

**Changes to legislation:** There are currently no known outstanding effects for the Health and Safety at Work etc. Act 1974, Performance of functions. (See end of Document for details)

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 2

#### ADDITIONAL PROVISIONS RELATING TO THE CONSTITUTION ETC. OF THE HEALTH AND SAFETY EXECUTIVE

##### Textual Amendments

- F1** Sch. 2 substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 20, [Sch. 1](#) (with art. 21, Sch. 2)

##### PERFORMANCE OF FUNCTIONS

- 9 (1) Subject to sub-paragraphs (2) to (4), anything authorised or required to be done by the Executive (including exercising the powers under this paragraph) may be done by—
- (a) such members of the Executive or members of staff of the Executive as the Executive considers fit to authorise for that purpose, whether generally or specifically; or
  - (b) any committee of the Executive which has been so authorised.
- (2) Sub-paragraph (1)(b) does not apply to a committee whose members include a person who is neither a member of the Executive nor a member of staff of the Executive.
- (3) The Executive—
- (a) shall authorise such of its members of staff as it considers fit to authorise for that purpose, to perform on its behalf those of its functions which consist of the enforcement of the relevant statutory provisions in any particular case; but
  - (b) shall not authorise any member or committee of the Executive to make decisions concerning the enforcement of the relevant statutory provisions [<sup>F2</sup>, or the building enactments,] in any particular case.
- (4) The Executive shall not authorise any person to legislate by subordinate instrument.
- (5) The Executive shall publish any authorisations which it makes under this paragraph.]

##### Textual Amendments

- F2** Words in [Sch. 2 para. 9\(3\)\(b\)](#) inserted (E.W.S.) (28.6.2022) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(5), [Sch. 1 para. 8\(3\)](#); [S.I. 2022/561](#), reg. 3(a)

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