

**Agreement under Article 15(1) of the Health and Safety at Work (Northern Ireland) Order 1978
and section 13(1)(b) of the Health and Safety at Work etc. Act 1974 relating to
biocidal products in or as regards Northern Ireland**

This Agreement is made between the Health and Safety Executive for Northern Ireland ("HSENI") and the Health and Safety Commission ("the Commission") under Article 15(1) of the Health and Safety at Work (Northern Ireland) Order 1978 and section 13(1)(b) of the Health and Safety at Work etc. Act 1974 ("the 1974 Act"). It relates to functions which the Commission has agreed to perform on behalf of HSENI, being functions which in the opinion of the Secretary of State for Work and Pensions can appropriately be performed by the Commission in connection with its functions.

In this Agreement "the Regulations" means the Biocidal Products Regulations (Northern Ireland) 2001, as amended before or after the date of this agreement.

In this Agreement "the Functions" means "any duty imposed upon or power conferred upon HSENI by the Biocidal Products Regulations (Northern Ireland) 2001".

IT IS AGREED THAT

1. Subject to paragraph 2 the Commission shall perform the Functions on behalf of HSENI.
2. Nothing in this Agreement prevents HSENI, instead of the Commission, from exercising any of the Functions. The Commission shall not perform a Function on any occasion if notified by HSENI that it itself intends to perform such Function.
3. The Commission shall direct the Health and Safety Executive ("the Great Britain Executive") under section 11(4) of the 1974 Act to perform the Functions on its behalf.
4. HSENI shall ensure that the costs incurred by the Commission and the Great Britain Executive in performing the Functions are paid in full. Unless otherwise agreed these payments shall be within the limits of an agreed annual estimate of the total of such costs for the year and shall be payable within the financial year in which the work is performed.
5. This Agreement shall come into effect on 1 September 2003. It shall terminate on the expiry of six months written notice of termination given by any party to this Agreement to the other parties.

IN WITNESS whereof the Common Seal of HSENI has been affixed this _____ day of _____ 2003;

and the Common Seal of the Commission has been affixed this _____ day of _____ 2003.

THE COMMON SEAL OF
THE HEALTH AND SAFETY EXECUTIVE
FOR NORTHERN IRELAND
Is authenticated by:

THE COMMON SEAL OF
THE HEALTH AND SAFETY COMMISSION
is authenticated by:

Chair of the Executive

Chair of the Commission