



MINISTRY OF DEFENCE

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Director

Defence Safety and Environment Authority

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**DELEGATION of AUTHORITY and RESPONSIBILITY –
DSEA OME SAFETY 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 by 2nd PUS at Reference, I hereby appoint you as the DSEA Regulator for Ordnance, Munitions and Explosives (OME) Safety¹, and I define your regulatory authority and responsibilities in this Letter of Delegation.²

2. SofS's Policy Statement 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 OME activities across Defence, focussing predominantly on those activities which are beyond the remit of statutory regulators.

3. Your specific objectives within your delegated area of responsibility are set out at **Annex A**.

¹ This position incorporates the roles of Chief Inspector of Explosives (MOD) [CIE(MOD)], Major Accident Control Regulations (MACR) Competent Authority, OME Safety Management Design & Use Authority, Military Laser Safety Authority and Chairman of the Defence Land Ranges Safety Committee (DLRSC). Details of these roles and their attendant responsibilities are at **Annex B**.

² I will provide a separate Letter of Delegation for business matters.

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. 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 APPLGATE

Director Defence Safety and Environment Authority

Annexes

A: DSEA regulatory responsibilities

B: DSEA OME Safety Regulator – Roles & 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; 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 implement processes, consistent with the regulatory regime, to inspect and audit Defence activities for compliance with regulatory policies, requirements and standards;
- e. maintain and implement 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 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, 2nd 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 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 production of an annual DSEA report to 2nd 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, 2nd PUS will report to the Defence Board, the Defence Audit Committee and SofS;
- k. notwithstanding the annual report, alert Director DSEA if any serious issue threatens safety or environmental protection within DSEA's remit;
- l. 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;
- m. promote and foster peer relationships with relevant foreign regulatory authorities or Government agencies.

DSEA OME SAFETY REGULATOR – ROLES AND RESPONSIBILITIES

CHIEF INSPECTOR OF EXPLOSIVES (MOD) [CIE(MOD)]

1. As CIE(MOD) you are the safety regulator for all MOD conventional explosives activities and are required to:

- a. license MOD's explosives facilities in the UK and overseas in accordance with MOD and statutory standards (JSP 482);
- b. put in place and oversee a compliance programme to provide assurance to the Secretary of State, the Defence Board, the Chiefs of Staff, and relevant TLB and Senior Duty Holders that MOD explosives facilities and movements of explosives under MOD control are managed and licensed in accordance with MOD explosives regulations and any additional licence conditions;
- c. chair the Explosives Storage and Transport Committee with responsibilities encompassing:
 - i. the maintenance of MOD regulations that meet the requirements of current legislation, for the safe storage, transport and disposal of explosives;
 - ii. the classification of military explosives in accordance with current legislation;
 - iii. the setting of standards within MOD concerning the safety of explosives in transit (JSP 800 Volume 4b);
 - iv. the provision of technical explosives advice to OGDs, MOD, NATO, UN and other national and international organisations;
 - v. the provision of assistance to the Department of Transport in the formulation of UK Dangerous Goods Class 1 legislation.

MAJOR ACCIDENT CONTROL REGULATIONS (MACR) COMPETENT AUTHORITY

2. As MACR CA, you are to:

- a. maintain MOD regulations (JSP 498) for the prevention of major accidents involving dangerous substances, and mitigation of the consequences to persons and the environment of any that do occur;
- b. advise TLB Holders on the adequacy of the measures taken by establishments to satisfy the requirements of MACR;

- c. assess and endorse establishment major accident safety documentation;
- d. monitor the performance of individual establishments in implementing regulations and the major accident inspection/audit arrangements of the line management chain;
- e. maintain an overview of Local Authority arrangements for emergency response in the event of incidents at establishments;
- f. participate in line management major accident investigation procedures;
- g. liaise with the National Control of Major Accident Hazards (COMAH) Regulator and the Local Authority Associations to harmonise, as far as reasonably practicable, MOD and Civil Regulations.

OME SAFETY MANAGEMENT DESIGN AND USE AUTHORITY

- 3. As Design and Use Authority you are to:
 - a. maintain the MOD's OME Safety Management System (JSP 520);
 - b. undertake review and audit to assure the effectiveness of the OME SMS;
 - c. periodically benchmark the OME SMS against other nations and equivalent statutory civilian regulatory processes, to maintain best practice in the UK Defence environment.

MILITARY LASER SAFETY AUTHORITY

- 4. As Military Laser Safety Authority you are to:
 - a. set MOD Standards for the safety of military lasers (JSP 390);
 - b. undertake review and audit to assure the effectiveness of military laser safety management activities;
 - c. identify, capture and promulgate best practice for the safe management and operation of military lasers.

CHAIRMAN OF THE DEFENCE LAND RANGES SAFETY COMMITTEE (DLRSC)

- 5. As Chairman of the DLRSC your responsibilities encompass:
 - a. setting and maintaining Standards for the safety of MOD ranges (JSP 403);
 - b. undertaking review and audit to assure the effectiveness of Defence Land Ranges safety management activities;

- c. identifying, capturing and promulgating best practice for the safe management and operation of ranges.