



# 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*

#### 23 Provisions supplementary to ss. 21 and 22. **E+W**

- (1) In this section “a notice” means an improvement notice or a prohibition notice.
- (2) A notice may (but need not) include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates; and any such directions—
  - (a) may be framed to any extent by reference to any approved code of practice; and
  - (b) may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention or matter.
- (3) Where any of the relevant statutory provisions applies to a building or any matter connected with a building and an inspector proposes to serve an improvement notice relating to a contravention of that provision in connection with that building or matter, the notice shall not direct any measures to be taken to remedy the contravention of that provision which are more onerous than those necessary to secure conformity with the requirements of any building regulations for the time being in force to which that building or matter would be required to conform if the relevant building were being newly erected unless the provision in question imposes specific requirements more onerous than the requirements of any such building regulations to which the building or matter would be required to conform as aforesaid.

In this subsection “the relevant building”, in the case of a building, means that building, and, in the case of a matter connected with a building, means the building with which the matter is connected.

---

**Status:** *There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent N.I. - Northern Ireland extent*

**Changes to legislation:** *Health and Safety at Work etc. Act 1974, Section 23 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (4) Before an inspector serves in connection with any premises used or about to be used as a place of work a notice requiring or likely to lead to the taking of measures affecting the means of escape in case of fire with which the premises are or ought to be provided, he shall consult the [<sup>F1</sup>fire and rescue authority] .

In this subsection [<sup>F1</sup>fire and rescue authority][<sup>F2</sup>, in relation to premises, means—

- (a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises, the enforcing authority within the meaning given by article 25 of that Order;
  - (b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area where the premises are (or are to be) situated.]
- (5) Where an improvement notice or a prohibition notice which is not to take immediate effect has been served—
- (a) the notice may be withdrawn by an inspector at any time before the end of the period specified therein in pursuance of section 21 or section 22(4) as the case may be; and
  - (b) the period so specified may be extended or further extended by an inspector at any time when an appeal against the notice is not pending.
- (6) In the application of this section to Scotland—
- (a) in subsection (3) for the words from “with the requirements” to “aforesaid” there shall be substituted the words—

“(a) to any provisions of the building standards regulations to which that building or matter would be required to conform if the relevant building were being newly erected; or

(b) where the sheriff, on an appeal to him under section 16 of the Building (Scotland) Act 1959—

(i) against an order under section 10 of that Act requiring the execution of operations necessary to make the building or matter conform to the building standards regulations, or

(ii) against an order under section 11 of that Act requiring the building or matter to conform to a provision of such regulations,

has varied the order, to any provisions of the building standards regulations referred to in paragraph (a) above as affected by the order as so varied,

unless the relevant statutory provision imposes specific requirements more onerous than the requirements of any provisions of building standards regulations as aforesaid or, as the case may be, than the requirements of the order as varied by the sheriff. ”;

- (b) after subsection (5) there shall be inserted the following subsection—

“(5A) In subsection (3) above ”building standards regulations’ has the same meaning as in section 3 of the Building (Scotland) Act 1959.”.

**Status:** There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent N.I. - Northern Ireland extent

**Changes to legislation:** Health and Safety at Work etc. Act 1974, Section 23 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Extent Information

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

### Textual Amendments

- F1** Words in s. 23(4) substituted (E.W.) (1.10.2004 for E. and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 53, [Sch. 1 para. 44](#); S.I. 2004/2304, [art. 2](#), (with art. 3); S.I. 2004/2917, [art. 2](#)
- F2** S. 23(4)(a)(b) and preceding words substituted (E.W.) (1.10.2006) for words by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 53(1), [Sch. 2 para. 9](#) (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), [arts. 1\(1\), 2](#))

### Modifications etc. (not altering text)

- C22** S. 23 applied by [S.I. 1989/840](#), [arts. 2-10](#)  
S. 23 excluded (with saving) (E.W.S.) (1.12.1997) by [S.I. 1997/1840](#), [regs. 7, 9](#) S. 23 extended (E.W.S.) (1.10.1996) by [S.I. 1996/1513](#), [reg. 10](#)  
S. 23: power to apply conferred (E.W.S.) (28.8.1995) by 1995 c. 15, [ss. 2\(4\)\(c\), 5](#) (with s. 3(5))  
S. 23 applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772](#), [reg. 17](#)  
S. 23 applied (with modifications) (E.W.S.) (1.3.1996) by [S.I. 1996/192](#), [reg. 15](#), [Sch. 14 para. 1\(b\)](#)  
S. 23 applied (with modifications) (E.W.S.) (1.7.1997) by [S.I. 1997/831](#), [reg. 19\(1\)-\(4\)](#), [Sch. 15 para. 1\(a\)\(b\)](#) [Ss. 23](#) applied (15.11.2000) by [S.I. 2000/2831](#), [reg. 26\(1\)\(a\)](#)  
Ss. 23 applied (E.W.S.) (24.7.2002) by [S.I. 2002/1689](#), [reg. 14\(1\)\(a\)](#)  
S. 23 applied (31.3.2002) by [S.I. 2002/528](#), [reg. 10](#)  
S. 23 applied (16.5.2002) by [S.I. 2002/1166](#), [reg. 31](#) (with art. 37)
- C23** S. 23 applied (with modifications) (1.1.1993) by [S.I. 1992/3073](#), [reg. 28](#), [Sch. 6 para. 1\(b\)](#)
- C24** Ss. 19-28 modified (6.4.1992) by [S.I. 1992/711](#), [regs. 1\(2\), 28\(3\)\(b\)\(5\)\(a\)](#)  
S. 23 modified (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 30\(4\)](#) (with ss. 7(6), 115, 117); [S.I. 1996/186](#), [art. 3](#)
- C25** S. 23 extended (with modifications) (1.4.1999) by [S.I. 1999/743](#), [reg. 20\(1\)\(b\)](#), (2)(3)
- C26** Ss. 23 extended (19.11.1999) by [S.I. 1999/2892](#), [reg. 16\(1\)](#)
- C27** S. 23 applied (with modifications) (29.11.1999) by [S.I. 1999/2001](#), [reg. 24\(1\)](#), [Sch. 8 para. 1\(b\)](#)
- C28** S. 23 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\(2\)\(4\)](#))
- C29** S. 23 applied (E.W.S.) (20.9.2001) by [S.I. 2001/2975](#), [reg. 19\(b\)](#)
- C30** S. 23 applied (with modifications) (3.5.2004) by [The Cableway Installations Regulations 2004 \(S.I. 2004/129\)](#), [reg. 23\(3\)\(b\)](#)
- C31** S. 23 applied (with modifications) (9.6.2004) by [S.I. 2004/1309](#), [reg. 17](#); s. 23 applied (E.W.S) (2.4.2006) by [S.I. 2006/397](#), [reg. 34](#)
- C32** S. 23 applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by [The Channel Tunnel \(Safety\) Order 2007 \(S.I. 2007/3531\)](#), [art. 4\(2\)\(3\)\(c\)](#) (subject to (4)-(6)) (with art. 7)
- C33** 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\(3\)](#))
- C34** S. 23 applied in part (with modifications) (E.W.S.) (6.4.2010) by [The Rail Vehicle Accessibility \(Non-Interoperable Rail System\) Regulations 2010 \(S.I. 2010/432\)](#), [reg. 6\(2\)\(3\)\(c\)](#)
- C35** S. 23 applied in part (with modifications) (E.W.S.) (6.4.2010) by [The Train Driving Licences and Certificates Regulations 2010 \(S.I. 2010/724\)](#), [regs. 1\(2\), 38\(2\)\(3\)\(c\)](#)

**Status:** There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent N.I. - Northern Ireland extent

**Changes to legislation:** Health and Safety at Work etc. Act 1974, Section 23 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- C36** Ss. 19-28 applied (with modifications) (E.W.S.) (4.7.2010 for certain purposes and otherwise 4.7.2013) by The Pyrotechnic Articles (Safety) Regulations 2010 (S.I. 2010/1554), **regs. 1, 18, 37(1)**, {Sch. 4 paras. 1, 2}
- C37** 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)**)
- C38** S. 23 applied (with modifications) (16.1.2012) by The Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), **regs. 1(2), 39(2)(3)(c)** (with reg. 3)
- C39** 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)
- C40** Ss. 23, 24 applied (1.3.2014) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), **regs. 2(4), 19** (with reg. 3(4)(5)31)
- C41** 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))
- C42** Ss. 19-28 applied (with modifications) (E.W.S.) (1.10.2014) by The Explosives Regulations 2014 (S.I. 2014/1638), **reg. 1(1), Sch. 12 paras. 2, 3**
- C43** S. 23 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)(b)** (with regs. 3(2), 27(3))
- C44** 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)
- C45** S. 23 applied (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), **regs. 1, 36(8)(b)** (with reg. 4(2), Sch. 14)
- C46** S. 23 applied (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), **regs. 1, 36(1)(b)** (with reg. 4(2), Sch. 14)
- C47** S. 23 applied (with modifications) (17.8.2015) by The Pyrotechnic Articles (Safety) Regulations 2015 (S.I. 2015/1553), **reg. 1, Sch. 8 paras. 1(f), 2**
- C48** Ss. 19-28 applied (with modifications) by S.I. 2014/1638, Sch. 12 paras. 5-7 (as substituted (E.W.S.) (20.4.2016) by The Explosives Regulations 2014 (Amendment) Regulations 2016 (S.I. 2016/315), **reg. 1, Sch. 1** (with regs. 2(1), 15))
- C49** S. 23 applied (with modifications) (8.12.2016) by The Simple Pressure Vessels (Safety) Regulations 2016 (S.I. 2016/1092), **reg. 1, Sch. 6 paras. 1(e), 2** (with reg. 3)
- C50** S. 23 applied (with modifications) (E.W.S.) (8.12.2016) by The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 (S.I. 2016/1107), **reg. 1(1), Sch. 4 para. 1(e)**
- C51** S. 23 applied (with modifications) (8.12.2016) by The Lifts Regulations 2016 (S.I. 2016/1093), **reg. 1, Sch. 8 paras. 1(f), 2** (with regs. 3-5)
- C52** S. 23 applied (with modifications) (8.12.2016) by The Electrical Equipment (Safety) Regulations 2016 (S.I. 2016/1101), **reg. 1, Sch. 4 paras. 1, 2** (with reg. 3)
- C53** S. 23 applied (with modifications) (8.12.2016) by The Pressure Equipment (Safety) Regulations 2016 (S.I. 2016/1105), **reg. 1, Sch. 8 paras. 1(e), 2** (with reg. 88)
- C54** S. 23 applied (with modifications) (21.4.2018) by The Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390), **reg. 1(1), Sch. 2** (with reg. 2(1)-(3))
- C55** S. 23 applied (with modifications) (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), **reg. 1(1), Sch. 2** (with reg. 2)
- C56** S. 23 applied (with modifications) (30.7.2018) by The Cableway Installations Regulations 2018 (S.I. 2018/816), **regs. 1, 21(1)-(3)** (with reg. 4)
- C57** S. 23(1) applied (with modifications) (9.1.1995) by S.I. 1994/3260, **reg. 17(3)(5)**
- C58** S. 23(2) applied (with modifications) (9.1.1995) by S.I. 1994/3260, **reg. 17(3)(5)**
- C59** S. 23(4) applied (with modifications) (1.4.1999) by S.I. 1999/743, **reg. 20(5)**
- C60** S. 23(5) applied (with modifications) (9.1.1995) by S.I. 1994/3260, **reg. 17(3)(5)**

**Status:** There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent N.I. - Northern Ireland extent

**Changes to legislation:** Health and Safety at Work etc. Act 1974, Section 23 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## 23 Provisions supplementary to ss. 21 and 22. **N.I.**

- (1) In this section “a notice” means an improvement notice or a prohibition notice.
- (2) A notice may (but need not) include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates; and any such directions—
  - (a) may be framed to any extent by reference to any approved code of practice; and
  - (b) may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention or matter.
- (3) Where any of the relevant statutory provisions applies to a building or any matter connected with a building and an inspector proposes to serve an improvement notice relating to a contravention of that provision in connection with that building or matter, the notice shall not direct any measures to be taken to remedy the contravention of that provision which are more onerous than those necessary to secure conformity with the requirements of any building regulations for the time being in force to which that building or matter would be required to conform if the relevant building were being newly erected unless the provision in question imposes specific requirements more onerous than the requirements of any such building regulations to which the building or matter would be required to conform as aforesaid.

In this subsection “the relevant building”, in the case of a building, means that building, and, in the case of a matter connected with a building, means the building with which the matter is connected.

- (4) Before an inspector serves in connection with any premises used or about to be used as a place of work a notice requiring or likely to lead to the taking of measures affecting the means of escape in case of fire with which the premises are or ought to be provided, he shall consult the fire authority.

In this subsection “fire authority” has the meaning assigned by section 43(1) of the <sup>M1</sup>Fire Precautions Act 1971.

- (5) Where an improvement notice or a prohibition notice which is not to take immediate effect has been served—
  - (a) the notice may be withdrawn by an inspector at any time before the end of the period specified therein in pursuance of section 21 or section 22(4) as the case may be; and
  - (b) the period so specified may be extended or further extended by an inspector at any time when an appeal against the notice is not pending.
- (6) In the application of this section to Scotland—
  - (a) in subsection (3) for the words from “with the requirements” to “aforesaid” there shall be substituted the words—
    - “(a) to any provisions of the building standards regulations to which that building or matter would be required to conform if the relevant building were being newly erected; or
    - (b) where the sheriff, on an appeal to him under section 16 of the Building (Scotland) Act 1959—
      - (i) against an order under section 10 of that Act requiring the execution of operations necessary to make the building or matter conform to the building standards regulations, or

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent N.I. - Northern Ireland extent*

*Changes to legislation: Health and Safety at Work etc. Act 1974, Section 23 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(ii) against an order under section 11 of that Act requiring the building or matter to conform to a provision of such regulations,

has varied the order, to any provisions of the building standards regulations referred to in paragraph (a) above as affected by the order as so varied,

unless the relevant statutory provision imposes specific requirements more onerous than the requirements of any provisions of building standards regulations as aforesaid or, as the case may be, than the requirements of the order as varied by the sheriff.”;

(b) after subsection (5) there shall be inserted the following subsection—

“(5A) In subsection (3) above ”building standards regulations’ has the same meaning as in section 3 of the Building (Scotland) Act 1959.”.

#### **Extent Information**

**E3** This version of this provision extends to Northern Ireland only; separate versions have been created for England and Wales and Scotland only

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

- C25** S. 23 extended (with modifications) (1.4.1999) by [S.I. 1999/743](#), **reg. 20(1)(b)**, (2)(3)
- C30** S. 23 applied (with modifications) (3.5.2004) by [The Cableway Installations Regulations 2004 \(S.I. 2004/129\)](#), **reg. 23(3)(b)**
- C31** S. 23 applied (with modifications) (9.6.2004) by [S.I. 2004/1309](#), **reg. 17**; s. 23 applied (E.W.S) (2.4.2006) by [S.I. 2006/397](#), **reg. 34**
- C33** 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)**)
- C37** 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\(2\)\*\*](#)
- C38** S. 23 applied (with modifications) (16.1.2012) by [The Railways \(Interoperability\) Regulations 2011 \(S.I. 2011/3066\)](#), regs. 1(2), **39(2)(3)(c)** (with reg. 3)
- C40** Ss. 23, 24 applied (1.3.2014) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(4), **19** (with reg. 3(4)(5)31)
- C43** S. 23 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)(b)** (with regs. 3(2), 27(3))
- C44** 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)
- C45** S. 23 applied (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), regs. 1, **36(8)(b)** (with reg. 4(2), Sch. 14)
- C46** S. 23 applied (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), regs. 1, **36(1)(b)** (with reg. 4(2), Sch. 14)
- C47** S. 23 applied (with modifications) (17.8.2015) by [The Pyrotechnic Articles \(Safety\) Regulations 2015 \(S.I. 2015/1553\)](#), reg. 1, Sch. 8 paras. 1(f), **2**
- C48** Ss. 19-28 applied (with modifications) by [S.I. 2014/1638](#), Sch. 12 paras. 5-7 (as substituted (E.W.S.) (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), reg. 1, **Sch. 1** (with regs. 2(1), 15))

**Status:** There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent N.I. - Northern Ireland extent

**Changes to legislation:** Health and Safety at Work etc. Act 1974, Section 23 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- C49** S. 23 applied (with modifications) (8.12.2016) by [The Simple Pressure Vessels \(Safety\) Regulations 2016 \(S.I. 2016/1092\)](#), reg. 1, Sch. 6 paras. 1(e), 2 (with reg. 3)
- C51** S. 23 applied (with modifications) (8.12.2016) by [The Lifts Regulations 2016 \(S.I. 2016/1093\)](#), reg. 1, Sch. 8 paras. 1(f), 2 (with regs. 3-5)
- C52** S. 23 applied (with modifications) (8.12.2016) by [The Electrical Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1101\)](#), reg. 1, Sch. 4 paras. 1, 2 (with reg. 3)
- C53** S. 23 applied (with modifications) (8.12.2016) by [The Pressure Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1105\)](#), reg. 1, Sch. 8 paras. 1(e), 2 (with reg. 88)
- C54** S. 23 applied (with modifications) (21.4.2018) by [The Personal Protective Equipment \(Enforcement\) Regulations 2018 \(S.I. 2018/390\)](#), reg. 1(1), Sch. 2 (with reg. 2(1)-(3))
- C55** S. 23 applied (with modifications) (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), Sch. 2 (with reg. 2)
- C56** S. 23 applied (with modifications) (30.7.2018) by [The Cableway Installations Regulations 2018 \(S.I. 2018/816\)](#), regs. 1, **21(1)-(3)** (with reg. 4)
- C59** S. 23(4) applied (with modifications) (1.4.1999) by S.I. 1999/743, **reg. 20(5)**
- C61** S. 23 applied by S.I. 1989/840, **arts. 2-10**  
 S. 23 excluded (with saving) (E.W.S.) (1.12.1997) by S.I. 1997/1840, **regs. 7, 9**  
 S. 23 extended (E.W.S.) (1.10.1996) by S.I. 1996/1513, **reg. 10**  
 S. 23: power to apply conferred (E.W.S.) (28.8.1995) by 1995 c. 15, **ss. 2(4)(c), 5** (with s. 3(5))  
 S. 23 applied (with modifications) (E.W.S.) (16.4.1996) by S.I. 1996/772, **reg. 17**  
 S. 23 applied (with modifications) (E.W.S.) (1.3.1996) by S.I. 1996/192, reg. 15, **Sch. 14 para. 1(b)**  
 S. 23 applied (with modifications) (E.W.S.) (1.7.1997) by S.I. 1997/831, reg. 19(1)-(4), **Sch. 15 para. 1(a)(b)**  
 S. 23 applied (15.11.2000) by S.I. 2000/2831, **reg. 26(1)(a)**  
 S. 23 applied (E.W.S.) (24.7.2002) by S.I. 2002/1689, **reg. 14(1)(a)**  
 S. 23 applied (31.3.2002) by S.I. 2002/528, **reg. 10**  
 S. 23 applied (16.5.2002) by S.I. 2002/1166, **reg. 31** (with art. 37)
- C62** S. 23 applied (with modifications) (1.1.1993) by S.I.1992/3073, reg. 28, **Sch. 6 para. 1(b)**
- C63** Ss. 19-28 modified (6.4.1992) by S.I. 1992/711, **regs. 1(2), 28(3)(b)(5)(a)**  
 S. 23 modified (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 30(4)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- C64** S. 23 extended (19.11.1999) by S.I. 1999/2892, **reg. 16(1)**
- C65** S. 23 applied (with modifications) (29.11.1999) by S.I. 1999/2001, reg. 24(1), **Sch. 8 para. 1(b)**
- C66** S. 23 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)**)
- C67** S. 23 applied (E.W.S.) (20.9.2001) by S.I. 2001/2975, **reg. 19(b)**
- C68** S. 23(1) applied (with modifications) (9.1.1995) by S.I. 1994/3260, **reg. 17(3)(5)**
- C69** S. 23(2) applied (with modifications) (9.1.1995) by S.I. 1994/3260, **reg. 17(3)(5)**
- C70** S. 23(5) applied (with modifications) (9.1.1995) by S.I. 1994/3260, **reg. 17(3)(5)**

#### Marginal Citations

**M1** 1971 c. 40.

## 23 Provisions supplementary to ss. 21 and 22. **S**

- (1) In this section “a notice” means an improvement notice or a prohibition notice.
- (2) A notice may (but need not) include directions as to the measures to be taken to remedy any contravention or matter to which the notice relates; and any such directions—
  - (a) may be framed to any extent by reference to any approved code of practice; and

---

**Status:** *There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent N.I. - Northern Ireland extent*

**Changes to legislation:** *Health and Safety at Work etc. Act 1974, Section 23 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (b) may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention or matter.
- (3) Where any of the relevant statutory provisions applies to a building or any matter connected with a building and an inspector proposes to serve an improvement notice relating to a contravention of that provision in connection with that building or matter, the notice shall not direct any measures to be taken to remedy the contravention of that provision which are more onerous than those necessary to secure conformity with the requirements of any building regulations for the time being in force to which that building or matter would be required to conform if the relevant building were being newly erected unless the provision in question imposes specific requirements more onerous than the requirements of any such building regulations to which the building or matter would be required to conform as aforesaid.

In this subsection “the relevant building”, in the case of a building, means that building, and, in the case of a matter connected with a building, means the building with which the matter is connected.

- (4) Before an inspector serves in connection with any premises used or about to be used as a place of work a notice requiring or likely to lead to the taking of measures affecting the means of escape in case of fire with which the premises are or ought to be provided, he shall consult
- [<sup>F3</sup>(a) where Part 3 of the Fire (Scotland) Act 2005 (asp 5) applies in relation to the premises, the enforcing authority (as defined in section 61(9) of that Act);
- (b) in any other case, the [<sup>F4</sup>Scottish Fire and Rescue Service].]
- (5) Where an improvement notice or a prohibition notice which is not to take immediate effect has been served—
- (a) the notice may be withdrawn by an inspector at any time before the end of the period specified therein in pursuance of section 21 or section 22(4) as the case may be; and
- (b) the period so specified may be extended or further extended by an inspector at any time when an appeal against the notice is not pending.
- (6) In the application of this section to Scotland—
- (a) in subsection (3) for the words from “with the requirements” to “aforesaid” there shall be substituted the words—
- “(a) to any provisions of the building standards regulations to which that building or matter would be required to conform if the relevant building were being newly erected; or
- (b) where the sheriff, on an appeal to him under section 16 of the Building (Scotland) Act 1959—
- (i) against an order under section 10 of that Act requiring the execution of operations necessary to make the building or matter conform to the building standards regulations, or
- (ii) against an order under section 11 of that Act requiring the building or matter to conform to a provision of such regulations,
- has varied the order, to any provisions of the building standards regulations referred to in paragraph (a) above as affected by the order as so varied,



**Status:** There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent N.I. - Northern Ireland extent

**Changes to legislation:** Health and Safety at Work etc. Act 1974, Section 23 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

unless the relevant statutory provision imposes specific requirements more onerous than the requirements of any provisions of building standards regulations as aforesaid or, as the case may be, than the requirements of the order as varied by the sheriff. ”;

(b) after subsection (5) there shall be inserted the following subsection—

“(5A) In subsection (3) above ”building standards regulations’ has the same meaning as in section 3 of the Building (Scotland) Act 1959.”.

### Extent Information

- E4** This version of this provision extends to Scotland only; separate versions have been created for England and Wales only and Northern Ireland only

### Textual Amendments

- F3** By [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.I. 2006/475\)](#), [art. 2\(1\)](#), [Sch. 1 para. 6](#) it is provided (1.10.2006) that in s. 23(4) for the words from "the authority" to the end there is substituted (S.) s. 23(4)(a)(b)
- F4** Words in s. 23(4)(b) substituted (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), [s. 129\(2\)](#), [Sch. 7 para. 49](#); [S.S.I. 2013/51](#), [art. 2](#) (with transitional provisions and savings in [S.S.I. 2013/121](#))

### Modifications etc. (not altering text)

- C22** S. 23 applied by [S.I. 1989/840](#), [arts. 2-10](#)  
S. 23 excluded (with saving) (E.W.S.) (1.12.1997) by [S.I. 1997/1840](#), [regs. 7, 9](#) S. 23 extended (E.W.S.) (1.10.1996) by [S.I. 1996/1513](#), [reg. 10](#)  
S. 23: power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15](#), [ss. 2\(4\)\(c\)](#), 5 (with s. 3(5))  
S. 23 applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772](#), [reg. 17](#)  
S. 23 applied (with modifications) (E.W.S.) (1.3.1996) by [S.I. 1996/192](#), [reg. 15](#), [Sch. 14 para. 1\(b\)](#)  
S. 23 applied (with modifications) (E.W.S.) (1.7.1997) by [S.I. 1997/831](#), [reg. 19\(1\)-\(4\)](#), [Sch. 15 para. 1\(a\)\(b\)](#) [Ss. 23](#) applied (15.11.2000) by [S.I. 2000/2831](#), [reg. 26\(1\)\(a\)](#)  
[Ss. 23](#) applied (E.W.S.) (24.7.2002) by [S.I. 2002/1689](#), [reg. 14\(1\)\(a\)](#)  
S. 23 applied (31.3.2002) by [S.I. 2002/528](#), [reg. 10](#)  
S. 23 applied (16.5.2002) by [S.I. 2002/1166](#), [reg. 31](#) (with art. 37)
- C25** S. 23 extended (with modifications) (1.4.1999) by [S.I. 1999/743](#), [reg. 20\(1\)\(b\)](#), (2)(3)
- C26** [Ss. 23](#) extended (19.11.1999) by [S.I. 1999/2892](#), [reg. 16\(1\)](#)
- C28** S. 23 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\(2\)\(4\)](#))
- C29** S. 23 applied (E.W.S.) (20.9.2001) by [S.I. 2001/2975](#), [reg. 19\(b\)](#)
- C30** S. 23 applied (with modifications) (3.5.2004) by [The Cableway Installations Regulations 2004 \(S.I. 2004/129\)](#), [reg. 23\(3\)\(b\)](#)
- C31** S. 23 applied (with modifications) (9.6.2004) by [S.I. 2004/1309](#), [reg. 17](#); s. 23 applied (E.W.S) (2.4.2006) by [S.I. 2006/397](#), [reg. 34](#)
- C33** [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\(3\)](#))
- C34** S. 23 applied in part (with modifications) (E.W.S.) (6.4.2010) by [The Rail Vehicle Accessibility \(Non-Interoperable Rail System\) Regulations 2010 \(S.I. 2010/432\)](#), [reg. 6\(2\)\(3\)\(c\)](#)
- C37** [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\(2\)](#))

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extentS - Scotland extentN.I. - Northern Ireland extent*

*Changes to legislation: Health and Safety at Work etc. Act 1974, Section 23 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- C38** S. 23 applied (with modifications) (16.1.2012) by [The Railways \(Interoperability\) Regulations 2011 \(S.I. 2011/3066\)](#), regs. 1(2), **39(2)(3)(c)** (with reg. 3)
- C39** 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)
- C40** Ss. 23, 24 applied (1.3.2014) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(4), **19** (with reg. 3(4)(5)31)
- C41** 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))
- C42** Ss. 19-28 applied (with modifications) (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), Sch. 12 paras. 2, **3**
- C43** S. 23 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)(b)** (with regs. 3(2), 27(3))
- C44** 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)
- C45** S. 23 applied (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), regs. 1, **36(8)(b)** (with reg. 4(2), Sch. 14)
- C46** S. 23 applied (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), regs. 1, **36(1)(b)** (with reg. 4(2), Sch. 14)
- C47** S. 23 applied (with modifications) (17.8.2015) by [The Pyrotechnic Articles \(Safety\) Regulations 2015 \(S.I. 2015/1553\)](#), reg. 1, Sch. 8 paras. 1(f), **2**
- C48** Ss. 19-28 applied (with modifications) by S.I. 2014/1638, Sch. 12 paras. 5-7 (as substituted (E.W.S.) (20.4.2016) by [The Explosives Regulations 2014 \(Amendment\) Regulations 2016 \(S.I. 2016/315\)](#), reg. 1, **Sch. 1** (with regs. 2(1), 15))
- C49** S. 23 applied (with modifications) (8.12.2016) by [The Simple Pressure Vessels \(Safety\) Regulations 2016 \(S.I. 2016/1092\)](#), reg. 1, Sch. 6 paras. 1(e), **2** (with reg. 3)
- C50** S. 23 applied (with modifications) (E.W.S.) (8.12.2016) by [The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 \(S.I. 2016/1107\)](#), reg. 1(1), **Sch. 4 para. 1(e)**
- C51** S. 23 applied (with modifications) (8.12.2016) by [The Lifts Regulations 2016 \(S.I. 2016/1093\)](#), reg. 1, Sch. 8 paras. 1(f), **2** (with regs. 3-5)
- C52** S. 23 applied (with modifications) (8.12.2016) by [The Electrical Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1101\)](#), reg. 1, Sch. 4 paras. 1, **2** (with reg. 3)
- C53** S. 23 applied (with modifications) (8.12.2016) by [The Pressure Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1105\)](#), reg. 1, Sch. 8 paras. 1(e), **2** (with reg. 88)
- C54** S. 23 applied (with modifications) (21.4.2018) by [The Personal Protective Equipment \(Enforcement\) Regulations 2018 \(S.I. 2018/390\)](#), reg. 1(1), **Sch. 2** (with reg. 2(1)-(3))
- C55** S. 23 applied (with modifications) (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 2** (with reg. 2)
- C56** S. 23 applied (with modifications) (30.7.2018) by [The Cableway Installations Regulations 2018 \(S.I. 2018/816\)](#), regs. 1, **21(1)-(3)** (with reg. 4)
- C59** S. 23(4) applied (with modifications) (1.4.1999) by S.I. 1999/743, **reg. 20(5)**
- C71** S. 23 applied by S.I. 1989/840, **arts. 2-10**
  - S. 23 excluded (with saving) (E.W.S.) (1.12.1997) by S.I. 1997/1840, **regs. 7, 9**
  - S. 23 extended (E.W.S.) (1.10.1996) by S.I. 1996/1513, **reg. 10**
  - S. 23: power to apply conferred (E.W.S.) (28.8.1995) by 1995 c. 15, **ss. 2(4)(c), 5** (with s. 3(5))
  - S. 23 applied (with modifications) (E.W.S.) (16.4.1996) by S.I. 1996/772, **reg. 17**
  - S. 23 applied (with modifications) (E.W.S.) (1.3.1996) by S.I. 1996/192, reg. 15, **Sch. 14 para. 1(b)**
  - S. 23 applied (with modifications) (E.W.S.) (1.7.1997) by S.I. 1997/831, reg. 19(1)-(4), **Sch. 15 para. 1(a)(b)**
  - S. 23 applied (15.11.2000) by S.I. 2000/2831, **reg. 26(1)(a)**
  - S. 23 applied (E.W.S.) (24.7.2002) by S.I. 2002/1689, **reg. 14(1)(a)**

**Status:** There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent N.I. - Northern Ireland extent

**Changes to legislation:** Health and Safety at Work etc. Act 1974, Section 23 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- S. 23 applied (31.3.2002) by [S.I. 2002/528](#), [reg. 10](#)
- S. 23 applied (16.5.2002) by [S.I. 2002/1166](#), [reg. 31](#) (with art. 37)
- C72** Ss. 19-28 applied (with modifications) (1.1.1993) by [S.I.1992/3073](#), [reg. 28](#), [Sch. 6 para. 1\(b\)](#)
- C73** Ss. 19-28 modified (6.4.1992) by [S.I. 1992/711](#), [regs. 1\(2\)](#), [28\(3\)\(b\)\(5\)\(a\)](#)  
Ss. 21-23 modified (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 30\(4\)](#) (with ss. 7(6), 115, 117); [S.I. 1996/186](#), [art. 3](#)
- C74** Ss. 19-28 applied (with modifications) (29.11.1999) by [S.I. 1999/2001](#), [reg. 24\(1\)](#), [Sch. 8 para. 1\(b\)](#)
- C75** S. 23 applied (with modifications) (E.W.S.) (the amendment coming into force in accordance with art. 1(1) of the amending S.I.) by [The Channel Tunnel \(Safety\) Order 2007 \(S.I. 2007/3531\)](#), [art. 4\(2\)\(3\)\(c\)](#) (subject to (4)-(6)) (with [art. 7](#))
- C76** S. 23 applied in part (with modifications) (E.W.S.) (6.4.2010) by [The Train Driving Licences and Certificates Regulations 2010 \(S.I. 2010/724\)](#), [regs. 1\(2\)](#), [38\(2\)\(3\)\(c\)](#)
- C77** Ss. 19-28 applied (with modifications) (E.W.S.) (4.7.2010 for certain purposes and otherwise 4.7.2013) by [The Pyrotechnic Articles \(Safety\) Regulations 2010 \(S.I. 2010/1554\)](#), [regs. 1](#), 18, 37(1), {Sch. 4 paras. 1, 2}
- C78** S. 23(1) applied (with modifications) (9.1.1995) by [S.I. 1994/3260](#), [reg. 17\(3\)\(5\)](#)
- C79** S. 23(2) applied (with modifications) (9.1.1995) by [S.I. 1994/3260](#), [reg. 17\(3\)\(5\)](#)
- C80** S. 23(5) applied (with modifications) (9.1.1995) by [S.I. 1994/3260](#), [reg. 17\(3\)\(5\)](#)

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E+W - England and Wales extent
- S - Scotland extent
- N.I. - Northern Ireland extent

**Changes to legislation:**

Health and Safety at Work etc. Act 1974, Section 23 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 21-25 power to exclude conferred by [2014 c. 20 Sch. 1 para. 4\(1\)\(a\)](#)