

AGENCY AGREEMENT
BETWEEN
THE OFFICE FOR NUCLEAR REGULATION
AND
THE CHIEF OFFICER OF CHESHIRE POLICE
MADE UNDER SECTION 95(1) OF THE ENERGY ACT 2013

This agreement is made on 24TH April 2017 between the Office for Nuclear Regulation (“ONR”) and the Chief Officer of Cheshire Police (“the Chief Officer”) under section 95(1) of the Energy Act 2013 (“the 2013 Act”).

It specifies functions which the Chief Officer will be entitled to perform on behalf of, but not to the exclusion of, ONR. Those functions are functions which in the opinion of the Secretary of State for Work and Pensions can appropriately be performed by the Chief Officer.

IT IS AGREED THAT:

1. The Chief Officer is entitled to perform the function of enforcing, on behalf of ONR, the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (“the 2009 Regulations”) insofar as those regulations have effect in relation to the civil carriage of class 7 goods¹.
2. The Chief Officer’s power to enforce the 2009 Regulations applies only in respect of vehicles which:
 - a. are on a road or in a public place; and
 - b. the police wish to check to ensure comply with the 2009 Regulations.
3. The Chief Officer’s power to enforce the 2009 Regulations applies only within the police areas of Cheshire and excludes any of the following sites within those police areas:
 - a nuclear site²,
 - an authorised defence site³,
 - a new nuclear build site⁴,

¹ Under section 82 of the Energy Act 2013 the ONR has the function of making adequate arrangements for the enforcement of the relevant statutory provisions, which include the 2009 Regulations. The phrases “civil carriage of class 7 goods” and “class 7 goods” have the same meaning as given in paragraph 3(4) of Schedule 1 to the Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (SI 2014/469).

² As defined in section 112 of the 2013 Act.

³ As defined in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998 (SI 1998/494) (“the 1998 Regulations”).

⁴ As defined in regulation 2A of the 1998 Regulations.

- a nuclear warship site⁵,
 - any other site for which there is in force a valid authorisation granted by, or on behalf of, the Secretary of State having responsibility for defence authorising its use for the carrying out of any nuclear related activity.
4. For the purpose of carrying out the enforcement of the 2009 Regulations in accordance with this agreement, the Chief Officer may perform the functions of the ONR in appointing and authorising inspectors pursuant to paragraph 1 and 2 of Schedule 8 to the 2013 Act.
 5. An inspector appointed by the Chief Officer may only be authorised to exercise some or all of the following powers:
 - a. the power set out in paragraph 4 of Schedule 8 to the 2013 Act,
 - b. the power set out in paragraph 5 to that schedule,
 - c. the power to enter premises set out in paragraph 8 to that schedule, but only in respect of vehicles,
 - d. the power set out in paragraph 9 to that schedule, but not the power in paragraph 9(a)(ii),
 - e. the power set out in paragraph 10 to that schedule,
 - f. the powers set out in paragraphs 13 to 16 of that schedule.
 6. This agreement does not affect in any way ONR's power to enforce the 2009 Regulations.
 7. This agreement shall come into effect on the date that it is signed by both parties and if it is signed on different dates, on the later of those dates. The agreement may be terminated by either party giving at least three months' written notice to the other party of its intention to terminate it.

Signed:



NICK BALDWIN, CHAIR ONR.

For and on behalf of ONR

Date:

3/8/17

Signed:



SIMON BYRNE, CHIEF CONSTABLE

For and on behalf of the Chief Officer

Date:

24/4/17

⁵ As defined in regulation 2B of the 1998 Regulations.