



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

26 Power of enforcing authorities to indemnify their inspectors.

Where an action has been brought against an inspector in respect of an act done in the execution or purported execution of any of the relevant statutory provisions and the circumstances are such that he is not legally entitled to require the enforcing authority which appointed him to indemnify him, that authority may, nevertheless, indemnify him against the whole or part of any damages and costs or expenses which he may have been ordered to pay or may have incurred, if the authority is satisfied that he honestly believed that the act complained of was within his powers and that his duty as an inspector required or entitled him to do it.

Modifications etc. (not altering text)

- C1** S. 26 applied by [S.I. 1989/840, arts. 2-10](#)
S. 26 excluded (with saving) (E.W.S.) (1.12.1997) by [S.I. 1997/1840, regs. 7, 9](#)
S. 26 extended (E.W.S.) (1.10.1996) by [S.I. 1996/1513, reg. 10](#)
S. 26 applied (E.W.S.) (24.7.2002) by [S.I. 2002/1689, reg. 14\(1\)\(a\)](#)
S. 26 applied (31.3.2002) by [S.I. 2002/528, reg. 10](#)
S. 26 applied (16.5.2002) by [S.I. 2002/1166, reg. 31](#) (with art. 37)
S. 26 applied (with modifications) (9.1.1995) by [S.I. 1994/3260, reg. 17\(3\)\(5\)](#)
S. 26: power to apply conferred (E.W.S.) (28.8.1995) by [1995 c. 15, ss. 2\(4\)\(b\), 5](#) (with s. 3(5)) S. 26 applied (with modifications) (E.W.S.) (16.4.1996) by [S.I. 1996/772, reg. 17](#)
S. 26 applied (with modifications) (E.W.S.) (1.3.1996) by [S.I. 1996/192, reg. 15, Sch. 14 para. 1\(b\)](#)
S. 26 applied (with modifications) (E.W.S.) (1.7.1997) by [S.I. 1997/831, reg. 19\(1\)-\(4\), Sch. 15 para. 1\(a\)\(b\)](#)

Changes to legislation: There are currently no known outstanding effects for the
Health and Safety at Work etc. Act 1974, Section 26. (See end of Document for details)

- S. 26 applied (15.11.2000) by S.I. 2000/2831, **reg. 26(1)(a)**
- C2** S. 26 applied (with modifications) (1.1.1993) by S.I.1992/3073, reg. 28, **Sch. 6 para. 1(b)**
- C3** S. 26 modified (6.4.1992) by S.I. 1992/711, **regs. 1(2), 28(3)(b)(5)(a)**
- C4** S. 26 extended (with modifications) (1.4.1999) by S.I. 1999/743, **reg. 20(1)(c), (2)(3)**
- C5** S. 26 applied (with modifications) (19.11.1999) by S.I. 1999/2892, **reg. 16(1)**
- C6** S. 26 applied (with modifications) (29.11.1999) by S.I. 1999/2001, reg. 24(1), **Sch. 8 para. 1(b)**
- C7** S. 26 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)**)
- C8** S. 26 applied (E.W.S.) (20.9.2001) by S.I. 2001/2975, **reg. 19(c)**
- C9** S. 26 applied (with modifications) (E.W.S.) (22.3.2003 for certain purposes and 22.9.2003 otherwise) by S.I. 2003/403, **regs. 1(2), 23(2)(a)(3)**; s. 26 applied (with modifications) (E.W.S.) (3.5.2004) by S.I. 2004/129, **reg. 23(3)(c)**; s. 26 applied (with modifications) (E.W.S.) (9.6.2004) by S.I. 2004/1309, **reg. 17**; s. 26 applied (E.W.S.) (22.4.2005) by S.I. 2005/928, **reg. 4(2)(3)(5)(6)**; s. 26 applied (2.4.2006) by S.I. 2006/397, **reg. 34**
- C10** S. 26 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)(f)** (subject to (4)-(6)) (with art. 7)
- C11** 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)**)
- C12** S. 26 applied (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)(e)**
- C13** S. 26 applied (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)(e)**
- C14** 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}**
- C15** 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)**)
- C16** S. 26 applied (with modifications) (16.1.2012) by **The Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), regs. 1(2), 39(2)(3)(e)** (with reg. 3)
- C17** 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)
- C18** Ss. 25A-28 applied (with modifications) (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)
- C19** 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))
- C20** 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**
- C21** S. 26 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)(c)** (with regs. 3(2), 27(3))
- C22** 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)
- C23** S. 26 applied (19.7.2015) by **The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), regs. 1, 36(1)(c)** (with reg. 4(2), Sch. 14)
- C24** S. 26 applied (19.7.2015) by **The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), regs. 1, 36(8)(c)** (with reg. 4(2), Sch. 14)
- C25** S. 26 applied (with modifications) (17.8.2015) by **The Pyrotechnic Articles (Safety) Regulations 2015 (S.I. 2015/1553), reg. 1, Sch. 8 paras. 1(j), 2**

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- C26** 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))
- C27** S. 26 applied (with modifications) (8.12.2016) by [The Pressure Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1105\)](#), reg. 1, **Sch. 8 paras. 1(i), 2** (with reg. 88)
- C28** S. 26 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)
- C29** S. 26 applied (with modifications) (8.12.2016) by [The Lifts Regulations 2016 \(S.I. 2016/1093\)](#), reg. 1, **Sch. 8 paras. 1(j), 2** (with regs. 3-5)
- C30** S. 26 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(i)**
- C31** S. 26 applied (with modifications) (8.12.2016) by [The Simple Pressure Vessels \(Safety\) Regulations 2016 \(S.I. 2016/1092\)](#), reg. 1, **Sch. 6 paras. 1(i), 2** (with reg. 3)
- C32** S. 26 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))
- C33** S. 26 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)
- C34** S. 26 applied (with modifications) (30.7.2018) by [The Cableway Installations Regulations 2018 \(S.I. 2018/816\)](#), regs. 1, **21(1)-(3)** (with reg. 4)

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