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HEALTH AND SAFETY COMMISSION

Proposal to Revise Memorandum of Agreement

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Issue

1. The Memorandum of Agreement (MoA) between the Coal Authority (the Authority) and HSE needs to be revised.

Timing

2. Routine.

Recommendation

3. The Commission is invited to approve the revised MoA attached at Annex 1.

Background

4. Section 4 of the Coal Industry Act 1994 calls for an agreement between the Authority and the Executive 'for securing co-operation and exchange of information between them'. The Act also requires that this agreement has the approval of the Commission.
5. The underlying purpose of the MoA is to 'enable both parties to carry out their functions efficiently and effectively. There has been no revision since the first MoA was made in November 1994.

Argument

6. In practice, HSE's greatest need for co-operation from the Authority has followed incidents on the surface arising from abandoned coal mines. The potential high profile of surface hazard incidents was illustrated last year when a young man walking his dog in a Glasgow cemetery during torrential rain died when he was swept into old mine workings.
7. The Authority was set up on privatisation of the coal mining industry with the expectation that expertise would lie with the private companies and so it would have no in-house capability to give technical advice to HSE. Consequently, the original MoA was worded so the Authority is only obliged to provide HSE with 'information....of relevance to the health and safety of persons engaged in or affected by coal mining operations', whereas HSE was obliged to provide the Authority with 'any information or technical advice reasonably requested by it for the exercise of its licensing or property functions...'.
8. The proposed revision to the MoA changes the Authority's obligations to mirror those of HSE and these now clearly extend to past as well as current coal mining operations. This will formalise the exchange of information and technical advice in both directions between the Authority and HSE. Opportunity has also been taken to delete references to the exchange of certain information that is not needed and to clarify the legal recitals and disclosure provisions.

Consultation

9. The revision has been made in partnership with the Authority.

Presentation

10. There are no controversial points to note. The Coal Industry Act requires the Authority to send a copy of the document to the Secretary of State so copies can be laid before each House of Parliament.

Costs and Benefits

11. This proposal is cost neutral.

Financial/Resource Implications for HSE

12. None.

Environmental Implications

13. None

Other Implications

14. None

Action

15. The Commission is asked to approve the revised MoA.