



## Safety Bulletin 89

### The Health and Safety Offences Act 2008 – now in force

The Health and Safety Offences Act 2008 came into force on Friday, 16 January 2009. This new Act will increase penalties and provide courts with greater sentencing powers for those who break health and safety law, and is being welcomed by the Chair of the Health and Safety Executive (HSE).

Judith Hackitt said:

*"This Act gives lower courts the power to impose higher fines for some health and safety offences. It is right that there should be a real deterrent to those businesses and individuals that do not take their health and safety responsibilities seriously. Everyone has the right to work in an environment where risks to their health and safety are properly managed, and employers have a duty in law to deliver this.*

*"Our message to the many employers who do manage health and safety well is that they have nothing to fear from this change in law. There are no new duties on employers or businesses, and HSE is not changing its approach to how it enforces health and safety law. We will retain the important safeguards that ensure that our inspectors use their powers sensibly and proportionately. We will continue to target those who knowingly cut corners, put lives at risk and who gain commercial advantage over competitors by failing to comply with the law".*

Following its successful Third Reading in the House of Lords on 10 October, the Health and Safety (Offences) Act 2008 received Royal Assent on 16 October and comes into force on 16 January 2009. The Act fulfils a longstanding Government and HSE commitment to provide the courts with greater sentencing powers for health and safety crimes. The effect of the Act is to:

- ✚ raise the maximum fine which may be imposed in the lower courts to £20,000 for most health and safety offences;
- ✚ make imprisonment an option for more health and safety offences in both the lower and higher courts;
- ✚ make certain offences, which are currently triable only in the lower courts, triable in either the lower or higher courts.



## Notes

1. The Health and Safety Offences Act 2008 was introduced as a Private Members Bill and piloted through the House of Commons by the Rt Hon Keith Hill MP and by the Rt Hon Lord Bruce Grocott in the House of Lords.
2. The HSE Board has overall responsibility for occupational health and safety regulations in Great Britain, and HSE and Local Authorities are the enforcing authorities that work in support of the Board.
3. The new penalties in the Act are not retrospective and will not apply to offences committed before it comes into force i.e. offences before 16 January 2009.

**If you require any further information, clarification or assistance with the above, then please do not hesitate to contact us;**

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***Source – Health and Safety Executive (HSE)***

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