

Health and Safety at Work

Judge Ian Fife and
E. Anthony Machin

Butterworths

HEALTH AND SAFETY AT WORK

Excluding Factories and Mines

By

HIS HONOUR

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PREFACE

The coming into force of the Health & Safety at Work etc. Act 1974, with the establishment of the Health & Safety Commission, charged, *inter alia*, with the duty of 'securing the health, safety and welfare of persons at work', has profoundly changed the field of safety legislation; prospectively substituting a single comprehensive system covering all persons at work—the craftsman in his studio no less than the miner at the coal-face, the executive in his office as well as the turner at his lathe—for a haphazard collection of piecemeal statutes and regulations.

In these circumstances, it has been thought appropriate that the title of this book should acknowledge the new era and should no longer imply that all safety at work legislation lies in the direct line of descent from the Factory & Workshop Act 1878. This has meant severing the link with Alexander Redgrave C.B., Chief Inspector of Factories, who, on the passing of that Act, published the work which made his name synonymous with the law on safety at work for the next hundred years.

The Health & Safety at Work etc. Act 1974 is set out *in extenso* in Part 1 but, although the process enjoined upon the Commission of progressively replacing the pre-1974 safety, health and welfare legislation by a system of regulations and codes of practice has still some way to go, mere pale shadows of the Offices, Shops and Railway Premises Act 1963, the Agriculture (Poisonous Substances) Act 1952 and the Agriculture (Safety, Health and Welfare Provisions) Act 1956 remain for treatment in Parts 2 and 5; regulations made under the 1963 and 1956 Acts remain, however, in force and the Agriculture (Poisonous Substances) Regulations 1975, although made under the Health & Safety at Work etc. Act 1974, are allotted to Part 5.

Those parts of the Fire Precautions Act 1971 which are within the scope of this book form Part 3, in which are also

included regulations made under the 1974 Act relating to fire precautions.

The subject of Part 4—Shop Hours—is outside the field of safety in employment but is included in this book for reasons partly of tradition, partly of convenience—principally the convenience of local authority inspectors, who have duties of enforcement both under the Shops Acts and under the 1974 Act. We are grateful to Mr Simon Brown of the Middle Temple and the Midland & Oxford Circuit, Barrister, who has borne the burden of editing this Part.

What may be justifiably described as a fossilised relic of the 19th Century, the Railway Employment (Prevention of Accidents) Act 1900, forms Part 6, and the topical subject of Offshore Installations and Submarine Pipe-lines forms Part 7.

Some general principles, particularly those relating to civil actions for breach of statutory duty, are discussed in a General Introduction, which is followed by Introductory Notes, where a number of topics of common application are gathered together.

We have endeavoured to keep up to date with the law up to the time of going to press.

Our thanks are due to the publishers both for their patience and for much assistance from their staff.

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IAN FIFE
ANTHONY MACHIN

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