

in force and referred to as the relevant statutory provisions within the Health and Safety at Work Act. A detailed study of the Act is beyond the scope of this book but it is instructive to study the areas where the new and old legislation differ and the way in which the recommendations of the implementing EC directives. This body of law is any pre-1974 legislation still

Table 9.1 Comparison of pre- and post-1974 legislation.

"Old" legislation (pre-1974)	"New" legislation (1974 onwards)
<ol style="list-style-type: none"> 1. Premises, i.e. factory, office etc. 2. Specific requirements, e.g. Factories Act 1961 s14(1):- <i>Every dangerous part of any machinery... shall be securely fenced...</i> and s22(2): <i>Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of six months...</i> 3. No requirements on manufacturers or suppliers. In certain instances, the owner or hirer of a machine may be liable, rather than the occupier. 4. Sets <i>minimum standards</i>. The law is imposed from above and "policed". Prosecution and court order are the only available statutory methods of enforcement. 5. Regulations for specific industries and processes: rigorous but difficult to keep up to date in the face of rapidly changing technology. 6. Number of enforcing authorities and 	<p><i>Employment</i> is the only necessary criterion.</p> <p>General (and far-reaching) requirements, e.g. Health and Safety at Work Act 1974 s2(1):- <i>It shall be the duty of every employer to ensure so far as is reasonably practicable the health, safety and welfare at work of all his employees.</i></p> <p>The Act also covers others such as the self-employed, and the public if they are affected by the activities of those at work.</p> <p>Creates <u>comprehensive</u> new <u>duties</u> for <u>manufacturers</u> and <u>suppliers</u> of articles and substances for use at work.</p> <p><i>Systems and procedures</i>: selfregulation, safety policies and safe systems of work involve all employees.</p> <p>Improvement and <u>prohibition</u> notices are additional new enforcement procedures which can produce results without resorting to the courts.</p> <p>Specific regulations but courts in general terms and supplemented by approved codes of practice that are more easily updated.</p> <p>Health and Safety Commission and Health and</p>

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inspectories in various government departments

7. Many requirements of the statutes and associated regulations are *absolute*.

Safety Executive, under the Secretary of State for Employment, are responsible for all activities relating to occupational health and safety.

Most requirements are qualified by *so far as is reasonably practicable*.