

The Rt Hon Harold Walker MP  
Parliamentary Under Secretary of State  
Department of Employment  
8 St Jason's Square  
LONDON  
SW1U 4JB

20 January 1975

Dear Harold

You wrote to me on the 6th January, to ask on behalf of the Secretary of State that the Commission should carry out certain functions under the Employers' Liability (Compulsory Insurance) Act 1969.

I am please to inform you that the Commission will undertake these responsibilities.

Yours sincerely

(W J SIMPSON)

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W J Simpson Esq  
The Chairman  
Health and Safety Commission

5/ET 106/1974

6 January 1975

### **EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) ACT 1969**

Among the duties carried out by HM Factory Inspectorate are the functions exercised on behalf of the Secretary of State under the Employers' Liability (Compulsory Insurance) Act 1969. This Act requires employers to insure against their liability for personal injury to their employees and the Secretary of State is given powers to make regulations by statutory instrument for any purposes of the Act.

Under section 13(1)(b) of the Health and Safety at Work etc Act 1974 it is proposed to transfer to the Commission from 1 January 1975 the function now exercisable by the Secretary of State under the 1969 Act in connection with the administration and enforcement of that Act and regulations thereunder, including the function of authorising inspectors for the purpose of section 4(2)(b) of that Act (but not including, of course, any power to make regulations).

The Secretary of State would, however, like the Commission to advise him as necessary in connection with the need for and content of any future regulations under the 1969 Act.

I shall be grateful if you will confirm that the Commission will assume these responsibilities. Financial provision for this work has been made.

There is one provision in regulations under the Act (namely Regulation 7 of the Employers' Liability (Compulsory Insurance) General Regulations 1971) which at present can be operated only by an officer of the Department of Employment. Until this regulation can be suitably amended, our officials can make interim arrangements for an officer of the Department to act for this purpose.

**HAROLD WALKER**

Health and Safety Executive  
7<sup>th</sup> Floor, Caxton House  
Tothill Street  
London  
SW1H 9NA

13 March 2014

The Rt Hon Mike Penning MP  
Minister for Disabled People  
Department for Work and Pensions  
Caxton House  
Tothill Street  
London  
SW1H 9NA

*Dear Mike,*

### **Employers Liability (Compulsory Insurance) Act 1969 (ELCI)**

At present the Health and Safety Executive (HSE) discharges administrative and enforcement functions under ELCI on behalf of the Secretary of State. The agreement that governs this arrangement is an exchange of letters between W. J. Simpson, the then Chairman of the Health and Safety Commission, and Harold Walker, the Parliamentary Under Secretary of State in the Department of Employment at the time.

The above agreement was amended by a further exchange of letters in 2006, to agree that the rail safety regulator, the Office of Rail Regulation, would administer these functions in relation to employers in the rail industry.

As you will be aware, Parliament passed the Energy Act 2013 at the end of last year (it received Royal Assent on 18 December 2013). The Act contains provisions to create the Office for Nuclear Regulation, currently an agency of the HSE, as a statutory body with a distinct set of responsibilities for regulation and enforcement on GB nuclear sites and other, defined locations. The provisions which relate to the ONR will be brought into force on 1 April 2014.

As a consequence of this change, I am proposing that we follow the same format as in 2006, and that the agreement between HSE and the Secretary of State should be varied by letter.

In particular, I propose that the HSE should no longer be responsible for the administration and enforcement of ELCI in relation to employers who are required by the operation of regulation 5 of the Employers' Liability (Compulsory Insurance) Regulations 1998 to display a certificate of insurance at a place or places of business that is or are solely within a "GB nuclear site" (as defined in section 68 of the Energy Act 2013), an "authorised defence site", or a construction site that is immediately adjacent to a GB nuclear site which is for the purpose of constructing the nuclear installation for the GB nuclear site. The letter will be defined as a "new nuclear build site" in amendments that will be made to the Health and Safety (Enforcing Authority) Regulations 1998 to come into force on 1 April 2014. "Authorised defence site" will also be defined in the amendments to be made to those regulations.

I understand that arrangements are also in hand for you to write to the ONR to agree with them that they should take over responsibility for ELCI on such sites.

I trust this proposed arrangement is acceptable and I would be grateful if you could communicate your acceptance of this variation in writing. I propose that this variation comes into force on 1 April 2014 when the ONR will become fully operational in its regulatory functions.

*Yours Sincerely*

A handwritten signature in black ink, appearing to read 'Judith', with a long horizontal flourish extending to the right.

**Judith Hackitt, CBE FREng  
Chair, Health and Safety Executive**



Department  
for Work &  
Pensions

Minister for Disabled People  
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Chair  
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L20 7HS

18<sup>th</sup> March 2014

*Nick Baldwin*

### **Employers' Liability (Compulsory Insurance) Act 1969 ('ELCI')**

You may be aware that the Health and Safety Executive (HSE) has recently written to me proposing that from 1 April 2014 the HSE should no longer have responsibility for the administration and enforcement of ELCI in relation to defined nuclear sites in Great Britain on the basis that, from that date, the ONR will be the principal regulator of such sites. Please see HSE's letter of 13 March 2014 and my reply dated [ ].

I am writing to propose, pursuant to section 90 of the Energy Act 2013, that I (on behalf of the Secretary of State for Work and Pensions) and the Office for Nuclear Regulation (ONR) enter into an agreement under which from 1 April 2014 the ONR will carry out the Secretary of State's functions for the administration and enforcement of ELCI in relation to 'GB nuclear sites', 'new nuclear build sites' and 'authorised defence sites' as those terms are defined in section 68 of the Energy Act 2013 and the Health and Safety (Enforcing Authority) Regulations 1998.

The functions that ONR will carry out under the agreement will include the function of appointing inspectors for the purpose of section 4(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969, but will not include any power to make legislation or other instruments of a legislative character.

I should be grateful if you would confirm your agreement to this proposal in writing, and our exchange of letters will then constitute our agreement pursuant to section 90 of the 2013 Act which, as stated above, will take effect from 1 April 2014.

*Regards*  
*WE*  
Rt Hon. Mike Penning MP

**Minister of State for Disabled People**



Nick Baldwin  
Chair  
Office for Nuclear Regulation  
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Rt Hon Mike Penning MP  
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25 March 2014

Dear Mike

**Employers' Liability (Compulsory Insurance) Act 1969 ("ELCI")**

Thank you for your letter of 18 March 2014, proposing that from 1 April 2014 the Office for Nuclear Regulation should carry out certain functions of the Secretary of State regarding the administration and enforcement of ELCI in relation to "GB nuclear sites", "new nuclear build sites", and "authorised defence sites" as defined in section 68 of the Energy Act 2013 and the Health and Safety (Enforcing Authority) Regulations 1998.

You and the HSE Chair have agreed in your exchange of letters dated 13 and 18 March 2014 that these specific ELCI functions will be carved out of the HSE's general responsibility for ELCI and passed to the ONR from 1 April 2014.

I confirm that the ONR will be pleased to carry out these functions in the place of the HSE from 1 April 2014. I also confirm that our exchange of letters constitutes our agreement in relation to ELCI for the purposes of section 90 of the Energy Act 2013.

Yours sincerely,

Nick Baldwin  
ONR Chair