

**MEMORANDUM OF UNDERSTANDING**  
**between**  
**THE OFFICE FOR NUCLEAR REGULATION**  
**and**  
**THE HEALTH AND SAFETY EXECUTIVE**  
**on**  
**EFFECTIVE CO-OPERATION IN REGULATING CONVENTIONAL (NON-NUCLEAR) HEALTH AND SAFETY**

**Introduction**

1. This Memorandum of Understanding (MoU) is between the Office for Nuclear Regulation (ONR) and the Health and Safety Executive (HSE).
2. Its purpose is to ensure effective cooperation and collaboration in the regulation of conventional (non-nuclear<sup>1</sup>) health and safety, including policy matters and the enforcement of health and safety law, at Great Britain's (GB) nuclear licensed, new nuclear build, defence nuclear sites and authorised defence sites (hereafter referred to as 'ONR's sites'), arising from the transfer of regulatory responsibility from HSE to ONR under the Energy Act 2013. This MoU complements the existing over-arching general agreement between the two organisations ("Co-operation between HSE and ONR").
3. ONR is the UK regulator for nuclear safety, security, safeguards, transport and nuclear site health and safety. ONR enforces a range of legislation including the Nuclear Installations Act 1965 as amended, the Health and Safety at Work etc Act 1974, the Nuclear Industries Security Regulations 2003 and Nuclear Safeguards Acts. The ONR's mission is to protect society by securing safe nuclear operations.
4. HSE is GB national regulator for workplace health and safety, preventing work-related death, injury and ill health to workers and members of the public. HSE proposes and sets necessary GB standards and enforces a range of health and safety legislation primarily under the Health and Safety at Work etc Act 1974. Its mission is to protect people's health and safety by ensuring risks in the workplace are properly controlled.

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<sup>1</sup> Conventional or non-nuclear health and safety refers to risks arising from operations not associated with nuclear material or nuclear licensed activities; it includes regulation of the Control of Major Accident Hazards Regulations 2015 by ONR as a COMAH Competent Authority.

## **Purpose and Objectives**

5. ONR and HSE recognise each other's status as independent health and safety regulators and this MoU provides the high-level framework for how regulatory activities will be coordinated.
6. Both regulators will aim to work together in line with the provisions of the Regulators' Code, and in accordance with the principles of the respective Enforcement Policy Statements (EPS) and enforcement guidance.

## **Legislative Environment**

7. This MoU supports delivery of ONR's functions under Part 3 of the Energy Act 2013 for the regulation of nuclear site health and safety on GB nuclear sites, transferred by the Act from HSE to ONR in April 2014.
8. This MoU confirms the commitment of ONR and HSE to meet the requirements of Section 96(1) of the Energy Act 2013 by entering into arrangements with each other for securing co-operation and the exchange of information in connection with the carrying out of any of their functions.

## **Working Arrangements**

9. ONR and the HSE will work together to coordinate targeted activities, supported by a joint guide for inspectors to support effective cooperation in regulating conventional (nuclear site) health and safety.
10. ONR and HSE will provide advice to each other for the purposes and aims of this MoU. HSE will bring to ONR's attention any significant change in key operational matters and procedures, including the EPS and EMM and vice versa.
11. Where allowed by relevant legislation, ONR and HSE may, by mutual agreement, enter into arrangements to pay for advice or services from the other.

## **Disclosure of information**

12. ONR and HSE will follow the requirements of the Energy Act 2013 and other relevant legislation with respect to the disclosure of information shared under this MoU.
13. ONR and HSE will comply with all relevant provisions of the Data Protection Act 2018 (DPA18) and the UK General Data Protection Regulation (UK GDPR), including any applicable amendments made by subsequent legislation. ONR and HSE will act as independent data controllers, in respect of any personal data pursuant to this MoU; they will only process such personal data to the extent defined in the relevant regulatory framework.
14. Each party to this MoU will notify the other party, as appropriate and as soon as possible, about information they receive on incidents in the jurisdiction of that body; and by sharing relevant information.


## Resolution of Disagreements

15. ONR and HSE will, in the first instance, resolve any disputes at a working level, escalating to relevant managers as appropriate. In the rare occurrence where agreement is not possible at this level, the ONR Chief Executive and the HSE Chief Executive will resolve the issues.

## Review of the Memorandum of Understanding

16. Delegated representatives of ONR and HSE will review this MoU and consider any substantive amendments, as necessary and in no more than three years.
17. Either ONR or HSE may terminate this MoU on two months' notice in writing to the other party.

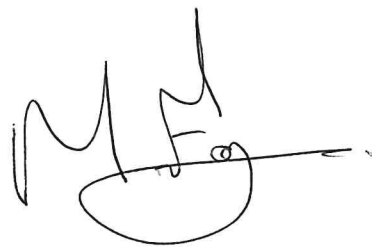
Signed:



**Sarah Albon**

Chief Executive  
on behalf of  
the Health and Safety Executive

Date: 26 March 2024



**Mark Foy**

Chief Executive & Chief Nuclear Inspector  
on behalf of  
the Office for Nuclear Regulation

Date: 26<sup>th</sup> MARCH 2024.