



Health and Safety at Work etc. Act 1974

1974 CHAPTER 37

PART I

HEALTH, SAFETY AND WELFARE IN CONNECTION WITH WORK, AND CONTROL OF DANGEROUS SUBSTANCES AND CERTAIN EMISSIONS INTO THE ATMOSPHERE

Health and safety regulations and approved codes of practice

16 Approval of codes of practice by ^[F1]the Executive]. **E+W+S**

- (1) For the purpose of providing practical guidance with respect to the requirements of any provision of ^[F2]any of the enactments or instruments mentioned in subsection (1A) below, ^[F1]the Executive may, subject to the following subsection ^{F3}. . .
- approve and issue such codes of practice (whether prepared by it or not) as in its opinion are suitable for that purpose;
 - approve such codes of practice issued or proposed to be issued otherwise than by ^[F1]the Executive as in its opinion are suitable for that purpose.

^[F4](1A) Those enactments and instruments are—

- sections 2 to 7 above;
 - health and safety regulations, except so far as they make provision exclusively in relation to transport systems falling within paragraph 1(3) of Schedule 3 to the Railways Act 2005; and
 - the existing statutory provisions that are not such provisions by virtue of section 117(4) of the Railways Act 1993.]
- (2) ^[F1]The Executive shall not approve a code of practice under subsection (1) above without the consent of the Secretary of State, and shall, before seeking his consent, consult—
- any government department or other body that appears to ^[F1]the Executive to be appropriate^{F5} . . . ^{F5} . . . ^{F5} . . .; and

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Changes to legislation: *There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Section 16. (See end of Document for details)*

- (b) such government departments and other bodies, if any, as in relation to any matter dealt with in the code, [F1the Executive] is required to consult under this section by virtue of directions given to it by the Secretary of State.
- (3) Where a code of practice is approved by [F1the Executive] under subsection (1) above, [F1the Executive] shall issue a notice in writing—
- (a) identifying the code in question and stating the date on which its approval by [F1the Executive] is to take effect; and
- (b) specifying for which of the provisions mentioned in subsection (1) above the code is approved.
- (4) [F1The Executive] may—
- (a) from time to time revise the whole or any part of any code of practice prepared by it in pursuance of this section;
- (b) approve any revision or proposed revision of the whole or any part of any code of practice for the time being approved under this section;
- and the provisions of subsections (2) and (3) above shall, with the necessary modifications, apply in relation to the approval of any revision under this subsection as they apply in relation to the approval of a code of practice under subsection (1) above.
- (5) [F1The Executive] may at any time with the consent of the Secretary of State withdraw its approval from any code of practice approved under this section, but before seeking his consent shall consult the same government departments and other bodies as it would be required to consult under subsection (2) above if it were proposing to approve the code.
- (6) Where under the preceding subsection [F1the Executive] withdraws its approval from a code of practice approved under this section, [F1the Executive] shall issue a notice in writing identifying the code in question and stating the date on which its approval of it is to cease to have effect.
- (7) References in this Part to an approved code of practice are references to that code as it has effect for the time being by virtue of any revision of the whole or any part of it approved under this section.
- (8) The power of [F1the Executive] under subsection (1)(b) above to approve a code of practice issued or proposed to be issued otherwise than by [F1the Executive] shall include power to approve a part of such a code of practice; and accordingly in this Part “code of practice” may be read as including a part of such a code of practice.

Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F1** Words in s. 16 substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 8** (with **art. 21**, **Sch. 2**)
- F2** Words in s. 16(1) substituted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), **ss. 2, 60**, **Sch. 3 para. 9(1)**; [S.I. 2006/266](#), **art. 2**, **Sch.**
- F3** Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F4** S. 16(1A) inserted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), **ss. 2, 60**, **Sch. 3 para. 9(2)**; [S.I. 2006/266](#), **art. 2**, **Sch.**

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- F5** Words in s. 16(2)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 5**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Modifications etc. (not altering text)

- C22** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by S.I. 1989/840, **arts. 2–10**
Ss. 16–21, 23, 24, 26, 28, 33, 34, 36–39, 42(1)–(3), 46 extended (E.W.S.) (1.10.1996) by S.I. 1996/1513, **reg. 10**
Ss. 16–24, 26, 28, 33–40, 42, 46, 47 excluded (with saving) (E.W.S.) (1.12.1997) by S.I. 1997/1840, **regs. 7, 9**
Ss. 16–26, 33–42, 47 applied (15.11.2000) by S.I. 2000/2831, **reg. 26(1)(a)**
- C23** Ss. 16–21 extended (with modifications) (1.4.1999) by S.I. 1999/743, **reg. 20(1)**, (2), (3)
Ss. 16–21 applied (E.W.S.) (20.9.2001) by S.I. 2001/2975, **reg. 19(a)**
Ss. 16–26 applied (E.W.S.) (24.7.2002) by S.I. 2002/1689, **reg. 14(1)(a)**
- C24** Ss. 1–59, 80–82 applied (11.7.2001) by S.I. 2001/2127, **arts. 4(1)**, 5(1)(2), 6(1), 7(1), 8(1), 10 (with art. 11) (as amended by S.I. 2009/1750, **art. 2(2)(4)**)
- C25** Ss. 1–59, 80–82 applied (temp.) (5.8.2009) by The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 (S.I. 2001/2127), arts. 8A, 8B (as inserted by S.I. 2009/1750, **art. 2(3)**)
- C26** Ss. 1–59 applied by S.I. 2001/2127 art. 8A 8B (as inserted (E.W.S.) (6.4.2011) by The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) (Variation) Order 2011 (S.I. 2011/745), arts. 1(1), **3(2)**)
- C27** Ss. 16–26 applied (E.W.S.) (1.10.2014) by The Genetically Modified Organisms (Contained Use) Regulations 2014 (S.I. 2014/1663), **regs. 1, 30(2)(a)** (with reg. 3(1)(2))
- C28** Ss. 16–21 applied (with modifications) (E.W.S.) (1.6.2015) by The Control of Major Accident Hazards Regulations 2015 (S.I. 2015/483), **regs. 1(1), 27(1)(a)** (with reg. 3(2))
- C29** Ss. 16–22 applied (E.W.S.) (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), **regs. 1, 36(1)(a)** (with reg. 4(2), Sch. 14)

16 Approval of codes of practice by ^{F1}the Executive]. **N.I.**

- (1) For the purpose of providing practical guidance with respect to the requirements of any provision of sections 2 to 7 or of health and safety regulations or of any of the existing statutory provisions, ^{F1}the Executive] may, subject to the following subsection ^{F3}. . .
- approve and issue such codes of practice (whether prepared by it or not) as in its opinion are suitable for that purpose;
 - approve such codes of practice issued or proposed to be issued otherwise than by ^{F1}the Executive] as in its opinion are suitable for that purpose.
- (2) ^{F1}The Executive] shall not approve a code of practice under subsection (1) above without the consent of the Secretary of State, and shall, before seeking his consent, consult—
- any government department or other body that appears to ^{F1}the Executive] to be appropriate^{F5} . . .; and
 - such government departments and other bodies, if any, as in relation to any matter dealt with in the code, ^{F1}the Executive] is required to consult under this section by virtue of directions given to it by the Secretary of State.
- (3) Where a code of practice is approved by ^{F1}the Executive] under subsection (1) above, ^{F1}the Executive] shall issue a notice in writing—
- identifying the code in question and stating the date on which its approval by ^{F1}the Executive] is to take effect; and

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- (b) specifying for which of the provisions mentioned in subsection (1) above the code is approved.
- (4) [F1The Executive] may—
- (a) from time to time revise the whole or any part of any code of practice prepared by it in pursuance of this section;
 - (b) approve any revision or proposed revision of the whole or any part of any code of practice for the time being approved under this section;
- and the provisions of subsections (2) and (3) above shall, with the necessary modifications, apply in relation to the approval of any revision under this subsection as they apply in relation to the approval of a code of practice under subsection (1) above.
- (5) [F1The Executive] may at any time with the consent of the Secretary of State withdraw its approval from any code of practice approved under this section, but before seeking his consent shall consult the same government departments and other bodies as it would be required to consult under subsection (2) above if it were proposing to approve the code.
- (6) Where under the preceding subsection [F1the Executive] withdraws its approval from a code of practice approved under this section, [F1the Executive] shall issue a notice in writing identifying the code in question and stating the date on which its approval of it is to cease to have effect.
- (7) References in this Part to an approved code of practice are references to that code as it has effect for the time being by virtue of any revision of the whole or any part of it approved under this section.
- (8) The power of [F1the Executive] under subsection (1)(b) above to approve a code of practice issued or proposed to be issued otherwise than by [F1the Executive] shall include power to approve a part of such a code of practice; and accordingly in this Part “code of practice” may be read as including a part of such a code of practice.

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