



# 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

##### *Enforcement*

#### **18 Authorities responsible for enforcement of the relevant statutory provisions.**

- (1) It shall be the duty of the Executive to make adequate arrangements for the enforcement of the relevant statutory provisions except to the extent that some other authority or class of authorities is by any of those provisions or by regulations under subsection (2) below made responsible for their enforcement.

[<sup>F1</sup>(1A) The Office for Nuclear Regulation is responsible for the enforcement of the relevant statutory provisions as they apply in relation to GB nuclear sites (within the meaning given in section 68 of the Energy Act 2013 (nuclear safety purposes)).

(1B) Subsection (1A) is subject to any provision of health and safety regulations making the [<sup>F2</sup>Office of Rail Regulation][<sup>F2</sup>Office of Rail and Road] responsible for the enforcement of any of the relevant statutory provisions to any extent in relation to such sites.]

- (2) The Secretary of State may by regulations—

- [<sup>F3</sup>(za) make the Office for Nuclear Regulation responsible for the enforcement of the relevant statutory provisions to such extent as may be prescribed (and may in particular provide for any site or matter in relation to which the Office for Nuclear Regulation is made so responsible to be determined by the Secretary of State or the Office for Nuclear Regulation under the regulations);]
- (a) make local authorities responsible for the enforcement of the relevant statutory provisions to such extent as may be prescribed;

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- (b) make provision for enabling responsibility for enforcing any of the relevant statutory provisions to be, to such extent as may be determined under the regulations—

[<sup>F4</sup>(zi) transferred from the Executive or local authorities to the Office for Nuclear Regulation, or from the Office for Nuclear Regulation to the Executive or local authorities;]

(i) transferred from the Executive to local authorities or from local authorities to the Executive; or

(ii) assigned to the Executive [<sup>F5</sup>, to the Office for Nuclear Regulation] or to local authorities for the purpose of removing any uncertainty as to what are by virtue of [<sup>F6</sup>subsection (1A) or] this subsection their respective responsibilities for the enforcement of those provisions;

[<sup>F7</sup>(iii) assigned to the [<sup>F2</sup>Office of Rail Regulation][<sup>F2</sup>Office of Rail and Road] or the Office for Nuclear Regulation for the purpose of removing any uncertainty as to what are by virtue of any of the relevant statutory provisions their respective responsibilities for the enforcement of any of those provisions;]

and any regulations made in pursuance of paragraph (b) above shall include provision for securing that any transfer or assignment effected under the regulations is brought to the notice of persons affected by it.

- (3) Any provision made by regulations under the preceding subsection shall have effect subject to any provision made by health and safety regulations <sup>F8</sup>. . . in pursuance of section 15(3)(c).

[<sup>F9</sup>(3A) Regulations under subsection (2)(a) may not make local authorities enforcing authorities in relation to any site in relation to which the Office for Nuclear Regulation is an enforcing authority.]

[<sup>F9</sup>( 3B ) Where the Office for Nuclear Regulation is, by or under subsection (1A) or (2), made responsible for the enforcement of any of the relevant statutory provisions to any extent, it must make adequate arrangements for the enforcement of those provisions to that extent.]

- (4) It shall be the duty of every local authority—

(a) to make adequate arrangements for the enforcement within their area of the relevant statutory provisions to the extent that they are by any of those provisions or by regulations under subsection (2) above made responsible for their enforcement; and

(b) to perform the duty imposed on them by the preceding paragraph and any other functions conferred on them by any of the relevant statutory provisions in accordance with such guidance as [<sup>F10</sup>the Executive] may give them.

[<sup>F11</sup>(4A) Before the Executive gives guidance under subsection (4)(b) it shall consult the local authorities.

- (4B) It shall be the duty of the Executive and the local authorities—

(a) to work together to establish best practice and consistency in the enforcement of the relevant statutory provisions;

(b) to enter into arrangements with each other for securing cooperation and the exchange of information in connection with the carrying out of their functions with regard to the relevant statutory provisions; and

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- (c) from time to time to review those arrangements and to revise them when they consider it appropriate to do so.]
- (5) Where any authority other than <sup>F8</sup> . . . , the Executive [<sup>F12</sup> the Office for Nuclear Regulation ] or a local authority is by any of the relevant statutory provisions <sup>F13</sup> . . . made responsible for the enforcement of any of those provisions to any extent, it shall be the duty of that authority—
- (a) to make adequate arrangements for the enforcement of those provisions to that extent; and
  - (b) [<sup>F14</sup>except where that authority is the [<sup>F2</sup>Office of Rail Regulation][<sup>F2</sup>Office of Rail and Road],]to perform the duty imposed on the authority by the preceding paragraph and any other functions conferred on the authority by any of the relevant statutory provisions in accordance with such guidance as [<sup>F15</sup>the Executive] may give to the authority.
- (6) Nothing in the provisions of this Act or of any regulations made thereunder charging any person in Scotland with the enforcement of any of the relevant statutory provisions shall be construed as authorising that person to institute proceedings for any offence.
- (7) In this Part—
- (a) “enforcing authority” means the Executive or any other authority which is by any of the relevant statutory provisions or by regulations under subsection (2) above made responsible for the enforcement of any of those provisions to any extent; and
  - (b) any reference to an enforcing authority’s field of responsibility is a reference to the field over which that authority’s responsibility for the enforcement of those provisions extends for the time being;
- but where by virtue of [<sup>F16</sup>subsection (3) of section 13][<sup>F17</sup> of this Act or section 95 of the Energy Act 2013 (power for Office for Nuclear Regulation to arrange for exercise of functions by others) ]the performance of any function of <sup>F18</sup> . . . the Executive [<sup>F19</sup>or the Office for Nuclear Regulation ] is delegated to a government department or person, references to <sup>F18</sup> . . . the Executive [<sup>F20</sup>or the Office for Nuclear Regulation (as the case may be)] (or to an enforcing authority where that authority is the Executive) in any provision of this Part which relates to that function shall, so far as may be necessary to give effect to any agreement [<sup>F21</sup>or arrangements under the provision in question ] , be construed as references to that department or person; and accordingly any reference to the field of responsibility of an enforcing authority shall be construed as a reference to the field over which that department or person for the time being performs such a function.

#### Textual Amendments

- F1** S. 18(1A)(1B) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 6\(2\)](#); S.I. 2014/251, art. 4
- F2** Words in s. 18 substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 4\(c\)\(ii\)](#)
- F3** S. 18(2)(za) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 6\(3\)\(a\)](#); S.I. 2014/251, art. 4
- F4** S. 18(2)(b)(zi) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 6\(3\)\(b\)](#); S.I. 2014/251, art. 4
- F5** Words in s. 18(2)(b)(ii) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 6\(3\)\(c\)\(i\)](#); S.I. 2014/251, art. 4

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- F6** Words in s. 18(2)(b)(ii) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 6(3)(c)(ii)**; [S.I. 2014/251](#), art. 4
- F7** S. 18(2)(b)(iii) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 6(3)(d)**; [S.I. 2014/251](#), art. 4
- F8** Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F9** s. 18(3A)(3B) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 6(4)**; [S.I. 2014/251](#), art. 4
- F10** Words in s. 18(4)(b) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 10(2)** (with art. 21, Sch. 2)
- F11** S. 18(4A)(4B) inserted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 10(3)** (with art. 21, Sch. 2)
- F12** Words in s. 18(5) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 6(5)**; [S.I. 2014/251](#), art. 4
- F13** Words in s. 18(5) repealed (8.6.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); [S.I. 2005/1444](#), **art. 2**, Sch. 1
- F14** Words in s. 18(5)(b) inserted (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 2, 60, **Sch. 3 para. 10(3)**; [S.I. 2006/266](#), **art. 2(2)**, Sch.
- F15** Words in s. 18(5)(b) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 10(4)** (with art. 21, Sch. 2)
- F16** Words in s. 18(7) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 10(5)(a)** (with art. 21, Sch. 2)
- F17** Words in s. 18(7) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 6(6)(a)**; [S.I. 2014/251](#), art. 4
- F18** Words in s. 18(7) omitted (1.4.2008) by virtue of [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 10(5)(c)** (with art. 21, Sch. 2)
- F19** Words in s. 18(7) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 6(6)(b)**; [S.I. 2014/251](#), art. 4
- F20** Words in s. 18(7) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 6(6)(c)**; [S.I. 2014/251](#), art. 4
- F21** Words in s. 18(7) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 6(6)(d)**; [S.I. 2014/251](#), art. 4

#### Modifications etc. (not altering text)

- C1** 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. 18–20: power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15](#), **ss. 2(4)(b)**, 5 (with s. 3(5))  
 Ss. 18–27, 33(1)(e)–(i)(n)(o)(2)–(4), 34(2)–(6), 36(1), 37–42, 46 applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772](#), **reg. 17**  
 Ss. 16–26, 33–42, 47 applied (15.11.2000) by [S.I. 2000/2831](#), **reg. 26(1)(a)**
- C2** S. 18 extended (with modifications) (1.4.1999) by [S.I. 1999/743](#), **reg. 20(1)–(3)**  
 S. 18 applied (E.W.S.) (20.9.2001) by [S.I. 2001/2975](#), **reg. 19(a)**  
 S. 18 applied (E.W.S.) (24.7.2002) by [S.I. 2002/1689](#), **reg. 14(1)(a)**  
 S. 18 applied (31.3.2002) by [S.I. 2002/528](#), **reg. 10**
- C3** Ss. 18–26 applied (with modifications) (19.11.1999) by [S.I. 1999/2892](#), **reg. 16(1)**
- C4** 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)**)
- C5** S. 18 applied (with modifications) (E.W.S.) (9.6.2004) by [S.I. 2004/1309](#), **reg. 17**
- C6** 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)**)

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- C7** 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)**)
- C8** Ss. 18-26 applied (with modifications) (E.W.S.) (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(1), **8(1)** (with reg. 3(4), (5), 8(2)-(7), 31)
- C9** 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))
- C10** 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))
- C11** Ss. 18-28 applied (with modifications) (E.W.S.) (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(2), **17(1)** (with reg. 3(4)(5)31)
- C12** Ss. 18-21 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(8)(a)** (with reg. 4(2), Sch. 14)
- C13** 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)
- C14** S. 18(1) applied (with modifications) (1.4.1999) (with savings) by S.I. 1999/743, **reg. 20(3)(4)**
- C15** S. 18(1) 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(2)(b)** (with regs. 3(2), 27(3))
- C16** S. 18(1) applied (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), regs. 1, **36(9)** (with reg. 4(2), Sch. 14)
- C17** S. 18(1) 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(3)** (with reg. 4(2), Sch. 14)
- C18** S. 18(3B) 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(2)(a)** (with regs. 3(2), 27(3))
- C19** S. 18(6) modified (6.4.1992) by S.I. 1992/711, **regs. 1(2), 28(3)(b)(5)(a)**
- C20** Ss. 18(6)(7)(b), 19-22, 23(1)(2)(5), 24-26, 33(1)(e)-(h)(o)(2)(2A)(3)(4)(e), 34(3)-(5), 35, 36(1)(2), 37-39, 42 applied (with modifications) (9.1.1995) by S.I. 1994/3260, **reg. 17(3)(5)**
- C21** S. 18(7) applied by [Fire Precautions Act 1971 \(c. 40, SIF 50\)](#), **s. 21(3)** as inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), **s. 11**
- C22** S. 18(7)(b) modified (6.4.1992) by S.I. 1992/711, **regs. 1(2), 28(3)(b)(5)(a)**

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