

AGENCY AGREEMENT BETWEEN:

THE HEALTH AND SAFETY EXECUTIVE

AND

THE CHIEF OFFICER OF POLICE OF CUMBRIA CONSTABULARY

This Agreement is made between the Health and Safety Executive ("HSE") and the Chief Officer of Police of Cumbria Constabulary ("the Chief Officer of Police") under section 13(3) of the Health and Safety at Work etc. Act 1974. It provides for the exercise of a function of HSE by the Chief Officer of Police acting on behalf of HSE.

In this Agreement, "the function" means the function of the competent authority, which is HSE, relating to the granting of approvals to transfer explosives within Great Britain and, where an approval is granted, to issuing to a consignee of explosives a recipient competent authority document ("RCA document") within the meaning of regulation 8 of the Explosives Regulations 2014 ("the Explosives Regulations") (S.I. 2014/1638, amended by S.I. 2016/315).

IT IS AGREED THAT:

1. The Chief Officer of Police is to perform the function on behalf of the HSE so far as it is to be performed in the police area of the Chief Officer of Police.
2. The Agreement relates to transfers of explosives within Great Britain only. The Agreement does not apply to transfers of explosives to which Article 11.5 of Directive 2014/28/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (recast) applies.
3. The function is to be performed where a person applies for and is granted a certificate issued under regulation 11 of the Explosives Regulations by the Chief Officer of Police.
4. The wording for a RCA document issued by the Chief Officer of Police is to be added to the end of that certificate, as a separate matter without being a part of it. The RCA document shall be in the form set out in the Schedule to this Agreement or one to the same effect.
5. The Chief Officer of Police must provide to the HSE such information as the HSE may from time to time reasonably require in connection with the performance of the function.
6. This Agreement may be amended by agreement in writing between the HSE and the Chief Officer of Police.

7. This Agreement comes into effect on 31st December 2016 and ends at midnight on 31st December 2021 or the expiry of three months written notice given at any time by either party to this Agreement to the other, whichever is the sooner.

Dated this 17..... Day of October..... 2016


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Signed on behalf of the Chief Officer of Police

IN WITNESS of this Agreement, the common seal of the HSE has been hereto affixed this

22..... day of November..... 2016

THE COMMON SEAL OF THE HEALTH AND SAFETY EXECUTIVE is authenticated by


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Chair of the Health and Safety Executive



SCHEDULE

"THE EXPLOSIVES REGULATIONS 2014

RECIPIENT COMPETENT AUTHORITY DOCUMENT

For transfers of explosives within Great Britain, this document serves as a Recipient Competent Authority Document ("RCA document") granted and issued under regulation 8, and within the meaning of regulation 8(9), of the Explosives Regulations 2014. Accordingly, this RCA document, which is a separate document to the certificate above, gives the approval of the competent authority, which is the Health and Safety Executive, to the transfer of the explosives referred to in paragraph 3 of the certificate above and also the following additional explosives:

UN 0014	UN 0044	UN 0066	UN 0070	UN 0101
UN 0105	UN 0131	UN 0235	UN 0277	UN 0278
UN 0378(*)	UN 0407	UN 0446	UN 0447	UN 0448
UN 0508				

(*)Primers, Cap Type Only

Cartridges, which are empty but with a primer, which are assigned UN 0055 or UN 0378 and which are intended for use in small arms within the meaning given in regulation 2 (1) of the Explosives Regulations 2014.

Cartridges power device, UN 0275, 0276, 0323 or 0381, designed to produce mechanical actions such as inflation, linear or rotary motion, projection of fastening devices or extinguishing agents; and consisting of a casing with a charge of deflagrating explosive and a means of ignition.

Smokeless powder, UN 0161 or 0509, when to be transferred by a person who either is registered as a firearms dealer under section 33 of the Firearms Act 1968 or holds —

- (i) a permit granted under section 7 of that Act;
- (ii) a firearms certificate granted under section 27 of that Act;
- (iii) a shotgun certificate granted under section 28 of that Act; or
- (iv) a permit granted under section 17 of the Firearms (Amendment) Act 1988.

For the purposes of granting and issuing this approval, the Chief Officer of Police referred to in paragraph 1 of the certificate acts on behalf of the Health and Safety Executive under an agency agreement. The person signing the certificate on behalf of the Chief Officer of Police does so also for the purposes of this RCA document. This approval is valid for the period referred to in paragraph 2 of the certificate or until notice of revocation of the approval covered by this RCA document is served on the document holder by the Health and Safety Executive, whichever is the sooner."