



**Memorandum of Understanding between the Health and Safety Executive, Health and Safety Executive Northern Ireland and the Civil Aviation Authority for aviation industry enforcement activities**

**INTRODUCTION**

This Memorandum of Understanding (MoU) is made between the Chief Executive of the Health and Safety Executive (HSE), the Chief Executive of the Health and Safety Executive Northern Ireland (HSENI) and the Chief Executive of the Civil Aviation Authority (CAA). Its purpose is to ensure effective collaborative working between those organisations where their enforcement duties overlap in and around the United Kingdom.

HSE is a non-departmental body sponsored by the Department for Work and Pensions who are responsible for the inspection and regulation of occupational health and safety, and major accident hazards, associated with work activities. This includes offshore oil and gas exploration, production and storage, and offshore renewable energy structures. For offshore oil and gas exploration and production, HSE also works in partnership with the Department for Business, Energy and Industrial Strategy as part of the Offshore Safety Directive Regulator (OSDR).

HSENI is an executive non-departmental public body sponsored by [the Department for the Economy \(DfE\)](#). HSENI is the lead body responsible for the promotion and enforcement of health and safety at work standards in Northern Ireland.

The CAA is an independent public corporation which reports to the Secretary of State for Transport on the discharge of its functions. It is the UK's specialist aviation safety regulator and has a range of functions in this regard. The CAA is responsible for enforcing a range of civil aviation regulations including for: the safety of aircraft, the safe navigation and operation in UK airspace, and certain regulations in respect of cabin crew occupational health and safety.

**POWERS AND LEGISLATION**

Details of [HSE](#), [HSENI](#) and CAA legislation, inspection, investigation and enforcement policies and powers for their own areas of work are found on their websites. For this MoU, the detailed working arrangements are outlined in supporting CAA Publication 1484.

In general, HSE, HSENI and CAA have jurisdiction over the following areas:

CAA	HSE	HSENI
<ul style="list-style-type: none"> <li>• Aviation safety activities covered by the Civil Aviation Act 1982</li> <li>• Air Navigation Order 2016</li> <li>• Civil Aviation (Working Time) Regulations 2004</li> </ul>	<ul style="list-style-type: none"> <li>• Work activities covered by the Health and Safety at Work etc. Act 1974 and its relevant statutory provisions</li> </ul>	<ul style="list-style-type: none"> <li>• Work activities covered by the Health and Safety at Work (Northern Ireland) Order 1978 and its relevant statutory provisions</li> </ul>

Sometimes the jurisdiction of HSE, HSENI and CAA can overlap and information on the principles used to identify which body will take the enforcement lead in such cases is found in the CAA publication. This includes a decision making process for day-to-day enforcement demarcation issues.

## **PRINCIPLE OF COLLABORATIVE WORKING**

This MoU outlines the principles of cooperation to be adopted between CAA, HSE and HSENI. The MoU seeks to promote effective collaborative working (e.g. co-ordination of regulatory activity and knowledge sharing), while recognising and respecting the different regulatory and other legal frameworks within which each organisation operates. As such this MoU is a statement of intent; nothing in it shall create any legally binding or enforceable obligations on HSE, HSENI or CAA.

The principal purpose of collaborative working is to enhance the effectiveness of HSE's, HSENI's and CAA's operational and policy delivery. This will be achieved through: a common understanding of each other's roles and responsibilities (e.g. who will be the lead regulator for the range of complex land/offshore activities) and good regulatory practice; by regular sharing of knowledge in areas of mutual interest; and through close cooperation on activities and projects of strategic or commercial relevance.

The organisations undertake to use their best endeavours to co-operate effectively to enable and assist each other to carry out their responsibilities and functions, and to maintain effective working arrangements for that purpose. Such co-operation should improve the effectiveness of each of the parties and avoid difficulties which might arise from uncoordinated approaches by the organisations (e.g. inconsistent standards, uncertainty over jurisdiction and duplication of inspection, accident investigation and enforcement).

Interfaces between the HSE, HSENI and CAA, may arise in many ways, for example, in the regulation of safety at aerodromes, heli-decks, airborne leisure and recreational activities and the health and safety of crew members. It is the responsibility of every individual at all management levels in all three organisations to adopt an open and expeditious collaborative approach to achieve effective liaison between the HSE, HSENI and CAA. This will involve discussions at the working level to agree how the statutory provisions, and the standards and guidance issued under them, should be interpreted in particular circumstances and to determine ways of reconciling any differences that may arise. Reference to a higher level of management may be necessary in some cases.

## **INTENDED ACTIVITIES AND ASSOCIATED BENEFITS**

We anticipate that the activities to be undertaken pursuant to this MoU, and the associated benefits of such collaborative working, will include:

- Evolving a common understanding of HSE's, HSENI's and CAA's roles and responsibilities, regulatory priorities and approaches, including our roles in relation to health and safety of aircraft and crew undertaking work connected to offshore oil & gas and renewable energy operations;
- Ensuring that the health and safety enforcement activities of the HSE, HSENI and CAA in relation to work activities at the land/air and sea/air margins are consistent, co-ordinated and, wherever possible, comprehensive;
- Avoid so far as is possible conflicting requirements being put on airports, airlines, ground handlers, offshore duty-holders, other employers or persons in control of or at work, thus minimising the burden on industry, particularly where there is overlapping legislation;

- Avoiding the duplication of activity where legislation empowering HSE, HSENI and CAA does overlap, by facilitating co-operation in all aspects of policy development (e.g. agreeing the principles of who will lead under different scenarios and representation at meetings) and operational implementation (e.g. ensuring effective and efficient prosecution of offences by adopting a co-ordinated approach);
- Collective planning and cooperation to ensure that proportionate and effective regimes are in place to support emerging technologies (e.g. drones, space planes, offshore renewable energy structures and floating storage and re-gasification units);
- Sharing statistical data and analysis relating to trends and performance, initiating research if appropriate; and
- Establishing clear lines of communication for HSE, HSENI and CAA inspectors, thus providing mutual assistance and support for all parties concerned to carry out their respective responsibilities.

## FUNDING AND COST RECOVERY

Organisations will generally bear their own costs when contributing to activities directly with this MoU, unless alternative arrangements for specific areas/projects are agreed. When undertaking specific regulatory functions or where there are specific requests (e.g. for research, technical assessments or secondments), appropriate cost recovery or funding arrangements will be put in place.

## REVIEW OF THE MoU

This MoU will be reviewed every three years, unless terminated sooner or extended by collective written agreement. The detailed working arrangements set out in the supporting guidance CAA Publication 1484 to the MoU may be reviewed, clarified or amended from time-to-time outside the formal procedures for reviewing this MoU, but must secure the agreement of all parties in writing.

 Richard Judge Dated 19/1/17	 Keith Morrison Dated 26/1/2017	 Andrew Haines Dated 16/12/16
Chief Executive	Chief Executive	Chief Executive
Health and Safety Executive	Health and Safety Executive Northern Ireland	Civil Aviation Authority