



**AGENCY AGREEMENT BETWEEN THE HEALTH AND SAFETY EXECUTIVE AND THE  
OFFICE FOR NUCLEAR REGULATION REGARDING THE DELEGATION OF  
INSPECTION FUNCTIONS**

THIS AGREEMENT is made between the Health and Safety Executive (the “Executive”) and the Office for Nuclear Regulation (the “ONR”) under section 13(3) of the Health and Safety at Work etc. Act 1974 (the “1974 Act”) and section 90(1) of the Energy Act 2013 (the “2013 Act”). It specifies functions that ONR agrees to perform on behalf of the Executive. Those functions are functions that in the opinion of the Secretary of State for Work and Pensions can appropriately be performed by ONR.

WHEREAS

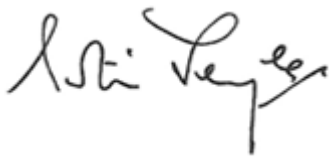
- A. For the purposes of the provisions of the Radiation (Emergency Preparedness and Public Information) Regulations 2019 (“REPPIR”), ONR is the regulator in relation to premises that are nuclear licensed sites, authorised defence sites, new nuclear build sites and nuclear warship sites (“ONR regulated premises”) and the Executive is the regulator in relation to premises other than ONR regulated premises (as per the definition of regulator in regulation 2(1) of REPPIR).
- B. ONR is also the enforcing authority for the provisions of REPPIR in so far as they apply to ONR regulated premises (in accordance with section 18(1A) of the 1974 Act, and regulations 4A(1) and 4A(2)(aa) of the Health and Safety (Enforcing Authority Regulations) 1998). The Executive is the enforcing authority in relation to premises other than ONR regulated premises (in accordance with section 18(1) of the 1974 Act).
- C. While REPPIR does not specifically apply to the transport of radioactive materials, operators of transit sheds, depots, warehouses or other premises where radioactive materials may or may not be unloaded and stored whilst being transported (“transit premises”) will be subject to REPPIR if they handle or store non-exempt quantities of radionuclides or masses of fissile material greater than those indicated in Schedules 1 and 2 in REPPIR, even on a temporary basis. The Executive is the regulator and the enforcing authority where transit premises in relation to which REPPIR applies are, or are on, non-ONR regulated premises.
- D. Under Part 3 of the 2013 Act, ONR’s purposes include transport purposes, which relate to protecting against risks relating to the civil transport of radioactive material in Great Britain by road, rail and inland waterway, and ensuring the security of radioactive material during civil transport of the same. ONR enforces the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 and the Ionising Radiations Regulations 2017 in relation to the civil transport of radioactive material, and the Nuclear Industries Security Regulations 2003.

E. Given the ONR's transport purposes and its existing responsibilities in relation to the enforcement of regulations concerning the transport of radioactive material, it is proposed that ONR be the regulator responsible for specific types of works and premises relating to the civil transport of radioactive material, including those under REPPIR. This Agreement therefore delegates from the Executive to ONR the regulator role under REPPIR and the enforcing authority role for REPPIR in so far as REPPIR applies in relation to transit premises used during the civil transport of radioactive material. It is recognised that, in doing so, the Executive and ONR accept that ONR must discharge this delegated regulatory authority consistent with ONR's Enforcement Management Model <sup>\*</sup>(EMM); and Enforcement Policy Statement <sup>†</sup>(EPS)

IT IS AGREED THAT –

1. The ONR will perform on behalf of the Executive such functions:
  - (a) as are conferred on the Executive by virtue of being the regulator under REPPIR in so far as REPPIR applies in relation to transit premises used during the civil transport of radioactive material; and
  - (b) [by or] under the 1974 Act as are conferred on the Executive by virtue of being an enforcing authority for REPPIR in so far as REPPIR applies in relation to transit premises used during the civil transport of radioactive material.
2. This Agreement comes into effect on 28 July 2020. This agreement can be terminated by either party at any time, provided that written notice of termination is given to the other party.
3. If notice of termination is served on either party under paragraph 2, that notice shall take effect three months after the date on which the notice of termination is given.

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



Signed by: \_\_\_\_\_

Date 27/7/2020

Martin Temple

Chair of the Health and Safety Executive

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



Signed by: \_\_\_\_\_

Date 28/7/2020

Mark McAllister

Chair of the Office for Nuclear Regulation

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

<sup>\*</sup> <http://www.onr.org.uk/operational/investigations/onr-enf-gd-006.pdf>

<sup>†</sup> <http://www.onr.org.uk/documents/enforcement-policy-statement.pdf>