

ENERGY ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Nuclear Regulation

Chapter 4: Functions of the ONR

Other functions

Section 90: Arrangements with government departments etc

430. *Subsection (1)* permits the ONR, by agreement, to perform functions of Ministers of the Crown, government departments and other public authorities (whether or not those functions fall within the ONR's purposes). These agreements can be entered into without the Secretary of State's consent if the function being delegated is the Health and Safety Executive's function of investigating or making a special report under section 14 of the Health and Safety at Work etc. Act 1974, or a similar function of the Office of Rail Regulation under the Railways Act 2005 (see *subsection (2)(a)(i)* and *(ii)*). Otherwise, such an agreement may only be entered into if the Secretary of State considers the ONR can perform the function appropriately.
431. Whilst the section permits agreements for the ONR to perform the functions of a Minister of the Crown that arise at common law, it does not permit the ONR to make legislation on behalf of another person (*subsection (3)*).
432. The agreement between the ONR and the other government department or public body may include provisions for payment.
433. The section permits the ONR to provide services or facilities that are outside its purposes, and to charge for these, in connection with a government department's or other public authority's functions (see *subsection (5)*).
434. This section broadly allows for flexibility in the ONR's role and for it to take on the functions of other bodies, where it can appropriately do so. This places the ONR in a similar position to the Health and Safety Executive, which carries out a number of functions under similar provisions set out in section 13 of the Health and Safety at Work etc. Act 1974.