



<b>Health and Safety Executive</b>		<b>Operational Circular</b>	
		<b>OC 482/5</b>	
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Target Audience:  
All HSE Professional Staff (Bands 0-4)

**ADMINISTRATIVE ARRANGEMENTS BETWEEN HSE AND THE  
ENGINEERING INSPECTORATE OF THE DEPARTMENT OF TRADE  
AND INDUSTRY (DTI)**

This OC describes the [arrangements](#) between HSE and the Engineering Inspectorate of DTI regarding enforcement of, and advice on, overlapping legislation covering electricity generation, transmission, distribution and supply.

**BACKGROUND**

1 The Engineering Inspectorate of the DTI enforces the Electricity Safety, Quality and Continuity Regulations 2002 (ESQCR) in England and Wales, and advises the Scottish Executive on its enforcement in Scotland. Amongst other matters, they have responsibilities in relation to:

- (1) the design, construction, operation and maintenance of the electricity transmission, distribution and supply system up the customer's supply terminals; and
- (2) the provision of physical safeguards to protect all persons other than those involved in work on the system from dangers arising from it, including possible risks to health from exposure to non-ionising electromagnetic radiation.

2 There are areas of overlap between ESQCR and HSW Act ss.2 and 3 and certain types of incident will be reportable to both HSE and DTI. The purpose of the [Memorandum](#) is to ensure that:

- (1) there will be adequate enforcement cover;
- (2) there will be no unnecessary duplication of effort; and
- (3) all reasonable steps are taken to avoid giving conflicting advice.

**SUMMARY OF THE ARRANGEMENTS**

3 As a general principle, where an incident arises from work on or near the system, then HSE will lead. Where an incident arises from leisure and other non-work related activities in proximity to electrical plant, or from equipment failure DTI will lead.

4 HSE inspectors who wish to investigate an incident which is also likely to involve a breach of ESQCR should, after discussing first with the principal electrical inspector or principal

engineering inspector in the case of the Mines Inspectorate, make contact with DTI (020 7215 5000) to discuss their proposed action with them.

5 If it is not possible to agree that only one inspectorate will investigate, an attempt should be made to identify different areas of investigation and to agree who will take the overall lead. A dual investigation might, for example, be necessary where a serious incident involves both a breach of ESQCR and the failure of a permit to work system. Principal inspectors (PIs) should inform Utilities Section of any other circumstances in which they conclude that a dual investigation cannot be avoided.

6 If for any reason agreement is not possible, HSE inspectors should contact Utilities Section before taking further action.

7 When a joint investigation has been agreed with DTI taking the lead, the HSE inspector should consult DTI before giving any advice or taking any enforcement action. This is to ensure that there is no conflict between HSE and DTI actions. If agreement cannot be reached, Utilities Section should be consulted.

8 In addition, HSE inspectors should inform in writing, the DTI's Chief Engineering Inspector, Energy Innovation and Business Unit, 1 Victoria Street, London, SW1H 0TJ when they discover what they believe to be a matter of evident concern which is covered by ESQCR. This should be done if the matter is discovered during a routine inspection or in the course of investigation carried out solely by HSE. Examples of matters of evident concern are given at para 11.

9 Similar considerations to those in para 4 should apply following an approach by a DTI inspector. The PI should, however, feel no obligation to arrange an investigation if DTI indicates that they will not be carrying out one. The decision to investigate should be made using the normal criteria.

10 Inspectors should also inform Utilities Section of any other difficulties they encounter in putting arrangements into practice.

#### MATTERS OF EVIDENT CONCERN

11 As HSE inspectors will not be familiar with the detailed requirements of ESQCR, discussions have been held with DTI and the following examples of matters of evident concern have been agreed:

- (1) a substation where a security fence or door has been damaged to an extent that the access for members of the public, especially young children, would be easy;
- (2) an overhead line where material had been deposited beneath the line so as to reduce significantly the original ground clearance;
- (3) a pylon which lacked the barbed wire surround designed to make it difficult to climb;
- (4) an overhead line where adjacent trees had been allowed to grow to such an extent that close access to the conductors could be obtained by climbing the tree; and

(5) apparatus owned by an electricity distributor, but situated in premises occupied by another person and which is dangerous by virtue of its location or accessibility to members of the public, especially where live conductors are exposed and dangerous to persons not employed by the electricity supplier.

12 Any inspector who feels concern about a matter not amongst these examples should initially discuss it by telephone with DTI and send written confirmation if they agree that the matter is of concern. A copy of the letter should be sent to Utilities Section.

#### NON-IONISING ELECTROMAGNETIC RADIATION (NIEMR)

13 Enquiries from the general public relating to the possible health risks of NIEMR arising from the electricity generation, transmission, distribution and supply system should be referred to DTI.

#### CANCELLATION OF INSTRUCTIONS

14 OC 482/5 Version 1 (18/12/1996) – **cancel** and **destroy**.

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