) or (m).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(n).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under Article 31(1)(o).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under the existing statutory provisions for which no other penalty is specified.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.”

SCHEDULE 3

Section 2

CONSEQUENTIAL AMENDMENTS

Explosives Act 1875 (c. 17)

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Textual Amendments

F1 Sch. 3 para. 1 repealed (1.10.2014) by [The Acetylene Safety \(England and Wales and Scotland\) Regulations 2014 \(S.I. 2014/1639\)](#), reg. 1(1), **Sch. 3 Pt. 1**

Health and Safety at Work etc. Act 1974 (c. 37)

- 2 (1) In section 15 (health and safety regulations), subsection (6)(e) is omitted.
- (2) In section 42 (remedy and forfeiture), after subsection (3) there is inserted—
- “(3A) Subsection (4) applies where a person is convicted of an offence consisting of acquiring or attempting to acquire, possessing or using an explosive article or substance (within the meaning of any of the relevant statutory provisions) in contravention of any of the relevant statutory provisions.”
- (3) In subsection (4) of that section, for the words from “a person” to “there mentioned” there is substituted “ the person is convicted of the offence ”

Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))

- 3 (1) In Article 17 (health and safety regulations), paragraph (6)(e) is omitted.

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- (2) In Article 39 (remedy and forfeiture), after paragraph (3) there is inserted—
- “(3A) Paragraph (4) applies where a person is convicted of an offence consisting of acquiring or attempting to acquire, possessing or using an explosive article or substance (within the meaning of any of the relevant statutory provisions) in contravention of any of the relevant statutory provisions.”
- (3) In paragraph (4) of that Article, for the words from “a person” to “there mentioned” there is substituted “ the person is convicted of the offence ”.

Activity Centres (Young Persons' Safety) Act 1995 (c. 15)

- 4 In section 2 (offences), in subsection (4)(f), for “, and (2) to (4)” there is substituted “ and (2) (and the related provisions of Schedule 3A) ”.

Activity Centres (Young Persons' Safety) (Northern Ireland) Order 1998 (S.I. 1998/1069 (N.I. 5))

- 5 In Article 4 (offences), in paragraph (4)(f), for “, (2), (2A), (4) and (5)” there is substituted “ and (2) (and the related provisions of Schedule 3A) ”.

SCHEDULE 4

Section 2

REPEALS

<i>Short title and reference</i>	<i>Extent of repeal</i>
Health and Safety at Work etc. Act 1974 (c. 37)	Section 15(6)(e).
Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))	Article 17(6)(e).
Offshore Safety Act 1992 (c. 15)	Section 4.
Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 (S.I. 1992/1728 (N.I. 17))	Article 6.

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