



PRIME MINISTER

Your Private Secretary wrote on 31 ^{on post 7} January 1983 confirming your agreement to the proposal that the safety responsibilities exercised by this Department's Gas Standards Branch should be transferred to the Health and Safety Executive. At that stage it was envisaged that the Health and Safety Commission and its Executive would report to me on the discharge of these responsibilities.

Since then officials have been working on the mechanics of the proposed transfer. Because of the complexities there has been some slippage in the timetable but we are now ready to put a transfer in place.

The work on the details has highlighted grey areas in the proposed arrangements on account of the separate responsibilities of the Secretaries of State for Energy and Employment. At its simplest it concerns my responsibility for the Gas Regulations and the Employment responsibility for Health and Safety at Work which impinges on areas of gas safety.

I therefore propose, and Tom King agrees, that the responsibilities for gas safety which currently lie with the Secretary of State for Energy should be transferred to the Secretary of State for Employment. Essentially this would mean transferring the power to make regulations under S 31 of the Gas Act 1972 and the associated powers under section 42 and 43 on penalties and prosecutions, and the enforcement of the Gas Safety Regulations 1972 and the Right of Entry Regulations 1983. The Secretary of State for Employment would also become responsible for the making of gas appliance safety orders under the Energy Conservation Act 1981. The legislation is framed in the general terms of 'the Secretary of State', and no changes in the legislation are required to effect a transfer. A Ministerial transfer would not only avoid blurred areas of responsibility which would not be resolved by an executive transfer, but would also avoid problems associated with the interface between responsibility for policy and responsibility for resources. More important it would be another step towards achieving the objective of a co-ordinated approach to health and safety matters. We believe that it would be welcomed by the public. Ministers in both Departments take the view that, subject to your agreement, the transfer should be effected at an early date. I have in mind 1 January. It would be administratively convenient yet allow sufficient time to consult BGC and make



a public announcement by way of an arranged PQ. It would be helpful therefore if you and colleagues could give your early agreement to the proposal.

I am copying this to the Lord Chancellor, the Secretary of State for the Home Department, the Secretary of State for Employment and Sir Robert Armstrong.

A handwritten signature in blue ink, appearing to read 'P. Walker'.

PETER WALKER

28 November 1983

29 NOV 1983



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10 DOWNING STREET

From the Private Secretary

22 December 1983

GAS SAFETY RESPONSIBILITIES

Thank you for your letter of 19 December. The Prime Minister is content with the revised timing proposed for the transfer of gas safety responsibilities. She also agrees that your Secretary of State should announce the change by way of an arranged Question after the Christmas Recess.

I am sending copies of this letter to the recipients of yours.

M. F. Reidy, Esq.,
Department of Energy.

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SECRETARY OF STATE FOR ENERGY
THAMES HOUSE SOUTH
MILLBANK LONDON SW1P 4QJ

01-211-6402

Prime Minister

Content with the revised
timing for this announcement?

DMB
21/12

19 December 1983

Yes mb

David Barclay Esq
Private Secretary to the
Prime Minister
10 Downing Street
LONDON SW1

Dear David

Thank you for your letter of 16 December confirming the Prime Minister's agreement to the transfer of my Secretary of State's gas safety responsibilities to the Secretary of State for Employment.

When Mr Walker minuted the Prime Minister on 28 November he said that he had in mind 1 January for transfer. Given the short time that now remains this is no longer practical. We therefore propose to make the transfer effective from 1 February and to make an announcement by way of an arranged Question immediately after the Christmas Recess.

I would be grateful for your confirmation that the Prime Minister is content with these arrangements.

Copies of this letter go to Richard Stoate (Lord Chancellor's Office), Tony Rawsthorne (Home Office), Barnaby Shaw (Employment) and Richard Hatfield (Cabinet Office).

Yours ever
Michael

M F REIDY
Private Secretary

DRAFT QUESTION AND ANSWER

Q. To ask the Secretary of State for Energy what steps he proposes to take to remove the present overlap in gas safety responsibilities between himself and the Secretary of State for Employment.

A. It is intended that, as from 1 February 1984, the gas safety responsibilities which I now exercise should be transferred to the Secretary of State for Employment. Broadly, these responsibilities involve the power to make gas safety regulations under S 31 of the Gas Act 1972 and the associated powers on penalties and prosecutions under S's 42 and 43; and the enforcement of the Gas Safety Regulations 1972 and the Gas Safety (Rights of Entry) Regulations 1983. The Secretary of State for Employment will also become responsible for making gas appliance safety orders under the Energy Conservation Act 1981 and for associated questions relating to gas appliance safety, including European Community activities in this area.

I understand that my RHF intends to make an agency agreement with the Health and Safety Commission to carry out most of these functions on his behalf. In addition, I propose to make a separate agreement with the Health and Safety Commission to cover the issue of consents under S 29 of the Gas Act 1972, since currently safety is the only consideration.

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10 DOWNING STREET

From the Private Secretary

16 December 1983

Ministerial Responsibility for Gas Safety

The Prime Minister was grateful for your Secretary of State's minute of 28 February.

The Prime Minister agrees that the Ministerial responsibilities for gas safety which currently lie with your Secretary of State should be transferred to the Secretary of State for Employment, on the understanding that both Mr. Walker and Mr. King agree that the Secretary of State for Employment has the lead interest.

The Prime Minister agrees that the transfer should take effect on 1 January, and that it should be announced in advance.

I am sending copies of this letter to the Private Secretaries to the recipients of your Secretary of State's minute.

MRS D. BARCLAY

Michael Reidy Esq
Department of Energy.

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PRIME MINISTER

Ministerial Responsibility for Gas Safety

Sir Robert Armstrong recommends in the attached minute that you should agree to the transfer of responsibility for gas safety regulations from the Secretary of State for Energy to the Secretary of State for Employment. Mr. King would also assume responsibility for the executive work of the HSE in this area.

This transfer raises a more general question about responsibility for safety. It is not logical, for example, that DTI should be responsible through the BEAB for the safety of electrical appliances whereas the Department of Employment and HSE will, if you agree to this transfer, be responsible for the safety of gas appliances. There may be a case therefore for a more general look at Ministerial responsibility in this area - though you may prefer to leave matters as they stand rather than run the risk that HSE would use a more general review to argue for an extension of their role.

Agree to the gas safety transfer on the basis set out in paragraph 4 of Sir Robert Armstrong's minute? Yes

Do you wish to suggest a more general review of Ministerial responsibilities in this area? No

DMB

MB

DAVID BARCLAY

14 December, 1983


Ref. A083/3450

PRIME MINISTER

You agreed last January that gas safety work should be transferred from the Department of Energy's Gas Standards Branch to the Health and Safety Executive. You also agreed that the Health and Safety Executive should report on this work to the Secretary of State for Energy, who would continue to be responsible for making the necessary regulations for controlling gas installation and appliances under the Gas and Energy Conservation Acts. The Secretary of State for Energy, with the support of the Secretary of State for Employment, has now suggested (his minute of 28 November) that the regulation-making powers and the reporting lines should be transferred to the Secretary of State for Employment, who is the Health and Safety Executive's sponsoring Minister.

2. The main argument in favour of the transfer is that the Secretary of State for Employment's general responsibilities for health and safety at work already give him an important interest in gas safety regulations and that there would therefore by some blurring of responsibilities if the Secretary of State for Energy had the responsibility for making regulations. Mr Walker also mentions two other arguments. One is that a transfer to the Secretary of State for Employment would be more efficient because a single Minister would be responsible both for determining the resources devoted to gas safety regulation and for determining gas safety policy. The other is that a transfer would be welcomed by the public as another step towards a co-ordinated approach to health and safety matters. There has apparently also been some public and union objection to the situation in which the Department of Energy is responsible both for gas energy policy, which may have one set of objectives and constraints, and for gas safety policy which may have another.

3. If, as it appears, the two Secretaries of State are satisfied that the lead interest in gas safety regulations in practice belongs to the Secretary of State for Employment, and if



the Secretary of State for Energy is also satisfied that his interests and those of the industry he sponsors can be properly covered by consultation arrangements, then I see no particular difficulty in your agreeing to the transfer even though the regulations extend beyond the work place. But I think it is important that the transfer should not be seen as a precedent for switching to the Secretary of State for Employment responsibilities for health and safety in other fields on which the Health and Safety Executive now reports to other Secretaries of State. Examples are nuclear power installations where the responsibility rests with the Secretary of State for Energy and the transport of dangerous goods where it rests with the Secretary of State for Transport. There is certainly a case for co-ordination of Government policies on health and safety - indeed this co-ordination is one of the things achieved by the establishment of the Health and Safety Commission and Executive with its wide ranging responsibilities. But I am doubtful whether a co-ordinated approach necessarily means a single reporting line to one Secretary of State. In any event you would want, I think, to have a more thorough machinery of government review to determine the balance of advantage.

4. I would therefore recommend that you agree to this particular transfer on the understanding that the two Secretaries of State believe that the Secretary of State for Employment has the lead interest in these particular regulations. But, if you do agree, I do not think that that should be taken as a precedent for any subsequent proposals which may be made to change the Health and Safety Executive's reporting lines to other Secretaries of State on other matters. Any such proposals would require a more thorough analysis and review of health and safety responsibilities.

RTA

ROBERT ARMSTRONG

14 December 1983

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