



# 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*

#### **50 Regulations under the relevant statutory provisions.**

- [<sup>F1</sup>(1) Where any power to make regulations under any of the relevant statutory provisions is exercisable by the Secretary of State, that power may be exercised either—
- (a) so as to give effect (with or without modifications) to proposals submitted by the Executive under section 11(3); or
  - (b) subject to subsection (1AA), independently of such proposals.

- (1AA) The Secretary of State shall not exercise the power referred to in subsection (1) independently of proposals from the Executive unless [<sup>F2</sup>the Secretary of State has consulted— ]
- (a) the Executive,
  - (b) the Office for Nuclear Regulation, and
  - (c) such other bodies as appear to the Secretary of State to be appropriate.]

- [<sup>F3</sup>(1A) Subsection (1) does not apply to the exercise of a power to make regulations so far as it is exercised—
- (a) for giving effect (with or without modifications) to proposals submitted by the [<sup>F4</sup>Office of Rail and Road] under paragraph 2(5) of Schedule 3 to the Railways Act 2005; or
  - (b) otherwise for or in connection with the railway safety purposes.]

- (2) Where the [<sup>F5</sup>authority who is to exercise any such power as is mentioned in subsection (1) above proposes to exercise that power] so as to give effect to any

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such proposals as are there mentioned with modifications, he shall, before making the regulations, consult <sup>F6</sup>— .

- (a) the Executive, and
- (b) the Office for Nuclear Regulation.]

(3) Where <sup>F7</sup>[the Executive] proposes to submit <sup>F8</sup>[under section <sup>F9</sup>11(3)] any such proposals as are mentioned in subsection (1) above except proposals for the making of regulations under section 43(2), it shall, before so submitting them, consult—

- <sup>F10</sup>(za) the Office for Nuclear Regulation;]
- (a) any government department or other body that appears to <sup>F7</sup>[the Executive] to be appropriate (and, in particular, in the case of proposals for the making of regulations under section 18(2), any body representing local authorities that so appears <sup>F11</sup>...;
- (b) such government departments and other bodies, if any, as, in relation to any matter dealt with in the proposals, <sup>F7</sup>[the Executive] is required to consult under this subsection by virtue of directions given to it by the Secretary of State.

<sup>F12</sup>(4) If the Executive has consulted the Office for Nuclear Regulation under subsection (3) in relation to a proposal under section 11(3) for regulations under any of the relevant statutory provisions, it must, when it submits the proposal (with or without modification) to the Secretary of State, also submit—

- (a) any representations made by the Office for Nuclear Regulation in response to the consultation, and
- (b) any response to those representations given by the Executive to the Office for Nuclear Regulation.

(5) The preceding provisions of this section do not apply to the exercise of the power in section 43 to make ONR fees regulations, but the Secretary of State must consult the Office for Nuclear Regulation before—

- (a) making ONR fees regulations independently of any proposals submitted by the Office for Nuclear Regulation under section 81(1) of the Energy Act 2013, or
- (b) making ONR fees regulations which give effect to such proposals but with modifications.

(6) In subsection (5) “ ONR fees regulations ” means regulations under section 43 so far as they make provision in relation to fees payable for or in connection with the performance of a function by or on behalf of—

- (a) the Office for Nuclear Regulation, or
- (b) any inspector appointed by the Office for Nuclear Regulation.]

<sup>F13</sup>(4) .....

**Textual Amendments**

- F1** S. 50(1)(1AA) substituted (1.4.2008) for s. 50(1) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), **art. 16(2)** (with **art. 21**, **Sch. 2**)
- F2** Words in s. 50(1AA) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 11(2)**; [S.I. 2014/251](#), **art. 4**
- F3** S. 50(1A) inserted (E.W.S.) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 2, 60, **Sch. 3 para. 13**; [S.I. 2006/266](#), **art. 2(2)**, **Sch.**

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- F4** Words in s. 50(1A)(a) substituted (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)(iv)**
- F5** Words substituted by Employment Protection Act 1975 (c. 71), **Sch. 15 para. 16(2)**
- F6** Words in s. 50(2) substituted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 11(3)**; S.I. 2014/251, art. 4
- F7** Words in s. 50(3) substituted (1.4.2008) by The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), **art. 16(4)(b)** (with art. 21, Sch. 2)
- F8** Words substituted by Employment Protection Act 1975 (c. 71), **Sch. 15 para. 16(3)**
- F9** Words in s. 50(3) substituted (1.4.2008) by The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), **art. 16(4)(a)** (with art. 21, Sch. 2)
- F10** S. 50(3)(za) inserted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 11(4)**; S.I. 2014/251, art. 4
- F11** Words in s. 50(3)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 6**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F12** S. 50(4)-(6) inserted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 11(5)**; S.I. 2014/251, art. 4
- F13** Ss. 2(5), 29, 31, 32, 50(4)(5), 53(2)–(6) repealed by Employment Protection Act 1975 (c. 71), **Sch. 18**

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**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** S. 50 applied by S.I. 1989/840, **arts. 2-10**
- C3** S. 50 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)**)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Section 50.