

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

THIS AGREEMENT is made the 2nd day of October 2006 between the Secretary of State for Trade and Industry (“the SoS”) and the Health and Safety Commission, (‘the Commission’) under section 13(1)(b) of the Health and Safety at Work 1974 (‘the 1974 Act’). It relates to the functions that the Commission has agreed to perform on behalf of the SoS, being functions that in the opinion of the Secretary of State for the Department of Work and Pensions can appropriately be preformed by the Commission in connection with its functions.

IT IS AGREED THAT:

1. Subject to paragraphs 2, 3 and 4 below, the Commission shall perform on behalf of the SoS the following functions:
 - a) power of appointment of electrical inspectors under section 30(1) of the Electricity Act 1989;
 - b) the functions set out at regulations in regulations 30, 31, 33 and 34 of the Electricity Safety, Quality and Continuity Regulations 2002 (as amended by the Electricity, Safety, Quality and Continuity (Amendment) Regulations 2006) (“the ESQCR”);
2. Paragraph 1(b) above shall only apply in relation to contraventions in the course of a work activity by an employer, employee or self employed person as it affects public safety, whether the public are at work or at leisure.
3. Paragraph 1(b) above shall not apply to enforcement in relation to issues relating to the quality and continuity of electricity supply, where responsibility will remain with the SoS.
4. Only employees, officers or agents of the Health and Safety Executive (‘the Executive’) may be authorised as electrical inspectors pursuant to this Agreement. Nothing in this Agreement shall prejudice or affect the right of the SoS to authorise any other person as an electrical inspector, under section 30 of the Electricity Act 1989.
5. The Commission shall direct the Executive under section 11(4) of the 1974 Act as from the date upon which this Agreement has effect to exercise on behalf of the Commission the function that the Commission has agreed to perform pursuant to this Agreement.
6. This Agreement shall come into effect on the 2nd October 2006. It shall terminate on the expiry of three months written notice of termination given by any party to the agreement to the other party.

The corporate seal of the Secretary of State for Trade and Industry hereunto affixed is authenticated by

