STATUTORY INSTRUMENTS

# 1974 No. 1840

# HEALTH AND SAFETY

# HYDROGEN CYANIDE

## The Hydrogen Cyanide (Fumigation) Act 1937 (Repeals and Modifications) Regulations 1974

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| *Made - - - -* | *5th November* 1974 |
| *Laid before Parliament* | *14th November* 1974 |
| *Coming into Operation* | *1st January* 1975 |

The Secretary of State in exercise of the powers conferred on him by sections 15(1) and (3)(*a*) and 82(3)(*a*) of the Health and Safety at Work etc. Act 1974(**a**) ("the 1974 Act") and of all other powers enabling him in that behalf, and after consultation with the Health and Safety Commission and such other bodies as appeared to him to be appropriate, hereby makes the following Regulations:—

*Citation, commencement and interpretation*

**1.**—(1) These Regulations may be cited as the Hydrogen Cyanide (Fumigation) Act 1937 (Repeals and Modifications) Regulations 1974 and shall come into operation on 1st January 1975.

(2) The Interpretation Act 1889(**b**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

*Repeals and modifications*

**2.** In the Hydrogen Cyanide (Fumigation) Act 1937(**c**) ("the 1937 Act")—

(*a*) sections 1(1), (2) and (4), 3 to 5 and the Schedule are hereby repealed;

(*b*) in section 2(1), for the reference to the Secretary of State there shall be substituted a reference to the Health and Safety Executive; and

(*c*) in sections 1(3) and 2(2), for the words from "liable" to the end of the subsection there shall be substituted in each subsection the words "guilty of an offence".

*Supplemental*

**3.**—(1) These Regulations shall not affect the validity of anything done under the provisions of the 1937 Act before the coming into operation of the Regulations.

(**a**) 1974 c. 37.
(**b**) 1889 c. 63.
(**c**) 1937 c. 45.

(2) Regulations made under subsection (1) of section 1 of the 1937 Act and in force immediately before the coming into operation of these Regulations shall continue in force notwithstanding the repeal of that subsection.

(3) Where any of the said provisions prescribes a penalty for an offence of any kind, that penalty shall, notwithstanding these Regulations, continue to apply to offences of that kind committed before 1st January 1975.

(4) Any notice sent to the Secretary of State in pursuance of section 2(1) of the 1937 Act before the coming into operation of these Regulations shall have effect as if it had been sent to the Health and Safety Executive.

Signed by order of the Secretary of State.

5th November 1974.

*Harold Walker,*
Joint Parliamentary Under Secretary of State,
Department of Employment.

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## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations contain repeals and modifications of the Hydrogen Cyanide (Fumigation) Act 1937 made in consequence of the establishment on 1st January 1975 of the Health and Safety Executive and the coming into operation on that date of provisions of the Health and Safety at Work etc. Act 1974 which supersede or affect provisions of the 1937 Act.

The Regulations repeal superseded powers to make regulations and Orders in Council and superseded provisions relating to inquiries and inquests. They apply to offences under the 1937 Act committed on or after 1st January 1975 the penalties prescribed in the 1974 Act. They also substitute the Health and Safety Executive for the Secretary of State as the authority to which notices of accidents must be sent.

SI 1974/1840
ISBN 0-11-041840-9

