

APPENDIX 2

AGREEMENT UNDER SECTION 13(1)(B) OF THE HEALTH AND SAFETY AT WORK ETC. ACT 1974

THIS AGREEMENT is made between the Secretary of State for the environment, the Secretary of State for Wales, the Secretary of States for Scotland ('the Secretaries of State') and the Health and Safety Commission ('the Commission') under section 13(1)(b) of the Health and Safety at Work etc Act 1974 ('the 1974 Act'). It relates to the functions which the Commission has agreed to perform on behalf of the Secretaries of State, being functions which in the opinion of the Secretary of State for Employment can appropriately be performed by the Commission in connection with its functions.

IT IS AGREED THAT:

1. Subject to Clauses 2 and 3 below, the Commission shall perform on behalf of the Secretaries of State their functions under section 91(1) of the Control of Pollution Act 1974 of authorising persons to exercise the powers set out in that subsection, for the purposes specified therein and solely in relation to the enforcement of the Control of Pollution (Supply and Use of Injurious Substances) Regulations 1986.
2. Clause 1 above shall not apply to enforcement:
 - in or in relation to premises for which a local authority is the enforcing authority for the relevant statutory provisions (within the meaning of the 1974 Act) by virtue of Regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1977 or any amendment or re-enactment (with or without modification) thereof, or
 - in relation to those railways and tramways for which the Secretary of State for Transport is responsible for enforcement of the relevant statutory provisions by virtue of an agreement made under section 13(1)(a) of the 1974 Act.
3. Only members, officers and servants of the Health and Safety Executive ('the Executive') may be authorised pursuant to this agreement.

The Commission shall direct the Executive pursuant to section [] of the 1974 Act to exercise on behalf of the Commission the functions which the Commission has agreed to perform pursuant to this Agreement.

This agreement shall come into effect on 19th July 1988. It shall terminate on the expiry of three months written notice of termination taken by any party to the agreement to the other parties.

IN WITNESS whereof the Official Seals of the Secretaries of State and the common seal of the Commission have been affixed the nineteenth day of May 1988.

THE OFFICIAL SEAL OF
THE SECRETARY OF STATE
FOR THE ENVIRONMENT

is authenticated by:

Authorised by the said
Secretary of State

THE OFFICIAL SEAL OF
THE SECRETARY OF
STATE FOR WALES
is authenticated by:

Authorised by the said
Secretary of State

THE OFFICIAL SEAL OF
THE SECRETARY OF STATE
FOR SCOTLAND
authenticated by

Authorised by the said
Secretary of State

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

Secretary of the Commission

VARIATION OF AGREEMENT
UNDER SECTION 13(1)(b) OF THE
HEALTH AND SAFETY AT WORK ETC. ACT 1974

The attached agreement dated 19 May 1988 between the Secretaries of State for the Environment, Scotland and Wales and the Health and Safety Commission shall be varied as follows:

1. In clause 1 at the end there shall be inserted the word "or any amendment or re-enactment (with or without modification) thereof (other than amendment or modification which confers additional functions on the Secretaries of State)".
2. In clause 2 the second indent shall be deleted.

This variation shall come into effect on 3 April 1992

Signed on behalf of:-

The Secretary of State for the Environment

The Secretary of State for Wales

The Secretary of State for Scotland

The Health and Safety Commission.