

## Imprisonment Introduced by New Safety Offences Bill



**A new bill increasing the level of fines and introducing imprisonment as a sanction for most safety breaches has for the first time made significant progress in the House of Commons. The Health and Safety (Offences) Bill passed a second reading on 1st February and its committee stage on 26th March.**

This is the sixth attempt in recent years to increase the penalties that the courts may impose for breaches of the Health and Safety at Work Act 1974 and associated regulations.

The bill raises the maximum fine which the lower courts may impose for a summary conviction in respect of a breach of regulation from £5,000 to £20,000. In practice this may have little effect since most offences are prosecuted as breaches of the main Act in any event.

Of greater significance is the introduction of imprisonment as an option for a breach of any of the main duties under existing health and safety legislation where a director or senior manager is held responsible due to consent, connivance or neglect. This would include breaches of the general duties under sections 2-7 of the 1974 Act and any regulations made under the 1974 Act, such as the Management of Health and Safety at Work Regulations 1999, the Provision and Use of Work Equipment Regulations 1998 and the Construction (Design and Management) Regulations 2007.

If the Bill becomes law, it will represent a significant change in the approach the courts may have to sentencing for breaches of health and safety legislation. Whilst directors and managers would in general only be at risk of imprisonment in the most serious of cases that may not bring much comfort to those in senior management positions.

It is by no means certain that the Bill will become law. Several similar bills have failed to make it even to this stage of the legislative process. There is however a greater sense of Government commitment this time and a junior government minister is quoted as saying she hoped and suspected that, "the Bill on this occasion would get the fair wind it deserved in 2000, 2001 and all the other dates".

The bill is due for its third and final reading on 13th June and will thereafter pass to the House of Lords. We will keep you up to date with any developments but if in the meantime you have any queries or would like to discuss any of the issues please contact a member our Health and Safety Unit.

Rona Jamieson (RMJamieson@paul-williamsons.co.uk) Tel: +44 (0) 1224 618588

Willie Park (WPark@paul-williamsons.co.uk) Tel: +44 (0)1224 618548

Jennifer Hunter (JGHunter@paul-williamsons.co.uk) Tel: +44 (0) 1224 618563