



Deregulation Act 2015

2015 CHAPTER 20

Measures affecting the workplace: general

1 Health and safety at work: general duty of self-employed persons

- (1) Section 3 of the Health and Safety at Work etc. Act 1974 (general duty of employers and self-employed to persons other than their employees) is amended in accordance with subsections (2) and (3).
- (2) In subsection (2) (which imposes a general duty with respect to health and safety on self-employed persons)—
 - (a) after “self-employed person” insert “who conducts an undertaking of a prescribed description”;
 - (b) for “his undertaking” substitute “the undertaking”.
- (3) After subsection (2) insert—

“(2A) A description of undertaking included in regulations under subsection (2) may be framed by reference to—

 - (a) the type of activities carried out by the undertaking, where those activities are carried out or any other feature of the undertaking;
 - (b) whether persons who may be affected by the conduct of the undertaking, other than the self-employed person (or his employees), may thereby be exposed to risks to their health or safety.”
- (4) In section 11 of that Act (functions of the Executive), after subsection (4A) insert—

“(4AA) Subsection (4)(b)(i) does not apply in relation to the making of regulations under section 3(2) for the railway safety purposes (and, accordingly, the Executive shall submit under subsection (3) such proposals as the Executive considers appropriate for the making of regulations under section 3(2) for those purposes).”
- (5) In section 82 of that Act (general provisions as to interpretation and regulations)—
 - (a) in subsection (3)(b) for “subsection (3A) or (4)” substitute “subsection (3A), (3B) or (4)”;

Status: This is the original version (as it was originally enacted).

(b) after subsection (3A) insert—

“(3B) Regulations under section 3(2) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

(6) Where this section comes into force at a time when 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 section 3 or 11 of that Act to matters outside Great Britain, that Order is to be taken as applying that section as amended by this section.