

PART IV

MISCELLANEOUS AND GENERAL

Amendment of Radiological Protection Act 1970. 1970 c. 46.

77.—(1) Section 1 of the Radiological Protection Act 1970 (establishment and functions of the National Radiological Protection Board) shall be amended in accordance with the following provisions of this subsection—

(a) after subsection (6) there shall be inserted as subsection (6A)—

“(6A) In carrying out such of their functions as relate to matters to which the functions of the Health and Safety Commission relate, the Board shall (without prejudice to subsection (7) below) act in consultation with the Commission and have regard to the Commission’s policies with respect to such matters.”;

(b) after subsection (7) there shall be inserted as subsections (7A) and (7B)—

“(7A) Without prejudice to subsection (6) or (7) above, it shall be the duty of the Board, if so directed by the Health Ministers, to enter into an agreement with the Health and Safety Commission for the Board to carry out on behalf of the Commission such of the Commission’s functions relating to ionising or other radiations (including those which are not electro-magnetic) as may be determined by or in accordance with the direction; and the Board shall have power to carry out any agreement entered into in pursuance of a direction under this subsection.

(7B) The requirement as to consultation in subsection (7) above shall not apply to a direction under subsection 7(A).”;

(c) in subsection (8), after the words “subsection (7)” there shall be inserted the words “or (7A)”.

1963 c. 41.

(2) In section 2(6) of the Radiological Protection Act 1970 (persons by whom, as regards premises occupied by the said Board, sections 1 to 51 of the Offices, Shops and Railway Premises Act 1963 and regulations thereunder are enforceable) for the words from “inspectors appointed” to the end of the subsection there shall be substituted the words “inspectors appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974.”

Amendment of Fire Precautions Act 1971. 1971 c. 40.

78.—(1) The Fire Precautions Act 1971 shall be amended in accordance with the following provisions of this section.

(2) In section 1(2) (power to designate uses of premises for which fire certificate is compulsory) at the end there shall be inserted as paragraph (f)—

“(f) use as a place of work.”

(3) In section 2 (premises exempt from section 1), paragraphs (a) to (c) (which exempt certain premises covered by the Offices, Shops and Railway Premises Act 1963, the Factories Act 1961 or the Mines and Quarries Act 1954) shall cease to have effect.

(4) After section 9 there shall be inserted as section 9A—

“Duty to provide certain premises with means of escape in case of fire.

9A.—(1) All premises to which this section applies shall be provided with such means of escape in case of fire for the persons employed to work therein as may reasonably be required in the circumstances of the case.

(2) The premises to which this section applies are—

(a) office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies; and

(b) premises which are deemed to be such premises for the purposes of that Act,

being (in each case) premises in which persons are employed to work.

(3) In determining, for the purposes of this section, what means of escape may reasonably be required in the case of any premises, regard shall be had (amongst other things) not only to the number of persons who may be expected to be working in the premises at any time but also to the number of persons (other than those employed to work therein) who may reasonably be expected to be resorting to the premises at that time.

(4) In the event of a contravention of subsection (1) above the occupier of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.”

(5) In section 12(1) (power to make regulations about fire precautions as regards certain premises), at the end there shall be added the words “and nothing in this section shall confer on the Secretary of State power to make provision with respect to the taking or observance of special precautions in connection with the carrying on of any manufacturing process.

(6) In section 17 (duty of fire authorities to consult other authorities before requiring alterations to buildings)—

(a) in subsection (1), the word “and” shall be omitted where last occurring in paragraph (i) and shall be added at the end of paragraph (ii), and after paragraph

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1963 c. 41.

1961 c. 34.

1954 c. 70.

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- (ii) there shall be added as paragraph (iii)—
- “ (iii) if the premises are used as a place of work and are within the field of responsibility of one or more enforcing authorities within the meaning of Part I of the Health and Safety at Work etc. Act 1974, consult that authority or each of those authorities.”;
- (b) in subsection (2) (clarification of references in section 9 to persons aggrieved), for the words “or buildings authority” there shall be substituted the words “buildings authority or other authority”;
- (c) after subsection (2) there shall be added as subsection (3)—
- “ (3) Section 18(7) of the Health and Safety at Work etc. Act 1974 (meaning in Part I of that Act of ‘enforcing authority’ and of such an authority’s ‘field of responsibility’) shall apply for the purposes of this section as it applies for the purposes of that Part.”
- (7) In section 18 (enforcement of Act)—
- (a) for the word “it” there shall be substituted the words “(1) Subject to subsection (2) below, it”;
- (b) for the word “section” there shall be substituted the word “subsection”; and
- (c) after the word “offence” there shall be added as subsection (2)—
- “ (2) A fire authority shall have power to arrange with the Health and Safety Commission for such of the authority’s functions under this Act as may be specified in the arrangements to be performed on their behalf by the Health and Safety Executive (with or without payment) in relation to any particular premises so specified which are used as a place of work.”
- (8) In section 40 (application to Crown etc.)—
- (a) in subsection (1)(a) (provisions which apply to premises occupied by the Crown), after the word “6” there shall be inserted the words “, 9A (except subsection (4))”;
- (b) in subsection (1)(b) (provisions which apply to premises owned, but not occupied by, the Crown), after the word “8” there shall be inserted the word “9A”;
- (c) in subsection (10) (application of Act to hospital premises in Scotland), for the words from “Regional” to “hospitals” there shall be substituted the words “Health Board”;

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- (d) after subsection (10) there shall be inserted the following subsection—
- “ (10A) This Act shall apply to premises in England occupied by a Board of Governors of a teaching hospital (being a body for the time being specified in an order under section 15(1) of the National Health Service Reorganisation Act 1973) 1973 c. 12. as if they were premises occupied by the Crown.”
- (9) In section 43(1) (interpretation) there shall be added at the end of the following definition—
- “work” has the same meaning as it has for the purposes of Part I of the Health and Safety at Work etc. Act 1974”.
- (10) Schedule 8 (transitional provisions with respect to fire certificates under the Factories Act 1961 or the Offices, Shops and Railway Premises Act 1963) shall have effect. 1961 c. 34. 1963 c. 41.
- 79.—(1) The Companies Act 1967 shall be amended in accordance with the following provisions of this section. Amendment of Companies Acts as to directors’ reports. 1967 c. 81.
- (2) In section 16 (additional general matters to be dealt with in directors’ reports) in subsection (1) there shall be added after paragraph (f)—
- “ (g) in the case of companies of such classes as may be prescribed in regulations made by the Secretary of State, contain such information as may be so prescribed about the arrangements in force in that year for securing the health, safety and welfare at work of employees of the company and its subsidiaries and for protecting other persons against risks to health or safety arising out of or in connection with the activities at work of those employees.”
- (3) After subsection (4) of the said section 16 there shall be added—
- “ (5) Regulations made under paragraph (g) of subsection (1) above may—
- (a) make different provision in relation to companies of different classes;
- (b) enable any requirements of the regulations to be dispensed with or modified in particular cases by any specified person or by any person authorised in that behalf by a specified authority;
- (c) contain such transitional provisions as the Secretary of State thinks necessary or expedient in connection with any provision made by the regulations.

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(6) The power to make regulations under the said paragraph (g) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Any expression used in the said paragraph (g) and in Part I of the Health and Safety at Work etc. Act 1974 shall have the same meaning in that paragraph as it has in that Part of that Act and section 1(3) of that Act shall apply for interpreting that paragraph as it applies for interpreting that Part of that Act; and in subsection (5) above "specified" means specified in regulations made under that paragraph."

General power to repeal or modify Acts and instruments.

80.—(1) Regulations made under this subsection may repeal or modify any provision to which this subsection applies if it appears to the authority making the regulations that the repeal or, as the case may be, the modification of that provision is expedient in consequence or in connection with any provision made by or under Part I.

(2) Subsection (1) above applies to any provision, not being among the relevant statutory provisions, which—

- (a) is contained in this Act or in any other Act passed before or in the same Session as this Act; or
- (b) is contained in any regulations, or other instrument of a legislative character which was made under an Act before the passing of this Act; or
- (c) applies, excludes or for any other purpose refers to any of the relevant statutory provisions and is contained in any regulations, order or other instrument of a legislative character which is made under an Act but does not fall within paragraph (b) above.

(3) Without prejudice to the generality of subsection (1) above, the modifications which may be made by regulations thereunder include modifications relating to the enforcement of provisions to which this section applies (including the appointment of persons for the purpose of such enforcement, and the powers of persons so appointed).

(4) The power to make regulations under subsection (1) above shall be exercisable—

- (a) in relation to provisions not relating exclusively to agricultural operations, by the Secretary of State;
- (b) in relation to provisions relating exclusively to the relevant agricultural purposes, by the appropriate agriculture authority;

but before making regulations under that subsection the Secretary of State or the appropriate agriculture authority shall

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consult such bodies as appear to the Secretary of State or, as the case may be, that authority to be appropriate.

(5) Regulations under subsection (1) above in relation to provisions falling within subsection (4)(b) above may be either regulations applying to Great Britain and made by the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, or regulations applying to England and Wales only and made by the said Minister, or regulations applying to Scotland only and made by the Secretary of State; and in subsection (4)(b) above "the appropriate agriculture authority" shall be construed accordingly.

(6) In this section "the relevant statutory provisions," "the relevant agricultural purposes" and "agricultural operation" have the same meaning as in Part I.

81. There shall be paid out of money provided by Parliament— Expenses and receipts.

- (a) any expenses incurred by a Minister of the Crown or government department for the purposes of this Act; and
- (b) any increase attributable to the provisions of this Act in the sums payable under any other Act out of money so provided;

and any sums received by a Minister of the Crown or government department by virtue of this Act shall be paid into the Consolidated Fund.

82.—(1) In this Act—

- (a) "Act" includes a provisional order confirmed by an Act;
- (b) "contravention" includes failure to comply, and "contravene" has a corresponding meaning;
- (c) "modifications" includes additions, omissions and amendments, and related expressions shall be construed accordingly;
- (d) any reference to a Part, section or Schedule not otherwise identified is a reference to that Part or section of, or Schedule to, this Act.

General provisions as to interpretation and regulations.

(2) Except in so far as the context otherwise requires, any reference in this Act to an enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment, including this Act.

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(3) Any power conferred by Part I or II or this Part to make regulations—

- (a) includes power to make different provision by the regulations for different circumstances or cases and to include in the regulations such incidental, supplemental and transitional provisions as the authority making the regulations considers appropriate in connection with the regulations ; and
- (b) shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Minor and consequential amendments, and repeals.

83.—(1) The enactments mentioned in Schedule 9 shall have effect subject to the amendments specified in that Schedule (being minor amendments or amendments consequential upon the provisions of this Act).

(2) The enactments mentioned in Schedule 10 are hereby repealed to the extent specified in the third column of that Schedule.

Extent, and application of Act.

84.—(1) This Act, except—

- (a) Part I and this Part so far as may be necessary to enable regulations under section 15 or 30 to be made and operate for the purpose mentioned in paragraph 2 of Schedule 3 ; and
- (b) paragraphs 2 and 3 of Schedule 9.

does not extend to Northern Ireland.

(2) Part III, except section 75 and Schedule 7, does not extend to Scotland.

(3) Her Majesty may by Order in Council provide that the provisions of Parts I and II and this Part shall, to such extent and for such purposes as may be specified in the Order, apply (with or without modification) to or in relation to persons, premises, work, articles, substances and other matters (of whatever kind) outside Great Britain as those provisions apply within Great Britain or within a part of Great Britain so specified.

For the purposes of this subsection “premises”, “work” and “substance” have the same meaning as they have for the purposes of Part I.

(4) An Order in Council under subsection (3) above—

- (a) may make different provision for different circumstances or cases ;
- (b) may (notwithstanding that this may affect individuals or bodies corporate outside the United Kingdom) provide for any of the provisions mentioned in that

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subsection, as applied by such an Order, to apply to individuals whether or not they are British subjects and to bodies corporate whether or not they are incorporated under the law of any part of the United Kingdom ;

- (c) may make provision for conferring jurisdiction on any court or class of courts specified in the Order with respect to offences under Part I committed outside Great Britain or with respect to causes of action arising by virtue of section 47(2) in respect of acts or omissions taking place outside Great Britain, and for the determination, in accordance with the law in force in such part of Great Britain as may be specified in the Order, of questions arising out of such acts or omissions ;
- (d) may exclude from the operation of section 3 of the Territorial Waters Jurisdiction Act 1878 (consents 1878 c. 73. required for prosecutions) proceedings for offences under any provision of Part I committed outside Great Britain ;
- (e) may be varied or revoked by a subsequent Order in Council under this section ;

and any such Order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In relation to proceedings for an offence under Part I committed outside Great Britain by virtue of an Order in Council under subsection (3) above, section 38 shall have effect as if the words “by an inspector, or” were omitted.

(6) Any jurisdiction conferred on any court under this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any other court.

85.—(1) This Act may be cited as the Health and Safety at Work etc. Act 1974.

Short title and commencement.

(2) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed under this subsection for different purposes.

(3) An order under this section may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provision of this Act then in force as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).

SCHEDULES

SCHEDULE 1

Sections 1 and 53.

EXISTING ENACTMENTS WHICH ARE RELEVANT STATUTORY PROVISIONS

Chapter	Short title	Provisions which are relevant statutory provisions
1875 c. 17.	The Explosives Act 1875.	The whole Act except sections 30 to 32, 80 and 116 to 121.
1882 c. 22.	The Boiler Explosions Act 1882.	The whole Act.
1890 c. 35.	The Boiler Explosions Act 1890.	The whole Act.
1906 c. 14.	The Alkali, &c. Works Regulation Act 1906.	The whole Act.
1909 c. 43.	The Revenue Act 1909.	Section 11.
1919 c. 23.	The Anthrax Prevention Act 1919.	The whole Act.
1920 c. 65.	The Employment of Women, Young Persons and Children Act 1920.	The whole Act.
1922 c. 35.	The Celluloid and Cinematograph Film Act 1922.	The whole Act.
1923 c. 17.	The Explosives Act 1923.	The whole Act.
1926 c. 43.	The Public Health (Smoke Abatement) Act 1926.	The whole Act.
1928 c. 32.	The Petroleum (Consolidation) Act 1928.	The whole Act.
1936 c. 22.	The Hours of Employment (Conventions) Act 1936.	The whole Act except section 5.
1936 c. 27.	The Petroleum (Transfer of Licences) Act 1936.	The whole Act.
1937 c. 45.	The Hydrogen Cyanide (Fumigation) Act 1937.	The whole Act.
1945 c. 19.	The Ministry of Fuel and Power Act 1945.	Section 1(1) so far as it relates to maintaining and improving the safety, health and welfare of persons employed in or about mines and quarries in Great Britain.
1946 c. 59.	The Coal Industry Nationalisation Act 1946.	Section 42(1) and (2).
1948 c. 37.	The Radioactive Substances Act 1948.	Section 5(1)(a).
1951 c. 21.	The Alkali, &c. Works Regulation (Scotland) Act 1951.	The whole Act.
1951 c. 58.	The Fireworks Act 1951.	Sections 4 and 7.
1952 c. 60.	The Agriculture (Poisonous Substances) Act 1952.	The whole Act.

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Chapter	Short title	Provisions which are relevant statutory provisions
1953 c. 47.	The Emergency Laws (Miscellaneous Provisions) Act 1953.	Section 3.
1954 c. 70.	The Mines and Quarries Act 1954.	The whole Act except section 151.
1956 c. 49.	The Agriculture (Safety, Health and Welfare Provisions) Act 1956.	The whole Act.
1961 c. 34.	The Factories Act 1961.	The whole Act except section 135.
1961 c. 64.	The Public Health Act 1961.	Section 73.
1962 c. 58.	The Pipe-lines Act 1962.	Sections 20 to 26, 33, 34 and 42, Schedule 5.
1963 c. 41.	The Offices, Shops and Railway Premises Act 1963.	The whole Act.
1965 c. 57.	The Nuclear Installations Act 1965.	Sections 1, 3 to 6, 22 and 24, Schedule 2.
1969 c. 10.	The Mines and Quarries (Tips) Act 1969.	Sections 1 to 10.
1971 c. 20.	The Mines Management Act 1971.	The whole Act.
1972 c. 28.	The Employment Medical Advisory Service Act 1972.	The whole Act except sections 1 and 6 and Schedule 1.

SCHEDULE 2

Section 10.

ADDITIONAL PROVISIONS RELATING TO CONSTITUTION ETC. OF THE COMMISSION AND EXECUTIVE

Tenure of office

1. Subject to paragraphs 2 to 4 below, a person shall hold and vacate office as a member or as chairman or deputy chairman in accordance with the terms of the instrument appointing him to that office.

2. A person may at any time resign his office as a member or as chairman or deputy chairman by giving the Secretary of State a notice in writing signed by that person and stating that he resigns that office.

3.—(1) If a member becomes or ceases to be the chairman or deputy chairman, the Secretary of State may vary the terms of the instrument appointing him to be a member so as to alter the date on which he is to vacate office as a member.

(2) If the chairman or deputy chairman ceases to be a member he shall cease to be chairman or deputy chairman, as the case may be.

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- 4.—(1) If the Secretary of State is satisfied that a member—
- (a) has been absent from meetings of the Commission for a period longer than six consecutive months without the permission of the Commission ; or
 - (b) has become bankrupt or made an arrangement with his creditors ; or
 - (c) is incapacitated by physical or mental illness ; or
 - (d) is otherwise unable or unfit to discharge the functions of a member,

the Secretary of State may declare his office as a member to be vacant and shall notify the declaration in such manner as the Secretary of State thinks fit ; and thereupon the office shall become vacant.

(2) In the application of the preceding sub-paragraph to Scotland for the references in paragraph (b) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

Remuneration etc. of members

5. The Commission may pay to each member such remuneration and allowances as the Secretary of State may determine.

6. The Commission may pay or make provision for paying, to or in respect of any member, such sums by way of pension, superannuation allowances and gratuities as the Secretary of State may determine.

7. Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Commission may make to him a payment of such amount as the Secretary of State may determine.

Proceedings

8. The quorum of the Commission and the arrangements relating to meetings of the Commission shall be such as the Commission may determine.

9. The validity of any proceedings of the Commission shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Staff

10. It shall be the duty of the Executive to provide for the Commission such officers and servants as are requisite for the proper discharge of the Commission's functions ; and any reference in this Act to an officer or servant of the Commission is a reference to an officer or servant provided for the Commission in pursuance of this paragraph.

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11. The Executive may appoint such officers and servants as it may determine with the consent of the Secretary of State as to numbers and terms and conditions of service.

12. The Commission shall pay to the Minister for the Civil Service, at such times in each accounting year as may be determined by that Minister subject to any directions of the Treasury, sums of such amounts as he may so determine for the purposes of this paragraph as being equivalent to the increase during that year of such liabilities of his as are attributable to the provision of pensions, allowances or gratuities to or in respect of persons who are or have been in the service of the Executive in so far as that increase results from the service of those persons during that accounting year and to the expense to be incurred in administering those pensions, allowances or gratuities.

Performance of functions

13. The Commission may authorise any member of the Commission or any officer or servant of the Commission or of the Executive to perform on behalf of the Commission such of the Commission's functions (including the function conferred on the Commission by this paragraph) as are specified in the authorisation.

Accounts and reports

14.—(1) It shall be the duty of the Commission—

- (a) to keep proper accounts and proper records in relation to the accounts ;
- (b) to prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury ; and
- (c) to send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of November next following the accounting year to which the statement relates.

(2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this Schedule and shall lay copies of each statement and of his report before each House of Parliament.

15. It shall be the duty of the Commission to make to the Secretary of State, as soon as possible after the end of each accounting year, a report on the performance of its functions during that year ; and the Secretary of State shall lay before each House of Parliament a copy of each report made to him in pursuance of this paragraph.

Supplemental

16. The Secretary of State shall not make a determination or give his consent in pursuance of paragraph 5, 6, 7 or 11 of this Schedule except with the approval of the Minister for the Civil Service.

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17. The fixing of the common seal of the Commission shall be authenticated by the signature of the secretary of the Commission or some other person authorised by the Commission to act for that purpose.

18. A document purporting to be duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

19. In the preceding provisions of this Schedule—

- (a) "accounting year" means the period of twelve months ending with 31st March in any year except that the first accounting year of the Commission shall, if the Secretary of State so directs, be such period shorter or longer than twelve months (but not longer than two years) as is specified in the direction; and
- (b) "the chairman", "a deputy chairman" and "a member" mean respectively the chairman, a deputy chairman and a member of the Commission.

20.—(1) The preceding provisions of this Schedule (except paragraphs 10 to 12 and 15) shall have effect in relation to the Executive as if—

- (a) for any reference to the Commission there were substituted a reference to the Executive;
- (b) for any reference to the Secretary of State in paragraphs 2 to 4 and 19 and the first such reference in paragraph 7 there were substituted a reference to the Commission;
- (c) for any reference to the Secretary of State in paragraphs 5 to 7 (except the first such reference in paragraph 7) there were substituted a reference to the Commission acting with the consent of the Secretary of State;
- (d) for any reference to the chairman there were substituted a reference to the director, and any reference to the deputy chairman were omitted;
- (e) in paragraph 14(1)(c) for the words from "Secretary" to "following" there were substituted the words "Commission by such date as the Commission may direct after the end of".

(2) It shall be the duty of the Commission to include in or send with the copies of the statement sent by it as required by paragraph 14(1)(c) of this Schedule copies of the statement sent to it by the Executive in pursuance of the said paragraph 14(1)(c) as adapted by the preceding sub-paragraph.

(3) The terms of an instrument appointing a person to be a member of the Executive shall be such as the Commission may determine with the approval of the Secretary of State and the Minister for the Civil Service.

SCHEDULE 3

Section 15.

SUBJECT-MATTER OF HEALTH AND SAFETY REGULATIONS

1.—(1) Regulating or prohibiting—

- (a) the manufacture, supply or use of any plant;
- (b) the manufacture, supply, keeping or use of any substance;
- (c) the carrying on of any process or the carrying out of any operation.

(2) Imposing requirements with respect to the design, construction, guarding, siting, installation, commissioning, examination, repair, maintenance, alteration, adjustment, dismantling, testing or inspection of any plant.

(3) Imposing requirements with respect to the marking of any plant or of any articles used or designed for use as components in any plant, and in that connection regulating or restricting the use of specified markings.

(4) Imposing requirements with respect to the testing, labelling or examination of any substance.

(5) Imposing requirements with respect to the carrying out of research in connection with any activity mentioned in sub-paragraphs (1) to (4) above.

2.—(1) Prohibiting the importation into the United Kingdom or the landing or unloading there of articles or substances of any specified description, whether absolutely or unless conditions imposed by or under the regulations are complied with.

(2) Specifying, in a case where an act or omission in relation to such an importation, landing or unloading as is mentioned in the preceding sub-paragraph constitutes an offence under a provision of this Act and of the Customs and Excise Act 1952, the Act under which the 1952 c. 44. offence is to be punished.

3.—(1) Prohibiting or regulating the transport of articles or substances of any specified description.

(2) Imposing requirements with respect to the manner and means of transporting articles or substances of any specified description, including requirements with respect to the construction, testing and marking of containers and means of transport and the packaging and labelling of articles or substances in connection with their transport.

4.—(1) Prohibiting the carrying on of any specified activity or the doing of any specified thing except under the authority and in accordance with the terms and conditions of a licence, or except with the consent or approval of a specified authority.

(2) Providing for the grant, renewal, variation, transfer and revocation of licences (including the variation and revocation of conditions attached to licences).

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5. Requiring any person, premises or thing to be registered in any specified circumstances or as a condition of the carrying on of any specified activity or the doing of any specified thing.

6.—(1) Requiring, in specified circumstances, the appointment (whether in a specified capacity or not) of persons (or persons with specified qualifications or experience, or both) to perform specified functions, and imposing duties or conferring powers on persons appointed (whether in pursuance of the regulations or not) to perform specified functions.

(2) Restricting the performance of specified functions to persons possessing specified qualifications or experience.

7. Regulating or prohibiting the employment in specified circumstances of all persons or any class of persons.

8.—(1) Requiring the making of arrangements for securing the health of persons at work or other persons, including arrangements for medical examinations and health surveys.

(2) Requiring the making of arrangements for monitoring the atmospheric or other conditions in which persons work.

9. Imposing requirements with respect to any matter affecting the conditions in which persons work, including in particular such matters as the structural condition and stability of premises, the means of access to and egress from premises, cleanliness, temperature, lighting, ventilation, overcrowding, noise, vibrations, ionising and other radiations, dust and fumes.

10. Securing the provision of specified welfare facilities for persons at work, including in particular such things as an adequate water supply, sanitary conveniences, washing and bathing facilities, ambulance and first-aid arrangements, cloakroom accommodation, sitting facilities and refreshment facilities.

11. Imposing requirements with respect to the provision and use in specified circumstances of protective clothing or equipment, including clothing affording protection against the weather.

12. Requiring in specified circumstances the taking of specified precautions in connection with the risk of fire.

13.—(1) Prohibiting or imposing requirements in connection with the emission into the atmosphere of any specified gas, smoke or dust or any other specified substance whatsoever.

(2) Prohibiting or imposing requirements in connection with the emission of noise, vibrations or any ionising or other radiations.

(3) Imposing requirements with respect to the monitoring of any such emission as is mentioned in the preceding sub-paragraphs.

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14. Imposing requirements with respect to the instruction, training and supervision of persons at work.

15.—(1) Requiring, in specified circumstances, specified matters to be notified in a specified manner to specified persons.

(2) Empowering inspectors in specified circumstances to require persons to submit written particulars of measures proposed to be taken to achieve compliance with any of the relevant statutory provisions.

16. Imposing requirements with respect to the keeping and preservation of records and other documents, including plans and maps.

17. Imposing requirements with respect to the management of animals.

18. The following purposes as regards premises of any specified description where persons work, namely—

(a) requiring precautions to be taken against dangers to which the premises or persons therein are or may be exposed by reason of conditions (including natural conditions) existing in the vicinity ;

(b) securing that persons in the premises leave them in specified circumstances.

19. Conferring, in specified circumstances involving a risk of fire or explosion, power to search a person or any article which a person has with him for the purpose of ascertaining whether he has in his possession any article of a specified kind likely in those circumstances to cause a fire or explosion, and power to seize and dispose of any article of that kind found on such a search.

20. Restricting, prohibiting or requiring the doing of any specified thing where any accident or other occurrence of a specified kind has occurred.

21. As regards cases of any specified class, being a class such that the variety in the circumstances of particular cases within it calls for the making of special provision for particular cases, any of the following purposes, namely—

(a) conferring on employers or other persons power to make rules or give directions with respect to matters affecting health or safety ;

(b) requiring employers or other persons to make rules with respect to any such matters ;

(c) empowering specified persons to require employers or other persons either to make rules with respect to any such matters or to modify any such rules previously made by virtue of this paragraph ; and

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(d) making admissible in evidence without further proof, in such circumstances and subject to such conditions as may be specified, documents which purport to be copies of rules or rules of any specified class made under this paragraph.

22. Conferring on any local or public authority power to make byelaws with respect to any specified matter, specifying the authority or person by whom any byelaws made in the exercise of that power need to be confirmed, and generally providing for the procedure to be followed in connection with the making of any such byelaws.

Interpretation

23.—(1) In this Schedule “specified” means specified in health and safety regulations.

(2) It is hereby declared that the mention in this Schedule of a purpose that falls within any more general purpose mentioned therein is without prejudice to the generality of the more general purpose.

Section 32.

SCHEDULE 4

MODIFICATIONS OF PART I IN CONNECTION WITH AGRICULTURE

Provisions applied

Modifications

- | | |
|---|--|
| 1. Section 13(1) (various powers). | (a) Paragraph (b) shall be omitted;
(b) references to the Commission or the Secretary of State shall be read as references to the appropriate Agriculture Minister, so however that references to the Commission's functions shall be read as references to the functions of that Minister under the relevant statutory provisions in relation to matters relating exclusively to the relevant agricultural purposes. |
| 2. Section 14 (power to direct investigations and inquiries). | (a) References to the Commission shall be read as references to the appropriate Agriculture Minister;
(b) in subsection (1), the reference to the general purposes of Part I shall be read as a reference to the relevant agricultural purposes;
(c) in subsection (2), for the words from “direct” to “other” in paragraph (a) there shall be substituted the words “authorise any”, the words “with the consent of the Secretary of State” shall be omitted, and for the words from “only matters” to the end of the subsection there shall be substituted the words “matters relating exclusively to the relevant agricultural purposes”; |

Provisions applied

Modifications

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- (d) in subsection (6), references to the Secretary of State shall be read as references to the appropriate Agriculture Minister.
3. Section 16 (approval of codes of practice).
- (a) In subsection (1), the reference to health and safety regulations shall be read as a reference to agricultural health and safety regulations and the words from “and except” to “agricultural operations” shall be omitted, but so that the section shall confer power to approve or issue codes of practice for any provision mentioned in section 16(1) only for the purposes of the application of that provision to matters relating exclusively to the relevant agricultural purposes;
- (b) a code of practice may either be approved for Great Britain and be so approved by the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, or be approved for England and Wales only and be so approved by that Minister or be approved for Scotland only and be so approved by the Secretary of State, and the references to the Commission shall accordingly be read as references to the Agriculture Ministers or the said Minister or the Secretary of State as the case may require;
- (c) for subsection (2) there shall be substituted—
- “ (2) Before approving a code of practice under subsection (1) above the Minister or Ministers proposing to do so shall consult the Commission and any other body that appears to him or them to be appropriate.”;
- (d) for subsection (5) there shall be substituted—
- “ (5) The authority by whom a code of practice has been approved under this section may at any time withdraw approval from that code, but before doing so shall consult the same bodies as the authority would be required to consult under subsection (2) above if the authority were proposing to approve the code.”.

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|---|--|
| <i>Provisions applied</i> | <i>Modifications</i> |
| 4. Section 17(3) (use of approved codes in criminal proceedings). | The reference to the Commission shall be read as a reference to the Agriculture Ministers or either of them. |
| 5. Section 27 (obtaining of information). | (a) References to the Commission or the Executive shall be read as references to the appropriate Agriculture Minister, so however that references to the Commission's functions shall be read as references to the functions of that Minister under the relevant statutory provisions in relation to matters relating exclusively to the relevant agricultural purposes;
(b) references to an enforcing authority's functions shall be read as references to an enforcing authority's functions under the relevant statutory provisions in relation to matters relating exclusively to the relevant agricultural purposes;
(c) in subsection (1), the words "with the consent of the Secretary of State" shall be omitted;
(d) in subsection (2)(b), the reference to the Secretary of State shall be read as a reference to the appropriate Agriculture Minister, and the words "and the recipient of the information" shall be omitted. |

Section 61.

SCHEDULE 5

SUBJECT-MATTER OF BUILDING REGULATIONS

1. Preparation of sites.
2. Suitability, durability and use of materials and components (including surface finishes).
3. Structural strength and stability, including—
 - (a) precautions against overloading, impact and explosion;
 - (b) measures to safeguard adjacent buildings and services;
 - (c) underpinning.
4. Fire precautions, including—
 - (a) structural measures to resist the outbreak and spread of fire and to mitigate its effects;
 - (b) services, fittings and equipment designed to mitigate the effects of fire or to facilitate fire-fighting;
 - (c) means of escape in case of fire and means for securing that such means of escape can be safely and effectively used at all material times.

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5. Resistance to moisture and decay.
6. Measures affecting the transmission of heat.
7. Measures affecting the transmission of sound.
8. Measures to prevent infestation.
9. Measures affecting the emission of smoke, gases, fumes, grit or dust or other noxious or offensive substances.
10. Drainage (including waste disposal units).
11. Cesspools and other means for the reception, treatment or disposal of foul matter.
12. Storage, treatment and removal of waste.
13. Installations utilising solid fuel, oil, gas, electricity or any other fuel or power (including appliances, storage tanks, heat exchangers, ducts, fans and other equipment).
14. Water services (including wells and bore-holes for the supply of water) and fittings and fixed equipment associated therewith.
15. Telecommunications services (including telephones and radio and television wiring installations).
16. Lifts, escalators, hoists, conveyors and moving footways.
17. Plant providing air under pressure.
18. Standards of heating, artificial lighting, mechanical ventilation and air-conditioning and provision of power outlets.
19. Open space about buildings and the natural lighting and ventilation of buildings.
20. Accommodation for specific purposes in or in connection with buildings, and the dimensions of rooms and other spaces within buildings.
21. Means of access to and egress from buildings and parts of buildings.
22. Prevention of danger and obstruction to persons in and about buildings (including passers-by).
23. Matters connected with or ancillary to any of the matters mentioned in the preceding provisions of this Schedule.

SCHEDULE 6

Section 61.

AMENDMENTS OF ENACTMENTS RELATING TO BUILDING REGULATIONS

PART I

AMENDMENTS

Amendments of Public Health Act 1936

1936 c. 49.

1. In section 64 of the 1936 Act (passing or rejection of plans)—
 - (a) for subsection (3) substitute—
 - "(3) Where plans of any proposed work deposited with a local authority are rejected in pursuance of the preceding provisions of this section, the person by whom or

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on whose behalf they were deposited may appeal against the rejection to the Secretary of State within the prescribed time and in the prescribed manner; and where the rejection results wholly or partly from the fact that a person or body whose approval or satisfaction in any respect is required by the regulations has withheld approval or not been satisfied, an appeal under this subsection may be brought on (or on grounds which include) the ground that the person or body in question ought in the circumstances to have approved or been satisfied in that respect.”; and

(b) subsection (4) shall cease to have effect.

2. In section 65 of the 1936 Act (power to require removal or alteration of work not in conformity with building regulations etc.)—

(a) in subsection (1), after “therein” insert “and additions thereto and to execute such additional work in connection therewith”;

(b) after subsection (2) insert as subsection (2A)—

“(2A) Where a local authority have power to serve a notice under subsection (1) or (2) above on the owner of any work, they may in addition or instead serve such a notice on one or more of the following persons, namely the occupier and any builder or other person appearing to the authority to have control over the work.”;

(c) in subsection (3), after “therein” insert “and additions thereto and execute such additional work in connection therewith”, and at the end add as a proviso—

“Provided that where a notice under subsection (1) or (2) above is given to two or more persons in pursuance of subsection (2A) above, then—

(a) if they are given the notices on different dates, the said period of twenty-eight days shall for each of them run from the later or latest of those dates; and

(b) if the notice is not complied with before the expiration of the said period or such longer period as a court of summary jurisdiction may on the application of any of them allow, any expenses recoverable as aforesaid may be recovered from any of them.”; and

(d) in subsection (4), for “or subsection (2)” substitute “, (2) or (2A)”, and at the end add as a proviso—

“Provided that, in a case where plans were deposited nothing in this subsection shall be taken to prevent such a notice from being given (before the expiration of twelve months from the completion of the work in question) in respect of anything of which particulars were not required to be shown in the plans.”.

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3. In section 90 of the 1936 Act (interpretation of Part II of that Act)—

(a) in subsection (2) (extended meaning, in that Part and building regulations, of references to the erection of a building), for the words from “and, so far” to “those regulations” substitute “except sections 61 to 71 and any other enactment to which section 74(1) of the Health and Safety at Work etc. Act 1974 applies”; and

(b) for subsection (3) (meaning of references to deposited plans) substitute—

“(3) In this Part of this Act, unless the context otherwise requires,—

(a) any reference to the deposit of plans in accordance with building regulations shall be construed as a reference to the deposit of plans in accordance with those regulations for the purposes of section 64 of this Act; and

(b) “plans” includes drawings of any other description and also specifications or other information in any form, and any reference to the deposit of plans shall be construed accordingly.”

Amendments of Public Health Act 1961

1961 c. 64.

4. In section 4 of the 1961 Act (power to make building regulations)—

(a) in subsection (2) (power to make different provision for different areas) at the end add “and generally different provision for different circumstances or cases”; and

(b) in subsection (6) (penalties for contravening building regulations) after “building regulations” insert “other than a provision designated in the regulations as one to which this subsection does not apply”, and for “one hundred pounds” and “ten pounds” substitute respectively “£400” and “£50”.

5. In section 6 of the 1961 Act (power to dispense with or relax requirements of building regulations)—

(a) in subsection (1), add at the end the words “either unconditionally or subject to compliance with any conditions specified in the direction, being conditions with respect to matters directly connected with the dispensation or relaxation.”;

(b) in the proviso to subsection (2), for the words from “shall” onwards substitute “may except applications of any description”;

(c) for subsection (6) substitute—

“(6) An application by a local authority in connection with a building or proposed building in the area of that authority shall be made to the Secretary of State except where the power of giving the direction is exercisable by that authority.”;

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(d) after subsection (7), there shall be inserted as subsections (7A) and (7B)—

“(7A) If, on an application to the Secretary of State for a direction under this section, the Secretary of State considers that any requirement of building regulations to which the application relates is not applicable or is not or would not be contravened in the case of the work or proposed work to which the application relates, he may so determine and may give any directions that he considers necessary in the circumstances.

(7B) A person who contravenes any condition specified in a direction given under this section or permits any such condition to be contravened shall be liable to a fine not exceeding £400 and to a further fine not exceeding £50 for each day on which the offence continues after he is convicted.”; and

(e) subsection (8) shall be omitted.

6. In section 7 of the 1961 Act (appeal against local authority's refusal to dispense with or relax requirements of building regulations)—

(a) in subsection (1), after second “relax” insert “or grant such an application subject to conditions”, for “by notice in writing” substitute “in the prescribed manner”, for “one month” substitute “the prescribed period” and for “refusal” substitute “decision on the application”;

(b) in subsection (2), for the words from “a period” to “and the local authority” substitute “the prescribed period”;

(c) subsections (3) to (6) shall be omitted; and

(d) at the end there shall be added the following subsection:—

“(7) Section 6(7A) of this Act shall apply in relation to an appeal to the Secretary of State under this section as it applies in relation to an application to him for a direction under section 6.”.

7. For section 8 of the 1961 Act (advertisement of proposal to relax building regulations) substitute—

“Opportunity to make representations about proposal to relax building regulations.

8.—(1) Before the Secretary of State or a local authority give a direction under section 6 of this Act the prescribed steps shall be taken for affording to persons likely to be affected by the direction an opportunity to make representations about it; and before giving the direction the Secretary of State or, as the case may be, the local authority shall consider any representations duly made in accordance with the regulations.

(2) Building regulations—

(a) may make provision as to the time to be allowed for making representations under the preceding subsection;

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(b) may require an applicant for such a direction, as a condition that his application shall be entertained, to pay or undertake to pay the cost of publishing any notice which is required by the regulations to be published in connection with the application; and

(c) may exclude the requirements of the preceding subsection in prescribed cases.”.

8. In section 9(3) of the 1961 Act (consultation with Building Regulations Advisory Committee and other bodies before making building regulations), at the end add “(including in particular, as regards regulations relevant to any of their functions, the National Water Council).”.

PART II

PUBLIC HEALTH ACT 1936 SECTION 65 AND PUBLIC HEALTH ACT 1961 SECTIONS 4, 6 AND 7 AS AMENDED

1936 c. 49.
1961 c. 64.

The Public Health Act 1936

65.—(1) If any work to which building regulations are applicable contravenes any of those regulations, the authority, without prejudice to their right to take proceedings for a fine in respect of the contravention, may by notice require the owner either to pull down or remove the work or, if he so elects, to effect such alterations therein and additions thereto and to execute such additional work in connection therewith as may be necessary to make it comply with the regulations.

(2) If, in a case where the local authority are by any section of this Act other than the last preceding section expressly required or authorised to reject plans, any work to which building regulations are applicable is executed either without plans having been deposited, or notwithstanding the rejection of the plans, or otherwise than in accordance with any requirements subject to which the authority passed the plans, the authority may by notice to the owner either require him to pull down or remove the work, or require him either to pull down or remove the work or, if he so elects, to comply with any other requirements specified in the notice, being requirements which they might have made under the section in question as a condition of passing plans.

(2A) Where a local authority have power to serve a notice under subsection (1) or (2) above on the owner of any work, they may in addition or instead serve such a notice on one or more of the following persons, namely the occupier and any builder or other person appearing to the authority to have control over the work.

(3) If a person to whom a notice has been given under the foregoing provisions of this section fails to comply with the notice before the expiration of twenty-eight days, or such longer period as a court

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of summary jurisdiction may on his application allow, the local authority may pull down or remove the work in question, or effect such alterations therein and additions thereto and execute such additional work in connection therewith as they deem necessary, and may recover from him the expenses reasonably incurred by them in so doing:

Provided that where a notice under subsection (1) or (2) above is given to two or more persons in pursuance of subsection (2A) above, then—

- (a) if they are given the notices on different dates, the said period of twenty-eight days shall for each of them run from the later or latest of those dates; and
- (b) if the notice is not complied with before the expiration of the said period or such longer period as a court of summary jurisdiction may on the application of any of them allow, any expenses recoverable as aforesaid may be recovered from any of them.

(4) No such notice as is mentioned in subsection (1), (2) or (2A) of this section shall be given after the expiration of twelve months from the date of the completion of the work in question, and, in any case where plans were deposited, it shall not be open to the authority to give such a notice on the ground that the work contravenes any building regulation or, as the case may be, does not comply with their requirements under any such section of this Act as aforesaid, if either the plans were passed by the authority, or notice of their rejection was not given within the prescribed period from the deposit thereof, and if the work has been executed in accordance with the plans and of any requirement made by the local authority as a condition of passing the plans:

Provided that, in a case where plans were deposited, nothing in this subsection shall be taken to prevent such a notice from being given (before the expiration of twelve months from the completion of the work in question) in respect of anything of which particulars were not required to be shown in the plans.

(5) Nothing in this section shall affect the right of a local authority, or of the Attorney General, or any other person, to apply for an injunction for the removal or alteration of any work on the ground that it contravenes any regulation or any enactment in this Act, but if the work is one in respect of which plans were deposited and the plans were passed by the local authority, or notice of their rejection was not given within the prescribed period after the deposit thereof, and if the work has been executed in accordance with the plans, the court on granting an injunction shall have power to order the local authority to pay to the owner of the work such compensation as the court thinks just, but before making any such order the court shall in accordance with rules of court cause the local authority, if not a party to the proceedings, to be joined as a party thereto.

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(2) Any provision contained in building regulations may be made so as to apply generally, or in an area specified in the regulations, and the regulations may make different provision for different areas and generally different provision for different circumstances or cases.

(3) It shall be the function of every local authority to enforce building regulations in their district.

(4) Local authorities shall, in relation to building regulations, have all such functions under sections 64 and 65 of the Public Health Act 1936 (which confer power to pass plans, and to enforce building byelaws) as they have in relation to building byelaws.

(5) Building regulations may include such supplemental and incidental provisions as appear to the Secretary of State to be expedient.

(6) If a person contravenes or fails to comply with any provision contained in building regulations, other than a provision designated in the regulations as one to which this subsection does not apply, he shall be liable to a fine not exceeding £400 and to a further fine not exceeding £50 for each day on which the default continues after he is convicted.

(7) The power of making building regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

6.—(1) Subject to the provisions of this section, if the Secretary of State, on an application made in accordance with the provisions of this Act, considers that the operation of any requirement in building regulations would be unreasonable in relation to the particular case to which the application relates, he may after consultation with the local authority, give a direction dispensing with or relaxing that requirement either unconditionally or subject to compliance with any conditions specified in the direction, being conditions with respect to matters directly connected with the dispensation or relaxation.

(2) If building regulations so provide as regards any requirement contained in the regulations, the power to dispense with or relax that requirement under subsection (1) of this section shall be exercisable by the local authority (instead of by the Secretary of State after consultation with the local authority):

Provided that any building regulations made by virtue of this subsection may except applications of any description.

(3) Building regulations may provide as regards any requirement contained in the regulations that the foregoing subsections of this section shall not apply.

(4) An application under this section shall be in such form and shall contain such particulars as may be prescribed.

(5) The application shall be made to the local authority and, except where the power of giving the direction is exercisable by the local authority, the local authority shall at once transmit the application to the Secretary of State and give notice to the applicant that it has been so transmitted.

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(6) An application by a local authority in connection with a building or proposed building in the area of that authority shall be made to the Secretary of State except where the power of giving the direction is exercisable by that authority.

(7) The provisions of Part I of the First Schedule to this Act shall have effect as regards any application made under this section for a direction which will affect the application of building regulations to work which has been carried out before the making of the application.

(7A) If, on an application to the Secretary of State for a direction under this section, the Secretary of State considers that any requirement of building regulations to which the application relates is not applicable or is not or would not be contravened in the case of the work or proposed work to which the application relates he may so determine and may give any directions that he considers necessary in the circumstances.

(7B) A person who contravenes any condition specified in a direction given under this section or permits any such condition to be contravened shall be liable to a fine not exceeding £400 and to a further fine not exceeding £50 for each day on which the offence continues after he is convicted.

7.—(1) If a local authority refuse an application to dispense with or relax any requirement in building regulations which they have power to dispense with or relax, or grant such an application subject to conditions, the applicant may in the prescribed manner appeal to the Secretary of State within the prescribed period from the date on which the local authority notify the applicant of their decision on the application.

(2) If within the prescribed period the local authority do not notify the applicant of their decision on the application, subsection (1) of this section shall apply in relation to the application as if the local authority had refused the application and notified the applicant of their decision at the end of the said period.

(7) Section 6(7A) of this Act shall apply in relation to an appeal to the Secretary of State under this section as it applies in relation to an application to him for a direction under section 6.

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1959 c. 24.

SCHEDULE 7

AMENDMENTS OF BUILDING (SCOTLAND) ACT 1959

1. In section 3 (building standards regulations)—

- (a) in subsection (2), after the words "health, safety" there shall be inserted the word "welfare", and at the end there shall be added the words "and for furthering the conservation of fuel and power";

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- (b) in subsection (3), there shall be added the words—

"(d) be framed to any extent by reference to a document published by or on behalf of the Secretary of State or any other person.";

- (c) at the end of the section there shall be added the following subsection—

"(7) The Secretary of State may by order made by statutory instrument repeal or modify any enactment to which this subsection applies if it appears to him that the enactment is inconsistent with, or is unnecessary or requires alteration in consequence of, any provision contained in the building standards regulations.

This subsection applies to any enactment contained in any Act passed before or in the same Session as the Health and Safety at Work etc. Act 1974 other than an enactment contained in the Building (Scotland) Act 1959."

2. In section 4 (relaxation of building standards regulations)—

- (a) for subsection (5) there shall be substituted the following subsections—

"(5) A direction under subsection (1)(b) above—

(a) shall, if it so provides, cease to have effect at the end of such period as may be specified in the direction;

(b) may be varied or revoked by a subsequent direction of the Secretary of State.

(5A) If at any time a direction under subsection (1)(b) above ceases to have effect by virtue of subsection (5)(a) above or is varied or revoked under subsection (5)(b) above, that fact shall not affect the continued operation of the direction (with any conditions specified therein) in any case in which before that time an application for a warrant in connection with the construction or change of use of a building, part or all of which is of the class to which the direction relates, was, in accordance with regulations made under section 2 of this Act, lodged with a building authority.";

- (b) in subsections (6) and (7), after the words "subsection (1)(b)" there shall be inserted the words "or (5)(b)";

- (c) after subsection (7) there shall be inserted the following subsection:—

"(7A) A person making an application under subsection (1)(b) above shall pay to the Secretary of State such fee as may be prescribed; and regulations made by virtue of this subsection may prescribe different fees for different cases:

Provided that the Secretary of State may in any particular case remit the whole or part of any fee payable by virtue of this subsection."

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3. After section 4A, there shall be inserted the following section—

“ Power of Secretary of State to approve types of building, etc.

4B.—(1) The following provisions of this section shall have effect with a view to enabling the Secretary of State, either on an application made to him in that behalf or of his own accord, to approve any particular type of building as conforming, either generally or in any class of case, to particular provisions of the building standards regulations.

(2) An application for the approval under this section of a type of building shall be made in the prescribed manner.

(3) Where under subsection (1) above the Secretary of State approves a type of building as conforming to particular provisions of the building standards regulations either generally or in any class of case, he may issue a certificate to that effect specifying—

- (a) the type of building to which the certificate relates ;
- (b) the provisions of the building standards regulations to which the certificate relates ; and
- (c) where applicable, the class or classes of case to which the certificate applies.

(4) A certificate under this section shall, if it so provides, cease to have effect at the end of such period as may be specified in the certificate.

(5) If, while a certificate under this section is in force, it is found, in any particular case involving a building of the type to which the certificate relates, that the building in question is of that type and the case is one to which the certificate applies, that building shall in that particular case be deemed to conform to the provisions of the building standards regulations to which the certificate relates.

(6) The Secretary of State may from time to time vary a certificate under this section either on an application made to him in that behalf or of his own accord ; but in the case of a certificate issued on an application made by a person under subsection (1) above, the Secretary of State, except where he varies it on the application of that person, shall before varying it give that person reasonable notice that he proposes to do so.

(7) A person making an application under subsection (1) or (6) above shall pay to the Secretary of State such fee as may be prescribed ; and regulations made by virtue of this subsection may prescribe different fees for different cases :

Provided that the Secretary of State may in any particular case remit the whole or part of any fee payable by virtue of this subsection.

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(8) The Secretary of State may at any time revoke a certificate issued under this section, but before doing so shall give the person, if any, on whose application the certificate was issued reasonable notice that he proposes to do so.

(9) Where the Secretary of State issues a certificate under this section or varies or revokes a certificate so issued, he shall publish notice of that fact in such manner as he thinks fit.

(10) If at any time a certificate under this section ceases to have effect by virtue of subsection (4) above or is varied or revoked under the preceding provisions of this section, that fact shall not affect the continued operation of subsection (5) above by virtue of that certificate in any case in which before that time an application for a warrant in connection with the construction of a type of building to which the certificate relates was, in accordance with regulations made under section 2 of this Act, lodged with a buildings authority.

(11) For the purposes of subsection (3) above or any variation of a certificate under subsection (6) above, a class of case may be framed in any way that the Secretary of State thinks fit.”

4. In section 6 (application of building standards regulations and building operations regulations to construction or demolition, and to change of use, of buildings)—

(a) after subsection (3) there shall be inserted the following subsection—

“(3A) Notwithstanding that a buildings authority are not satisfied that the information submitted to them with an application for a warrant for the construction of a building is sufficient in respect of such stage in the construction as may be prescribed to show that the building when constructed will not fail to conform to the building standards regulations, they may grant a warrant for the construction of the building but subject to the condition that work on such prescribed stage shall not be proceeded with until such further information relating to that stage as they may require is submitted to them and until they have made an amendment to the terms of the warrant authorising such work to proceed :

Provided that they shall, subject to subsection (8) of this section, make such an amendment on application being made therefor in the prescribed manner only if they are satisfied that nothing in the information submitted to them in respect of the prescribed stage shows that that stage when constructed will fail to conform to the building standards regulations.” ;

(b) in subsection (10), after the words “ any such ” there shall be inserted the words “ prescribed stage as is mentioned in subsection (3A) of this section and any such ”.

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5. In section 9 (certificates of completion)—

- (a) in subsection (2), for the words “but only if, they are satisfied that” there shall be substituted the words “, so far as they are able to ascertain after taking all reasonable steps in that behalf,”;
- (b) in subsection (3), for the words, “be satisfied as mentioned in the last foregoing subsection” there shall be substituted the words “grant a certificate of completion”;
- (c) after subsection (3) there shall be inserted the following subsection—

“(3A) In respect of so much of a building as consists of such an installation as may be prescribed, not being an electrical installation, a buildings authority shall not grant a certificate of completion unless there is produced to them a certificate granted by a person of such class as may be prescribed certifying that the installation complies with such of the said conditions as relate to it:

Provided that this subsection shall not apply in a case where it is shown to the satisfaction of the buildings authority that for some reasonable cause such a certificate cannot be produced.”;

- (d) in subsection (4) for the words “the last foregoing subsection” there shall be substituted the words “subsection (3) or (3A) above”.

6. In section 11(1)(b) (power of local authorities to require buildings to conform to building standards regulations), after the words “health, safety” there shall be inserted the word “welfare”, and after the word “generally” there shall be inserted the words “and for furthering the conservation of fuel and power”.

7. In section 19 (penalties), for the words “ten pounds” and “one hundred pounds”, wherever they occur, there shall be substituted respectively the words “£50” and “£400”.

8. After section 19 there shall be inserted the following section—

“Civil liability.

19A.—(1) Subject to the provisions of this section, a breach to which this section applies shall, so far as it causes damage, be actionable except in so far as may be otherwise prescribed; and in any action brought by virtue of this subsection such defence as may be prescribed shall be available.

(2) This section applies to the following breaches—

- (a) failure to comply with the terms or conditions of a warrant for the construction, demolition or change of use of a building or with any order under this Act relating to the construction of a building;
- (b) contravention of any provision of the building operations regulations;

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- (c) constructing a building without a warrant otherwise than in accordance with the building standards regulations;
- (d) changing the use of a building without a warrant where after the change of use the building does not conform to so much of the building standards regulations as become applicable, or apply more onerously, to the building by reason of the change of use.

(3) Subsection (1) above and any defence provided for in regulations made by virtue thereof shall not apply in the case of a breach to which this section applies in connection with a building erected before the date on which that subsection comes into force unless the breach arises in relation to the change of use, extension, alteration, demolition, repair, maintenance or fitting of such a building.

(4) Nothing in this section shall be construed as affecting the extent (if any) to which a breach to which this section applies is actionable in a case to which subsection (1) above does not apply, or as prejudicing any right of action which exists apart from the provisions of this section.

(5) In this section “damage” includes the death of, or injury to, any person (including any disease and any impairment of a person’s physical or mental condition).”

9. In section 26 (Crown rights)—

- (a) in subsection (1) after the words “Crown and” there shall be inserted the words “subject to the provisions of this section”;
- (b) after subsection (2) there shall be inserted the following subsections—

“(2A) The building standards regulations shall, except in so far as they otherwise prescribe, apply to a Crown building as they would apply if the building were not a Crown building.

(2B) A Crown building to which the building standards regulations apply shall be constructed in accordance with those regulations.

(2C) Any extension to or alteration of a Crown building to which the building standards regulations apply or would apply on the extension or alteration of the building shall not cause the building as extended or altered, as a direct result of the extension or, as the case may be, the alteration—

- (a) if it conformed to the building standards regulations immediately before the date of commencement of the operations, to fail to conform to them; or

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(b) if it failed to conform to the building standards regulations immediately before that date, to fail to conform to them to a greater degree than that to which it failed to conform immediately before that date;

and any change of use of a Crown building shall not cause the building after the change of use to fail to conform to so much of the building standards regulations as will become applicable, or will apply more onerously, to the building by reason of the change of use.

(2D) Section 19A of this Act shall apply to a Crown building as it applies to a building other than a Crown building, but as if for subsection (2) there were substituted the following subsection:—

“(2) A breach to which this section applies is a failure to comply with subsection (2B) or (2C) of section 26 of this Act or a contravention of any provision of the building operations regulations”.

(2E) Without prejudice to any case to which proviso (a) to subsection (1) above is applicable, the Secretary of State shall have the like powers of dispensing with or relaxing the provisions of the building standards regulations in relation to a Crown building as he has under section 4(1) of this Act in relation to a building other than a Crown building; and subsections (3), (4), (5), (5A) and (9) of the said section 4 shall apply for the purposes of this section as if—

(a) in subsection (4), the words “or, as the case may be, the buildings authority” were omitted;

(b) in subsection (5A), for the words from “an application” to the end there were substituted the words “the construction or change of use of a building, part or all of which is of the class to which the direction relates, was begun”;

(c) in subsection (9), the words “or section 4A(3) of this Act” were omitted.

(2F) Without prejudice to any case to which the said proviso is applicable, in the application of section 4B of this Act to a Crown building, subsection (10) shall have effect as if for the words from “an application” to the end there were substituted the words “the construction of a building, part or all of which is of the type to which the certificate relates, was begun”.

SCHEDULE 8

Section 78.

TRANSITIONAL PROVISIONS WITH RESPECT TO FIRE CERTIFICATES UNDER FACTORIES ACT 1961 OR OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963

1. In this Schedule—

“the 1971 Act” means the Fire Precautions Act 1971;

“1971 Act certificate” means a fire certificate within the meaning of the 1971 Act;

1961 c. 34.

1963 c. 41.

1971 c. 40.

“Factories Act certificate” means a certificate under section 40 of the Factories Act 1961 (means of escape in case of fire- certification by fire authority);

“Offices Act certificate” means a fire certificate under section 29 of the Offices, Shops and Railway Premises Act 1963 c. 41. 1963.

2.—(1) Where by virtue of an order under section 1 of the 1971 Act a 1971 Act certificate becomes required in respect of any premises at a time when there is in force in respect of those premises a Factories Act certificate or an Offices Act certificate (“the existing certificate”), the following provisions of this paragraph shall apply.

(2) The existing certificate shall continue in force (irrespective of whether the section under which it was issued remains in force) and—

(a) shall as from the said time be deemed to be a 1971 Act certificate validly issued with respect to the premises with respect to which it was issued and to cover the use or uses to which those premises were being put at that time; and

(b) may (in particular) be amended, replaced or revoked in accordance with the 1971 Act accordingly.

(3) Without prejudice to sub-paragraph (2)(b) above, the existing certificate, as it has effect by virtue of sub-paragraph (2) above, shall as from the said time be treated as imposing in relation to the premises the like requirements as were previously imposed in relation thereto by the following provisions, that is to say—

(a) if the existing certificate is a Factories Act certificate, the following provisions of the Factories Act 1961, namely sections 41(1), 48 (except subsections (5), (8) and (9)), 49(1), 51(1) and 52(1) and (4) and, so far as it relates to a proposed increase in the number of persons employed in any premises, section 41(3);

(b) if the existing certificate is an Offices Act certificate the following provisions of the Offices, Shops and Railway Premises Act 1963, namely sections 30(1), 33, 34(1) and (2), 36(1) and 38(1) and, so far as it relates to a proposed increase in the number of persons employed to work in any premises at any one time, section 30(3).

3. Any application for a Factories Act certificate or an Offices Act certificate with respect to any premises which is pending at the time when by virtue of an order under section 1 of the 1971 Act a 1971 Act certificate becomes required in respect of those premises shall be deemed to be an application for a 1971 Act certificate in respect of them duly made in accordance with the 1971 Act and may be proceeded with accordingly; but (without prejudice to section 5(2) of the 1971 Act) the fire authority may, as a condition of proceeding with such an application, require the applicant to specify any matter or give them any information which would ordinarily have been required by section 5(1) of that Act.

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1961 c. 34.

1963 c. 41.

Section 83.

SCHEDULE 9

MINOR AND CONSEQUENTIAL AMENDMENTS

1926 c. 59.

The Coroners (Amendment) Act 1926

1. In section 13(2)(c) of the Coroners (Amendment) Act 1926 (by virtue of which an inquest must be held with a jury in cases of death from certain causes of which notice is required to be given to any inspector or other officer of a government department), after the words "of a government department" there shall be inserted the words "or to an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974,".

1957 c. 20.

The House of Commons Disqualification Act 1957

2. In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies bodies of which all members are disqualified under that Act), as it applies to the House of Commons of the Parliament of the United Kingdom, there shall be inserted at the appropriate place in alphabetical order the words "The Health and Safety Commission".

1967 c. 13.

The Parliamentary Commissioner Act 1967

3. In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the authorities subject to investigation under that Act) there shall be inserted in the appropriate places in alphabetical order the words "Health and Safety Commission" and "Health and Safety Executive".

Section 83.

SCHEDULE 10

REPEALS

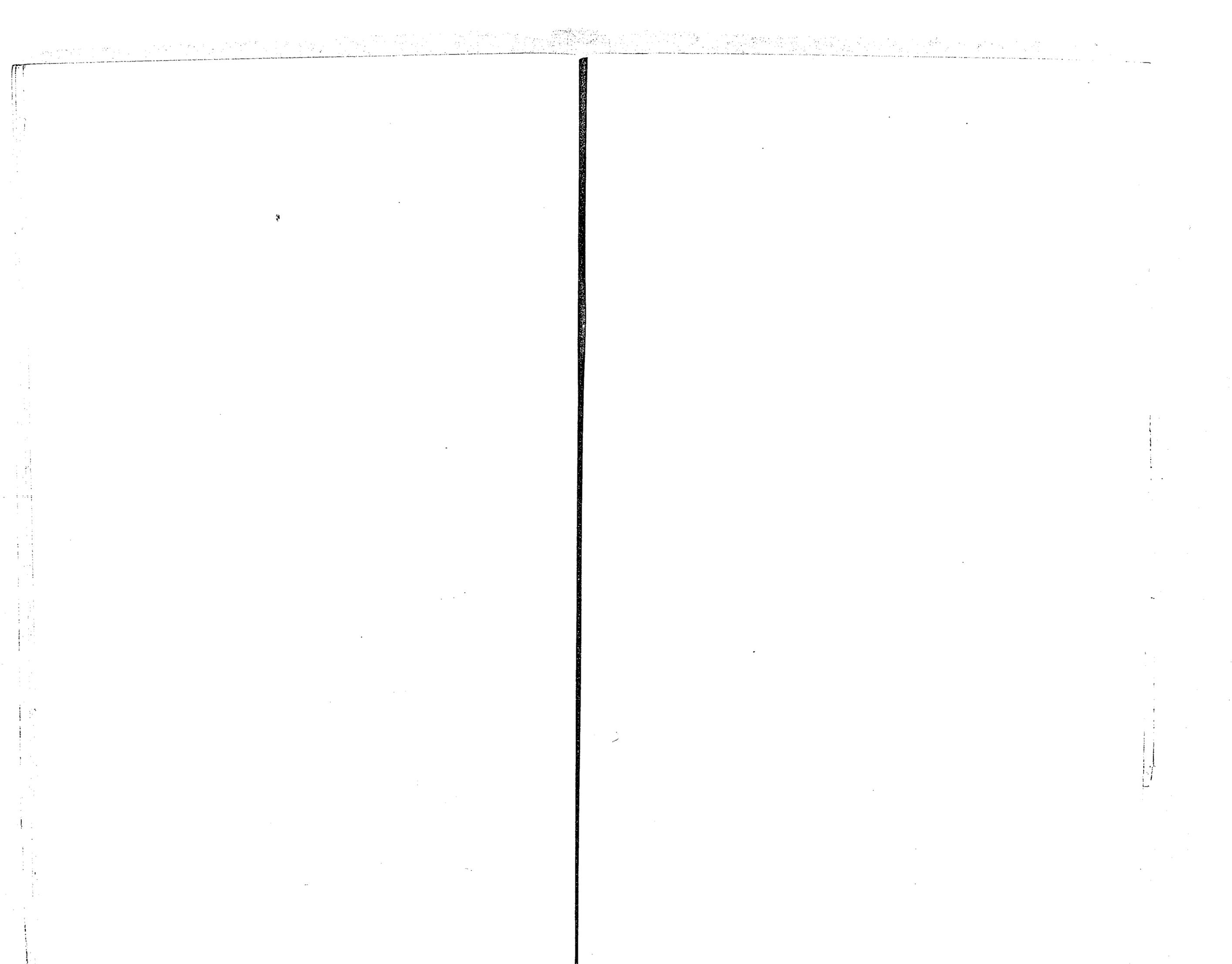
Chapter	Short Title	Extent of repeal
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	Section 53. Section 64(4) and (5). In section 67, the words from "and the Secretary of State's decision" to the end of the section. Section 71. In section 343(1), the definition of "building regulations".
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	Section 63(1).
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act 1947.	In Schedule 8, the amendment of section 53 of the Public Health Act 1936.
2 & 3 Eliz. 2. c. 32.	The Atomic Energy Authority Act 1954.	Section 5(5).
4 & 5 Eliz. 2. c. 52.	The Clean Air Act 1956.	Section 24.

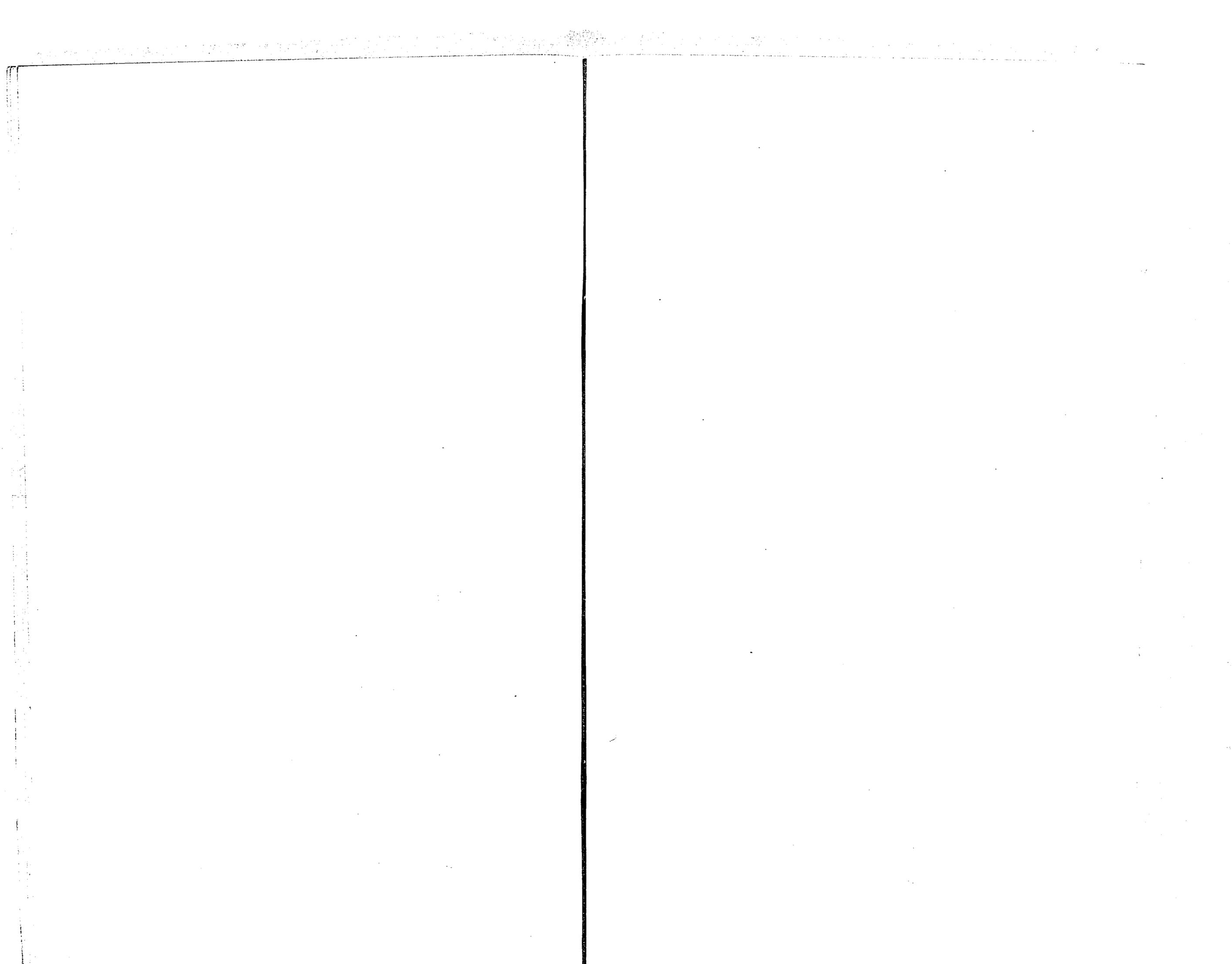
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Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 64.	The Public Health Act 1961.	In section 4, subsection (1) and, in subsection (4), the words from "and building" to the end of the subsection. In section 6, in subsection (4), the words "as may be prescribed by building regulations" and the word "so", and subsection (8). Section 7(3) to (6). Section 10(1) and (2). In Schedule 1, in Part III, the amendments of sections 53, 61, 62 and 71 of the Public Health Act 1936 and, in the amendments of the Clean Air Act 1956, the amendment of section 24 and the word "twenty-four" in the last paragraph.
1965 c. 16.	The Airports Authority Act 1965.	In section 19(3), the words from "and section 71" to "regulations" and the words "and the proviso to the said section 71".
1971 c. 40.	The Fire Precautions Act 1971.	In section 2, paragraphs (a) to (c). Section 11. In section 17(1)(i), the word "and" where last occurring.
1971 c. 75.	The Civil Aviation Act 1971.	In section 43(1), the definition of "building regulations". In Schedule 5, in paragraph 2(1), the words from "and section 71" to "regulations" and the words "and the proviso to the said section 71".
1972 c. 28.	The Employment Medical Advisory Service Act 1972.	Sections 1 and 6. Schedule 1.
1972 c. 58.	The National Health Service (Scotland) Act 1972.	In Schedule 6, paragraph 157.
1972 c. 70.	The Local Government Act 1972.	In Schedule 14, paragraph 43.
1973 c. 32.	The National Health Service Reorganisation Act 1973.	In Schedule 4, paragraph 137.
1973 c. 50.	The Employment and Training Act 1973.	In Schedule 3, paragraph 14.
1973 c. 64.	The Maplin Development Act 1973.	In Schedule 2, in paragraph 2(1), the words from "and section 71" to "regulations".

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