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## HELA

### **Health and Safety (Enforcing Authority) Regulations 1998 Assignment in Cases of Uncertainty: Confirmation of Arrangements.**

**A Paper by Gerry Kasprzok (LAU)**

**Advisor(s): Allan Davies (LAU)**

**Cleared by Allan Davies on 13 March 2006**

#### **Issue**

1. To confirm that the arrangements for enabling responsibility for enforcement to be assigned in cases of uncertainty under the Health and Safety (Enforcing Authority) Regulations 1998 (EA Regulations) agreed by HELA on the 7<sup>th</sup> June 2005 are transferred to the newly constituted HELA.

#### **Timing**

2. Continuity of arrangements requires that a decision be taken.

#### **Recommendation**

3. That HELA members consider and endorse the proposals for the Joint Chairs of the newly constituted HELA to make the decision in assigning cases of uncertainty under the EA Regulations as a third stage of a negotiation process.

#### **Background**

4. On 7<sup>th</sup> June 2005 HELA received a paper that put forward a three stage process for resolving EA Regulations demarcation disputes and thus reduce the need for cases to go to the HSC for arbitration, although that course of action would remain available to enforcing authorities. The first two stages of the process; a Practitioner Level negotiation followed by a Director Level negotiation were accepted by HELA. A proposed third stage a Transfer Arbitration Panel was abandoned in favour of such identified cases being delegated to the Joint Chairs of HELA to make a decision.

#### **Contact**

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