

Status: Point in time view as at 08/06/2005.

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SCHEDULES

SCHEDULE 1

Sections 1 and 53.

EXISTING ENACTMENTS WHICH ARE RELEVANT STATUTORY PROVISIONS

Modifications etc. (not altering text)

C1 Sch. 1 amended (E.W.S) (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 10(1)(b)(3)**; S.I. 1996/218, **art. 2**

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.
F1	F1	F1
...
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.
F2	F2	F2
...
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.

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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.
F3	F3	F3
...
1952 c. 60.	The Agriculture (Poisonous Substances) Act 1952.	The whole Act.
F4	F4	F4
...
...
F5	F5	F5
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 [F624A], 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.

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1972 c. 28.	The Employment Medical Advisory Service Act 1972.	The whole Act except sections 1 and 6 and Schedule 1.
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Textual Amendments

- F1** Sch. 1: "reference to the Anthrax Prevention Act 1919" repealed (6.4.2005) by [The Anthrax Prevention Order 1971 etc. \(Revocation\) Regulations 2005 \(S.I. 2005/228\)](#), [art. 2\(2\)](#)
- F2** Sch. 1: entry repealed (26.4.2005) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [reg. 28\(1\)\(2\)](#), [Sch. 5 para. 14](#), [Sch. 6 Pt. 1](#)
- F3** Sch. 1: entry repealed (26.4.2005) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [reg. 28\(1\)\(2\)](#), [Sch. 5 para. 14](#), [Sch. 6 Pt. 1](#)
- F4** Sch. 1: entry repealed (26.4.2005) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [reg. 28\(1\)\(2\)](#), [Sch. 5 para. 14](#), [Sch. 6 Pt. 1](#)
- F5** Entry inserted by [Sex Discrimination Act 1975 \(c. 65\)](#), [Sch. 5 para. 3](#) and repealed by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), [s. 9\(2\)](#), [Sch. Pt. III](#)
- F6** Word substituted by [Atomic Energy Act 1989 \(c. 7, SIF 8\)](#), [s. 6\(3\)](#)

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.
- 4 (1) If the Secretary of State is satisfied that a member—
- has been absent from meetings of the Commission for a period longer than six consecutive months without the permission of the Commission; or
 - has become bankrupt or made an arrangement with his creditors; or

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(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.

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.

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- 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.

Modifications etc. (not altering text)

C2 Sch. 2 para. 16: transfer of functions (1.4.1995) by virtue of S.I. 1995/269, art. 3, Sch. para. 10

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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 “Secretary” to “following” there were substituted the words “Commission by such data 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—

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- (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 subparagraphs (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 [^{F7}the Customs and Excise Acts 1979] the Act under which the offence is to be punished.

Textual Amendments

F7 Words substituted by [Customs and Excise Management Act 1979 \(c. 2\)](#), [Sch. 4 para. 12](#) Table Pt. I

- 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).
- 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.

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- (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.
- 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—

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- (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
 - (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.

SCHEDULE 3A

OFFENCES: MODE OF TRIAL AND MAXIMUM PENALTY

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F⁹SCHEDULE 4

Textual Amendments

F9 Sch. 4 repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**

F¹⁰SCHEDULE 5

Textual Amendments

F10 Ss. 61, 62, 63(5)(6)(7), 64–69, 70(2)–(8), 71–74, 76, [Sch. 5](#) and [Sch. 6](#) repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), **Sch. 7**

F¹¹SCHEDULE 6

Textual Amendments

F11 Ss. 61, 62, 63(5)(6)(7), 64–69, 70(2)–(8), 71–74, 76, [Sch. 5](#) and [Sch. 6](#) repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), **Sch. 7**

F¹²F^{12X1}SCHEDULE 7

Editorial Information

X1 The text of ss. 75, 77, 78(1)–(3)(5)–(9), 83, [Sch. 7](#), [Sch. 9](#) para. 1, and [Sch. 10](#) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Textual Amendments

F12 [Sch. 7](#) repealed (S.) (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), s. 58, **Sch. 6 para. 9**, S.S.I. 2004/404, **arts. 2(1)**, 3, 4

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SCHEDULE 8

Section 78.

M1M2 TRANSITIONAL PROVISIONS WITH RESPECT TO FIRE CERTIFICATES UNDER
FACTORIES ACT 1961 OR OFFICES, SHOPS AND RAILWAY PREMISES ACT 1963

Marginal Citations

M1 1961 c. 34.

M2 1963 c. 41.

1 In this Schedule—

“the 1971 Act” means the ^{M3}Fire Precautions Act 1971;

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

“Factories Act certificate” means a certificate under section 40 of the ^{M4}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 ^{M5}Offices, Shops and Railway Premises Act 1963.

Marginal Citations

M3 1971 c. 40.

M4 1961 c. 34.

M5 1963 c. 41.

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 provision 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);

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- (b) if the existing certificate is an Offices Act certificate the following provisions of the Offices, Shops and Railway Premises Act 1963, namely section 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).

F13₃

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Textual Amendments

F13 Sch. 8 para. 3 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XVI Group1.

F14 SCHEDULE 9

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Textual Amendments

F14 Sch. 9 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XVI Group1.

F18 SCHEDULE 10

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Textual Amendments

F18 Sch. 10 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XVI Group1.

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