

AGREEMENT UNDER SECTION 13(1)(b) OF THE HEALTH AND SAFETY AT WORK ETC ACT 1974

THIS AGREEMENT is made the day of 2007 between the Secretary of State for Trade and Industry (“the Secretary of State”) and the Health and Safety Commission (“the Commission”) under section 13(1)(b) of the Health and Safety at Work etc Act 1974 (“the 1974 Act”). It relates to the functions that the Commission agrees to perform on behalf of the Secretary of State, being functions that in the opinion of the Secretary of State for Work and Pensions can appropriately be performed by the Commission in connection with its functions.

IT IS AGREED THAT:

1. Subject to paragraphs 2 and 3, the Commission shall perform the functions set out in the Schedule on behalf of the Secretary of State.
2. The Commission shall direct the Health and Safety Executive under section 11(4) of the 1974 Act as from the date upon which this Agreement has effect to exercise on behalf of the Commission the functions that the Commission agrees to perform pursuant to this Agreement.
3. This Agreement shall come into effect on the 1st April 2007. It shall terminate on the expiry of three months written notice of termination given by either party to the Agreement to the other party.

The corporate seal of the Secretary of State for Trade and Industry hereunto affixed is authenticated by:

A LAYTON
An official of the Department of Trade and Industry

IN WITNESS Whereof the Common Seal of the Health and Safety Commission is affixed and authenticated by:

B CALLAGHAN
Chair of the Commission

SCHEDULE

Functions to be performed by the Commission on behalf of the Secretary of State

Part 1: Statutory Functions

1. **Nuclear Industries Security Regulations 2003¹ (S.I. 2003/403)**

Such functions as are set out below, and any other function conferred on the Secretary of State by those Regulations.

<i>Provision</i>	<i>Function</i>
Regulation 5	Approval of security plans
regulation 6	Approval of security plans
regulation 7	Notifications
regulation 8	Receipt of notices, approval of temporary security plans and notifications
regulation 9	Approval of personnel
regulation 10	Receipt of reports
regulation 11	Giving directions
regulations 13 to 15	Approval of carriers
regulation 16	Approval of transport security statements
regulation 17	Receipt of notifications and approval of persons
regulation 18	Receipt of reports
regulation 19	Approval of transport plans
regulation 20	Receipt of notices and approval of transports of category III nuclear material
regulation 21	Giving directions
regulation 22	Giving directions, approval of persons and receipt of reports in relation to sensitive nuclear information

2. **Health and Safety at Work Act 1974 (c. 37)**

Such functions under that Act as are conferred on the Secretary of State by virtue of regulation 23 of the Nuclear Industries Security Regulations 2003.

¹ These regulations were amended by the Nuclear Industries Security (Amendment) Regulations 2006 (S.I. 2006/2815)

3. **Health and Safety At Work (Northern Ireland) Order 1978 (No. 1039 (NI 9))**

Such functions under that Order as are conferred on the Secretary of State by virtue of regulation 24 of the Nuclear Industries Security Regulations 2003.

4. **Uranium Enrichment Technology (Prohibition on Disclosure) Regulations 2004 (S.I. 2004/1818)**

The Secretary of State's functions under regulations 4 and 5 (which principally relate to authorisation of disclosures).

5. **Nuclear Industries Security (Fees) Regulations 2005 (S.I. 2005/1654)**

The Secretary of State's functions under regulations 3 and 4 (which principally relate to receipt of fees for regulation of nuclear industries security).

6. **Import of Goods (Control) Order 1954 (S.I. 1954/23)**

The grant of licences for the importation of nuclear material listed in Entries Numbers 11 and 12 of the Schedule to the Open General Import Licence dated 4 December 1987, and the modification and revocation of such licences.

7. **Energy Act 2004 (c.20)**

(a) The Secretary of State's functions under the following provisions of paragraph 2 of Schedule 13 (which principally relate to giving directions to the Civil Nuclear Police Authority and undertaking consultation):

(i) paragraphs (a), (b), (d), (e) (f), (g) and (h) of sub-paragraph (1) (including, for the purposes of paragraph (h), the Secretary of State's function in relation to officers of his department, so that directions under that paragraph may determine that inspection and monitoring is carried out by employees of HSE); and

(ii) sub-paragraph (3),

and

(b) Such of the Secretary of State's functions under section 63(3) (which principally relate to the receipt of money) as relate to anything done under those provisions of Schedule 13 set out in the previous paragraph.

8. **Nuclear Installations Act 1965 (c.57)**

(a) The Secretary of State's function under section 2(1), (1A) and (1D) (which principally relate to the grant of permits and approvals (except in or as regards Scotland), and

(b) The Secretary of State's functions under paragraph 3(2)(cc) and (d) of Schedule 1 (and the proviso to that paragraph), (which principally relate to the authorisation of persons to exercise a right of entry to a site declared to be

a prohibited place).

Part 2: non-statutory functions

1. Issue of a classification policy, as referred to in regulation 2 of the Nuclear Industries Security Regulations 2003.
2. Issue of guidance on the sensitivity of nuclear and related information and its disclosure, as referred to in regulation 22 of those regulations.