

## Health and Safety (Offences) Act 2008

The aforementioned Act which is expected to be enacted in early 2009 has a number of significant changes to the punishment and fines associated with health & safety contraventions that it has been felt necessary to bring these changes to the attention of Environ Safety Management Ltd customers.

The Act can be downloaded in full from [www.opsi.gov.uk](http://www.opsi.gov.uk) and this Act though small does need careful consideration. To assist all in the basic changes the following table is a quick reference and should focus the mind to these somewhat significant increases to offences under the Health & Safety at Work etc Act 1974.

Section	Fines	(£)	Custodial	Custodial (max)
2 to 6	Previous Fine (S)	20k	Previous Custodial (S)	0 months
2 to 6	New Fine (S)	20k	New Custodial (S)	12 months
2 to 6	Previous Fine (I)	Unlimited	Previous Custodial (I)	0 months
2 to 6	New Fine (I)	A Fine	New Custodial (I)	2 years
7	Previous Fine (S)	5k	Previous Custodial (S)	0 months
7	New Fine (S)	5k	New Custodial (S)	12 months
7	Previous Fine (I)	Unlimited	Previous Custodial (I)	0 months
7	New Fine (I)	A Fine	New Custodial (I)	12 months
8	Previous Fine (S)	5k	Previous Custodial (S)	0 months
8	New Fine (S)	20k	New Custodial (S)	12 months
8	Previous Fine (I)	Unlimited	Previous Custodial (I)	0 months
8	New Fine (I)	A Fine	New Custodial (I)	2 years
9	Previous Fine (S)	5k	Previous Custodial (S)	0 months
9	New Fine (S)	20k	New Custodial (S)	0 months
9	Previous Fine (I)	Unlimited	Previous Custodial (I)	0 months
9	New Fine (I)	A Fine	New Custodial (I)	0 months
33 (1) c	Previous Fine (S)	5k	Previous Custodial (S)	Unlimited Fine
33 (1) c	New Fine (S)	20k	New Custodial (S)	12 months and or £20k
33 (1) c	Previous Fine (I)	Unlimited Fine	Previous Custodial (I)	0 months
33 (1) c	New Fine (I)	A fine	New Custodial (I)	2 years and or a Fine
33 (1) d	Previous Fine (S)	5k	Previous Custodial (S)	Not Applicable
33 (1) d	New Fine (S)	5k	New Custodial (S)	Not Applicable
33 (1) d	Previous Fine (I)	Not Applicable	Previous Custodial (I)	Not Applicable
33 (1) d	New Fine (I)	Unlimited	New Custodial (I)	Not Applicable
33 (1) e,f	Previous Fine (S)	5k	Previous Custodial (S)	0 months
33 (1) e,f	New Fine (S)	20k	New Custodial (S)	12 months
33 (1) e,f	Previous Fine (I)	Not Applicable	Previous Custodial (I)	Not Applicable

33 (1) e,f	New Fine (I)	A Fine	New Custodial (I)	2 years
33 (1) g	Previous Fine (I)	Unlimited Fine	Previous Custodial (I)	2 years
33 (1) g	New Fine (I)	A Fine	New Custodial (I)	2 years
33 (1) g	Previous Fine (S)	20k	Previous Custodial (S)	6 months
33 (1) g	New Fine (S)	20k	New Custodial (S)	12 months
33 (1) h	Previous Fine (I)	5k	Previous Custodial (I)	Not Applicable
33 (1) h	New Fine (I)	Not Applicable	New Custodial (I)	Not Applicable
33 (1) h	Previous Fine (S)	5k	Previous Custodial (S)	0 months
33 (1) h	New Fine (S)	5k	New Custodial (S)	51 weeks England Wales 12 months Scotland
33 (1) i	Previous Fine (I)	Unlimited Fine	Previous Custodial (I)	Not Applicable
33 (1) i	New Fine (I)	A Fine	New Custodial (I)	Not Applicable
33 (1) i	Previous Fine (S)	5k	Previous Custodial (S)	Not Applicable
33 (1) i	New Fine (S)	5k	New Custodial (S)	Not Applicable
33 (1) j	Previous Fine (I)	Unlimited Fine	Previous Custodial (I)	0 months
33 (1) j	New Fine (I)	A Fine	New Custodial (I)	2 years
33 (1) j	Previous Fine (S)	5k	Previous Custodial (S)	0 months
33 (1) j	New Fine (S)	Statutory Maximum	New Custodial (S)	12 months
33 (1) k,l,m	Previous Fine (I)	Unlimited Fine	Previous Custodial (I)	Not Applicable
33 (1) k,l,m	New Fine (I)	A Fine	New Custodial (I)	2 years
33 (1) k,l,m	Previous Fine (S)	5k	Previous Custodial (S)	Not Applicable
33 (1) k,l,m	New Fine (S)	20k	New Custodial (S)	12 months
33 (1) n	Previous Fine (I)	5k	Previous Custodial (I)	Not Applicable
33 (1) n	New Fine (I)	5k	New Custodial (I)	Not Applicable
33 (1) n	Previous Fine (S)	5k	Previous Custodial (S)	Not Applicable
33 (1) n	New Fine (S)	5k	New Custodial (S)	Not Applicable
33 (1) o	Previous Fine (I)	Unlimited	Previous Custodial (I)	2 years
33 (1) o	New Fine (I)	A Fine	New Custodial (I)	2 years
33 (1) o	Previous Fine (S)	20k	Previous Custodial (S)	6 months
33 (1) o	New Fine (S)	20k	New Custodial (S)	12 months

See Legend at end of document

It can be seen that some terminologies such as an unlimited fine may change to 'A Fine', however, custodial sentencing is the area which has seen a major leap. In some cases we have seen previously nothing allocated to now up to 12 months.

Company Reg No 5156793  
 Registration in England and Wales  
 Registered office as opposite  
 A list of Directors may be obtained from the  
 registered office

For a healthy working environment

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Clearly clients have no worries when under the umbrella of Environ Safety Management Ltd as we endeavour to always be one step ahead of the game. That said, the changes do show a mindset change in what the government sees as the way forward in health and safety related topics.



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## Legend

S = Summary Conviction.  
I = Indictable Conviction.  
S2 – Employer General Responsibilities.  
S3 – Self Employed to other Persons.  
S4 – General Duties of Premises Owner to Other Employees.  
S5 - Control of Harmful Emissions into Atmosphere.  
S6 – Manufacturers.  
S7 – General Duties of Employees.  
S8 – Duties not to Interfere.  
S9 – Not to Charge for PPE etc.

S33 general offences across the Health and Safety at Work etc Act 1974.

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