



MINISTRY OF DEFENCE

Daniel Applegate
Director

**Defence Safety and Environment
Authority**

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Your Reference

Our Reference
DSEA-CPA-04-03
DA-07-12
Date
9 March 2012

**DELEGATION OF AUTHORITY AND RESPONSIBILITY –
DEFENCE LAND SAFETY REGULATOR TEAM LEADER**

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

1. As Director of the Defence Environment and Safety Authority (DSEA), I have principal responsibility within Defence for the regulation¹ of safety and environmental protection outside aviation. Under the authority given to me by 2nd PUS at Reference, I define your authority and responsibilities as the Defence Land Safety Regulator Team Leader 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 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 appoint suitably qualified and experienced Crown servants, accountable to you, to regulate safety and environmental protection across all Defence activities in respect of the following:

¹ Regulation involves: governance; setting policy; principles; standards; guidance; audit; inspection; occurrence investigation; and, where appropriate, sanctions/enforcement.

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

- a. fuel & gas;
- b. land systems³;
- c. movements & transport⁴;

3. The regulators are to focus predominantly on activities that are beyond the remit of statutory regulators, maintaining appropriate regulatory regimes aligned as closely as reasonably practicable to those required by UK legislation. Regulatory decisions are the responsibility of the independent MOD regulators; should you consider overruling the regulatory decision of one of your appointed regulators, I require that this be brought to my attention.

4. You are to delegate to the regulators within your delegated area of responsibility the regulatory responsibilities set out at **Annex**.

5. 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 you or your regulators' ability to discharge regulatory 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 ability to provide your regulators with resources adequate for discharging their regulatory responsibilities.

6. You may delegate your authority, personally and in writing, to competent individuals within your own organisation.

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

[Signed on Original]
DANIEL APPLGATE

Annex: Regulatory Responsibilities for the Defence Land Safety Regulator

³ Land systems are equipment and services operated by personnel within, and which have an effect upon, the land domain.

⁴ The movements & transport regulator shall have authority to regulate: movements by air, rail, road & water; road safety; load safety; railway operations; and the transportation of dangerous goods. This regulator shall also appoint a Dangerous Goods Safety Advisor for the MoD in accordance with 1.8.3. of ADR and 1.8.3. of RID.

Regulatory Responsibilities for the Defence Land Safety Regulator

You are delegated the following responsibilities to enable you to regulate Defence activities in the Defence Land Safety Regulator:

- 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 to me for Defence exemptions;
- b. understand and, where appropriate, influence Departmental policy which may affect safety and environmental protection, including SofS's Policy Statement;
- c. develop and promulgate safety and environmental protection regulatory regimes for Defence activities; 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 serious incidents or emergencies 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. encourage an 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 including: an assessment of the Department's safety and environmental protection performance; the identification of safety and environmental protection issues; and an account of the health of Departmental regulation (including regulatory risk); based on this, 2nd PUS will report to the Defence Audit Committee and SofS;

k. notwithstanding the annual report, alert me of any serious issue that threatens safety or environmental protection so that I can inform Director DSEA;

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.