



# Enterprise and Regulatory Reform Act 2013

## 2013 CHAPTER 24

### PART 5

#### REDUCTION OF LEGISLATIVE BURDENS

##### *Miscellaneous*

#### **69 Civil liability for breach of health and safety duties**

- (1) Section 47 of the Health and Safety at Work etc. Act 1974 (civil liability) is amended as set out in subsections (2) to (7).
- (2) In subsection (1), omit paragraph (b) (including the “or” at the end of that paragraph).
- (3) For subsection (2) substitute—
  - “(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.”
- (4) In subsection (3), omit the words from “, whether brought by virtue of subsection (2)” to the end.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In subsection (4)—
  - (a) for “and (2)” substitute “, (2) and (2A)”, and
  - (b) for “(3)” substitute “(2B)(a)”.
- (6) Omit subsections (5) and (6).
- (7) After subsection (6) insert—
  - “(7) The power to make regulations under this section shall be exercisable by the Secretary of State.”
- (8) Where, on the commencement of this section, there is in force an Order in Council made under section 84(3) of the Health and Safety at Work etc. Act 1974 that applies to matters outside Great Britain any of the provisions of that Act that are amended by this section, that Order is to be taken as applying those provisions as so amended.
- (9) The amendments made by this section do not apply in relation to breach of a duty which it would be within the legislative competence of the Scottish Parliament to impose by an Act of that Parliament.
- (10) The amendments made by this section do not apply in relation to breach of a duty where that breach occurs before the commencement of this section.