



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

47 Civil liability.

- (1) Nothing in this Part shall be construed—
- (a) as conferring a right of action in any civil proceedings in respect of any failure to comply with any duty imposed by sections 2 to 7 or any contravention of section 8; or
 - ^{F1}(b)
 - (c) as affecting the operation of section 12 of the ^{M1}Nuclear Installations Act 1965 (right to compensation by virtue of certain provisions of that Act).
- ^{F2}(2) Breach of a duty imposed by a statutory instrument containing (whether alone or with other provision) health and safety regulations shall not be actionable except to the extent that regulations under this section so provide.
- (2A) Breach of a duty imposed by an existing statutory provision shall not be actionable except to the extent that regulations under this section so provide (including by modifying any of the existing statutory provisions).
- (2B) Regulations under this section may include provision for—
- (a) a defence to be available in any action for breach of the duty mentioned in subsection (2) or (2A);
 - (b) any term of an agreement which purports to exclude or restrict any liability for such a breach to be void.]
- (3) No provision made by virtue of section 15(6)(b) shall afford a defence in any civil proceedings ^{F3}...

Changes to legislation: There are currently no known outstanding effects for the
Health and Safety at Work etc. Act 1974, Section 47. (See end of Document for details)

(4) Subsections (1)(a) [^{F4}, (2) and (2A)] above are without prejudice to any right of action which exists apart from the provisions of this Act, and subsection [^{F5}(2B)(a)] above is without prejudice to any defence which may be available apart from the provisions of the regulations there mentioned.

^{F6}(5)

^{F6}(6)

[^{F7}(7) The power to make regulations under this section shall be exercisable by the Secretary of State.]

Textual Amendments

- F1** S. 47(1)(b) omitted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(2)**, 103(1)(i), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F2** S. 47(2)-(2B) substituted for s. 47(2) (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(3)**, 103(1)(i), (3), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F3** Words in s. 47(3) omitted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(4)**, 103(1)(i), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F4** Words in s. 47(4) substituted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(5)(a)**, 103(1)(i), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F5** Word in s. 47(4) substituted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(5)(b)**, 103(1)(i), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F6** S. 47(5)(6) omitted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(6)**, 103(1)(i), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)
- F7** s. 47(7) inserted (25.4.2013 for specified purposes, 1.10.2013 for remaining purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 69(7)**, 103(1)(i), (3), (3) (with s. 69(8)-(10)); S.I. 2013/2227, art. 2(f)

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**
 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)**
- 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. 47(2) applied (E.W.S.) (24.7.2002) by [S.I. 2002/1689](#), **reg. 14(1)(c)**

Changes to legislation: There are currently no known outstanding effects for the
Health and Safety at Work etc. Act 1974, Section 47. (See end of Document for details)

Marginal Citations

M1 1965 c. 57.

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