



# 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

##### *Miscellaneous and supplementary*

#### **44 Appeals in connection with licensing provisions in the relevant statutory provisions.**

- (1) Any person who is aggrieved by a decision of an authority having power to issue licences<sup>F1</sup>...under any of the relevant statutory provisions—
  - (a) refusing to issue him a licence, to renew a licence held by him, or to transfer to him a licence held by another;
  - (b) issuing him a licence on or subject to any term, condition or restriction whereby he is aggrieved;
  - (c) varying or refusing to vary any term, condition or restriction on or subject to which a licence is held by him; or
  - (d) revoking a licence held by him,may appeal to the Secretary of State.
- (2) The Secretary of State may, in such cases as he considers it appropriate to do so, having regard to the nature of the questions which appear to him to arise, direct that an appeal under this section shall be determined on his behalf by a person appointed by him for that purpose.
- (3) Before the determination of an appeal the Secretary of State shall ask the appellant and the authority against whose decision the appeal is brought whether they wish to appear and be heard on the appeal and—
  - (a) the appeal may be determined without a hearing of the parties if both of them express a wish not to appear and be heard as aforesaid;

*Changes to legislation: There are currently no known outstanding effects for the*  
*Health and Safety at Work etc. Act 1974, Section 44. (See end of Document for details)*

- (b) the Secretary of State shall, if either of the parties expresses a wish to appear and be heard, afford to both of them an opportunity of so doing.
- (4) The Tribunals and Inquiries Act [<sup>F2</sup>1992] shall apply to a hearing held by a person appointed in pursuance of subsection (2) above to determine an appeal as it applies to a statutory inquiry held by the Secretary of State, but as if in [<sup>F2</sup>section 10(1)] of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State included a reference to a decision taken on his behalf by that person.
- <sup>F3</sup>(4A) . . . . .
- (5) A person who determines an appeal under this section on behalf of the Secretary of State and the Secretary of State, if he determines such an appeal, may give such directions as he considers appropriate to give effect to his determination.
- (6) The Secretary of State may pay to any person appointed to hear or determine an appeal under this section on his behalf such remuneration and allowances as the Secretary of State may with the approval of the Minister for the Civil Service determine.
- (7) In this section—
- (a) “licence” means a licence under any of the relevant statutory provisions <sup>F4</sup>...;
- <sup>F5</sup>(b) . . . . .
- <sup>F6</sup>(8) . . . . .

#### Textual Amendments

- F1** Words in s. 44(1) omitted (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 10\(2\)](#); [S.I. 2014/251](#), art. 4
- F2** Words in s. 44(4) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(1), 19(2), [Sch. 3 para.9](#)
- F3** S. 44(4A) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), [Sch. para. 2](#)
- F4** Words in s. 44(7)(a) omitted (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 10\(3\)\(a\)](#); [S.I. 2014/251](#), art. 4
- F5** S. 44(7)(b) omitted (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 10\(3\)\(b\)](#); [S.I. 2014/251](#), art. 4
- F6** S. 44(8) omitted (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 10\(4\)](#); [S.I. 2014/251](#), art. 4

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

- C1** Pt. 1 modified (1.1.2018) by [The Ionising Radiations Regulations 2017 \(S.I. 2017/1075\)](#), regs. 1(2), [2\(3\)](#) (with [regs. 2\(5\)](#), 3, [Sch. 8](#))
- C2** Ss. 1–25, 26, 27, 28, 30, 33, 34–59, 80, 81 and 82 applied by [S.I. 1989/840](#), [arts. 2–10](#)
- C3** 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\(2\)\(4\)](#))
- C4** 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\(3\)](#))
- C5** 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\(2\)](#)
- C6** S. 44 applied (1.10.2014) by [The Petroleum \(Consolidation\) Regulations 2014 \(S.I. 2014/1637\)](#), regs. 1(2), [11\(2\)](#) (with [reg. 3\(1\)](#))

**Changes to legislation:** There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Section 44. (See end of Document for details)

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- C7** S. 44 applied (1.10.2014) by [The Petroleum \(Consolidation\) Regulations 2014 \(S.I. 2014/1637\)](#), regs. [1\(2\)](#), [15\(2\)](#) (with reg. [3\(1\)](#))
- C8** S. 44(2)-(6) applied (13.5.2000) by [S.I. 1999/3232](#), [reg. 5\(6\)](#)
- C9** S. 44(2)-(6) applied (26.4.2005) by [S.I. 2005/1082](#), [reg. 19](#)
- C10** S. 44(2)-(6) applied (1.1.2018) by [The Ionising Radiations Regulations 2017 \(S.I. 2017/1075\)](#), regs. [1\(2\)](#), [6\(8\)](#), [7\(7\)](#), Sch. 3 para. 19 (with regs. [2\(5\)](#), [3](#), [40](#), Sch. 8)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Section 44.