

Memorandum of Understanding between the Health and Safety Executive for Northern Ireland, the Maritime and Coastguard Agency and the Marine Accident Investigation Branch for health and safety enforcement activities etc. at the Water Margin and Offshore

1. FRAMEWORK OF UNDERSTANDING

1.1 Introduction

1.1.1 This Memorandum of Understanding is made between the Chief Executive of the Health and Safety Executive for Northern Ireland (HSENI), the Chief Executive of the Maritime and Coastguard Agency (MCA) and the Chief Inspector of Marine Accidents, Marine Accident Investigation Branch (MAIB). Its purpose is to ensure effective co-ordination between those organisations where their duties for health and safety enforcement and accident investigation overlap at the water margin, offshore and on inland waterways.

1.1.2 The organisations undertake to use their best endeavours to co-operate effectively to enable and assist each other to carry out their responsibilities and functions and to maintain effective working arrangements for that purpose. Such co-operation shall improve the effectiveness of each of the parties and avoid difficulties which might arise from uncoordinated approaches by the organisations.

1.1.3 The underlying principles that have been followed are:-

- the need to secure consistent standards of protection for all seafarers, shore based personnel, those who work offshore and others affected by their work activities; and
- to avoid, so far as is possible, duplication of inspection, accident investigation and enforcement.

1.2 Status of the Parties to this Memorandum of Understanding

1.2.1 The Health and Safety Executive for Northern Ireland was set up in 1999 as a Non Departmental Public Body with Crown Status. It is a statutory body, with a chairman and nine other members. The main function of the Health and Safety Executive is to make arrangements to secure the health, safety and welfare of people at work and to protect the public from dangers arising from work activities. HSENI's statutory powers and responsibilities are derived from the Health and Safety at Work (Northern Ireland) Order 1978 and associated relevant statutory provisions including the Docks Regulations (Northern Ireland) 1989 and other related legislation. HSENI is sponsored by the Department for Enterprise Trade and Investment Northern Ireland.

- 1.2.2 The Maritime and Coastguard Agency was established on 1st April 1998 as an Executive Agency created by the merger of the Coastguard Agency and the Marine Safety Agency. Its main functions are to develop, promote and enforce high standards of marine safety, to minimise loss of life amongst seafarers and coastal users and to minimise pollution from ships of the sea and coastline. The MCA's statutory powers and responsibilities derive primarily from the Coastguard Act 1925, the Merchant Shipping Act 1995 and the Merchant Shipping and Maritime Security Act 1997 and associated secondary legislation. MCA is an Agency of the Department for Transport (DfT).
- 1.2.3 In coastal UK territorial and estuarial waters, HM Coastguard is responsible for search and rescue, and has policy responsibility for the safety of non-regulated pleasure craft.
- 1.2.4 The Marine Accident Investigation Branch (MAIB) was set up in 1989 with responsibility for investigating accidents to determine their circumstances and causes. Its legislative powers are primarily contained in Part XI of the Merchant Shipping Act 1995 and associated secondary legislation. The Chief Inspector of Marine Accidents reports directly to the Secretary of State on the investigation of specific accidents. MAIB is in the Railways, Aviation, Logistics, Maritime and Security Group of the Department for Transport (DfT).
- 1.2.5 Ports Division exercises the Secretary of State's powers under the Coast Protection Act 1949 to ensure that coastal works, including the siting of offshore installations, create no hindrance to navigation. The Act was extended by the Continental Shelf Act 1964 to all parts of the UK Continental Shelf.
- 1.2.6 The Director of Logistics and Maritime Transport, DfT, is responsible for policy oversight and co-ordination of the MCA, MAIB, and the Shipping Policy and Ports Divisions.

1.3 Northern Ireland Arrangements

- 1.3.1 It is recognised that a comprehensive MOU between MCA, MAIB and HSE in Great Britain (hereafter called the Principal MOU), is already established, and that the remit of MCA and MAIB is UK wide (in contrast to HSENI where activities are restricted to NI only).
- 1.3.2 For Northern Ireland matters this MOU will commit the 3 named organisations to follow the principles and arrangements outlined in the Principal MOU. (In the event that differing organisational and legislative structures in NI prevent this, then for that specific instance, a separate arrangement will be agreed and documented.)

1.4 Liaison Arrangements

- 1.4.1 The organisations shall maintain arrangements:-
- To monitor the functioning of the agreement; and
 - To ensure the efficient and effective conduct of business between the organisations.

1.5 Monitoring of the Agreement

- 1.51 The working of the agreement and the need for changes or additions to this memorandum are kept under review by the organisations. Any amendments proposed would need to be agreed by all parties.
- 1.52 In particular, there may be a meeting held periodically by the Chief Executive of MCA, the Chief Inspector of Marine Accidents and the Chief Executive of HSENI (or their designated representatives) to review this Memorandum. Other representatives may be invited to attend as appropriate.

1.6.1 Contact Points

- 1.61 Liaison arrangements for HSENI are through the Transport and Public Utilities Group (Contact Tel No 028 9024 3249 Note: 24 hour arrangements are in place).
- 1.62 Matters relating to the carriage of radioactive material are dealt with by The Environmental Heritage Service of the Department of the Environment for Northern Ireland (Contact Tel No 028 9025 4754).
- 1.63 Matters relating to firearms and explosives are dealt with by the Northern Ireland Office Firearms and Explosives Branch. (Contact Tel No 028 9052 3463).

This Memorandum is Signed By

Jim Keyes

**Chief Executive, Health
and Safety Executive
for Northern Ireland**

DATE:

John Astbury

**Chief Executive,
Maritime and Coastguard
Agency**

DATE:

Stephen Meyer

**Chief Inspector of
Marine Accidents,
Maritime Accident
Investigation Branch,
Dept for Transport**

DATE: