

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

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THIS AGREEMENT is made between the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales, the Secretary of State for the Environment, the Secretary of State for Health ('the Ministers') 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 Ministers, being functions which in the opinion of the Secretary of State for the Environment 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 Subject to paragraphs 2, 3 and 4 below, the Commission shall perform on behalf of the Ministers their functions under section 19(1) of the Food and Environment Protection Act 1985 ('the 1985 Act') of authorising persons to enforce Part III of that Act in relation to contraventions of the Control of Pesticides Regulations 1986 ('the Regulations').
- 2 Paragraph 1 above shall only apply in relation to contraventions in the course of a work activity by an employer, employee or self-employed person. but not by reason only that a person employs another, or is himself employed, as a domestic servant in a private household,
- 3 Paragraph 1 above shall not apply to enforcement:
 - (1) 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 1989;
 - (2) in relation to a contravention of regulation 4 (1) of the Regulations (which relates to advertising a pesticide).
- 4 Only members, officers or servants of the Health and Safety Executive ('the Executive') may be authorised pursuant to this Agreement; and nothing in this Agreement shall prejudice or affect the right of the Ministers to authorise any other person under the said section 19 (1).
- 5 The Commission shall perform on behalf of the Ministers in connection with the approval of pesticides under the Regulations the following functions:
 - the evaluation of applications;

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- the provision of advice to applicants;
 - the communication of the decision to an applicant (or holder of an approval, as the case may be) -
 - (a) to give an approval;
 - (b) to revoke or suspend an approval; and
 - (c) to amend the conditions of an approval, the review of the conditions of approval.
- 6 The Commission shall perform on behalf of the Ministers such of their functions under an order made under section 16 (7) of the 1985 Act to provide staff or other services for the Advisory Committee on Pesticides, and any other functions as the Ministers may from time to time require.
- 7 To the extent specified in paragraph 8 below, the Commission shall perform on behalf of Ministers, their functions under -
- (1) section 16 (1 1) of the 1985 Act (which relates to the requiring of the provision of information in relation to pesticides);
 - (2) regulation 7 (1) of the Regulations (which relates to the seizure and disposal of pesticides and remedial action);
 - (3) regulation 7 (2) of the Regulations (which relates to the requiring of the removal of pesticides out of the United Kingdom).
- 8 The functions specified in paragraph 7 above shall be performed by the Commission in connection with the enforcement of Part III of the 1985 Act in relation to contraventions of the Regulations; and nothing in this Agreement shall prejudice or affect the right of Ministers to exercise the functions specified in the said paragraph 7 in other cases.
9. The Commission shall direct the Executive pursuant to section 11 (4) of the 1974 Act to exercise on behalf of the Commission the functions which the Commission has agreed to perform pursuant to this Agreement.
- 10 The Ministers shall ensure that the costs incurred by the Commission and the Executive in performing the functions specified in paragraph 5 of this agreement are paid in full. These payments shall, unless otherwise agreed, 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.
- 11 This Agreement , shift supersede the Agreement between the Ministers and the Commission dated 27 April 1987 and shall come into effect two weeks from the date of the affixation of

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the Common Seal of the Commission. It shall terminate on the expiry of six months written notice of termination given by any party to the Agreement to the other parties.

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IN WITNESS Whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is affixed and authenticated by:

Authorised by the said Minister

Signed on behalf of the Secretary of State for Scotland by:

Authorised by the said Secretary of State

Signed on behalf of the Secretary of State for Wales by:

Authorised by the said Secretary of State

IN WITNESS Whereof the Official Seal of the Secretary of State for the Environment is signed and authenticated by:

Authorised by the said Secretary of State

IN WITNESS Whereof the Official Seal of the Secretary of State for Health is affixed and authenticated by:

Authorised by the said Secretary of State

IN WITNESS Whereof the Common Seal of the Health and Safety Commission is affixed and authenticated by: