

AGREEMENT UNDER SECTION 13(4) OF THE HEALTH AND SAFETY AT WORK ETC ACT 1974 AND SECTION 28(1) OF THE NORTHERN IRELAND ACT 1998

This Agreement is made between the Department of the Environment (Northern Ireland) ("DoE") and the Health and Safety Executive ("the Executive") under section 13(4) of the Health and Safety at Work etc Act 1974 and section 28(1) of the Northern Ireland Act 1998. It relates to functions that the Executive agrees to perform on behalf of the DoE being functions that in the opinion of the Secretary of State for Work and Pensions can appropriately be performed by the Executive.

IT IS AGREED THAT:

1. Subject to paragraphs 2 and 3, the Executive shall perform the functions set out in the Schedule on behalf of the DoE. The functions set out in the Schedule being functions conferred on the DoE by regulations 21(2)(b) and 22 (*in so far as it relates to the functions of the competent authority in relation to ADR carriage of class 7 goods by road*) of The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 ("2010 Regulations").
2. Nothing in this Agreement shall prevent DoE from exercising any functions conferred on it by regulations 21(2)(b) and 22 of the 2010 Regulations and set out in the Schedule to this Agreement. Wherever practicable the DoE shall inform the Executive that they intend to perform any such function.
3. This Agreement comes into effect on 25 January 2012. It will terminate on the expiry of six months written notice of termination given by either party to the Agreement to the other party.

IN WITNESS whereof the Official Seal of the Department of the Environment (Northern Ireland) and common seal of the Executive have been affixed here to:

The Official Seal of the Department of the Environment (Northern Ireland) hereto affixed is authenticated by:



Wesley Shannon

A senior officer of the Department of the Environment (Northern Ireland)

Date: 25th January 2012.

The common seal of the HEALTH AND SAFETY EXECUTIVE hereunto affixed is authenticated by:



Judith Hackitt

A person duly authorised

Date: 25 January 2012



SCHEDULE

FUNCTIONS TO BE PERFORMED BY THE EXECUTIVE ON BEHALF OF THE DEPARTMENT OF THE ENVIRONMENT (NORTHERN IRELAND)

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010

The Executive shall perform, on behalf of the DoE, the following functions of the DoE as the competent authority for Northern Ireland in relation to ADR transport of class 7 goods by road under regulations 21(2)(b) and 22 of the 2010 Regulations.

<i>Provision of the 2011 Edition of the ADR</i>	<i>Function(s) of the competent authority to be exercised by HSE</i>
<i>PART 1</i>	
1.2.1 (definition of “confinement system”)	Agreement of the means of assembly of fissile material and packaging components specified by the designer as intended to preserve criticality safety.
1.7.3	All functions of the DoE as the competent authority except for inspection during manufacture and use in Northern Ireland.
1.7.4	Approval of applications for special arrangement.
1.7.6	Receipt of notifications of non-compliance.
<i>PART 2</i>	
2.2.7.2.2.2	Multilateral approval of basic radionuclide values referred to in 2. 2.7.2.2.1 for individual radionuclides not listed in Table 2.2.7.2.2.1.
2.2.7.2.3.3	Unilateral approval of design for Special Form radioactive material. Acceptance of applicable acceptance threshold in relation to leakage rates for sealed sources. Confirmation of which tests in ISO 9978:1992 relating to alternative volumetric leakage assessment are acceptable.
2.2.7.2.3.4	Multilateral approval of the design for low dispersible radioactive material.
<i>PART 4</i>	
4.1.9.1.7.(d)	Issuing unilateral approval of an exemption from the requirement to hold Type B(U); Type B(M); and Type C packages until equilibrium conditions have been approached closely enough to demonstrate compliance with temperature and pressure.
4.2.1.16.2	Approval of value for the degree of filling of portable tanks.

<i>PART 5</i>	
5.1.5.1.2	Authorisation of carriage into or through Northern Ireland without shipment approval by a specific provision in a package design approval.
5.1.5.1.3	Approval of provisions under which a consignment may be carried under special arrangement.
5.1.5.1.4.(a)	Receipt of copies of certificates prior to the first shipment of any package requiring competent authority approval.
5.1.5.2.1	All functions of the DoE as competent authority.
<i>PART 6</i>	
6.4.6.4	Approval of transport packages designed to carry 0.1kg or more of uranium hexafluoride if specified conditions are met.
6.4.7.6	Confirmation that Type A package design and manufacturing techniques are acceptable to the competent authority if not in accordance with national or international standards.
6.4.11.6	Specifying, in the certificate of approval for the package design that the package may be designed otherwise than for an ambient temperature range of -40°C to +38°C.
6.4.22	All functions of the DoE as competent authority.
6.4.23 other than 6.4.23.15 and 6.4.23.16	Receipt of all applications for approvals required to be made to the DoE as competent authority and issuing approvals.
6.4.23.15	Receipt of notification of serial numbers.
6.4.23.16	Issuing multilateral approval by validation.