

## **AUTHORISATION UNDER SECTION 10 OF AND SCHEDULE 2 TO THE HEALTH AND SAFETY AT WORK ETC ACT 1974**

(1) The Health and Safety Executive (“the Executive”) gives the following authorisations in exercise of the powers conferred on it by section 10 of, and paragraphs 9 and 12 of Schedule 2 to, the Health and Safety at Work etc. Act 1974<sup>1</sup> (“the Act”).

(2) Subject to paragraphs (4) and (6) –

(a) the Chair of the Executive (“the Chair”) may–

- (i) do on behalf of the Executive anything that the Executive is authorised or required to do; and
- (ii) authorise in writing the Secretary of the Executive (“the Secretary”) to do such a thing on her behalf; and

(b) the Secretary, and any other person authorised in writing by the Chair to do so, may–

- (i) sign or execute on behalf of the Executive any documents including, but not limited to, agreements, letters, and memoranda, entered into pursuant to the Executive’s functions
- (ii) authenticate by his or her signature the Executive’s common seal on any such document.

(3) Subject to paragraphs (5) and (6), the Chief Executive appointed under paragraph 8 of Schedule 2 to the Act may –

(a) do on behalf of the Executive anything that the Executive is authorised or required to do; and

(b) authorise in writing (whether generally or specifically) any member of the staff of the Executive to do such a thing on the Executive’s behalf.

(4) The authorisation in paragraph (2) (and any authorisation made under it) does not enable the Chair, the Secretary or any other person –

(a) to make any decision concerning the enforcement of the relevant statutory provisions in a particular case, or

(b) to legislate by subordinate instrument.

(5) The authorisation in paragraph (3) (and any authorisation made under it) does not enable the Chief Executive or any other person–


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<sup>1</sup> As substituted by Articles 4, 20 of and Schedule 1 to, the Legislative Reform (Health And Safety Executive) Order 2008 (S.I. 2008/.....)

- (a) to exercise any of the Executive's functions under the following provisions of the Act—
- (i) section 11(3) (submitting proposals for the making of regulations to the Secretary of State);
  - (ii) section 13(3) (making agreements with government departments or others for them to perform the Executive's functions);
  - (iii) section 13(4) (making agreements with Ministers, government departments or public authorities to perform their functions);
  - (iv) section 14(2) and (2A) (conducting and authorising investigations and directing inquiries)
  - (v) section 16(1) (approving, revising etc. codes of practice); or
- (b) otherwise to legislate by subordinate instrument.

(6) Nothing in the authorisations set out in paragraphs (2) and (4) prejudices or affects the right of the Executive to exercise any of its powers or functions instead of, or jointly with, any person authorised in pursuance of those authorisations.

(7) In paragraph (4)(a), "the relevant statutory provisions" has same meaning as it has in the Act.

Signed:   
Chair  
Health and Safety Executive  
Date: 1/4/08

Signed:   
Member of the Health and Safety Executive  
Date: 1/4/08

Signed:   
Member of the Health and Safety Executive  
Date: 3/4/08

