

AN AGENCY AGREEMENT
between
THE HEALTH AND SAFETY COMMISSION,
THE OFFICE OF RAIL REGULATION and
THE SECRETARY OF STATE FOR TRANSPORT

Pursuant to section 13(1)(a) of the Health and Safety at Work etc Act 1974 and paragraph 8 of Schedule 3 to the Railways Act 2005, the Health and Safety Commission, the Office of Rail Regulation (which is satisfied that the functions specified below can appropriately be carried out by the Secretary of State for Transport) and the Secretary of State for Transport agree that the Secretary of State for Transport shall –

- a) perform on behalf of the Health and Safety Executive and the Office of Rail Regulation, their respective enforcement functions with respect to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 insofar as –
 - (i) they relate to the carriage of radioactive material by rail, and
 - (ii) enforcement is against any person referred to in –
 - regulation 11 insofar as it relates to the duties of the designer, manufacturer, consignor and user,
 - regulation 15,
 - regulations 17-19,
 - regulation 20 insofar as it relates to the duties of the consignor, packer or filler,
 - regulations 21-22,
 - regulation 50 insofar as it relates to the duties of any person involved in the carriage of class 7 goods by rail, except the duties of the carrier, and except in so far as it relates to nuclear material as defined in section 76(7) of the Anti-Terrorism, Crime and Security Act 2001; or
 - regulation 55 insofar as it relates to the duties of the consignor, filler or loader; and
- b) provide the Health and Safety Executive and the Office of Rail Regulation with such information as they may at any time reasonably require in connection with the performance of the said enforcement functions.

This agreement shall come into effect on the date of the affixation of the Corporate Seal of the Secretary of State for Transport and shall terminate on the expiry of a written notice given, with reasonable notice, by any party to the other parties.

It is hereby agreed and declared that the Agency Agreement dated 16th June 2004 made between the Secretary of State for Transport and the Health and Safety Commission in relation to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 shall terminate with effect from the coming into force of this Agreement.

IN WITNESS whereof the Corporate Seal of the Health and Safety Commission, the Office of Rail Regulation and the Secretary of State for Transport have been affixed hereto:

Bill Callaghan
Chair to the Health and Safety Commission 14 August 2006

Bill Emery
Chief Executive of the Office of Rail Regulation 12 September 2006

David Rowlands
Authorised by the Secretary of State 31 October 2006