

AGREEMENT UNDER SECTION 13(1)(b) OF THE HEALTH AND SAFETY AT WORK ETC ACT 1974

THIS AGREEMENT is made the day of 2007 between the Secretary of State for Trade and Industry (“the Secretary of State”) and the Health and Safety Commission (“the Commission”) under section 13(1)(b) of the Health and Safety at Work etc Act 1974 (“the 1974 Act”). It relates to the functions that the Commission 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 Commission in connection with its functions.

IT IS AGREED THAT:

1. Subject to paragraphs 2 and 3, the Commission shall perform the functions set out in the Schedule on behalf of the Secretary of State.
2. The Commission shall direct the Health and Safety Executive under section 11(4) of the 1974 Act as from the date upon which this Agreement has effect to exercise on behalf of the Commission the functions that the Commission agrees to perform pursuant to this Agreement.
3. This Agreement shall come into effect on the 1st April 2007. It shall terminate on the expiry of three months written notice of termination given by any party to the Agreement to the other party.

The corporate seal of the Secretary of State for Trade and Industry hereunto affixed is authenticated by:

MELVYN DRAPER
An official of the Department of Trade and Industry

IN WITNESS Whereof the Common Seal of the Health and Safety Commission is affixed and authenticated by:

BILL CALLAGHAN
Chair of the Commission

SCHEDULE

Functions to be performed by the Commission on behalf of the Secretary of State

Part 1: Statutory Functions

1. **Nuclear Safeguards Act 2000 (c.5)**

Such functions as are set out below, and any other function conferred on the Secretary of State by those provisions.

<i>Provision</i>	<i>Function</i>
Section 1	Authorisation of persons for the purpose of exercising powers under the Act
Section 2	Receiving information
Section 4	Possessing information
Section 5	Issuing or authorising the issue of certificate regarding Agency inspector
Section 7	Receiving information

2. **Nuclear Safeguards (Notification) Regulations 2004 (S.I. 2004/1255)**

The Secretary of State's functions under regulations 4, 5 and 6 (which principally relate to the notification of specified activities).

3. **Atomic Energy Act 1946 (c.80)**

Such functions as are set out below, and any other function conferred on the Secretary of State by those provisions.

<i>Provision</i>	<i>Function</i>
Section 4	Receiving information
Section 5	Authorisation of persons to exercise power of entry and inspection
Section 11	Consent to disclose information
	Authorisation of persons
Section 13	Authorisation to disclose information

4 **Nuclear Safeguards and Electricity (Finance) Act 1978 (c.25)**

The Secretary of State's function under section 2(8) of the Act (which relates to the issue of and authorisation to issue a certificate regarding designation under section 2(1) of that Act).