

# Penalties before and after the Health & Safety (Offences) Act 2008

Section No. in HSWA	Offence	Penalty under HSWA Section 33 before the Health & Safety (Offences) Act 2008	Penalty under the Health & Safety (Offences) Act 2008
33(1)(a)	Failure to discharge a duty as: employer to employee; employer and self-employed to persons other than their employees; persons concerned with the premises to persons other than their employees; and manufacturers in regards to safety of articles and substances for use at work. (Sections 2,3,4 or 6 of the HSWA)	Magistrates' Court: A fine not exceeding £20,000. Crown Court: An unlimited fine.	Magistrates' Court: Imprisonment not exceeding 12 months, or a fine not exceeding £20,000, or both. Crown Court: Imprisonment not exceeding two years, or a fine, or both.
33(1)(a)	Failure of an employee to take reasonable care for the health and safety of himself and of other persons and failure of an employee to co-operate with his employer in this regard. (Section 7 of the HSWA)	Magistrates' Court: A fine not exceeding £5,000. Crown Court: An unlimited fine.	Magistrates' Court: Imprisonment not exceeding 12 months, or a fine not exceeding £20,000 or both. Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.
33(1)(b)	Interference with or misuse of things provided in the interests of health, safety or welfare. (Section 8 of HSWA)	Magistrates' Court: A fine not exceeding £5,000. Crown Court: An unlimited fine.	Magistrates' Court: Imprisonment not exceeding 12 months, or a fine not exceeding £20,000, or both. Crown Court: Imprisonment not exceeding two years, or an unlimited fine, or both.
33(1)(b)	Charging employees for things done or provided pursuant to certain specific requirements. (Section 9 of HSWA)	Magistrates' Court: A fine not exceeding £5,000. Crown Court: An unlimited fine.	Magistrates' Court: A fine not exceeding £20,000. Crown Court: An unlimited fine.
33(1)(c)	Contravention of any Health and Safety regulations	Magistrates' Court: A fine not exceeding £5,000. Crown Court: An unlimited fine.	Magistrates' Court: Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both. Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.
33(1)(d)	Contravention of any requirements imposed by the Health and Safety Commission, or the regulations established by it. (Section 14 of HSWA)	Magistrates' Court (only): A fine not exceeding £5,000.	Magistrates' Court (only): A fine not exceeding £5,000.
33(1)(e)	Contravention of any requirement imposed by an Inspector to deal with potential health and safety risks. (Section 20 HSWA)	Magistrates' Court (only): A fine not exceeding £5,000.	Magistrates' Court: Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both. Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.
33(1)(e)	Contravention of any requirements imposed by an Inspector to deal with causes of imminent danger. (Section 25 HSWA)	Magistrates' Court: A fine not exceeding £5,000. Crown Court: An unlimited fine.	Magistrates' Court: Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both. Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.
33(1)(f)	Prevention of any person from appearing before an Inspector.	Magistrates' Court (only): A fine not exceeding £5,000.	Magistrates' Court: Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both. Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.

Section No. in HSWA	Offence	Penalty under HSWA Section 33 before the Health & Safety (Offences) Act 2008	Penalty under the Health & Safety (Offences) Act 2008
33(1)(g)	Contravention of any requirement or prohibition imposed by an Improvement Notice or a Prohibition Notice.	Magistrates' Court: Imprisonment for a term not exceeding six months, or a fine not exceeding £20,000, or both.  Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.	Magistrates' Court: Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.  Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.
33(1)(h)	Intentional obstruction of an Inspector in the exercise or performance of his powers or duties.	Magistrates' Court (only): A fine not exceeding £5,000.	Magistrates' Court (only): Imprisonment for a term not exceeding 51 weeks, or a fine not exceeding £5,000, or both.
33(1)(i)	Contravention of any requirements imposed by a Notice from the Health and Safety Commission, the Executive or enforcing authority to provide information. (Section 27(1) of HSWA)	Magistrates' Court: A fine not exceeding £5,000.  Crown Court: An unlimited fine.	Magistrates' Court: A fine not exceeding the statutory maximum.  Crown Court: An unlimited fine.
33(1)(j)	Use or disclosure of any information in contravention of the restrictions on disclosure of information outlined in Section 27(4) or 28 of HSWA.	Magistrates' Court: A fine not exceeding £5,000.  Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.	Magistrates' Court: Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.  Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.
33(1)(k)	Making a false statement.	Magistrates' Court: A fine not exceeding £5,000.  Crown Court: An unlimited fine.	Magistrates' Court: Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.  Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.
33(1)(l)	Intentionally making a false entry in any register, book, notice or other document.	Magistrates' Court: A fine not exceeding £5,000.  Crown Court: An unlimited fine.	Magistrates' Court: Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.  Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.
33(1)(m)	Use of a document with intent to deceive.	Magistrates' Court: A fine not exceeding £5,000.  Crown Court: An unlimited fine.	Magistrates' Court: Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000, or both.  Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.
33(1)(n)	Falsely pretending to be an Inspector.	Magistrates' Court (only): A fine not exceeding £5,000.	Magistrates' Court (only): A fine not exceeding £5,000.
33(1)(o)	Failure to comply with an Order made by a Court to remedy an offence or make a forfeiture (Section 42 of HSWA)	Magistrates' Court: Imprisonment for a term not exceeding two months, or a fine not exceeding £20,000, or both.  Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.	Magistrates' Court: Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000 or both.  Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.
	Offence under the existing statutory provisions for which no other penalty is specified.	Magistrates' Court: A fine not exceeding £5,000.  Crown Court: An unlimited fine.	Magistrates' Court: Imprisonment for a term not exceeding 12 months, or a fine not exceeding £20,000 or both.  Crown Court: Imprisonment for a term not exceeding two years, or an unlimited fine, or both.