

AGENCY AGREEMENT BETWEEN THE SECRETARY OF STATE FOR THE ENVIRONMENT AND THE HEALTH AND SAFETY COMMISSION

THIS AGREEMENT is made under section 13 (1)(b) of the Health and Safety at Work etc Act 1974 ("the 1974 Act") between the SECRETARY OF STATE FOR THE ENVIRONMENT ("the Secretary of State") and the HEALTH AND SAFETY COMMISSION ("the Commission"). It relates to functions which in the opinion of the Secretary of State can appropriately be performed by the Commission in connection with its functions.

Any reference in this agreement to Regulations is a reference to those Regulations as amended before or after the date of the agreement.

IT IS AGREED THAT:

1. The Commission shall perform on behalf of the Secretary of State his functions as one of the Ministers for the purposes of :
 - a. regulations 5, 7, 8, 9, 10, 11, 12 and 13 of the Plant Protection Products Regulations 1995; and
 - b. regulations 5 and 6 of the Plant Protection Products (Basic Conditions) Regulations 1997; and
 - c. regulation 5 of the Control of Pesticides Regulations 1986, in so far as those functions are not already to be performed by the Commission under any other agreement under section 13(1) of the 1974 Act.
2. The Commission shall direct the Health and Safety Executive under section 11 (4) of the 1974 Act to exercise on behalf of the Commission the functions which are to be performed by the Commission under paragraph 1 of this agreement.
3. Nothing in this agreement prevents the Secretary of State, instead of the Commission, from exercising any function in relation to a pesticide of any description, and when he does so he shall notify the Commission in writing, The Commission will not exercise any such function so far as the Secretary of State notifies it that he himself will do so.
4. This agreement shall come into force on 1 March 1997 and shall supersede the agreement between the Secretary of State and the Commission dated 7 December 1996. It shall terminate on the expiry of three months' written notice of termination given by either party to the agreement to the other party.

IN WITNESS whereof the Official Seal of the Secretary of State and the Common Seal of the Commission have been affixed this

day of 997.

THE OFFICIAL SEAL of the

SECRETARY OF STATE FOR THE ENVIRONMENT

is authenticated by:

By authority of the Secretary of State for the Environment

THE COMMON SEAL of the

HEALTH AND SAFETY COMMISSION

is authenticated by: