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All HSE Inspectors

2000 REVIEW OF THE HSE/MoD GENERAL AGREEMENT

This SIM informs inspectors of the outcome of the joint 2000 review of the HSE/MoD General Agreement. The agreed amended text of the Agreement is appended.

BACKGROUND

1 When the Health and Safety at Work etc Act 1974 came into force there was a widely held perception within MOD that health and safety regulation was incompatible with some of their activities and concern that HSE actions might affect operational capability. Against this background HSE and MOD negotiated an administrative agreement, known as the General Agreement, which was signed in 1981 by the Director General of HSE and MOD's 2nd Permanent Under Secretary.

2 Under the 1981 Agreement MOD recognised the need to observe the HSW Act. HSE agreed to take the Defence Imperative into account in considering the reasonable practicability of precautions, to observe security requirements, and undertook not to seek to monitor observance of health and safety legislation in defence operations and military training.

3 In 1994 the Crown, Fire and Police NIG (now the Defence, Fire and Police Unit) put forward a case for reviewing the General Agreement. The NIG argued that the existing agreement left considerable scope for interpretation, particularly as to what constituted "defence operations" and "military training activities". It meant that a range of work inspected by HSE elsewhere was not inspected when carried out by MOD. This created inconsistencies where contractors working in operational units were subject to inspection but MOD personnel were not. It also did not reflect the fact that the Act applied to all of MOD's activities; or reflect changes in the climate of opinion about the accountability of public bodies and open government.

4 Renegotiation of the Agreement started in 1994 and culminated in the signing of the revised General Agreement in May 1996. Built into the Agreement was an undertaking to carry out a joint review after two years, and this took place in June 1998, followed by a further review in 2000.

2000 REVIEW OF THE AGREEMENT

5 The conclusion drawn by the 2000 Review was that the Agreement had worked well in practice, and that any difficulties which had arisen had been resolved at local level without recourse to the formal mechanism of the Joint Liaison Committee (JLC). Both sides recognised the need to review and update the parallel arrangements with respect to US Visiting Forces (the 1989 Visiting Forces Agreement), and work on this has commenced.

6 Except for amendments to reflect changes in organisation and titles, and extending the frequency of review to 5 years, no change to the text of the Agreement document was considered necessary. However, some amendments were made to Annex C to clarify the role of the Ship Safety Board in the design of MOD ships, in particular warships.

7 In [Annex A, paragraph 2\(b\)](#) there is reference to the investigation of accidents to service personnel by HSE inspectors, but no guidance as to the procedure which should be followed in such cases when MOD police forces may be pursuing parallel enquiries. An HSE/MOD working group has recently been set up to produce a protocol for liaison in these circumstances, and inspectors will be informed of the outcome.

8 The revised text of the Agreement is attached to this Minute, with the exception of Annex B (Restricted) which deals with the arrangements for specified nuclear sites and is still under review. The amended Agreement has been signed by HSE's Director General and MOD's 2nd Permanent Under Secretary, and a further review of the Agreement will be carried out in October 2006.

MAIN PRINCIPLES OF THE AGREEMENT

9 Under the Agreement:

(1) there are no general constraints on HSE access to MOD operational activities;

(2) MOD recognises its duties under the Health and Safety at Work Act in relation to all units, establishment and activities;

(3) MOD states that where it has been granted exemptions from specific regulations it is the policy of the Secretary of State for Defence that health and safety standards and arrangements will be, so far as is reasonably practicable, at least as good as those required by statute;

(4) HSE will consider the requirements of the defence imperative as well as cost when making judgements about reasonable practicability;

(5) HSE will observe government security requirements;

(6) HSE will take account of the Code of Practice on Open Government and MOD security regulations when disclosing information. Classified

information will not be disclosed except with prior discussion and agreement with MOD;

(7) HSE inspectors who propose to invoke the administrative procedures for the formal censure of government departments in relation to MOD will consult the DFP Unit, who will inform D SEF Pol (Directorate of Safety, Environment and Fire Policy) if such action is to be taken;

(8) disagreements between MOD and HSE about the application of the General Agreement which cannot be resolved locally will be put to the MOD/HSE Joint Liaison Committee (JLC) if necessary;

(9) the JLC will seek to reconcile conflicts between the defence imperative and health and safety legislation, discuss proposals for new health and safety legislation and will deal with problems arising from the implementation of the General Agreement.

10 Annex A sets out procedures to be followed in arranging, carrying out and reporting on inspections. Annex C deals with arrangements for inspection of ships and submarines. Annex D deals with arrangements for particularly sensitive activities.

INSPECTION STRATEGY

11 In originally negotiating the Agreement, HSE placed considerable emphasis on the fact that current inspection practice did not involve the physical examination of all an employer's activities, but that inspectors would enquire into health and safety management systems and use sample inspections for verification. Annex A states that, by their nature, most military operations and training do not lend themselves to inspection by observation. However, inspectors will wish to enquire about issues such as the arrangements for managing hazardous training, and at times to inspect other operational activities.

12 The DFP Unit has issued guidance to inspectors on inspecting the MOD ([OC 335/1](#)), the organisation of the armed forces (NIGM 7/B/1998/7) and the inspection of MOD land ranges and operational training (NIGM 7/B/1998/6). Inspectors may wish to adopt the following inspection strategy for visits to MOD establishments:

(1) operational activities should be inspected as they are encountered during routine work;

(2) inspectors should not actively seek to inspect military exercises or hazardous training by observation, but should discuss the management and control of such activities and respond positively to invitations to view them for familiarisation;

(3) the DFP Unit should be told about any significant planned inspection exercises: this will enable the Unit to monitor the Sector Strategic Plan and to discharge its responsibility under the Agreement to advise MOD centrally, so as to avoid a clash of inspections;

(4) inspectors should exercise considerable sensitivity to defence needs when dealing with operational activities.

13 Staff involved in the inspection of MOD activities should be aware of Safety Policy Supplement (No 02) in the FOD Health and Safety Policy.

14 The DFP Unit would find it extremely helpful in its central liaison with MOD if divisions continued to inform them of any significant operational incidents, whether or not these are to be investigated.

Date first issued: December 2001

APPENDIX
(Summary)

**GENERAL AGREEMENT BETWEEN MOD AND
THE HEALTH AND SAFETY EXECUTIVE**

1 This agreement sets out the principles which apply to the Ministry of Defence's (MOD) observance of health and safety legislation in respect of members of the military, naval and air forces of the Crown, MOD civilian employees and others affected by MOD activities and to the Health and Safety Executive's (HSE) actions as the regulatory authority. It covers all MOD activities. A separate agreement sets out arrangements for monitoring of United States Visiting Forces' observance of health and safety legislation. The arrangements made in this agreement assume conditions not amounting to armed conflict.

There are four Annexes:

- (i) [Annex A](#) sets out the arrangements for inspection by HSE;
- (ii) Annex B deals with arrangements for specified MOD and MOD related nuclear sites;
- (iii) [Annex C](#) deals with arrangements for inspection of HM Ships and Submarines; and
- (iv) [Annex D](#) deals with special arrangements for particularly sensitive activities.

2 MOD recognises its duties under the Health and Safety at Work etc Act (HSWA) in relation to all units, establishments and activities. These responsibilities are reflected in the Health and Safety Policy Statement of the Secretary of State for Defence. The full protection, rights and responsibilities of the Act will apply to all MOD civilian employees and to MOD Service Personnel. Where MOD has been granted exemptions from specific regulations, it is the policy of the Secretary of State for Defence that health and safety standards and arrangements will be, so far as is reasonably practicable, as least

as good as those required by statute.

3 HSE recognises that judgements about the reasonable practicability of action by an employer must take into account the societal benefits from the overall purpose of the organisation. It follows that, in determining what steps are necessary for MOD to ensure the health and safety of employees and others, the requirements of defence as well as cost must be considered. Therefore, HSE will continue to monitor MOD's observance of health and safety legislation having due regard to defence imperatives.

SECURITY

4 HSE inspectors will conduct inspections and handle classified information in accordance with the Manual of Security in Government Departments. They should be allowed access to classified information as required to carry out their duties, subject to the inspector having the appropriate level of security clearance and the application of the need to know principle. Any difficulties should be reported through normal command or management channels for clarification by the relevant security directorate. Specific security arrangements for dealing with disclosure of information on nuclear matters and arrangements for particularly sensitive activities have been agreed with the HSE and are the subject of Annexes B and D to this Agreement.

DISCLOSURE OF INFORMATION

5 Disclosure of information obtained by inspectors as a result of reports made to them or inspections carried out by them is subject to the provisions of the HSWA and the Code of Practice on Open Government which regulate such disclosure in respect of its purpose and the intended recipient. Classified information will not be disclosed except after prior discussion and agreement with MOD. In any cases of doubt, HSE will consult MOD as to the grounds for withholding any information.

6 HSE inspectors are obliged by the HSWA Section 28(8) to give certain information about matters affecting the safety, health and welfare of those employed to employees and their representatives. In conforming with this requirement, HSE inspectors will disclose information only to the named safety representative or a trade union official directly associated with the establishment and matter under review and who has the requisite security clearance. In the case of HM Forces, inspectors will give the information to the CO who will receive it on behalf of the Service personnel under his control.

ENFORCEMENT

7 There is no Crown exemption from the HSWA; MOD is bound by the general duties imposed by the Act and by Regulations made under it except where specific exemptions apply. However, the Crown cannot be prosecuted for breaches of the law, including failure to comply with improvement and prohibition notices. In lieu of this, HSE has made arrangements for censuring Crown bodies in respect of offences which would have led to prosecution if they had occurred in the private sector and has instituted a procedure for issuing Crown Notices. MOD has agreed to comply with these Notices. HSE inspectors who propose to invoke this procedure for formal censure of

MOD will consult HSE's Defence, Fire and Police Unit (DFP Unit) who will inform the Directorate of Safety, Environment and Fire Policy (D SEF Pol) if the procedure is to be followed.

8 The HSWA places statutory duties on individuals both as employers and employees. HSE has, however, undertaken not to prosecute individual Crown servants in substitution for their department. HSE also recognises that HM Forces have powers to deal with disciplinary charges against their members. Only in exceptional circumstances would a criminal prosecution be instituted against a member of the Services under the HSWA.

LIAISON ARRANGEMENTS

9 Chief Environment and Safety Officer (MOD) (CESO(MOD)) and the Head of Sector responsible for the Services Sector, HSE will meet regularly to monitor the application of this agreement. Disagreements between MOD and HSE about the application of this General Agreement which cannot be resolved locally should be referred through the chain of command for discussion at the HSE/MOD Joint Liaison Committee (JLC) if necessary.

10 The JLC will:

- a. seek to reconcile conflicts between defence imperatives and health and safety legislation;
- b. discuss proposals for new health and safety legislation, with particular reference to their application to MOD activities; and
- c. deal with problems arising from the implementation of this General Agreement and any detailed agreements made under it.

11 Chairmanship of the JLC will rotate between MOD and HSE. The permanent membership of the JLC will be:

MOD	
Directorate of Safety, Environment & Fire Policy	CESO(MOD)
The Royal Navy	CESO(RN)
The Army	CESO(A)
The Royal Air Force	CESO(RAF)
Defence Logistics Organisation	DLO HQ Safety ADES
D Med Pol	
Central Staff	
Defence Procurement Agency	HSE Advisor DPA

HSE

The Head of Sector responsible for the Services Sector.
Head of Defence, Fire and Police Unit
Head of the HSE Policy Branch with responsibility for MOD
Chief Inspector of Explosives

Others (as necessary)

HSE's Nuclear Safety Directorate
Chairman Naval Nuclear Technical Safety Panel
HQ US 3rd Air Force

12 The working of this agreement and of the JLC is subject to the oversight of 2nd PUS and the Director General HSE who will, if necessary, seek to resolve any difficulties that cannot be reconciled in the JLC. In any event, the agreement will be reviewed jointly by MOD and HSE every five years, or when agreed by the JLC.

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TIMOTHY WALKER CB
Director General
on behalf of the Health and Safety
Executive

October 2001

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SIR ROGER JACKLING KCB CBE
Second Permanent Under Secretary of State
on behalf of the Ministry of Defence

October 2001

ANNEX A

**ARRANGEMENTS FOR INSPECTION OF MOD ESTABLISHMENTS
BY HSE INSPECTORS**

GENERAL

1 This annex details procedures to be followed by HSE and by MOD in arranging, carrying out and reporting on inspections of MOD units, establishments and activities under the terms of the HSWA. These procedures are intended to facilitate such inspections, recognising the statutory right of HSE to carry them out in all areas covered by the HSWA and their commitment to do so in such a way as not to compromise national security and the operational capability of MOD. Any difficulties should be referred through the normal channels, and will if unresolved be discussed between

CESO(MOD) and HSE's Defence, Fire and Police Unit (DFP Unit).

2 Inspections by HSE are for the purpose of discharging its functions as the regulatory authority and are additional to those which MOD undertakes for its own management purposes. HSE's inspections in practice may be broadly classified as follows:

a. Planned inspections as part of HSE's annual programme; these might vary from a half day visit by a single inspector to a team inspection over a number of days. Substantial initiatives planned by HSE will be brought to the attention of CESO(MOD) by HSE's DFP Unit during routine liaison meetings so that any overlaps with MOD's own inspection programmes can be discussed.

__b. Reactive inspections responding, for example, to an accident, incident or a complaint. Although the accident and ill health reporting requirements of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) do not apply to members of the armed forces or visiting forces on duty, HSE inspectors may learn of incidents involving them by other means, and decide to investigate using their powers under the Health and Safety at Work etc. Act 1974.

c. Inspections for special purposes, for example, to seek information on a specific health or safety topic.

In all cases the procedures in this annex should be followed, recognising that reactive inspections may require a more urgent response.

3 The Health and Safety at Work etc Act 1974 applies to military aircraft in flight within the baseline. However, HSE will not seek to investigate issues relating to airworthiness or aircraft crashes. Nevertheless, other issues relating to the health and safety of members of aircraft crew or ground staff may be of interest to HSE, and such cases will be discussed with D SEF Pol before approaching the operational unit concerned.

INSPECTION ARRANGEMENTS

4 Inspection of most MOD units and establishments is undertaken by the HSE's Field Operations Directorate which is organised into seven geographical divisions, each under the control of a Divisional Director, with inspection activities managed by Heads of Operations. Inspections of explosives and nuclear facilities are also undertaken by inspectors from the Explosives and Nuclear Installations Inspectorates respectively.

5 If some time has passed since the last HSE contact with the establishment or if HSE proposes a substantial inspection initiative, inspectors will write to the Commanding Officer or Head of Establishment in order to make an appointment for a visit to the Establishment and to obtain the name of an individual nominated to deal with the visit. The Commanding Officer or Head of Establishment should at this stage indicate to the inspector any areas or activities subject to the provisions of Annex D (Special arrangements for particularly sensitive activities). Failure to agree a mutually convenient date for the inspection or any other difficulties that arise should be

discussed by the CO or Head of Establishment with the inspector's senior officer. Special arrangements which apply to the inspection of HM Ships and Submarines and other MOD(N) vessels are detailed in [Annex C](#).

6 On receipt of notification of an inspection, the CO or Head of Establishment should inform MOD through the chain of command.

7 Inspectors carry a warrant. During all inspections of MOD units and establishments, the inspector will be escorted. Commanding Officers have final authority over access to areas under their command. Any decision to refuse access should be based on consideration of the health and safety of those who would be affected, the operational and security needs, the powers of the HSE inspector and legislative requirements.

8 Any difficulties in relation to access will be referred through normal command and management chains for resolution.

MILITARY AND OPERATIONAL TRAINING

9 By its very nature, military and operational training does not lend itself to inspection by observation. HSE inspectors may inspect military training areas, establishments and units where military training and/or operational training is being undertaken. The HSE recognises the requirement to conduct hazardous training. Its principal interest is in the MOD's procedures for controlling and managing hazardous training activities. If exceptionally an inspector feels that such training should be halted or interrupted, the inspector will raise this through the command chain.

10 Arrangements for an HSE inspector's visit will follow the procedures in paragraphs 4-8 of this annex. Where military and operational training is concerned, the CO will take into account the requirement for military training, the risks to Service personnel of any interruption caused by the inspection and the risks to the safety of the HSE inspector in agreeing the timing of an inspection.

11 HSE inspection of certain particularly sensitive training activities is the subject of specific arrangements in Annex D to the General Agreement.

ANNEX C

ARRANGEMENTS FOR INSPECTION OF HM SHIPS, SUBMARINES AND AUXILIARIES BY HSE INSPECTORS

INTRODUCTION

1 The HSE may wish to visit to inspect relevant aspects of the MOD health and safety organisation which may include HM Ships, Submarines and Auxiliaries alongside in the United Kingdom or in refit at any time, subject to the provisions of this protocol. Exceptionally the HSE may request to visit a vessel at sea. In carrying out such inspections the HSE will not seek to influence the design or operational capability of

MOD ships.

APPLICATION OF THE LAW

2 The Health and Safety at Work etc Act 1974 (HSWA) applies up to the baseline of UK territorial waters (eg within harbours, ports and certain inland waters). Beyond the baseline, but within territorial waters (generally out to 12 nautical miles), paragraph 8 of HSWA (Application outside Great Britain) Order 1995 No 263 applies to certain activities carried out by, or associated with, ships. Beyond UK territorial waters HSWA does not apply to ships but the safety of those serving at sea in UK registered merchant vessels is provided for by the Merchant Shipping Acts (MSA).

3 Merchant shipping law is enforced by the Maritime and Coastguard Agency of the Department of Transport, Local Government and the Regions (DTLR). HSE and DTLR have established a Memorandum of Understanding (MOU) on the operational demarcation and overlap of their respective legislation in relation to work at the water margin, such as during the loading and unloading of ships. The MOU sets out the primary concerns of the Agency as the safety of ships, their crews, passengers and cargoes on board, and marine pollution matters, whilst HSE is primarily concerned with the safety and activities of shore-based personnel, and facilities on land and offshore installations.

4 MOD owned Ships, in particular warships, are not normally registered under the MSAs and have generally been exempted from its provisions since the original Act of 1894. Instead, MOD shipping is regulated under the authority of the Secretary of State for Defence by a Ship Safety Board, which in principle and practice mirrors the role of the MCA for merchant ships. Selective classes of MOD owned vessels (RFAs, yachts and commercially managed Fleet Auxiliaries), are or can be registered under the Merchant Shipping Acts using specific Orders in Council (OIC). These OIC specify the degree to which MOD elects to comply with the MSA, supplemented where necessary by Letters of Agreement (LOA) between MOD and DTLR, by which MOD may agree to beneficially adopt certain additional MSA requirements. Such agreements are regularly reviewed to reflect changes in the law and/or military requirements.

5 The arrangements between MOD and the HSE with respect to access and the inspection of unregistered MOD vessels are subject to the following principles:

- a. MOD will continue to regulate all aspects of ship safety on behalf of the Secretary of State for Defence through the mechanism of the Ship Safety Board (SSB). Compliance with the law and justification that equivalent systems of work are in place which are at least as good as those required by statute shall be through a Safety Case regime sponsored by the SSB. The MOD Ship Safety Management System includes the oversight and inspection of all activities carried out by the Commanding Officer or Ships Company of a Warship, Submarine or Auxiliary.
- b. The SSB mandates that ship safety management systems follow best practice throughout the acquisition cycle. Visibility of these systems will be the prime means of satisfying HSE inspectors of compliance.

c. MOD registered vessels are also subject to inspection by the MCA and for certain activities by the HSE (see paragraphs 2 and 4).

d. HSE will not as a matter of course wish to carry out planned inspection of individual unregistered MOD vessels in service.

OBTAINING ENTRY FOR INSPECTION

6 Navy Base Safety Groups will appoint a Local Responsible Officer (LRO) to act as the administrative co-ordinator for all HSE inspections. The LRO will liaise with all local HSE inspectors, Commanding Officers, Type Commanders, Directors General Naval Base and Supply and other relevant higher level budget holders. In the case of ships undergoing refit or visiting commercial ports, MOD will similarly appoint a LRO to be the local representative of the Defence Logistics Organisation, to support and provide advice on legislation to the Refitting Authority/Commanding Officer.

7 It is unlikely that an HSE inspector would request access to one of HM Ships or Submarines at sea. However, should such circumstances arise the LRO shall co-ordinate all arrangements, including any special safety training the inspector may require, through CESO(RN). The authority of the Commanding Officer with regard to his vessel is referred to in paragraph 9 below.

8 Before inspection on board a vessel in service, it is essential that the LRO makes prior contact with the Commanding Officer who may refer the request to his Type Commander. It should then be possible to make an appointment at a time convenient to both parties. Any difficulty should be referred through the command chain and to CESO(RN). The HSE inspector will similarly refer the position through the HSE management chain.

9 When carrying out an inspection on board a MOD vessel, the HSE inspector should bear in mind that the Commanding Officer has the final authority with regard to the access to his ship. In making his decision the Commanding Officer will take into account the safety of his crew, the safety of others, the operational and security needs, and the powers and requirements of the HSE inspector.

NUCLEAR ISSUES AND SENSITIVE ACTIVITIES

10 The application of the various nuclear related Acts and regulations are covered in Annex B to the General Agreement. Arrangements for particularly sensitive activities are covered in [Annex D](#) to the General Agreement.

CONDUCT OF INSPECTIONS

11 All HSE inspectors carry a warrant. When inspecting HM Ships, Submarines and Auxiliaries inspectors will conform to the security arrangements of the vessel concerned. Inspectors will be subject to visitor control procedures and must be accompanied at all times by an officer nominated by the Commanding Officer or, with the Commanding Officer's agreement, by a person nominated by the Naval Base Safety Group.

12 Operational capability should not be impeded by the process of an inspection. If exceptionally the inspector considers that there is a need to interrupt or stop an activity, the inspector will raise this through the command chain to enable a judgement on the operational implications to be made.

13 Action to be taken by the Commanding Officer in the event of Enforcement Action by the HSE inspector:

a. Crown Prohibition or Improvement Notice. If the inspector serves or makes it clear that it is his intention to serve a Crown Prohibition or Improvement Notice, the Commanding Officer is to request advice from his command authority immediately. Where a Prohibition Notice is served on a piece of equipment or work process that would affect the operational requirements then the Commanding Officer should point this out to the inspector and inform the command authority immediately, and CESO(RN) should be informed.

b. HSE Intention to formally censure MOD (Crown Censure). The command authority should be informed immediately for advice. The command authority will inform CESO(RN) and D SEF Pol.

ANNEX D

SPECIAL ARRANGEMENTS FOR PARTICULARLY SENSITIVE ACTIVITIES

GENERAL

1 Some activities carried out by MOD are particularly sensitive and are protected not only by a high level of security classification but also by a very tightly constrained need to know. Access to information relating to such activities is highly restricted and available only to nominated persons who have been cleared by the appropriate security directorate.

2 This annex details procedures to be followed by MOD and HSE where access to certain sensitive areas and activities should, for good reason, be subject to control. Specific guidance on areas subject to controlled access is issued to MOD Units and Establishments by individual services through the chain of command. Copies of this guidance will be furnished by individual services to CESO(MOD).

3 It is not intended that this annex should be used to restrict unnecessarily the access of HSE inspectors to MOD sites. Where these arrangements are invoked, Commanding Officers and Heads of Establishment must notify details to their chain of command HSW focal point so that details can be furnished to CESO(MOD).

INSPECTION ARRANGEMENTS

4 If some time has passed since the last HSE contact with the establishment or if HSE

proposes a substantial inspection initiative, Inspectors will write to the Commanding Officer and Head of Establishment in order to make an appointment for a visit to the establishment and to obtain the name of an individual nominated to deal with the visit. At this stage, the existence of any areas or activities subject to the provisions of this annex should be brought to the attention of the inspector and MOD should be informed through normal command chains.

5 In most cases, it is likely that the inspector will be able to proceed without access to the activities in question. Inspection places emphasis on management systems with sampling to verify findings from interviews and the examination of documents. Physical and detailed investigation of every activity is therefore not essential. Commanding Officers and Heads of Establishment should co-operate with the inspector to facilitate the inspection by providing access to documents and to work areas so far as is possible within the bounds of the special security requirements.

6 The Commanding Officer or Head of Establishment should ensure that the escort accompanying the inspector is properly briefed and competent to ensure that security requirements are met.

7 Any difficulties arising in making arrangements for or carrying out the inspection should be referred through normal management and command chains for resolution.

8 CESO(MOD) will maintain records of when these arrangements are invoked and will discuss them at the routine liaison meetings with HSE's Defence, Fire and Police Unit (DFP Unit).

SPECIAL ARRANGEMENTS

9 There may be occasions where an inspection cannot proceed without access to particularly sensitive information. This might be the case, for example, when a reactive inspection is required following an accident, particularly where members of the public or civilian staff are involved. There may also be cases where MOD would wish to seek HSE advice on compliance with specific statutory requirements in such areas. All such cases except those covered by paragraphs 22-29 of Annex B will be referred through normal channels to CESO(MOD) and HSE's DFP Unit for discussion. That discussion will also involve the appropriate MOD branches and security directorate.

10 The aim of any such discussion will be to seek ways in which HSE can fulfil their mandate without access to particularly sensitive information. However, should that prove impossible and it is agreed that a need to know exists, a member of the DFP Unit will be briefed and cleared to have access to the necessary information. All procedures required by the appropriate security directorate regarding the collection, storage and dissemination of that information will be followed.

11 To facilitate this process, one or more members of the DFP Unit are cleared to DV (Developed Vetting) level and CESO(MOD) is informed of their names.

12 2nd PUS and Director General HSE will be asked to seek to resolve any difficulties that cannot be resolved between CESO(MOD) and the DFP Unit or, more formally, in

the Joint Liaison Committee.

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