

5<sup>th</sup> July 2016

**MEMORANDUM OF UNDERSTANDING**

**between**

**THE OFFICE FOR NUCLEAR REGULATION**

**and**

**THE HEALTH AND SAFETY EXECUTIVE**

**on**

**EFFECTIVE CO-OPERATION IN REGULATING CONVENTIONAL (NON-NUCLEAR) HEALTH AND SAFETY**

**Introduction**

1. This Memorandum of Understanding (MoU) is between the Office for Nuclear Regulation (ONR) and the Health and Safety Executive (HSE).
2. Its purpose is to ensure effective cooperation and collaboration in the regulation of conventional (non-nuclear<sup>1</sup>) health and safety, including policy matters and the enforcement of health and safety law, at GB nuclear licensed, new nuclear build and authorised defence sites (hereafter referred to as 'ONR's sites'), arising from the transfer of regulatory responsibility from HSE to ONR under the Energy Act 2013. This MoU complements the existing over-arching MoU between the two organisations ("Co-operation between HSE and ONR").
3. ONR is the UK regulator for nuclear safety, security and conventional health and safety on nuclear sites. ONR also regulates radioactive materials transport and ensures that safeguards obligations for the UK are met. ONR enforces a range of legislation including the Nuclear Installations Act 1965 as amended, the Health and Safety at Work Etc. Act 1974, and the Nuclear Industries Security Regulations 2003. The ONR's mission is to provide efficient and effective regulation of the nuclear industry, holding it to account on behalf of the public.
4. HSE is responsible for the regulation of a wide range of risks to health and safety that affect both workers and the public, arising from work activity. Its mission is to protect people's health and safety by ensuring risks in the workplace are properly controlled. HSE proposes and sets necessary UK standards for conventional health and safety performance at all workplaces, including nuclear sites.

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<sup>1</sup> Conventional or non-nuclear health and safety refers to risks arising from operations not associated with nuclear material or nuclear licensed activities; it includes regulation of the Control of Major Accident Hazards Regulations 2015 by ONR as a COMAH Competent Authority.

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### **Purpose and Objectives**

5. ONR and HSE recognise each other's status as independent health and safety regulators and this MoU provides the high level framework for how regulatory activities will be coordinated.
6. Both regulators will aim to work together in line with the provisions of the Regulators' Code, to ensure that regulatory activities are consistent, coordinated and comprehensive in accordance with the principles of the respective Enforcement Policy Statement (EPS) and Enforcement Management Model (EMM).

### **Legislative Environment**

7. This MoU supports delivery of ONR's functions under Part 3 of the Energy Act 2013 for the regulation of conventional health and safety on GB nuclear sites, transferred by the Act from HSE to ONR in April 2014.
8. This MoU confirms the commitment of ONR and HSE to meet the requirements of Section 96(1) of the Energy Act 2013 by entering into arrangements with each other for securing co-operation and the exchange of information in connection with the carrying out of any of their functions.

### **Working Arrangements**

9. ONR and the HSE will work together to coordinate activities, supported by a Guide for inspectors on the delivery of both parties' regulatory responsibilities.
10. ONR and HSE will provide advice to each other for the purposes and aims of this MoU. HSE will bring to ONR's attention any significant change in its key operational procedures, including the EPS and EMM.
11. Where allowed by relevant legislation, ONR and HSE may, by mutual agreement, enter into arrangements to pay for advice or services from the other.

### **Disclosure of information**

12. ONR and HSE will follow the requirements of the Energy Act 2013 and other relevant legislation with respect to the disclosure of information shared under this MoU.
13. ONR and HSE are subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. To encourage a consistent approach to disclosure, if either ONR or HSE is intending to disclose information relevant to the other, it shall make the other aware prior to disclosure.
14. Each party to this MoU will notify the other party, as appropriate and as soon as possible, about information they receive on incidents in the jurisdiction of that body; and by sharing relevant information.

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**Resolution of Disagreements**

15. ONR and HSE will, in the first instance, resolve any disputes at a working level, escalating to relevant managers as appropriate. In the rare occurrence where agreement is not possible at this level, the ONR Chief Executive and the HSE Chief Executive will resolve the issues.

**Review of the Memorandum of Understanding**

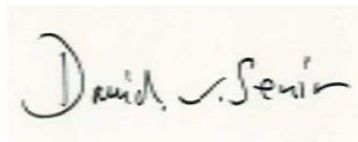
16. Delegated representatives of ONR and HSE will review this MoU and consider any substantive amendments, as necessary and in no more than three years.
17. Either ONR or HSE may terminate this MoU on two months' notice in writing to the other party.

Signed



**David Snowball**

Director of Regulation  
on behalf of the Health and Safety  
Executive



**David Senior**

Director of Policy, Assurance, and International  
on behalf of the Office for Nuclear  
Regulation