

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE GAS AND ELECTRICITY MARKETS AUTHORITY,
THE HEALTH AND SAFETY COMMISSION AND
THE HEALTH AND SAFETY EXECUTIVE**

INTRODUCTION

- 1) This Memorandum of Understanding is between the Gas and Electricity Markets Authority (the "Authority"), the Health and Safety Commission (the "Commission") and the Health and Safety Executive (the "Executive").
- 2) The Utilities Act 2000 established the Authority. The principal objective of the Authority is to protect the interests of consumers of gas and electricity wherever possible by promoting effective competition in generation, transmission, distribution and supply.
- 3) The Commission and the Executive were established under the Health & Safety at Work Act 1974. The Health and Safety at Work Act and regulations made under it impose on employers in the gas and electricity supply industries (as elsewhere) comprehensive duties designed to secure the health and safety of their employees and all other persons who may be affected by their work activities, including the general public.

STATUTORY RESPONSIBILITIES

- 4) The statutory responsibilities of the Authority, the Commission and the Executive are outlined in Annex A.

WORKING ARRANGEMENTS

- 5) This Memorandum of Understanding sets out the general arrangements for achieving:
 - co-operation and the exchange of information; and
 - effective consultation between both parties.

- 6) The joint aims of the Authority and the Commission are to:
- foster mutual understanding and effective relations between the two bodies;
 - ensure each other's ability to fulfil its statutory functions is not adversely affected through action or inaction by the other body;
 - consult on forward work programmes, specific issues of concern and any other appropriate tasks as and when they arise;
 - ensure that information is shared, subject to any limits imposed by statute or secondary legislation, including the need to respect personal or commercial confidentiality.
- 7) The Authority will consult the Commission on significant issues where it considers there is an electricity or gas safety dimension, and will allow reasonable time for the Commission to respond.
- 8) On request the Executive will advise the Authority on the potential health and safety implications of an issue.
- 9) Similarly the Commission will consult the Authority on issues being considered by the Commission or the Executive, which might have particular significant impact on the electricity or gas supply industries, and will allow reasonable time for the Authority to respond.

FOSTERING EFFECTIVE WORKING RELATIONS

- 10) The Chief Executive of the Authority, the Chair of the Commission and the Director General of the Executive will meet as necessary, to review matters of common interest and the working of this Memorandum. The agendas and minutes for these meetings will be published on the Internet and made available in HSE libraries.
- 11) The Executive and Authority will identify contact points within their organisations to be responsible for the exchange of information and communication links.
- 12) Executive and Authority officials will meet regularly and as often as required through volume of business.

DISCLOSURE OF INFORMATION

- 13) The Authority, the Commission and the Executive are open about their activities as part of their commitment to the Citizen's Charter and the Code of Practice on Access to Government Information (1994) (OG Code). Information requested will be disclosed unless its release would be likely to cause significant harm and is covered by an exemption in the OG Code, or if there is a statutory restriction. Each undertakes to make the others aware of any significant relevant disclosure to members of the public, including the media.

SIGNED BY

Callum McCarthy
Acting on behalf of,
the Gas and Electricity
Markets Authority

Callum McCarthy Date 26 April 2001

Bill Callaghan
Chair,
Health and Safety Commission

Bill Callaghan Date 10 April 2001

Timothy Walker
Director General,
Health and Safety Executive

Timothy Walker Date 12/4/01

ANNEX A

STATUTORY RESPONSIBILITIES OF THE AUTHORITY, THE COMMISSION AND THE EXECUTIVE

- 1) Sections 11 and 15 of the Utilities Act amend the duties with respect to safety contained in the Gas Act 1986 and the Electricity Act 1989.
- 2) The Authority is required under Section 11:
 - “...to consult the Health and Safety Commission about all gas safety issues which may be relevant to the carrying out of any of (its) functions...”; and
 - “...to take into account any advice given by the Health and Safety Commission about any gas safety issue...”.
- 3) A “gas safety issue” is anything concerning the conveyance of gas through pipes, or the use of gas conveyed through pipes which may affect the health and safety of:
 - members of the public; or
 - persons employed in connection with the conveyance of gas through pipes or the supply of gas conveyed through pipes.
- 4) The Authority is required under Section 15:
 - “..to consult the Health and Safety Commission about all electricity safety issues which may be relevant to the carrying out of any of (its) functions”; and
 - “to take into account any advice given by the Health and Safety Commission about any electricity safety issue...”
- 5) An electricity safety issue is anything concerning the generation, transmission, distribution or supply of electricity which may affect the health and safety of:
 - members of the public; or
 - persons employed in connection with any of those activities.
- 6) The Health and Safety at Work Act 1974 and regulations made under it impose on employers in the gas and electricity supply industries (as elsewhere) comprehensive duties designed to secure the health and safety of their employees and all other persons who may be affected by their work activities, including the general public. In particular, the 1974 Act says:

Section 2

“It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.”; and

Section 3

“It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health and safety.”

- 7) In addition the Nuclear Installations Act 1965 (as amended) is a statutory provision of the Health and Safety at Work Act and creates a licensing regime for nuclear power stations. Conditions, attached to Nuclear Site Licences by the Executive, provide the primary vehicle for regulating nuclear safety.

I:\SPDB3\Utilities\GEMA\mougema2.doc