
STATUTORY INSTRUMENTS

1998 No. 494

The Health and Safety (Enforcing Authority) Regulations 1998

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“agricultural activities”—

(a) includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, including the management of livestock up to the point of slaughter or export from Great Britain, forestry, the use of land as grazing land, market gardens and nursery grounds and the preparation of land for agricultural use;

(b) does not include such activities at a garden centre or other shop,

and for this purpose “livestock breeding and keeping” does not include activities the main purpose of which is entertainment;

“the Commission” means the Health and Safety Commission;

“common parts” means those parts of premises used in common by, or for providing common services to or common facilities for, the occupiers of the premises;

“construction work” and “contractor” have the meanings assigned to them by regulation 2(1) of the Construction (Design and Management) Regulations 1994(1);

“dock premises” has the meaning assigned to it by regulation 2(1) of the Docks Regulations 1988(2);

“electricity system” does not include the consumer’s installation within the meaning of regulation 3(1) of the Electricity Supply Regulations 1988(3);

“the Executive” means the Health and Safety Executive;

“fairground” means such part of premises as is for the time being used wholly or mainly for the operation of any fairground equipment, other than a coin-operated ride, non-powered children’s playground equipment, swimming pool slide, go-kart, or plant designed to be used by members of the public for entertainment purposes for bouncing upon;

“gas” has the meaning assigned to it by section 48 of the Gas Act 1986(4);

“gas fitting” has the meaning assigned to it by section 48 of the Gas Act 1986;

“gas system” does not include a portable or mobile appliance supplied with gas from a cylinder, or the cylinder, pipes and other fittings used for supplying gas to that appliance;

“ionising radiation” has the meaning assigned to it by regulation 2(1) of the Ionising Radiations Regulations 1985(5);

(1) S.I.1994/3140; amended by S.I. 1996/1592.

(2) S.I. 1988/1655.

(3) S.I. 1988/1057.

(4) 1986 c. 44.

(5) S.I. 1985/1333.

“livestock” means any creature kept for the production of food, wool, skins or fur or for the purpose of any agricultural activity;

“local authority” means—

- (a) in relation to England, a county council so far as they are the council for an area for which there are no district councils, a district council, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple, the Under-Treasurer of the Middle Temple or the Council of the Isles of Scilly;
- (b) in relation to Scotland, the council for a local government area; and
- (c) in relation to Wales, a county council or a county borough council;

“mine” has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954⁽⁶⁾;

“office activities” includes any activity for the purposes of administration, clerical work, handling money, telephone and telegraph operating and the production of computer software by the use of computers; and for this purpose “clerical work” includes writing, book-keeping, sorting papers, filing, typing, duplicating, machine calculating, drawing and the editorial preparation of matter for publication except where that preparation is on the premises where newspapers, magazines, periodicals or books are printed;

“pleasure craft” has the meaning assigned to it by regulation 2(1) of the Docks Regulations 1988;

“preparation dangerous for supply” has the meaning assigned to it by regulation 2(1) of the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994⁽⁷⁾;

“prescribed system of guided transport” means a system using a mode of guided transport prescribed by regulation 3 of the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994⁽⁸⁾;

“quarry” has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954;

“railway” means a railway or tramway with (in either case) a gauge of 350 millimetres or more or a prescribed system of guided transport;

“substance dangerous for supply” has the meaning assigned to it by regulation 2(1) of the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994;

“veterinary surgery” has the meaning assigned to it by section 27 of the Veterinary Surgeons Act 1966⁽⁹⁾;

“work” in relation to a gas fitting has the meaning assigned to it by regulation 2(1) of the Gas Safety (Installation and Use) Regulations 1994⁽¹⁰⁾;

“zoo” has the meaning assigned to it by section 1(2) of the Zoo Licensing Act 1981⁽¹¹⁾.

(2) In these Regulations (except regulation 4(7)), unless the context otherwise requires, any reference to the enforcing authority for premises or parts of premises is a reference to the enforcing authority for the relevant statutory provisions in relation to those premises or parts, as the case may be, and to any activity carried on in them.

(3) In these Regulations, unless the context otherwise requires, any reference to—

- (a) a numbered regulation or Schedule is a reference to the regulation of or Schedule to these Regulations so numbered; and

⁽⁶⁾ 1954 c. 70.

⁽⁷⁾ S.I. 1994/3247.

⁽⁸⁾ S.I. 1994/157.

⁽⁹⁾ 1966 c. 36.

⁽¹⁰⁾ S.I. 1994/1886.

⁽¹¹⁾ 1981 c. 37.

- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference appears.