

An Agency Agreement between  
THE HEALTH AND SAFETY COMMISSION

and

THE VEHICLE AND OPERATORS SERVICE AGENCY

THIS AGREEMENT is made between the Health and Safety Commission (“the Commission”) and the Chief Executive of the Vehicle and Operators Service Agency (“the Chief Executive”) under section 13(1)(a) of the Health and Safety at Work etc. Act 1974 (“HSWA”). It relates to the functions which the Chief Executive has agreed that [s]he may perform on behalf of the Commission.

IT IS AGREED THAT:

1 Subject to **paragraph 3**, the Chief Executive shall have enforcement responsibility on behalf of the Health and Safety Executive for regulations 20, 23, 24 and 55 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004.

2 For the purpose of performing the enforcement responsibilities referred to in **paragraph 1**, the Chief Executive may appoint inspectors pursuant to section 19(1) of HSWA in the manner laid down by section 19(2) of that Act.

3 **Paragraph 1** shall only apply in respect of vehicles which -

- a. are on a road, in a public place or are being inspected by the Vehicle and Operators Service Agency in accordance with their statutory powers; and
- b. the Vehicle and Operators Service Agency wish to check to ensure such vehicles comply with the Regulations referred to in paragraph 1.

4 An inspector appointed by the Chief Executive shall not have the following powers conferred upon him -

- a. the power to enter premises, except vehicles, as set out in section 20(2)(a) of HSWA;
- b. the power set out in section 20(2)(b) of HSWA;
- c. the power set out in section 20(2)(h) of HSWA;
- d. the power set out in section 20(2)(i) of HSWA;
- e. the power set out in section 20(2)(l) of HSWA;
- f. the power set out in section 20(2)(m) of HSWA;

g. the power set out in section 21 of HSWA.

This Agreement shall come into effect on 10th May 2004 for a minimum period of 3 years, after which time it may be terminated on the expiry of 3 months written notice given by one party to the agreement to the other.  
Dated this 4th day of May 2004

A handwritten signature in black ink that reads "Bill Callaghan". The word "Bill" is written in a simple, slightly slanted font. "Callaghan" is written in a more cursive, flowing script, with the "C" being particularly large and circular.

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Signed on behalf of the Commission

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Signed on behalf of the Chief Executive