

## 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”.
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 52(4), 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—

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- (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)”.