



MINISTRY OF DEFENCE

Daniel Applegate
Director

Defence Safety and Environment Authority

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Your Reference

Our Reference
DSEA-CPA-04-03
DA-10-12
Date
2 April 2012

DELEGATION OF AUTHORITY AND RESPONSIBILITY – DSEA DEFENCE MARITIME REGULATOR

Reference : D/VCDS&2ndPUS/3/3/16 dated 8 Feb 2012

1. As Director of the Defence Environment and Safety Authority (DSEA), I have principal responsibility within Defence for safety and environmental protection policy, standards and regulation outside aviation. Under the authority given to me at Reference, I hereby appoint you as the DSEA Regulator for Maritime Safety & Environmental Protection (including MOD shipping & diving), and I define your regulatory authority and responsibilities in this Letter of Delegation¹.

2. SofS's Policy Statement² requires that "*where there are exemptions or derogations from either domestic or international law applicable to Defence, we will introduce standards and management arrangements that produce outcomes that are, so far as reasonably practicable, at least as good as those required by legislation*"; this requirement applies to the regulation of safety and environmental protection. You are to regulate safety and environmental protection in all maritime activities across Defence, focussing predominantly on those activities which are beyond the remit of statutory regulators³. You are to appoint a suitably qualified and experienced Crown servant, accountable to you, to regulate diving activities.

¹ I will provide a separate Letter of Delegation for business matters.

² Within JSP 815

³ Via enforcement of MOD Shipping activities under JSP 430; MOD Diving activities under JSP 375, Leaflet 29 and development of necessary regulations for other maritime activities, appropriately staffed with stakeholders through liaison committees.

3. As the Maritime Regulator, you are to ensure the continuation of the current MOD maritime regulatory regime, and to evolve proposals for continuous improvement. Maritime regulation has been defined as *“the setting, enforcement and assurance of mandatory safety & environmental protection requirements for MOD Maritime activities (incl. MOD Shipping and Diving) set by the MOD Maritime Regulator, who has been empowered by letter of authorisation from the Director DSEA”*. Your specific objectives within your delegated area of responsibility are set out at **Annex**.

4. As a constituent part of the DSEA, in exercising your authority and discharging your responsibilities you are to act in accordance with the direction and objectives set by me as DSEA Director. You are to ensure that the resources placed at your disposal are used to deliver optimal regulatory outcomes. You are to identify and bring to my attention any circumstances which prevent you from satisfactorily resolving any potential constraint on your ability to discharge your duties under these delegations, or where safety or environmental protection is significantly threatened by inadequate resources (human or financial); this is to include your own resources for discharging your regulatory responsibilities.

5. As is required of me, this delegation is personal and reflects the suitability of your qualifications and experience for the responsibilities it imposes. You may delegate your authority, personally and in writing, to competent individuals within your own organisation. Please send me copies of any letters of delegation you issue.

6. Please acknowledge receipt of this letter, confirming that you understand and accept the extent and terms of your delegated authority.

[Signed on DII]

DANIEL APPLEGATE

Director Defence Safety and Environment Authority

Annex:

DSEA regulatory responsibilities

DSEA REGULATORY RESPONSIBILITIES

Within their delegated area of responsibility, each DSEA Regulator is to:

- a. understand and, where appropriate, influence safety and environmental protection legislation and statutory regulatory regimes where relevant to DSEA's remit; examine emerging proposals relevant to Defence, assess their impact and consider the need for and where necessary apply for Defence exemptions;
- b. understand and, where appropriate, influence Departmental policy which may affect safety and environmental protection, including the SofS's Policy Statement;
- c. develop and promulgate safety and environmental protection regulatory regimes for Defence activities on a domain basis (MOD Shipping Regulation in JSP 430 and MOD Diving Regulation in JSP 375, Leaflet 29 and supporting references); where practicable, each regime should maximise coherence with its statutory equivalent (or near-equivalent) and with other MOD regulatory regimes (including those of the MAA);
- d. maintain and authorise implementation of processes, consistent with the regulatory regime, to inspect and audit Defence Maritime activities for compliance with regulatory policies, requirements and standards;
- e. maintain and implement censure processes, consistent with the regulatory regime, to certify, license, authorise, approve, agree and/or permission Defence activities; where appropriate, MOD regulatory permission is to be necessary prior to conducting a Defence activity. If sanctions are applied or such permission is withheld or withdrawn, the activity is to cease where this is provided for in the regulatory regime;
- f. maintain and implement processes, consistent with the regulatory regime, to enforce MOD regulatory policies, requirements and standards; the imposition of significant sanctions is to be reported to Director DSEA, PUS and, where appropriate, SofS;
- g. maintain and implement processes, consistent with the regulatory regime, to investigate any incident or emergency occurring during the conduct of Defence activities;
- h. develop and promulgate guidance and advice to those conducting Defence activities to facilitate their compliance with legislation, statutory and MOD regulatory policies, requirements and standards;

- i. promote and foster appropriate culture and continuous improvement in safety and environmental protection by those conducting Defence activities;
- j. contribute to the scrutiny of TLB holding to account and each Duty Holder's 1st and 2nd party self-assurance culminating in production of an annual DSEA report to PUS which includes: a summary of safety and environmental protection performance within DSEA's remit (scrutinising Duty Holders' assurance reports, as necessary), the identification of issues (with associated regulatory risk) and an account of the health of MOD regulation; based on this, PUS will report to the Defence Board, the Defence Audit Committee and SofS;
- k. notwithstanding the annual report, alert me if any serious issue threatens safety or environmental protection within DSEA's remit;
- l. Provide a secretariat to a Maritime Stakeholders' Safety and Environmental Committee (MSSEC), which I will chair. Encourage stakeholders to offer views on emerging legislation, MOD regulatory regimes, policies, requirements, guidance and processes and take into account high-level safety performance matters when delivering the requirements of this delegation;
- m. Provide exemptions to statute and policies that you have been delegated authority for, on behalf of the Secretary of State;
- n. promote and foster peer relationships with relevant statutory regulators and Government departments; establish liaison arrangements; where appropriate, develop and maintain joint regulatory regimes to secure complete regulation of Defence activities;
- o. promote and foster peer relationships with relevant foreign regulatory authorities or Government agencies.