

# Warranted powers of HSE inspectors



**This booklet sets out the powers of His Majesty's Inspectors of Health and Safety appointed under section 19 of the Health and Safety at Work etc. Act 1974**

**Definitions**

*In this document- "the 1974 Act" means the Health and Safety at Work etc. Act 1974; and "the Executive" means the Health and Safety Executive.*

**Health and Safety at Work etc. Act 1974**

- 1 An inspector of the Executive, appointed under section 19 of the 1974 Act, and entitled to exercise the powers of an inspector specified in:
  - sections 20, 21, 22, 23, 25 and, in England and Wales, section 39 of the 1974 Act;
  - any health and safety regulation; and
  - the provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the Regulations, orders or other instruments of a legislative character made or having effect under any provision so specified (as in force from time to time); and to
  - institute proceedings in England and Wales pursuant to section 38 of the 1974 Act.
  
- 2 An Employment Medical Advisor of the Executive, entitled to exercise the powers of an employment medical advisor specified in:
  - any health and safety regulation; and

- the provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the Regulations, orders or other instruments of a legislative character made or having effect under any provision so specified (as in force from time to time).

### **Working Time Regulations 1998**

- 3 An inspector of the Executive, appointed under paragraph 1(1) of Schedule 3 to the Working Time Regulations 1998<sup>1</sup> ('the 1998 Regulations'), and entitled to:
  - exercise the powers specified in Schedule 3 to the 1998 Regulations and to prosecute before a Magistrates Court proceedings for an offence under regulation 29D of the 1998 Regulations, as inserted by regulation 10 of the Working Time (Amendment) Regulations 2003<sup>2</sup>.

### **Employers' Liability (Compulsory Insurance) Act 1969**

- 4 An inspector of the Executive authorised under section 4(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969 ('the 1969 Act') and Regulations made under it, and entitled to exercise the powers of an inspector specified in section 4 of the 1969 Act to:
  - issue notices under regulation 6 of the Employers' Liability (Compulsory Insurance) Regulations 1998<sup>3</sup>; and

- inspect, during the currency of the insurance, the policy of insurance or a copy, under regulation 7 of those Regulations.

## **Food and Environment Protection Act 1985**

## **Plant Protection Products Regulations 2011**

## **Plant Protection Products (Sustainable Use) Regulations 2012**

- 5 A person authorised by the Executive pursuant to section 19(1) of the Food and Environment Protection Act 1985 ('the 1985 Act'), regulation 7(1) of the Plant Protection Products Regulations 2011<sup>4</sup> and regulation 20(1) of the Plant Protection Products (Sustainable Use) Regulations 2012<sup>5</sup> (pursuant to (i) agreements made between the Executive and the Scottish Ministers and the Executive and the Secretary of State under section 13(4) of the 1974 Act and (ii) agreements made with the Welsh Ministers under section 13(4) of the 1974 Act and section 83 of the Government of Wales Act 2006) is authorised, to exercise the powers set out in:
  - Section 19 and schedule 2 to the 1985 Act in relation to contraventions of the Control of Pesticides Regulations 1986<sup>6</sup>;
  - Schedule 1 to the Plant Protection Products Regulations 2011; and
  - Schedule 3 to the Plant Protection Products (Sustainable Use) Regulations 2012 in England and Wales.

## **Schedule**

The authorisations in paragraph 5 are subject to exceptions described in the agreements referred to above.

Any reference in this authorisation to an enactment is a reference to that enactment as amended.

### **Environmental Protection Act 1990**

6 An Inspector of the Executive appointed under section 114(1) of the Environmental Protection Act 1990 ('the 1990 Act'), pursuant to an agreement between the Executive and the Secretary of State under section 125(1) of the 1990 Act and section 13(4) of the 1974 Act authorised:

- under section 114(4) of the 1990 Act to prosecute for an offence; and
- to perform the functions of the Secretary of State specified in sections 110, 115, 116, 117, 118(10) and 121 of the 1990 Act.

### **Regulatory Reform (Fire Safety) Order 2005**

#### **Fire (Scotland) Act 2005**

7 Pursuant to article 26(1) of the Regulatory Reform (Fire Safety) Order 2005<sup>7</sup> ("the 2005 Order") and section 61(3) of the Fire (Scotland) Act 2005<sup>8</sup> ('the 2005 Act') appointed:

- to be an inspector for the purposes of the 2005 Order and Regulations made under it, entitled to exercise in England

and Wales, the powers of an inspector appointed under article 26 as specified in articles 27 to 31 of the 2005 Order; and

- to be an enforcement officer for the purposes of the 2005 Act and Regulations made under it, entitled to exercise in Scotland the powers of an enforcement officer as specified in sections 61 to 65 of the 2005 Act.

### **Electricity Act 1989**

8 An electrical inspector appointed under section 30(1) of the Electricity Act 1989, authorised to:

- enforce that Act; and
- carry out the functions set out in regulations 30 to 34 of the Electricity Safety, Quality and Continuity Regulations 2002<sup>9</sup> as amended.

### **Specified Animal Pathogens Order 2008 and 2009**

9 Appointed by the Executive, in exercise of powers conferred on the Secretary of State by section 89 of the Animal Health Act 1981 ('the 1981 Act'), pursuant to agreements between the Executive and the Secretary of State, the Executive and the Welsh Ministers, and the Executive and the Scottish Ministers, under section 13(4) of the 1974 Act, and authorised to exercise:

- a) the powers of an inspector specified in Articles 6, 7 and 8 and Schedule 2 to, respectively the Specified Animal

Pathogens Order 2008<sup>10</sup>, the Specified Animal Pathogens (Wales) Order 2008<sup>11</sup> and the Specified Animal Pathogens (Scotland) Order 2009<sup>12</sup> ('the Orders'), and

- b) in so far as they relate to the enforcement of the Orders:
  - (i) the powers specified in section 63 of the 1981 Act, and
  - (ii) other powers conferred on inspectors by the 1981 Act.

**Pesticides (Maximum Residue Levels) (England and Wales) Regulations 2008**  
**Pesticides (Maximum Residue Levels) (Scotland) Regulations 2008**

- 10 A person appointed by the Executive pursuant to regulation 8(1) of the Pesticides (Maximum Residue Levels) (England and Wales) Regulations 2008<sup>13</sup> ('the MRL Regulations') (pursuant to an agreement made with the Secretary of State under section 13(4) of the 1974 Act and an agreement made with the Welsh Ministers under that section and section 83 of the Government of Wales Act 2006) is authorised to exercise the powers set out in Schedule 1 to the MRL Regulations.
- 11 A person appointed by the Executive pursuant to regulation 2(1) of the Pesticides (Maximum Residue Levels) (Scotland) Regulations 2008<sup>14</sup> ('the MRL (Scotland) Regulations') (pursuant to an agreement made with the Scottish Ministers under section 13(4) of the 1974 Act) is authorised to exercise the powers set out in Schedule 1 to the MRL (Scotland) Regulations.

## REACH Enforcement Regulations 2008

12 An inspector of the Executive, appointed under section 19 of the 1974 Act and authorised under regulation 10 of the REACH Enforcement Regulations 2008<sup>15</sup> ('the REACH Regulations') by virtue of regulation 10(2) of the REACH Regulations and entitled to:

- exercise the powers specified in Part 2 of Schedule 6 of the REACH Regulations, pursuant to regulation 9(1) of the REACH Regulations; and
  - prosecute before a court of summary jurisdiction in England and Wales proceedings for an offence committed under regulation 11 or 13 of the REACH Regulations, pursuant to regulations 17(1) of the REACH Regulations.
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<sup>1</sup> SI 1998/1833

<sup>2</sup> SI 2003/1684

<sup>3</sup> SI 1998/2573

<sup>4</sup> SI 2011/2131

<sup>5</sup> SI 2012/1657

<sup>6</sup> SI 1986/1510

<sup>7</sup> SI 2005/1541

<sup>8</sup> SSI 2005/344

<sup>9</sup> SI 2002/2665

<sup>10</sup> SI 2008/944

<sup>11</sup> SI 2008/1270

<sup>12</sup> SSI 2009/45

<sup>13</sup> SI 2008/2570

<sup>14</sup> SI 2008/342

<sup>15</sup> SI 2008/2852

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