
STATUTORY INSTRUMENTS

1974 No. 1943

**HEALTH AND SAFETY
SHOPS AND OFFICES**

**The Offices, Shops and Railway Premises Act 1963
(Repeals and Modifications) Regulations 1974**

<i>Made</i>	- - - -	<i>21st November 1974</i>
<i>Laid before Parliament</i>		<i>3rd December 1974</i>
<i>Coming into Operation</i>		<i>1st January 1975</i>

The Secretary of State in exercise of the powers conferred on him by sections 15(1) and 3(a) and 82(3)(a) of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) and of all other powers enabling him in that behalf, and after consultation with the Health and Safety Commission and such other bodies as appeared to him to be appropriate, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 1974 and shall come into operation on 1st January 1975.

(2) The Interpretation Act 1889 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Repeals and modifications—the Offices, Shops and Railway Premises Act 1963

2. In the Offices, Shops and Railway Premises Act 1963 (“the 1963 Act”) as amended by the Secretary of State for Employment and Productivity Order 1968(1)—

- (a) the provisions mentioned in column 1 of Schedule 1 to these Regulations are hereby repealed to the extent specified in column 2 of that Schedule; and
- (b) the provisions mentioned in Schedule 2 to these Regulations shall have effect subject to the modifications specified in that Schedule.

Revocations and modifications—instruments under the Offices, Shops and Railway Premises Act 1963

3.—(1) The Offices, Shops and Railway Premises Act 1963 (Conduct of Inquiries) Regulations 1965⁽²⁾ are hereby revoked.

(2) In the Offices, Shops and Railway Premises First Aid Order 1964⁽³⁾, for the reference in Article 1(3) to the Secretary of State there shall be substituted a reference to the Health and Safety Executive.

(3) In the Offices, Shops and Railway Premises (Hoists and Lifts) Regulations 1968⁽⁴⁾—

(a) in Regulation 1(3)—

(i) the definitions of “factory inspector for the district” and “mine and quarry inspector for the district” shall be omitted; and

(ii) for the definition of “inspector” there shall be substituted the following definition:—

“inspector means an inspector appointed by a fire authority under section 52(2) of the Act or by the Health and Safety Executive or by a local authority under section 19 of the Health and Safety at Work etc. Act 1974;”

and

(b) in Regulation 6(3), for the references to the factory inspector for the district and the mine and quarry inspector for the district there shall be substituted references to the Health and Safety Executive.

Supplemental

4.—(1) These Regulations shall not affect the validity of anything done under any provision repealed or modified by the Regulations before the coming into operation of the Regulations; and anything which at the coming into operation of the Regulations is being done for the purposes of that provision (including in particular any legal proceedings) by or in relation to—

(a) an inspector appointed under section 145 of the Factories Act 1961 or under section 144 of the Mines and Quarries Act 1954 or a person authorised under section 52(3) or (6) of the 1963 Act;

(b) an inspector appointed by a local authority under section 52(1) or (5) of the 1963 Act; or

(c) the Secretary of State;

may, so far as may be necessary for the purposes of or in consequence of the provisions of the Regulations, be continued, respectively, by or in relation to—

(a) an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act;

(b) an inspector appointed by the local authority in question under the said section 19;

(c) the Health and Safety Executive.

(2) Without prejudice to paragraph (1) of this Regulation, any exemption, approval, certificate or notice granted or given or other thing whatsoever done for the purposes of any provision modified by these Regulations, shall, if in force at the coming into operation of these Regulations, continue in force and have effect as if granted, given or done in accordance with that provision as so modified.

(2) (1965 II, p. 3864).

(3) (1964 II, p. 2197).

(4) (1968 II, p. 2268).

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(3) Except as provided in Regulation 3 of these Regulations, regulations and orders made under any provision repealed by these Regulations and in force immediately before the coming into operation of these Regulations shall continue in force notwithstanding the repeal of that provision.

(4) Where any of the provisions repealed or modified by these Regulations prescribes a penalty for an offence of any kind, that penalty shall, notwithstanding these Regulations, continue to apply to offences of that kind committed before 1st January 1975.

Signed by order of the Secretary of State.

21st November 1974

Harold Walker
Joint Parliamentary Under Secretary of State
Department of Employment

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SCHEDULE 1

Regulation 2(a)

REPEALS—THE OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963

<i>Provision</i>	<i>Extent of repeal</i>
Section 3.	Subsection (3).
Section 4.	Subsection (3).
Section 6.	Subsection (5).
Section 7.	Subsection (2).
Section 8.	Subsection (2).
Section 9.	Subsection (3) and (4).
Section 10.	Subsection (3) and (4).
Section 12.	Subsection (3).
Section 20 to 22.	The whole section in each case.
Section 23.	Subsection (2).
Section 25 and 26.	The whole section in each case.
Section 27.	Subsection (3).
Section 29.	In subsection (9), the word “special”.
Section 32.	The whole section except in its application to cases in which the appropriate authority is the fire authority.
Section 37.	In subsection (1), the word “special”
Section 38.	In subsection (2), the word “special”.
Section 42.	Subsections (2)(b), (3)(b) and (8) to (10).
Section 43.	Subsections (6) to (8).
Section 45.	The whole section.
Section 46.	Subsections (12) and (14).
Section 48.	Subsection (4).
Section 49.	Subsection (2).
Section 50.	The whole section.
Section 52.	In subsections (1) and (5), the words “and for that purpose to appoint inspectors”.
Section 53.	The whole section except as respects inspectors appointed under section 52(2).
Section 54.	The whole section.
Section 55.	The whole section except as respects inspectors appointed under section 52(2).
Section 56 to 58.	The whole section in each case.
Section 59.	The words from “and liable” to the end of the section.

<i>Provision</i>	<i>Extent of repeal</i>
Section 61 and 62.	The whole section in each case.
Section 64.	The whole section except for the purposes of sections 28 to 38, 42(16) and 43(14).
Section 65 and 66.	The whole section in each case.
Section 68.	The whole section.
Section 70.	Subsection (1) except for the purposes of sections 28 to 38, 42(16), 43(14) and 53(2); and subsections (2) to (4).
Section 71.	Subsection (1).
Section 74.	Subsections (2) to (4).
Section 75.	Subsection (2).
Section 80.	In subsection (1), the words “other than orders made under section 62 of this Act”; in subsection (3), the words “except the power conferred by section 62 of this Act”; and subsections (5), (6) and (8).
Section 81.	The whole section.
Section 83.	In subsection (4), the words from “and an exemption” to the end of the subsection.
Section 85.	In subsection (1), the words “With the exception of section 25(2) of this Act”.
Section 89.	Subsections (2) and (3).
Section 90.	The definitions of “factory inspector” and “mine and quarry inspector”.
Schedule 1.	The whole Schedule.

SCHEDULE 2

Regulation 2(b)

MODIFICATIONS—THE OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963

1. In section 4(4), for the words from the beginning of the subsection to “shall” there shall be substituted the words “Subsection (2) of this section shall not”.

2. In sections 46(6), 48(3), 49(3) and 69, after the word “liable” there shall be inserted the words “on summary conviction”.

3. In section 39(1), for the words from “by section 52(4)” in paragraph (a) to the end of the subsection there shall be substituted the words “by section 52(4) or (6) of this Act, it shall be the Health and Safety Executive.”.

4. In section 39, for subsection (2) there shall be substituted the following subsection:—

“(2) In the case of premises with respect to which the enforcement of provisions of this Act is provided for by section 52(3) of this Act, the appropriate authority shall, for the purposes of sections 28 to 38 of this Act, be the Health and Safety Executive.”

5. In section 46(5)(a), for the words “the appropriate authority” there shall be substituted the words “the authority having power to enforce with respect to the premises the provision imposing the requirement”.

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6. In section 48, for subsection (5) there shall be substituted the following subsection:—

“(5) In this section ‘appropriate authority’ means the authority having power to enforce with respect to the premises sections 4 to 27 of this Act.”.
7. In section 49(3), for the words “either of the foregoing subsections” there shall be substituted the words “the foregoing subsection”.
8. In section 52(3) and (4), for the words from “factory inspectors and” to the end of the subsection in each case there shall be substituted the words “the Health and Safety Executive”.
9. In section 5294, for paragraph (b) there shall be substituted the following paragraph:—

“(b) office premises erected at, or adjacent to, a place where there are carried on operations to which section 127(1) of the Factories Act 1961 applies or works to which that section applies, being premises erected for the purpose of, or in connection with, the operations or works;”
10. In section 52(6) for the words from “mine and quarry inspectors and” to the end of the subsection there shall be substituted the words “the Health and Safety Executive”.
11. In section 63, after subsection (2) there shall be added the following subsection:—

“(3) A person who contravenes a provision of regulations under section 20 or 50 of this Act shall be guilty of an offence.”
12. In section 71(2), for the words “authorised as aforesaid by” there shall be substituted the words “authorised in that behalf by a general resolution of”.
13. In section 80(4), for the words “the Secretary of State” there shall be substituted the words “the Health and Safety Executive”.
14. In section 80(7), at the end there shall be added the words “and the provisions of section 50 of the Health and Safety at Work etc. Act 1974 shall apply to any such power as they apply to a power to make regulations”.
15. In section 83—
 - (a) for the reference in subsections (2), (4) and (5) and the first reference in subsection (3) to a factory inspector or a person authorised under section 52(3) of the 1963 Act there shall be substituted a reference to the Health and Safety Executive;
 - (b) in subsection (3) for the words from “have effect as if” to the end of the subsection there shall be substituted the words “have effect as if for references to the appropriate authority there were substituted references to the Health and Safety Executive”;
 - (c) in subsection (4) for the words “subsections (5) to (14)” there shall be substituted the words “subsections (5) to (13)”.

EXPLANATORY NOTE

These Regulations contain repeals and modifications of provisions of the Offices, Shops and Railway Premises Act 1963 and instruments thereunder. They are made in consequence of the establishment on 1st January 1975 of the Health and Safety Executive and the coming into operation on that date

of provisions of the Health and Safety at Work etc. Act 1974 which supersede or affect the said provisions.

The Regulations therefore—

(a) transfer the functions of factory inspectors and mines and quarries inspectors to inspectors appointed by the Health and Safety Executive under the 1974 Act;

(b) apply, with certain exceptions, to offences committed on or after 1st January 1975 the penalties prescribed in the 1974 Act;

(c) repeal powers and provisions which are superseded by powers and provisions contained in the 1974 Act, including in particular—

(i) powers to make regulations and other instruments;

(ii) powers of inspectors (other than fire authority inspectors);

(iii) provisions relating to inquiries;

(iv) provisions relating to certain offences, penalties and legal proceedings.