

AGREEMENT between and among The Scottish Ministers and The Secretary of State for Work and Pensions ("the Ministers") and The Health and Safety Commission ("the Commission")

WHEREAS section 13(1)(b) of the Health and Safety at Work Etc. Act 1974 ("the 1974 Act") provides for the Commission to perform certain functions of the Ministers, on behalf of the Ministers, 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, such consenting opinion being evidenced by his execution of these presents;

NOW THEREFORE the parties hereto have agreed and do hereby Agree as follows:

1. That the Commission will, subject to paragraphs 3 and 4 hereof, carry out the functions of the Ministers and the Secretary of State, acting jointly, under the Biocidal Products Regulations 2001 (SI 2001 No. 880) ("the Regulations").
2. The performance of these functions under this Agreement will be limited to Scotland (as such term is defined in the Regulations).
3. This Agreement does not apply to any function under regulation 36 of, or schedule 10 to, the Regulations (which relate to appeals).
4. Nothing in this Agreement shall prevent the Ministers from exercising any function conferred on them by the Regulations and the Commission will not exercise any function which the Ministers have given notice of their intention to exercise.
5. The Commission shall direct the Health and Safety Executive ("the Executive") under section 11(4) of the 1974 Act to exercise on its behalf the functions that it has agreed to perform under this Agreement.
6. The Ministers shall ensure that the costs incurred by the Commission and the Executive in performing the functions specified in paragraph 1 of this Agreement 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 year in which the work is performed.
7. 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 either party to this Agreement to the other party.

IN WITNESS whereof they are subscribed by _____ an officer of the Scottish Ministers, at
on the _____ day of _____ 2003

before this witness;

Signature of witness: _____

Full name of witness:

Address of witness: Scottish Executive SEPA Sponsorship and Waste Unit, Victoria Quay, Edinburgh

the Corporate Seal of the Secretary of State has been affixed this _____ day of _____ 2003;

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

THE CORPORATE SEAL OF THE
SECRETARY OF STATE FOR
WORK AND PENSIONS
is authenticated by:

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

Authorised by the said Secretary of State

Chair of the Commission