

**AGENCY AGREEMENT BETWEEN THE HEALTH AND SAFETY EXECUTIVE AND THE
OFFICE FOR NUCLEAR REGULATION RELATING TO AN INCIDENT AT A NUCLEAR
LICENSED SITE ON 21 OCTOBER 2013.**

THIS AGREEMENT is made between the Office for Nuclear Regulation (“the ONR”) and the Health and Safety Executive (“the Executive”) under section 95 of the Energy Act 2013 and under section 13(4) of the Health and Safety at Work etc. Act 1974. It specifies functions that the Executive agrees to perform on behalf of the ONR. Those functions are functions that in the opinion of the Secretary of State for Work and Pensions can be appropriately performed by the Executive.

In this agreement —

“1974 Act” means the Health and Safety at Work etc. Act 1974

“the incident” means an incident which occurred on 21 October 2013 where a worker, employed by Pyeroy Limited died while operating a mobile elevating work platform at HMNB Devonport submarine refit complex (a nuclear licensed site).

IT IS AGREED THAT –

1. The Executive shall perform on behalf of the ONR its functions under section 18(1A) of the 1974 Act, in relation to the enforcement of the relevant statutory provisions of that Act.
2. In this agreement, “relevant statutory provisions” has the meaning given in section 53 of the 1974 Act.
3. The functions specified in this agreement shall only be exercised in relation to the incident and not in relation to any other matter.
4. The Executive shall be responsible for any costs incurred performing the functions specified in this agreement.
5. Any liabilities arising from the performance of the functions specified in this agreement shall be the responsibility of the Executive.

6. Nothing in this agreement shall require the ONR to make any payment to Executive.
7. In this agreement any reference to an Act of Parliament or to any section of that Act or to any statutory instrument or provision of a statutory instrument shall be construed and read as a reference to that Act of Parliament, section, statutory instrument or provision as from time to time amended, consolidated, modified, extended, re-enacted or replaced.
8. This agreement shall come into force on [14.2.17] once both parties have signed and shall terminate on the conclusion of any enforcement action taken by the Executive in relation to the incident.

Signed by Nick Baldwin

Nick Baldwin

Chair of the Office for Nuclear Regulation

A person duly authorised to sign on behalf of the Office for Nuclear Regulation

Date 14/02/17 .

The common seal of the Health and Safety Executive hereunto affixed is authenticated by:

Signed Martin Temple .

Martin Temple

Chair of the Health and Safety Executive

A person duly authorised to sign on behalf of the Health and Safety Executive.

Date 8th Feb 2017

