

The health and safety at work act 1974

[Business](#), [Employment](#)



The Health & Safety at Work Act 1974 Section 1: To secure the health, safety and welfare of persons at work. To protect other people from hazards arising from work. To control the keeping and use of dangerous substances and materials, including explosives and highly flammable materials. To control the emission of noxious substances from certain premises. Section 2: It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health and safety and welfare at work of all his employees. Part 2: a) Provision and maintenance of safe plant and equipment and a safe system of work. b) Safe arrangements and absence of risks to health for storage, transport, handling and use of articles and substances. c) Provision of adequate instruction, training, supervision and information necessary to ensure the health and safety at work of employees. d) Provision and maintenance of a safe workplace including a safe means of access and egress. e) Provision of a safe working environment and adequate welfare facilities and arrangements. Part 3: Provide a written statement of a safety policy (except where there are less than five employees). Part 4, 5 & 6: Consult with trade union appointed safety representatives and elected representatives of employee safety. Part 7: Where requested in writing by at least two safety representatives, to set up a safety committee. Section 3: Employers/Self employed duties to other persons: To conduct undertakings to ensure SFAIRP, that non employees who may be affected by the work activities are not exposed to the risk to their health and safety. To provide to non employees who may be affected by work activities, information about the way in which he conducts his undertaking as might affect their health and safety. Section 4: Duties of controllers of premises to non-employees:

Duties of controllers of premises to persons other than their employees. To ensure SFAIRP, safe access to and egress from premises and provision of safe plant and substances provided for use. Section 6: Places duties on manufacturers, importers and suppliers of articles and substances to ensure SFAIRP that they are safe and without risk to health and safety. Section 7/8: Employees' Duties: To take reasonable care of themselves and others who may be affected by their acts or omissions. To co-operate with the employer on health and safety issues. Not to interfere with or misuse equipment provided for health and safety reasons. Section 9: Imposes a duty on employers not to charge employees for provision of anything done or provided in pursuance of any specific requirements of the relevant statutory provisions. Section 21: Improvement Notice: If there is a breach of statutory duty and a likelihood or continuation or repeat of the breach, an improvement notice may be served specifying actions required within a given time scale. Section 22: If there is an imminent risk to health and safety, a prohibition notice may be served which requires an operation to cease immediately. The notice must give the reasons for this action, and state that work may not continue until remedial action has been taken. Section 33: Offences: 1. Summary Conviction (a) £20, 000 for breaches of Section 2 - 6 HSWA (b) £20, 000 and/or six months imprisonment for breaches of improvements or prohibition notices. (c) £5, 000 For breaches of remaining sections of HSWA, subordinate regulations e. g. MHSWR '99 or any other relevant statutory provisions. 2. Indictment Unlimited fine In the following cases there may be up to two years imprisonment. (a) Certain offences involving required licenses. (b) Certain offences involving

explosives. (c) Contravention of an improvement or prohibition notice.

Section 37: Offences by Directors, Managers, Secretaries, etc. Where an offence committed by an organisation is proved to have been committed with the consent or connivance of, or attributable to any neglect by a Director, Manager, Secretary or similar officer of the organisation. He as well as the organisation shall be guilty of that offence and shall be liable to be proceeded against. Section 40: Places the onus on the defendant to prove that all reasonably practicable measures were taken. (Any employer who is accused by an inspector or non-compliance under HSWA is guilty unless they can prove otherwise).