

## AGREEMENT UNDER SECTION 13(4) OF THE HEALTH AND SAFETY AT WORK ETC ACT 1974

This Agreement is made between the Secretary of State for Transport ("the Secretary of State") and the Health and Safety Executive ("the Executive") under section 13(4) of the Health and Safety at Work etc Act 1974. It relates to functions that the Executive agrees to perform on behalf of the Secretary of State 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 Secretary of State.
2. Nothing in this Agreement shall prevent the Secretary of State from carrying out any of the functions set out in the Schedule. The Secretary of State shall, where practicable, give notice to the Executive that he or she intends to exercise the relevant function.
3. This Agreement comes into effect on 28 October 2011. It will terminate on the expiry of three months written notice of termination given by either party to the Agreement to the other party.

IN WITNESS of this agreement the corporate seal of the Secretary of State and common seal of the Executive have been affixed here to:

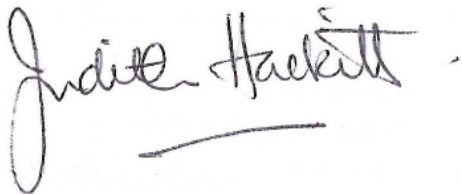
The corporate seal of the Secretary of State hereto affixed is authenticated by:



PHILIP NAYLOR,  
DIRECTOR OF MARITIME SERVICES.

Name of official and title

The common seal of the EXECUTIVE hereunto affixed is authenticated by: -



Judith Hackitt

Chair, Health and Safety Executive

## SCHEDULE

### FUNCTIONS TO BE PERFORMED BY THE EXECUTIVE ON BEHALF OF THE [SECRETARY OF STATE]

The International Maritime Dangerous Goods Code (“the IMDG Code”). is published by the International Maritime Organisation. The edition published in 2008 incorporating Amendment 34-08 is mandatory for operations from 1 January 2010<sup>1</sup>.

The IMDG Code includes obligations related to the transport by sea of class 7 goods<sup>2</sup> to be discharged by the competent authority. The competent authority of the United Kingdom for the purposes of the obligations of the IMDG Code related to the transport of dangerous goods by sea is, by virtue of Merchant Shipping Act 1995, the Secretary of State.

The functions of the Secretary of State as Competent Authority set out below are, in so far as they relate to the transport by sea of class 7 goods, to be performed by the Executive.

For the purposes of this Agreement, a reference to a provision of the 2008 edition of the IMDG Code shall be deemed to be a reference to the corresponding provision in any subsequent edition of the IMDG Code.

<i>Provision of the 2008 Edition of the IMDG Code</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.
1.5.2.3	Inspection of Radiation Protection Programme documentation.
1.5.3	All functions of the Secretary of State as the Competent Authority.
1.5.4	Approval of applications for special arrangement approval.
1.5.6	Receipt of notifications of non-compliance.
<i>PART 2</i>	
2.7.2.2.2	Multilateral approval of basic radionuclide values referred to in 2.7.2.2.1 for individual radionuclides not listed in Table 2.7.2.2.1.
2.7.2.3.3	Unilateral approval of Special Form radioactive material. Definition of acceptable 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.
2.7.2.3.4	Multilateral approval of the design for low dispersible radioactive material.
<i>PART 4</i>	
4.1.9.1.7.4	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

<sup>1</sup> Compliance with the 2008 edition of IMDG Code is required on United Kingdom ships wherever they may be and on other ships while they are in United Kingdom waters by the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997

<sup>2</sup> For the purposes of this Agreement, Class 7 goods has the meaning given by the IMDG Code

	closely enough to demonstrate compliance with temperature and pressure
4.2.1.16.2	Approval of other value for the degree of filling of portable tanks.
<i>PART 5</i>	
5.1.5.1.2	Authorisation of transport into or through UK 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 transported under special arrangement
5.1.5.1.4.1	Receipt of copies of certificates prior to the first shipment of any package requiring competent authority approval.
5.1.5.1.4.2	Receipt of notification of shipments of Type C and Type B(U) packages with an activity of greater than 3000 A <sub>1</sub> or A <sub>2</sub> (as appropriate) or 1000 TBq (whichever is the lower); Type B(M) packages; and shipments under special arrangement.
5.1.5.2.1	All functions of the Secretary of State as Competent Authority.
<i>PART 6</i>	
6.4.7.6	Confirmation that Type A package design and manufacturing techniques are acceptable if not in accordance with national or international standards
6.4.6.4	Approval to transport packages designed to carry 0.1kg or more of uranium hexafluoride and meeting specified conditions.
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 <i>other than</i> 6.4.22.1(b)	All functions of the Secretary of State as competent authority.
6.4.22.1(b)	Unilateral approval of designs that meet the provisions of 6.4.6.1 - 6.4.6.3 unless multilateral approval is otherwise required by the IMDG Code
6.4.23 other than 6.4.23.15 and 6.4.23.16	Receipt etc. of all applications required to be made to the Secretary of State as competent authority.
6.4.23.15	Receipt of notification of serial numbers
6.4.23.16	Issuing multilateral approval by validation
<i>PART 7</i>	
7.1.14.4	Determining etc. special stowage provisions for packages or overpacks