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HEALTH AND SAFETY COMMISSION

TRANSFER OF CARRIAGE OF DANGEROUS GOODS WORK FROM HSE TO THE DEPARTMENT FOR TRANSPORT

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Cleared by Nick Starling, Co-Director, Policy Group on 16 March 2004**

Issue

1. Transfer to the Department for Transport (DfT) of HSE's regulatory development work on the land carriage of dangerous goods from April 2004. This is an early deliverable for the HSC's new strategy (see para 9).

Timing

2. Routine.

Recommendation

3. For information.

Background

4. Paper HSC/03/104 proposed that the institutional arrangements for regulating the land carriage of dangerous goods should be reviewed. The Commission agreed in principle that HSE's responsibility for preparing regulations should be transferred to DfT and that a review be conducted of supporting administrative arrangements, including enforcement.

5. The principal reason for proposing the transfer lies in the tensions that exist whereby DfT is responsible for broader policy development in this area, eg by representing the UK in international forums, while HSE is in effect contracted to implement the regulations under the HSW Act. The transfer would provide a much clearer tie between these activities and allow HSE to withdraw from a policy area that is not clearly linked to its core business.

Argument

6. On timing, the original proposal was that the transfer would best take place following implementation of the next set of amending regulations by HSE, due for completion by 1 July 2005. DfT would then take on the task of implementing the 2007 set of amending regulations. However, since then, there have been further discussions at senior official level that have concluded that the transfer should take place sooner, from this April, to enable DfT to make the 2005 set of regulations. The completion of the review into supporting administrative arrangements can run alongside this process.

7. The April transfer coincides with the completion of a major exercise to consolidate the existing broad portfolio of regulations into one set, while directly referencing the international agreements (RID and ADR) for technical detail. Future two-yearly revisions of the regulations will now become a much simpler process for both Government and industry.

8. The transfer will mean that Ministers will use HSWA to make regulations on the carriage of dangerous goods by road and rail. HSE will no longer lead on this and HSC will not approve draft regulations for consultation. HSC's views will still be sought about future draft regulations, advised by HSE officials, but at the same as other consultees.

9. The transfer represents an early deliverable for HSC's new strategy: this is HSE withdrawing from activity that it is more appropriate for others to do and freeing resources for our priority work. Indeed, in running down the staff numbers assigned to the work preparatory to the transfer, we have re-allocated some of the staff resources to agriculture policy work.

Consultation

10. With relevant policy colleagues, including those responsible for operational policy, with Solicitors, Finance, the Channel Tunnel Safety Authority and with colleagues in DfT.

Presentation

11. We would not expect any great interest in these proposals outside government. If asked, HSE's line will be that we are seeking to:

- rationalise responsibilities for the development of requirements on the carriage of dangerous goods; and
- improve the efficiency of the policy development process.

Financial/Resource Implications for HSE

12. Arrangements have been put in place to effect the transfer of funds from HSE to DfT equal to the equivalent of four posts. In year 1, ie from 5th April 2004, the effective date of the transfer, this would be part met by two members of HSE staff going on loan to the Department to help prepare the 2005 regulatory package; to put in place supporting administrative arrangements; and to consider any consequential, additional resource transfer. A further paper on these aspects will be put to the Commission in due course.

Action

13. That the Commission notes this paper.