



Minister of State

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7 August 1980

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Minister of State
Department of Energy
Thames House South
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Dear Hamish,

BURGOYNE COMMITTEE REPORT

In my letter of 19th May I agreed with your proposal, with which Patrick Mayhew and Norman Tebbit were content, that an official group should meet under CSD chairmanship to examine and report to Ministers on the issues of inter-departmental responsibility raised in the Burgoyne Report. The group has now completed its work. I enclose a copy of the note which it has prepared setting out proposals for the future distribution of responsibilities. (The scheme leaves undisturbed the present responsibilities of the Department of Trade).

I hope that these proposals will prove acceptable to you and to the other departmental Ministers concerned. If so, I think it will be for you and Patrick Mayhew to carry out any further discussions or consultations that you may think necessary (in particular with the HSC). It will then be for Jim Prior as the "ceding" Minister to obtain the Prime Minister's agreement to the proposed change in Ministerial responsibilities.

I am copying this letter to Patrick Mayhew, Norman Tebbit, and for information to Mr Whitmore (No 10).

PAUL CHANNON

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PROPOSALS FOR THE FUTURE DISTRIBUTION OF THE RESPONSIBILITIES FOR OFFSHORE SAFETY NOW EXERCISED BY THE DEPARTMENTS OF EMPLOYMENT AND ENERGY AND BY THE HEALTH AND SAFETY COMMISSION

Ministerial responsibility

Three Secretaries of State - of Employment, Energy and Trade - have responsibilities for health and safety offshore. In its recommendations on the division of responsibilities the Burgoyne Committee did not question the part played by the Secretary of State for Trade, which covers the safety of ships and seafarers, and no change is proposed in this note. In relation to the Committee's recommendation for a single government agency responsible for other aspects of offshore safety, there is a good case for unifying the separate responsibilities now exercised by the Secretaries of State for Employment and Energy. In theory, one way of achieving this would be for the responsibilities to be exercised by the two Secretaries of State acting together; but there are clear practical advantages in one or other Secretary of State being solely responsible, provided that this can be done so as to find an acceptable balance between the majority and minority views expressed by the Burgoyne Committee. Officials recommend that the most appropriate solution would be for the Secretary of State for Energy to take sole Ministerial responsibility, looking to HSC for policy advice and the preparation of legislation, as in the case of nuclear safety.

2. Policy-making responsibility

(a) Subject to the ultimate authority of the Secretary of State for Energy, the Health and Safety Commission would become fully responsible for the making of policy (ie the development of legislation and guidance) in so far as relevant to health and safety at work in connection with offshore installations. This means that the Commission would retain its existing offshore policy responsibilities for occupational health and safety, and that blow-out and associated fire prevention and technical aspects of the structural integrity of offshore installations*, in so far as these are relevant to health and safety at work, would be included in its responsibilities. In addition the Commission would be made more clearly responsible for administering and keeping under review other relevant legislation for which the Secretary of State for Energy has Ministerial responsibility.

* In this context, submarine pipelines are not regarded as offshore installations because their structural integrity has little relevance for Health and Safety at Work (see paragraph 4 on "pipe laying works")

(b) In all these aspects, the Commission would look to the (PED) of the Department of Energy for advice. Ministers may be expected to regard the Commission as their principal source of advice in respect of health and safety at work in connection with offshore installations and submarine pipelines, excluding matters concerned with shipping and seafarers. It is recognised, however, that Department of Energy Ministers might also turn to PED officials directly for information and advice on a range of offshore matters.

3. Policy-making machinery.

(a) Advisory Committees: The Health and Safety Commission would be asked to consider the possibility of setting up an Offshore Oil and Gas Industry Advisory Committee either by converting their Oil Industry Advisory Committee (which has no formal responsibility for advising on offshore gas matters) or by setting up a new committee. It might be desirable to include some independent experts on this Committee. The chairmanship of the Committee would be provided by PED, and appropriate HSE and Department of Trade officials would attend as advisers and/or observers.

(b) Official: under the Commission and in conjunction with the new Industry Advisory Committee, the development of policy in respect of health and safety at work in connection with the offshore oil and gas industries* would be entrusted to PED in the same way as the development of policy in respect of the health and safety of workers in the railways industry has been entrusted to the Railway Inspectorate of the Department of Transport, and would likewise be the subject of an agency agreement under s.13 of the 1974 Act. This means that the head of PED (or his immediate deputy), like the head of a policy or enforcement division of HSE, would attend the HSE Management Board in order to present PED's proposals before submitting them to the Commission, and also in order to participate in the Board's consideration and endorsement of those proposals from other policy divisions which could have relevance to the offshore oil and gas industries as well as to other industries. HSE's Safety Policy Division would no longer have any special policy-making role in respect of the offshore oil and gas industries, but would remain responsible for liaison between the rest of HSE and PED and for the administration of the agency

* The term "offshore oil and gas industries" as used in this note excludes matters concerned with shipping and seafarers.

agreement between the Commission and the Secretary of State for Energy. Posts within HSE's Safety Policy Division which have been dedicated to the offshore oil and gas industries would be transferred to PED; some if not all of the staff concerned would be moved with their posts, on secondment or permanent transfer. Within PED these posts would be primarily dedicated to health and safety at work in the offshore oil and gas industries and would accordingly continue to be financed by HSE via the agency agreement.

(c) HSC would remain responsible for the safety of all diving activities under the Health and Safety at Work Act; PED and HSE acting jointly on behalf of the Commission would formulate policy.

(d) No change is proposed in the role of the Employment Medical Advisory Service of HSE, which would continue to be the source of advice on medical matters affecting the offshore oil and gas industries.

4. Enforcement responsibility.

Under an agency agreement, PED would continue to be responsible for enforcing the Health and Safety at Work etc Act 1974 on behalf of the Health and Safety Executive in its application to work in connection with offshore installations. In addition, responsibility for enforcing the Health and Safety at Work Act in respect of pipe-laying etc works offshore should be transferred from H M Factory Inspectorate to PED. Moreover, the understanding which is already reflected in the financing of the agency agreement that PED are responsible to HSE for enforcing the ^{relevant parts of} the Mineral Workings (Offshore Installations) Act 1971 and the associated Regulations made by the Department of Energy as well as the general duties of the HSW Act would be made more explicit. There would be continuing liaison between HSE and PED to ensure common standards and practices in the enforcement of safety both onshore and offshore.

5. Department of Trade's policy and enforcement responsibilities.

Nothing in these arrangements would affect the Department of Trade's policy and enforcement responsibilities for health and safety offshore in respect of ships and seafarers.

- 8 AUG 1980

