



Defence  
Safety Authority

# **DSA 02: Defence Land Safety Regulator**

## **Policy and Regulations for Health, Safety and Environmental Protection**

Defence Land Safety Regulator

## Amendment Table

VERSION RECORD		
Version Number	Version Date	Changes to Previous Version
1.0	25 Mar 19	Discrete DLSR regulator 02 documents combined. Initial Draft issued for comment and regulator recommendations incorporated. The term 'SQEP' was removed and replaced with 'competent person'. Hyperlinks to supporting documents incorporated. Document retitled to incorporate the word 'policy'.
1.1	8 Apr 19	Final editorial changes incorporated.
1.2	1 Apr 22	Update due to minor changes to wording of ATSR regulations, change of 'DLSR TL' to 'Hd DLSR' and the removal of reference to the Land Safety & Environmental Management Team (LSEM).

This document will be reviewed on a regular basis for accuracy. Any proposed editorial amendments are to be submitted to the document editor. Any challenge to the policy or regulatory content of this document is to be submitted to DLSR via the group mailbox: [DSA-DLSR-Group-Mailbox@mod.gov.uk](mailto:DSA-DLSR-Group-Mailbox@mod.gov.uk) having first been staffed for approval through the chain of command to the Top Level Budget (TLB) representative who attends the Defence Land Safety Regulator (DLSR) Stakeholder Committee for approval.

However, amendments to this document may be published at any time in response to changes in legislation, MOD policy and/or information, which identifies the requirement that regulation, standards or guidance, requires review. For this reason, this document is maintained and stored as a live document, available on the DLSR Defnet intranet home page and the DSA.Gov site.

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### Disclaimer

Use of the term 'he' throughout this document has been adopted purely to aid clarity and consistency and should not be construed as deviating from the MOD's Diversity and Inclusion Policy.

## FOREWORD

The Secretary of State for Defence through their Safety and Environmental Protection Policy Statement requires Top Level Budget (TLB) Holders and Trading Fund Agency (TFA) Chief Executives to conduct defence activities with high standards of Safety & Environmental Protection. They are expected to achieve this by implementing robust, comprehensive safety and environmental management arrangements.

Director General of the Defence Safety Authority (DG DSA) is responsible for providing policy and regulatory regimes for Safety and Environmental Protection (S&EP) across the MOD. The MOD policy for S&EP is set out in [DSA 01-Defence Policy for Health, Safety and Environmental Protection](#).

DG DSA has directly delegated to me, the Defence Land Safety Regulator, the authority to regulate and assure MOD activity in the land domain<sup>1</sup> in accordance with DSA 01. The policy and regulations set out in this document are the minimum standards to be adopted across the land domain; they are mandatory and full compliance is required. The policy set out in this document supports and clarifies the application of DSA 01 in the land domain. It sets the minimum standards to be adopted and it is to be applied with vigour equal to that applied to compliance with DLSR regulations. It is the responsibility of those planning, managing, supporting or undertaking activity within scope of these regulations to ensure that personnel, including contractors, involved in the conduct of defence activities are fully aware of their responsibilities.

Defence Land Safety Regulator  
Defence Safety Authority

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<sup>1</sup> The land domain is the physical environment in which land based systems operate, not part of the organisation that provides the system. Land systems may operate in the literal zone; this straddles air, maritime and land environment<sup>1</sup>.

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## PREFACE

### Authority

1. The MOD has a duty to protect its employees, other personnel (including contractors) and the environment, from the effects of its activities, and effective Health, Safety and Environmental Protection (HS&EP) is crucial to this.
2. Overall responsibility for safety within the MOD sits with the Secretary of State (SofS) for Defence. The overarching [SofS Policy Statement \(Safety, Health and Environmental Protection in Defence\)](#) is amplified in [DSA 01-Defence Policy for Health, Safety and Environmental Protection](#)<sup>2</sup>. The Policy Statement and the DSA Charter authorise DG DSA to:
  - a. Empower competent Crown servants (i.e. members of the Armed Forces or MOD civilians), to regulate HS&EP activity across defence where it is afforded Disapplications, Exemptions or Derogations (DEDs) from statutory requirements, where there is no statutory requirement or where assurance of specific hazardous activities is required;
  - b. Provide independent investigation of accidents and be the primary Convening Authority (CA) for safety-related Service Inquiries (SI);
  - c. Be the Defence Authority for HS&EP.
3. The strategic principles set by the SofS Policy Statement and its ministerial expectations are to be applied by all organisations within the MOD to all defence activities. The SofS for Defence has delegated to DG DSA the duty of ensuring that effective management arrangements are in place for ensuring compliance with the DSA Policy Statement. DG DSA ensures that the MOD achieves and maintains high standards in S&EP performance through the Holding to Account (H2A) process. As directed by the SofS, DG DSA has appointed defence regulators such as the Defence Land Safety Regulator (DLSR) to develop and maintain a consistent system of policies, standards, Defence Regulations and working practices.
4. This document takes its authority from [DSA 01-Defence Policy for Health, Safety and Environmental Protection](#)<sup>3</sup>. Compliance with this document and DSA 01 across the land domain will be assured by DLSR and reported up to DG DSA to inform their Annual Assurance Report which is submitted to the SofS for Defence.

### Interpretation

5. The acronyms and definitions used throughout this document are aligned, wherever possible, with ISO, NATO, [Def Stan 00-56](#) and other MOD publications. Definitions of phrases or words that are specific to the land domain and the conduct of DLSR activity are contained in the [Defence Glossary](#). Note that any crosscutting or generic definitions will be included in the DSA 01.4-DSA Glossary<sup>4</sup> in due course.

### Key Definitions

6. There are a number of key definitions that apply to the implementation of the Defence Regulations:

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<sup>2</sup> Formally JSP 815.

<sup>3</sup> Formally JSP 815.

<sup>4</sup> Currently in development.

- a. **Must.** Describes an activity that is mandatory and descends directly from UK legislation;
- b. **Shall.** Describes an activity that is mandatory but stems from Defence Regulations in the absence of UK legislation;
- c. **Should.** Describes an activity that is considered to be good practice. If the activity is followed, then this will be considered sufficient to demonstrate compliance with a regulation. However, alternative approaches may be utilised where this produces an outcome as good as required by the regulation;
- d. **Could.** Describes an activity that is considered to be good practice but recognises that there are other methods available to the practitioner that provide an outcome as good as required by the regulation;
- e. **Audit.** A systematic and independent examination to determine whether safety activities comply with planned arrangements, are implemented effectively and are suitable to achieve objectives; and whether related outputs are correct, valid and fit for purpose<sup>5</sup>;
- f. **Inspection.** Examination of an activity to determine conformity with regulatory requirements, or based on professional judgement. An inspection is a quality control activity to determine that any work has been performed appropriately. The aim of the inspection is to determine if the land system and its operation is compliant with the relevant legislation and conforms to the applicable specified safety and environmental requirements<sup>6</sup>.

## Management Arrangements

7. The DLSR management arrangements provide the framework of of regulations, processes and procedures required to make sure safety risks are either broadly acceptable or tolerable and as low as reasonably practicable (ALARP). To achieve this, the arrangements comprise of:

- policy
- planning
- implementation
- operation
- performance assessment
- improvement, and
- review.

## DLSR Regulation Document Structure

8. DLSR Regulations are organised as follows:
  - a. DSA 02 Policy and Regulations for HS&EP (this document) contain the overarching regulations and requirements that are applicable across the whole

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<sup>5</sup> Adapted from the definition contained within [ISO 9011-Guideline for auditing management systems, dated 2018.](#)

<sup>6</sup> Adapted from [ISO 8000 Part 311-Data quality, dated 2012](#) and [ISO 13315-Environmental management, dated 2012.](#)

spectrum of defence activity. In addition, it provides overarching structure for the DLSR regulatory regime and for regulations associated with the safe conduct of defence activity worldwide including the organisation and arrangements, roles and responsibilities and environmental requirements for the safe conduct of defence activity;

b. DSA 03 DLSR Defence Codes of Practice (DCoP) provide regulatory standards, advice and guidance in support of DLSR regulations (including good practice where appropriate) that will assist the user to comply with the regulations. DLSR DCoPs are designed to clarify legislative requirements, set defence standards and identify roles and responsibilities. The DCoPs provide defence regulatory advice, which if followed, will be considered sufficient to demonstrate compliance. However, alternative means of compliance may be utilised where this produces an outcome as good as that by a regulation. Justification may be required when such alternatives are employed, and the requirements and advice of a DCoP may be used as evidence during Enforcement Action (EA).

### **Purpose of this document**

9. This document is a land domain specific clarification of [DSA 01-Defence Policy for Health, Safety and Environmental Protection](#) providing an acceptable means of compliance with the Policy Statement made by the SofS for Defence. This policy:

- a. Contains requirements specific to the land domain that ensure land systems comply with the SofS Policy Statement;
- b. Outlines defence DCoPs and supporting guidance against which compliance will be assured;
- c. Is intended for all personnel engaged in activity within the land domain, including acquisition, support, storage, transportation, training, use, operation and disposal of defence land systems and equipment;
- d. Outlines how defence and those responsible for land systems management demonstrate that acceptable levels of inherent risk to people and the environment are being achieved and sustained through life;
- e. Describes, for activity within the land domain, the acceptable levels of risk as either Broadly Acceptable or Tolerable and ALARP.

### **Responsibilities**

10. The policy contained in this document does not absolve any person from using their best judgement to ensure the safety of personnel, equipment and the environment. Where authorised individuals issue their own orders or instructions, they shall be based on [DSA 01-Defence Policy for Health, Safety and Environmental Protection](#) and their local policy shall not be more permissive.

### **Coherence with other Defence Authority Policy and Guidance**

11. Where appropriate, this document makes reference to Joint Service Publications (JSPs) and DSA regulatory publications, some of which may be published by different defence authorities.

### **Further advice and feedback - guidance**



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12. For further information on any aspect of this document, or questions not answered within the subsequent sections, or to provide feedback, including proposed amendments on the content, contact:

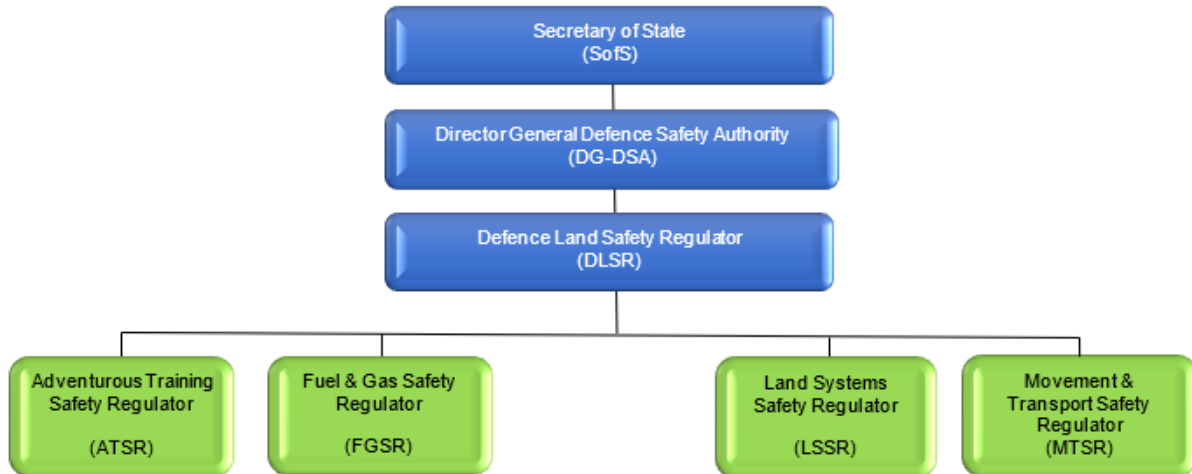
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## GOVERNANCE

### Roles and Responsibilities

13. HS&EP across defence is both a line management and an individual responsibility for which a series of delegations have been put in place to ensure that authority and accountability are clearly defined. Across defence, these are supplied in the format of a formal 'Letter of Delegation'<sup>7</sup>.

14. Figure 1 shows how authority and accountability for regulation to DLSR has been delegated:



**Figure 1: DLSR Safety and Environmental Delegations**

15. **Secretary of State (SofS).** The SofS has responsibility for, and is answerable to, Parliament on matters of HS&EP within the MOD.

16. **Director General Defence Safety Authority (DG DSA).** DSA is responsible for the Defence Regulation of HS&EP. DSA provides SofS with independent advice and evidence based assurance that policy is being promoted and implemented in the conduct of all defence activities. DSA is headed by the DG DSA, a 3-star military officer responsible for championing defence safety. DG DSA is the Defence Safety Technical Authority who sets mandatory and proportionate rules and standards for all organisations within defence.

17. **Defence Land Safety Regulator (DLSR).** DLSR is accountable to DG DSA for independent regulation and evidence-based assurance of safety management; adventurous training, fuel and gas, land equipment and movement and transport across the land domain.

18. **DLSR Functional Regulators.** The functional regulators<sup>8</sup> are appointed by the Hd DLSR to provide independent regulation of S&EP across the land domain for specific defence activities. The regulators also provide assurance that effective S&EP management arrangements are in place. The regulator liaises with other DSA functional regulators, in addition to safety and environmental professionals across defence, to ensure coherence in areas of joint interest. When appropriate, Other Government Departments (OGD) and statutory regulators (e.g. Health and Safety Executive (HSE)) are consulted.

19. **DLSR Regulatory Responsibilities.** The following principal duties are discharged on behalf of the MOD by those with responsibilities for the provision, support, training, use, and conduct of DLSR activity. They are to ensure that:

<sup>7</sup> Such delegations can only be made to those members of staff that are competent and have sufficient resources to undertake delegated duties.

<sup>8</sup> ATSR, FGSR, LSSR and MTSR

- a. All suppliers or designers who are involved in the activity are competent in their field and that they fully understand the application of safety systems;
- b. There is evidence to demonstrate that any risks associated with the safety arrangements are either Broadly Acceptable or Tolerable and ALARP;
- c. Operators and maintainers are fully aware of the risks (including risks to the environment), and that adequate instructions, training and maintenance arrangements are in place to control those risks within defined limits;
- d. Levels of support are sufficient so that safety arrangements remain in an acceptably safe condition throughout its service life;
- e. Adequate means are in place to monitor the safety and environmental performance of the safety arrangements to ensure continual improvement;
- f. Activities are managed in accordance with the Safety and Environmental Management Arrangements (SEMA) and the recommendations and controls stipulated in any safety and environmental case(s);
- g. Operation is in accordance with instructions and training undertaken in as safe a manner as possible, drawing the attention of those authorities responsible for upkeep and/or operation of any deficiencies or shortfalls in safety performance;
- h. When an equipment or commodity is disposed of, the MOD fulfils its duty of care to those agents and authorities acquiring the equipment or commodity and any environmental implications are captured;
- i. Inherent safety and environmental protection is managed through all stages of the equipment or system lifecycle, in conjunction with identified DHs;
- j. The roles and responsibilities of authorities and personnel are defined, whether the MOD or acting at the direction of the MOD, involved in the management of inherent safety;
- k. Evidence of inherent safety is documented in the Safety and Environmental Case and its validity maintained;
- l. Interfaces with associated authorities and policies are identified.

### **Safety and Environmental Committee Hierarchy**

20. The hierarchy of defence bodies for S&EP across the land domain starts with the Defence Safety & Environmental Committee (DSEC) and flows down to the Defence Land System Regulator Stakeholder Committee and in turn, its reporting committees and working groups.

21. **Defence Safety Environmental Committee (DSEC).** The DSEC is part of the MOD corporate governance structure. It is chaired by the Permanent Under Secretary (PUS) who is the process owner for HS&EP including provision of strategic direction, setting objectives, assessing and prioritising the HS&EP risks and providing advice to the Defence Board. The DSEC also monitors and reviews the implementation of the Department's HS&EP strategy

and provides assurance to the SofS that the management of HS&EP is effective and complies with the SofS policy.

22. **DSA Regulatory Group.** The DSA has several management groups, including the DSA Regulatory Group, which has both formal and informal meetings to determine the development of defence regulatory policy on behalf of DG DSA. These groups provide direction and guidance to the specific domain regulators.

23. **Defence Land Safety Regulator Stakeholder Committee (DLSR SC).** The DLSR SC is chaired by the Hd DLSR and provides a consultative forum where stakeholders can consider high-level strategic land safety matters. The DLSR SC encompasses of representation from the DLSR functional regulators. Stakeholders express their views on the regulatory regime, comment on proposed policy changes and are informed about emerging legislation and the outcome of regulatory activities. The members of the DLSR SC are those stakeholders responsible for HS&EP across MOD, together with the central MOD civilian and Service policy authorities. To ensure consistency and an integrated approach to safety across MOD, the secretaries of the other regulatory stakeholder committees are also members of the DLSR SC.

24. The DLSR SC meets twice a year, one meeting is focused on reviewing the draft DLSR Annual Assurance Report (AAR) and the second reviews progress towards resolving the issues identified in the AAR. The DLSR SC is supported by a Land Exemptions Committee (LEC) and Stakeholder Working Groups (SWGs) for each of the functional regulatory domains<sup>9</sup>.

#### **Reporting Committees to the DLSR Stakeholder Committee**

25. **Land Exemptions Committee (LEC).** The LEC meets to assess requests to invoke legal exemptions from the land domain (e.g. equipment, platforms or activity) related legislation on behalf of the SofS for Defence. The committee makes recommendations to DG DSA, as the delegated signatory, as to the robustness of the arguments made and the suitability for exemption(s). The committee also reviews and consults on forthcoming legislation that has the potential to significantly impact on the land domain.

26. **DLSR Regulatory Stakeholder Working Groups (SWGs).** The individual DLSR Regulatory SWGs are chaired by their respective ATLS and attended by the same stakeholders represented at the DLSR SC. The SWGs are a medium for developing work directed by the DLSR SC, to discuss safety issues with the TLBs and to escalate issues from the TLBs to the DLSR SC.

#### **DLSR Regulatory Editorial Working Groups**

27. **The DLSR Editorial Working Groups.** The DLSR Editorial WG is attended by subject matter experts from the stakeholder community and provides a forum for knowledgeable review and update of safety policy, guidance and regulations.

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<sup>9</sup> Defence Land Safety Regulator (DLSR for land, Defence Maritime Regulator (DMR) for sea and the Military Aviation Authority (MAA) for air domain.

## LEGISLATION AND DEFENCE REGULATIONS

### Legislative Foundation

28. The regulations within this document are developed utilising principles installed in European and UK legislation which provide DLSR with a reputable framework in which to underpin specific regulations that ensures MOD protects its personnel and the environment. The advantage of establishing regulations on existing legislative principles is the easy recognition across the MOD, industry partners, Health & Safety Executive (HSE), Environment Agency (EA) and Other Government Departments (OGD).

### Pertinent Primary UK Legislation

29. **The Health and Safety at Work etc. Act 1974 (HSWA).** All sections of the HSWA apply to the MOD unless stipulated otherwise. MOD discharges its duty under this Act through the SofS Policy Statement.

30. The following sections of Part 1 of the HSWA are of relevance to the instructions contained within this regulatory document:

a. **Section 2.** Imposes general duties on every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees; this duty extends to include the provision and maintenance of 'plant' (which includes any machinery, equipment or appliance) and systems of work that are, so far as is reasonably practicable, safe and without risks to health, this includes the provision of information, instruction, training and supervision. Note: the HSE consider the two terms 'So Far as is Reasonably Practicable (SFAIRP)' and 'ALARP' to mean essentially the same thing, and at their core is the concept of 'reasonably practicable';

b. **Section 3.** Imposes a duty on every employer to conduct their undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in their employment who may be affected are not thereby exposed to risks to their health or safety;

c. **Section 6.** Imposes a duty on any person who designs, manufactures, imports or supplies any 'article for use at work' to ensure, so far as is reasonably practicable, that the article is so designed and constructed that it will be safe and without risks to health when it is being properly used, set, cleaned or maintained by a person at work; furthermore that necessary research is carried out with a view to discovery and, so far as is reasonably practicable the elimination or minimisation of any risks to health or safety to which the design or article may give rise;

d. **Section 7.** Imposes a duty on every employee to take reasonable care for the safety of themselves and of other persons who may be affected by their acts or omissions at work. Also, any duty imposed on their employer, they must co-operate with the employer to enable that duty to be performed or complied with, which therefore imposes a legal requirement on employees to follow policy or Regulation imposed for the maintenance of safety;

e. **Section 37.** If a health and safety offence is committed with the consent or connivance of, or is attributable to any neglect on the part of any member of the MOD, then that person, as well as the MOD, can be prosecuted.

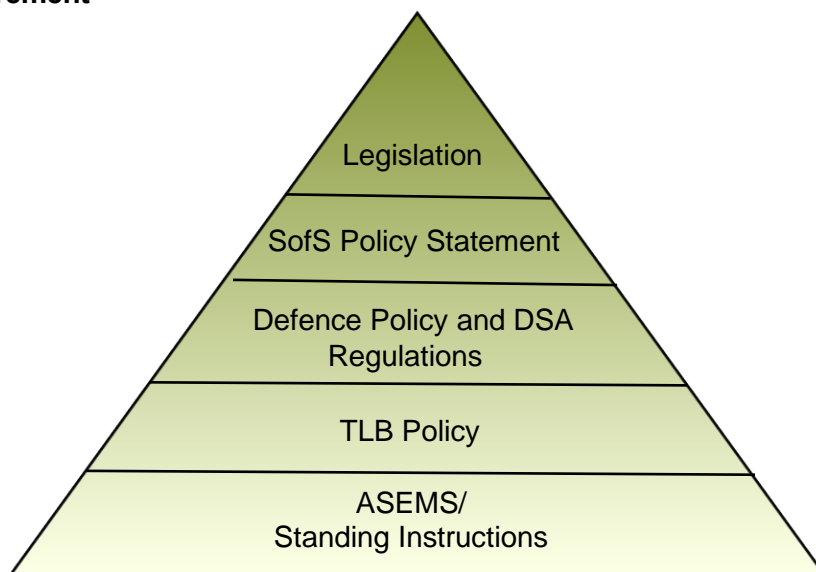
31. **Environmental Protection Act (EPA) 1990.** [The Environmental Protection Act 1990](#) is the centrepiece of current UK legislation on environmental protection. There are several environmental issues which place statutory duties on employers and are directly related to

the health and safety function, these are: air pollution, water pollution, waste disposal including litter and contaminated land. These statutory duties are contained in the EPA.

32. **The Environment Act (1995).** [The Environment Act 1995](#) sets out the function and role of the Environment Agency (EA) in England and Wales, and the Scottish Environment Protection Agency (SEPA) for Scotland.

33. **The Road Traffic Act.** The [Road Traffic Act 1988](#) (RTA)<sup>10</sup> is the centrepiece of current UK legislation which applies to vehicles on the road where the public have access. The Act contains definitions of a number of terms including that of a “road”<sup>11</sup>. [The Road Traffic Act 1991](#) extended the scope of dangerous driving to include “other public place” as well as “road”. Although there is a significant amount of case law in respect of what is a “road”, “public access” and “other public place”, it is likely that the RTA applies if the answer is ‘yes’ to the following: is it a road? do the general public have access and is the access at least tolerated by the owner or proprietor of the road in question?

### Legal Requirement



**Figure 2: Regulatory Framework**

34. The MOD has a duty to protect its employees, other personnel and the environment, from the effects of its activities. The SofS for defence has overall responsibility for HS&EP and sustainable development in the MOD. As such, the MOD shall comply with all applicable legislation and statutory provisions, covering safety as well as those that apply to environmental protection and environmental resilience.

35. [DSA 01.1 Defence Policy Health, Safety and Environmental Protection](#), requires that TLB holders, Trading Fund Agencies, Chief Executives, Commanding Officers, Heads of Establishment, Duty Holders and anyone else with responsibilities for managing defence activities, comply with UK legislation in managing HS&EP risk.

36. The SofS Policy Statement requires that where there are Disapplications, Exemptions or Derogations (DEDs) from either domestic or international law, MOD shall maintain arrangements that produce outcomes that are, as far as is reasonably practicable, at least as

<sup>10</sup> Which applies to England, Scotland and Wales.

<sup>11</sup> For England and Wales, the Act defines a “road” as: “any highway and other road to which the public has access and includes bridges over which a road passes.” For Scotland, the Act defines a “road” as having the same meaning from the Roads (Scotland) Act 1984 being: “any way (other than a waterway) over which there is a public right of passage (by whatever means) and includes the road’s verge, and any bridge (whether permanent or temporary) over which, or tunnel through which, a road passes, and any reference to a road includes a part thereof”.

good as those required by legislation. To comply with the SofS policy, the MOD requires evidence, within any safety and environmental case, that the management and technical standards adopted are consistent with best civil and international good practice as a minimum. To achieve maximum harmonisation, it is MOD policy to utilise civil standards where appropriate and an agreed order of precedence is as follows:

- a. International standards;
- b. European standards;
- c. UK civil standards;
- d. Commercial standards widely recognised by industry;
- e. International Military Alliance standards;
- f. UK MOD Defence Standards;
- g. UK MOD Departmental standards and specifications;
- h. Other Nations military standards;
- i. Recognised industry/partnership/consortium standards.

### **Defence Reasons for Regulation**

37. The MOD is an authority engaged in the acquisition, support, training, transportation, storage, use<sup>12</sup>, maintenance and disposal of systems<sup>13</sup>. These activities are conducted worldwide by TLBs, TFAs or defence contractors employing military, MOD civilian or contractors' personnel. It is incumbent on the MOD to ensure that their systems, which are often very complex, are acceptably safe to people and do not significantly impact on the environment. It is therefore important that the MOD as an organisation has effective management systems in place to achieve this. The DSA regulatory regime focuses on those areas where:

- a. The law does not apply to the MOD, i.e. where the MOD has a Disapplication, Exemption or Derogation (DEDs) from statute. In which case, DLSR shall maintain arrangements that produce outcomes that are, so far as reasonably practicable, at least as good as those required by UK legislation;
- b. There is an absence of statutory requirement;
- c. There is a need for independent regulatory assurance because of a high hazard activity;
- d. There is a need for a coherent set of regulations (i.e. to place the DEDs into context where they refer to or need some explanation from statutory regulations);
- e. DLSR has derogations, for example, from the Department for Transport on the implementation of Mandatory Equipment Inspections (MEIs) for vehicles in absence of a MOT;
- f. Land system activities are undertaken overseas.

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<sup>12</sup> The term 'use' within this document includes peacetime and operational scenarios

<sup>13</sup> The term 'system' when used in this context as opposed to a 'Management System' is explained further in the 'Land System Definition' section, para 15

## COMPLIANCE

### Failure to Comply with UK Legislation

39. Failure to comply with UK legislation may trigger enforcement action of various types, including:

a. **Legal Notices and Censures.** Where an allegedly offending defence activity is conducted by Crown servants (i.e. members of the Armed Forces or MOD civilians), statutory regulators' (e.g. HSE) powers are, in general, modified to issuing a Crown Improvement or Prohibition Notice (instead of an Improvement or Prohibition Notice) or a Crown Censure (instead of a prosecution); further details of these processes as applied under HSWA are described in [DSA 01.1 Defence Policy Health, Safety and Environmental Protection](#);

b. **Criminal Proceedings.** Under Section 48 (2) and (3) of the [Health and Safety at Work Act 1974](#), persons in the service of the Crown may be prosecuted for offences (notably under Sections 7, 36 & 37) and, if convicted, can be fined or imprisoned. However, an individual Crown Servant would not be prosecuted in substitution for the Crown body or for an honest mistake or because of defects in the management organisation. A prosecution might, however, result if it is alleged that an individual Crown Servant has committed a deliberate act or omission, imperilling their own or other's safety, or if that individual has wilfully or recklessly disregarded health and safety requirements;

c. **Civil Proceedings.** Irrespective of whether MOD is censured, or an employee is prosecuted, civil claims may be brought against both. However, it is unlikely that individual employees will be sued where the act/omission which allegedly gave rise to the damage in respect of which the claim is brought occurred whilst the employee was acting appropriately during their employment;

d. **Disciplinary Action.** Military personnel are additionally subject to military law and may be prosecuted if it is alleged that they have committed a disciplinary offence. If it is alleged that gross negligence or the failure of a person in command or manager to address or refer HS&EP issues within his Area of Responsibility has occurred, disciplinary action may be taken;

40. Most defence activities in the UK are subject to relevant HS&EP legislation and are regulated by a statutory regulator. Failure to comply with statutory requirements may result in enforcement action, usually through criminal proceedings, civil proceedings or enforcement action. In any event, MOD employees could face disciplinary action if they have been reckless, negligent, or failed to carry out the duties imposed upon them. Further information can be found in [DSA 01.1 Defence Policy Health, Safety and Environmental Protection](#) and supporting documentation.

### Failure to Comply with DSA and DLSR Regulations

41. Compliance with the requirements of DLSR Safety Regulations is mandated by SofS and will bring about through-life savings by consideration of hazards, reducing the frequency of incidents (including accidents and near misses) and mitigating their consequences. In turn, sound safety management principles help to generate increased confidence in functional activity, resulting in improved performance and operational capability. Importantly, in the event of an incident, assurance authorities will be looking for evidence, which demonstrates that those in a position of responsibility have fulfilled their safety obligations via compliance with relevant regulations and standards. The audit trail that the DLSR



regulatory processes generate will provide evidence of good practice in the management of safety and environmental risk.

### Enforcement Action

42. The overarching purpose of an enforcing body is to ensure that risks are managed and controlled effectively. Details of the DSA Enforcement Model is contained in [DSA 01.1 Defence Policy Health, Safety and Environmental Protection](#) and reinforced in DLSR SOP 8-Enforcement. In summary, the main purpose of enforcement is to ensure that those responsible:

- a. Take appropriate action to deal immediately with serious risks;
- b. Achieve sustained compliance with Defence Regulations;
- c. Are held to account for failing in their HS&EP duties.

43. Failure to comply with any DLSR Regulations may result in enforcement action. In line with the DSA Enforcement Model, the regulator has several enforcement action measures available, dependent upon the level of risk identified. It is important to note that although these measures can be applied incrementally, a higher level of enforcement notice can be served immediately where appropriate. In summary, the enforcement action available to the regulator comprises of:

- a. **Immediate Stop Notice (ISN).** An ISN will be served by DLSR Auditors/Inspectors on behalf of the regulator where it is deemed that an activity, design, maintenance or use of equipment, involves, or could involve the risk of serious personal injury or environmental harm. The ISN has the same effect as a Prohibit Notice (PN) but allows Inspectors and Auditors to stop an activity independently from the Hd DLSR. The ISN is served using the documented process (see [DLSR SOP 8D](#)) and may remain effective for a period of up to 7 days, during which time the issue can be resolved or elevated to the regulator for further enforcement action to be taken;
- b. **Prohibit Notice (PN).** A PN will only be served by the Hd DLSR. A PN may be served on the Appointed Person<sup>14</sup> (AP) where the Hd DLSR deems that the risk associated with an activity, design, maintenance or use of equipment is too high. The notice will take immediate effect with the requirement for the activity to cease. The AP is required to respond within 5 working days, addressing the immediate risk and mitigation measure to be implemented. The AP is to provide a corrective action plan addressing the enduring solution within 30 working days of receipt of the PN;
- c. **Improvement Notice (IN).** An IN may be served by any DLSR Regulator. INs take immediate effect and require improvement to take place within a specified area(s) and a defined time frame to satisfy either statutory requirements of the provisions of Defence Regulations. Regulators may serve INs if it is deemed that there:

- (1) is a contravention of one or more statutory provisions or Defence Regulations;

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<sup>14</sup> Enforcement action should be directed to an individual who is to be held accountable to the Regulator for reducing risk of harm and, where applicable, complying with Defence Regulations. This person is referred to as an Accountable Person. In the case of PN, the AP will be the person responsible for the safe conduct of the activity. In the case of IN, the AP will be the person accountable for carrying out the improvements required.

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(2) has been a contravention of one or more statutory provisions/Defence Regulations in circumstances which make it likely that the contravention will continue to be repeated;

(3) Is strong likelihood of contravention of statutory provisions/Defence Regulations, should current arrangements and activity continue;

(4) There are 2 levels of Improvement Notice, as follows:

(a) **Urgent Improvement Notice (UIN).** A UIN will be issued where the regulator deems the level of risk associated with an activity, design, maintenance or use of equipment, or non-compliance is high enough that urgent corrective action is required. Where a UIN is issued, the AP is required to address the immediate risk within 5 working days. An interim solution mitigating the risk to ALARP is to be implemented and detailed to the regulator within a maximum of 10 working days. The AP is to provide a corrective action plan addressing the enduring solution within 3 months of receipt of the UIN;

(b) **Improvement Notice (IN).** An IN will be issued where the regulator deems the level of immediate risk associated with an activity, design, maintenance or use of equipment, or non-compliance is relatively low and corrective action can be taken in a more routine timescale. Where an IN is issued, the AP is required to address the immediate risk within 5 working days. An interim solution mitigating the risk to ALARP is to be implemented and detailed to the regulator within a maximum of within 30 working days, addressing the immediate risk and mitigation measure to be implemented. The AP is to provide a corrective action plan addressing the enduring solution within 6 months of receipt of the IN;

d. **Corrective Action Requirement (CAR).** CARs may be issued by suitably qualified and competent personnel delegated by the regulator. A CAR can be issued as a standalone document or can be integral to an Audit or Inspection report. The use of CARs demonstrates proportionate enforcement with the flexibility to escalate as required; CARs will therefore be the most frequently utilised level of initiating enforcement action. A CAR should allow the AP sufficient opportunity to address the issue and implement appropriate action to resolve any non-compliance. Where there is uncertainty over which level of CAR is appropriate, personnel are to seek guidance from the regulator prior to issue. The two levels of CAR are:

(1) CAR Level 1. The higher level of CAR, where the risk associated with the non-compliance is deemed significant. The AP is required to address the immediate risk within 5 working days. An interim solution mitigating the risk to ALARP is to be implemented and detailed to the regulator within a maximum of 30 working days. The AP is then to provide a corrective action plan detailing an enduring solution within 6 months of receipt of the CAR;

(2) CAR Level 2. The lower level of CAR, where the risk associated with the non-compliance is less significant. The AP should be required to address the immediate risk within 5 working days. An interim solution mitigating the risk to ALARP is to be implemented and detailed to the regulator within a maximum of 30 working days, addressing the immediate risk and mitigation measure to be implemented. The AP is to provide a corrective action plan detailing an enduring solution within 9 months of receipt of the CAR;

e. **Advisory Letter.** An advisory letter may be issued by the regulator if it is believed that a statutory provision or Defence Regulation is likely to be contravened, or where improvements could be made. An advisory letter does not constitute formal enforcement but seeks to alert an AP to a potential risk or contravention to allow them to consider preventative action and/or promote best practice.

44. **Licencing and Permissioning.** Enforcement action may result in a review of Permissions or Licences issued.

### **Enforcement against Multiple Non-Compliances**

45. Where multiple non-compliances have been identified against the same regulation, wherever possible, the regulator should issue a single enforcement sanction to encompass all non-compliances. In accordance with [DLSR SOP 8A](#), where risk gap analysis identifies a heightened risk resulting from multiple non-compliances, then an increase in the level of initial enforcement expectation may result.

### **Operational Imperative**

46. Where the regulator has issued a PN or ISN, it may not be appropriate for the activity to cease due to the defence imperative, in which case the following shall be considered:

a. An Operational Commander<sup>15</sup> may decide to continue with operational activity where they judge that the operational benefits gained from a specific operational act outweigh the high residual risk that has been mitigated. In arriving at such a decision, where time and security constraints permit, the assessment of the risk, its mitigation and justification of the benefits should be made in consultation with the Force Generator and discussion with the relevant regulator;

b. It might also be appropriate for the Force Generator, when preparing force elements for a specific operation, to make such a judgement. This judgement should be made in discussion with the regulator and future Operational Commander to ascertain that the output of the force preparation activity is essential to the operational capability required for that specific operation and consider alternative means of delivering that operational capability.

47. In both cases, the decision to continue the activity should be taken at least one command/management level above that upon which the PN/ISN has been served. The person taking the decision should personally assess, accept and document the risk being taken.

### **Regulator Escalation Process**

48. The regulator will conduct regular reviews of extant enforcement action to ensure that they remain appropriate to the current risk and adequate progress is being made against the agreed corrective action plans. A formal review on long-standing enforcement action will be conducted annually. If, in the opinion of the regulator, there is no/insufficient progress made by the AP to address the enforcement action, the regulator may:

a. Where the level of risk has changed the regulator may escalate the level of enforcement (e.g. from UIN to PN);

b. Where unsatisfactory progress has been made by the AP, the regulator may elevate the issue to Hd DLSR to engage with the AP command/management chain to

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<sup>15</sup> As authorised in a CDS Operational Directive.

seek assurance that the appropriate corrective actions shall be taken in an acceptable timeframe.

49. If following engagement with the AP, failure to resolve enforcement action has not increased the risk of harm then the regulator shall elevate and not escalate the level of enforcement.

### **Dynamic Enforcement**

50. The divergent and challenging nature of defence activities means that the regulator will often adopt a “dynamic” approach to enforcement, particularly during audit and inspection activity where enforcement action, both verbal and in writing, may be issued and lifted in relatively short time frames.

### **Appeals**

51. There may be occasions where the AP does not agree with enforcement action being undertaken by regulator, either based on the evidence used, or the process followed. In such cases, informal engagement between the AP and the regulator should be used in the first instance, preferably before the enforcement notice is served. If disagreement remains:

a. The AP should raise a formal appeal in writing with the regulator, usually within 14 days of the enforcement notice being served. The regulator will investigate the appeal and respond to the AP within 30 days of the appeal being received<sup>16</sup>;

b. If the AP is not satisfied, they may escalate the appeal up their command/management chain to appeal to the Hd DLSR. In such cases, the appeal should be raised in writing within 30 days of the response to the original appeal being received by the AP. Hd DLSR should investigate the appeal and respond within 30 days of the appeal being received;

c. In the case of an appeal against an ISN or a PN, the requirement to cease activity remains extant while the appeal is being considered, unless an operational imperative exists.

52. There may also be circumstances where the regulator does not feel that the operational imperative is being used appropriately to enable activity to continue while subject to an ISN or PN. Informal engagement between the regulator and Operational Commander/Force Generator should be used in the first instance. However, if the regulator remains concerned, the matter will be escalated to Hd DLSR for engagement at a higher level in the Operational Commander/Force Generator’s command/management chain.

### **Escalation**

53. Functional regulators will conduct regular reviews of extant enforcement action to ensure that they remain appropriate to the current risk and adequate progress is being made against the agreed corrective action plans. A formal review on long-standing enforcement action will be conducted annually. If, in the opinion of DLSR, there is no/insufficient progress made by the AP to address the enforcement action, DLSR may:

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<sup>16</sup> 30 Days is the maximum response time, and it is likely that appeals will be answered prior to the 30-day limit.

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a. Where the level of risk has changed, escalate the level of enforcement (e.g. from UIN to PN).

b. Where unsatisfactory progress has been made by the AP, the functional regulator may elevate the issue to Hd DLSR to engage with the AP command /management chain of command to seek assurance that the appropriate corrective actions will be taken within an acceptable timeframe.

54. If following engagement with the AP, failure to resolve enforcement action has not increased the risk of harm then Hd DLSR will elevate and not escalate the level of enforcement.

### **Regulatory Waivers and exemptions**

55. There may be occasions when the regulated community is unable to comply with DLSR regulations. In such circumstances, a time limiting regulatory waiver or an enduring exemption, may be applied. When granting a waiver or exemption, the regulator needs to be satisfied that any risk associated with non-compliance has been fully considered by the duty holder/appointed person as appropriate. When the need for a regulatory waiver or exemption is identified, the case is to be developed and submitted in accordance with the procedures detailed in [DLSR SOP 1](#).

## ASSURANCE

### Audit and Inspection

56. Auditing, inspection and performance review are the final steps in the safety management control cycle. They constitute the feedback that enables an organisation to reinforce, maintain and develop its ability to reduce the acceptable levels of safety risk as either Broadly Acceptable or Tolerable and As Low as Reasonably Practicable (ALARP), and to ensure the continued effectiveness of any safety arrangements. Auditing and reviewing performance can be defined as:

- a. Auditing and Inspecting is the structured process of collecting independent information on the efficiency, effectiveness and reliability of all safety arrangements and drawing up plans for corrective action;
- b. Reviewing performance is the process of making judgements about the adequacy of performance and taking decisions about the nature and timing of the actions necessary to remedy deficiencies.

57. DLSR internal and external assurance and compliance requirements are detailed below and defined in [DSA 01.1 Chapter 5 Paragraph 3](#).

a. **Internal Assurance (Level 1 and Level 2)**. The TLB conducting or enabling DLSR activities, shall undertake compliance reviews throughout their organisation to provide assurance that processes, procedures and facilities are maintained in accordance with legislation and defence regulations, policies and standards, as follows:

- (1) **Level 1**. Compliance assessments undertaken by the unit/establishment conducting the activity;
- (2) **Level 2**. Audit and Inspection undertaken by the TLB of unit/establishment conducting the activity.

b. **External Regulation (Level 3)**. DLSR will undertake independent audits and inspections of activities throughout defence; to assess levels of compliance with applicable Defence Regulations. Assurance reports, in conjunction with assurance reporting from respective TLBs will inform the SofS as to the levels of compliance with current regulations.

### Support to investigations

58. Safety investigations form an essential part of confirming that planning, organising, control and monitoring activities are conducted effectively. A Commanding Officer or Manager is to conduct an appropriate investigation on a HS&EP incident or accident occurring within their Area of Responsibility.

59. In cases where an incident is considered significant, the DSA defence Accident Investigation Branch (DAIB) will conduct an independent safety investigation to determine causal factors and make targeted recommendations to improve safety.

### Assurance Reporting

60. Evidence gathered from TLB reviews / audits and inspections will be used to support the DLSR performance management process, as required by

[DSA 01.1 Defence Policy Health, Safety and Environmental Protection](#). The evidence will be presented in a common format and will include commentary by DLSR HQ<sup>17</sup> and each of the functional regulators.

61. DLSR will provide input into the DSA AAR, drawing out issues that require action by DH, Duty Holder-Facing organisations or TLB Functional Leads. The report will also include details of any enforcement action taken and summarise regulatory activity.

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<sup>17</sup> A&P Section, Legal and Operations Support

## APPLICATION OF THE ADVENTUROUS TRAINING SAFETY REGULATOR (ATSR) REGULATIONS

### Introduction

62. The MOD has a duty to protect its employees and those that may be affected by its activities, including AT. Effective safety management of AT is crucial to force protection and maximising operational capability.

63. Armed Forces personnel need to be mentally and physically robust to withstand the rigours of military life. AT makes a significant contribution to military effectiveness, fighting spirit and personal development. AT is on duty military training which through exposure to challenges and controlled risk enables service personnel to develop fortitude, rigour, robustness, initiative and leadership to deliver the resilience that military personnel require on operations and other military tasks. AT contributes to recuperation from the mental stress of operations, by re-introducing the concept of fear in a controlled environment. AT is core military training activity which supports operational effectiveness and the ethos of the Armed Forces.

64. AT has most effect when delivered as part of a wider programme of personal and professional development. AT also has an important part of the various Cadet activities and the MOD has a duty of care to ensure that Cadets have a similar level of protection from harm as they would have in civilian adventurous activity provision.

### Scope

65. The Adventurous Training Safety Regulations relate to licensing centres that provide AT for UK Armed Forces and Cadets. AT is provided through the Joint Service Adventurous Training (JSAT) Scheme, which specifies nine authorised AT activities, details of which are listed in JSP 419. Cadets fall outside this scheme and should be delivering AT under National Governing Body (NGB) qualifications and guidelines. Single services may choose to authorise other activities which also meet the aims of AT, but those activities are not covered by these regulations. Each authorised AT activity has a single service sponsor, as follows:

Authorised AT activity	Single service sponsor
Offshore sailing	Army
Sub-aqua diving	Royal Navy
Canoeing and kayaking	Army
Caving	Army
Mountaineering	Army
Mountain biking	Army
Skiing	Army
Gliding	Royal Air Force
Parachuting and paragliding	Royal Air Force



The Single Services manage other activities they authorise, and these are recorded in the following documents:

Royal Navy – [BRd 51 Vol 3](#);

Army – [AGAI 11](#) and [ASCO 1209](#);

Royal Air Force – [AP 3342](#).

66. This section is intended to enable MOD employees and those responsible for AT activities to demonstrate that acceptable levels of safety management are being achieved and maintained. It contains the requirements that must be met to make sure that AT complies with (meets the requirements of) the [SofS Policy Statement](#), as laid down in [DSA 01: Defence Policy for Health, Safety and Environmental Protection](#).

### **Responsibilities**

67. **Adventurous Training Safety Regulator.** The Adventurous Training Safety Regulator (ATSR) is appointed to provide independent regulation of AT HS&EP and to licence centres delivering [JSP 419](#). The ATSR also provides assurance that effective safety management systems are in place. Failure to comply with these Regulations can lead to enforcement action being undertaken. The ATSR liaises with other DSA Regulators and when appropriate, other Government Departments and statutory regulators (e.g. Health and Safety Executive (HSE)).

### **Application regulations**

68. The SofS's Policy Statement requires arrangements that produce outcomes that are at least as good as those required by statute. Within MOD the responsibilities and duties set out are discharged by several different people. The assurance that the safety management system provided meets the safety requirements, and that risks have been controlled at an acceptable level. The following principal duties are discharged on behalf of MOD by those with responsibilities for AT. They shall:

- a. Make sure that all AT is delivered in line with the current legislation.
- b. Make sure there is evidence to demonstrate that any risks associated with AT have been eliminated or reduced to as low as reasonably practicable (ALARP).
- c. Make sure that personnel are fully aware of the risks of AT and that adequate training, instruction, supervision and maintenance arrangements are in place to control risks within acceptable limits.
- d. Make sure the level of support provided to centres is sufficient for management arrangements to be maintained.
- e. Make sure there are adequate ways of monitoring the performance of the relevant AT activity-based system to enable continual improvement.
- f. Make sure that AT is delivered in-line with instructions and training, as safely as necessary, and drawing the attention of authorities responsible for any deficiencies or shortfalls in safety performance.

69. Adventurous Training Safety Regulations are detailed in the following table:

ADVENTUROUS TRAINING SAFETY REGULATIONS	
Regulation	Title
Regulation 1	<p><b>Safety and Environmental Management System (SEMS)</b></p> <p>Those with safety and environmental responsibilities <b>shall</b> produce, maintain and follow a suitable and sufficient safety and environmental management system (SEMS) that sets out how to manage safety and protect the environment in relation to AT.</p>
Regulation 2	<p><b>Roles and Responsibilities</b></p> <p>Those with safety and environmental responsibilities <b>shall</b> appoint competent staff to manage how AT is delivered. All staff responsible for delivering AT must have their roles and responsibilities formally set out so that they are clear and understood.</p>
Regulation 3	<p><b>Training and Competence</b></p> <p>Those with safety and environmental responsibilities <b>shall</b> only allow competent staff to deliver AT activities. Their performance must be monitored and reviewed at regular intervals.</p>
Regulation 4	<p><b>Safety Advice</b></p> <p>Those with safety and environmental responsibilities <b>shall</b> make sure they can get AT safety advice from competent people.</p>
Regulation 5	<p><b>Risk Assessment</b></p> <p>Those with safety and environmental responsibilities <b>shall</b> carry out suitable and sufficient assessments of any foreseeable risks to the safety of people taking part in AT.</p>
Regulation 6	<p><b>AT Equipment</b></p> <p>Those with safety and environmental responsibilities <b>shall</b> make sure that all AT equipment is fit for purpose, properly maintained, routinely inspected by a competent person, and serviced when necessary. Damaged or outdated equipment shall be disposed of appropriately.</p>
Regulation 7	<p><b>Emergency Action Planning and First Aid</b></p> <p>Those with safety and environmental responsibilities <b>shall</b> have plans for emergency situations, with all staff briefed on their roles and responsibilities. All instructors should, if required by their AT qualification, have a current and relevant first-aid certificate.</p>
Regulation 8	<p><b>Incident Reporting</b></p> <p>Those with safety and environmental responsibilities <b>shall</b> make sure that all incidents relating to AT are recorded, reported, and appropriately investigated.</p>
Regulation 9	<p><b>Licensing and Assurance</b></p> <p>Those with safety and environmental responsibilities <b>shall</b> make sure that suitable and sufficient inspections and audits of their AT centres are carried out, and that they hold a current licence issued by the ATSR. Additionally, they shall also make sure that suitable and sufficient 1<sup>st</sup> and 2<sup>nd</sup> party* activities are carried out from their single service 2<sup>nd</sup> party assurance organisation or the relevant national governing body for the activities they deliver.</p>

## **APPLICATION OF THE FUEL AND GAS SAFETY REGULATOR (FGSR) REGULATIONS**

### **Introduction**

70. Due to the specialist nature and inherent hazards associated with the bulk storage of Fuels (lubricants) and Gas Storage (F&GS) throughout the MOD Estate, FGSR regulations<sup>18</sup> provide additional requirements with specific procedures, assessments and technical requirements.

71. The storage and handling of bulk fuel and industrial gases incurs specific hazardous activities and risks that are subject to both general HS&EP legislation and specific legislation to control the hazards associated with fuel and gas storage. The hazards associated with fuels and gases include: fire and explosion, toxic and asphyxiant effects of chemicals, the physical hazards of bulk liquids and pressurised gases, and environmental pollution from fuels or controlled gases. These regulations ensure that defence meets the requirements by assigning standards to specific hazardous activities involving the storage of fuels, lubricants and gases within the MOD.

### **Scope**

72. Fuel and Gas Safety & Environmental Regulations mandate the F&GS Safety and Environmental Management Arrangements framework for defence to meet its legal obligations. They:

- a. Contain the requirements by which the FGSR ensures that F&GS and arrangements comply with the SofS Policy Statement;
- b. Specify the Fuel and Gas Safety & Environmental Regulations, Defence Codes of Practice and supporting guidance against which compliance will be assessed;
- c. Are intended for all personnel engaged in the storage of bulk fuel and gas throughout the MOD estate;
- d. Outline how defence and those responsible for F&GS systems and arrangements manage and demonstrate that acceptable levels of inherent risk to people and the environment are being achieved and sustained through-life;
- e. Describe, for F&GS activity, the acceptable levels of safety risk as either Broadly Acceptable or Tolerable and are As Low as Reasonably Practicable (ALARP).

73. Fuel and Gas Safety & Environmental Regulations take precedence over all other defence documents relating to the safety and environmental management of F&GS activities.

### **Applicability**

74. DSA 02 Fuel and Gas Safety & Environmental Regulations:

- a. Shall be applied to all F&GS activity (worldwide) conducted by TLBs, TFAs or defence contractors employing military, MOD civilian or contractors' personnel;

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<sup>18</sup> These regulations replace JSP 309.

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- b. Identify areas that shall be managed in order that the inherent risks to personnel, third parties, materiel or the environment are assessed;
- c. Shall cover the End to End process for F&GS activities which is from the point where fuel / gas is received from the delivery vessel into MOD infrastructure for the following facilities:
  - (1) Bulk Fuel Installations (BFIs);
  - (2) Motor Transport Fuel Installations (MTFIs);
  - (3) Oil Fuel Depots (OFDs); including Petroleum Storage Depots (PSDs);
  - (4) Bulk Fuel Carry Vehicles (BFCV) parking areas;
  - (5) Bulk Transportable Industrial Gas Cylinder Stores;
  - (6) Bulk Liquid Petroleum Gas (LPG) Storage Installations;
  - (7) Bulk Cryogenic Liquid Storage Installations;
  - (8) Ancillary Storage Tanks (ASTs) such as heating oil and standby generator fuel tanks;
  - (9) Packed Fuel & Lubricant Storage Facilities;
  - (10) Bulk Waste Installation;
  - (11) Joint Operational Fuel Systems (JOFs).

75. These Regulations are not intended to:

- a. Be used for fuel/gas once dispensed from bulk storage into equipment, vehicles, or platforms and used as power generation, work processes, and / or motive power. These should be covered by other JSPs or MARPs appropriate to that domain that would have influenced the Safety Case for that equipment. For example, [JSP 454](#) for Land Systems;
- b. Be used for the technical specifications, design, and construction of bulk fuels and gases infrastructure. These are covered by other JSPs managed by Defence Infrastructure Organisation;
- c. Be used for the technical specifications of the fuel and gas. These are covered by Defence Standards, British or International Standards; and are managed by the Defence Strategic Fuel Authority (DSFA);
- d. Be used for the storage and handling of fuels at sea. This area is governed by the Defence Maritime Regulator (DMR), with liaison and interfaces with FGSR;
- e. Be used for the storage and handling of fuels in air to air refuelling platforms. This area is governed by the Military Aviation Authority (MAA), with liaison and interfaces with FGSR;
- f. Be used for fuels and gases that are in-carriage. This area is governed by the Movement and Transport Safety Regulator (MTSR), with liaison and interfaces with FGSR.

76. The requirements mandated within these regulations are intentionally generic and therefore relevant to most of the F&GS activities. However, there are instances within the defence environment where standard regulatory requirements may not be appropriate. This is particularly relevant to systems reliant on novel technologies and compositions. Where this is the case, those responsible for the system shall justify their reasons for divergence from regulation via the appropriate Safety Panel.

### **Certification**

77. **Certificates for Continued Operation.** The principle function of FGSR is to provide regulation and third-party safety assurance of defence activity in the fuel and gas domain. FGSR carries out the function and role of Local Authorities regarding the certification of petrol storage facilities against National Legislation. FGSR also conducts inspections on defence bulk fuel facilities worldwide and issues **Certificates for Continued Operation (CCO; the 'Licence to Operate')**.

78. There is an inter-dependency between the award of a CCO and the issue of possible regulatory / enforcement action. Without an in-date CCO, a facility is to cease operations. If any of the conditions of certification lapse then the certificate is invalidated and again the facility is to cease operations. The CCO is valid for 1, 3 or 5 years, depending on the risk of the facility assessed by the FGSR inspector. This is fully explained in Regulation 9. There is no certification scheme for gas facilities but if an inspection identifies breaches of defence regulations then enforcement action can be applied.

79. **Fuel and Gas Safety Assurance Assessment.** The Fuel and Gas Safety Assurance Assessment (FGSAA) is an inspection checklist used to assess whether a fuel or gas facility complies with civilian legislation and defence regulations. Failure to comply with the defence regulations will incur enforcement action, and/or possible restrictions to certification of sites. The FGSAA is also used by units to self-assess their facility in the intervening years between FGSR inspections. The CCO is dependent on compliance with defence regulations even during the self-assessment. TLB Duty Holders shall have a CCO to be able to operate a fuel facility within the MOD safety case. Any in-year lapse of a regulatory condition will invalidate the CCO and the DH should stop operating the facility.

80. **Self-assessments.** In the years between FGSR inspections, each unit shall conduct a self-assessment using the FGSAA. Self-assessments must be completed by a competent person embedded within the unit and within the Duty Holder construct. Any breaches of defence regulations identified by a self-assessment can invalidate the CCO, the facility should be expected to close and FGSR may apply enforcement action. TLBs provide second-party assurance, primarily through their Chief Environment and Safety Officer organisations, augmented by the Command's logistic fuel specialists in Army and Air command. First-party HS&EP assurance is provided by the units themselves.

81. These regulations apply to all defence activities within the UK and overseas. These regulations apply to all personnel involved in the operation of F&GS facilities whilst conducting defence activities within the UK and overseas:

<b>FUEL &amp; GAS SAFETY REGULATIONS</b>	
<b>Regulation</b>	<b>Title</b>
Regulation 1	<p><b>Safety Management System</b></p> <p>Those operating on Fuel &amp; Gas Storage (F&amp;GS) facilities <b>shall</b> implement a suitable and sufficient Safety Management System to manage the fuel and gas safety risks.</p>
Regulation 2	<p><b>Environmental Management System</b></p> <p>Those operating on Fuel &amp; Gas Storage (F&amp;GS) facilities <b>shall</b> implement a suitable and sufficient Environmental Management System to manage the fuel and gas environmental risks.</p>
Regulation 3	<p><b>Risk Assessment</b></p> <p>Those operating on Fuel &amp; Gas Storage (F&amp;GS) facilities <b>must</b> complete suitable and sufficient Risk Assessments for all processes and activities involving gases, fuel and lubricants, which shall be reviewed on a regular basis. Where a risk assessment identifies a requirement, the finding shall be acted upon.</p>
Regulation 4	<p><b>Emergency Arrangements</b></p> <p>Those operating on Fuel &amp; Gas Storage (F&amp;GS) facilities must produce suitable and sufficient Unit Emergency Arrangements.</p>
Regulation 5	<p><b>DSEAR</b></p> <p>Those operating on Fuel &amp; Gas Storage (F&amp;GS) facilities <b>must</b> complete a suitable and sufficient Risk Assessment that complies with the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR).</p> <p>If the findings of the risk assessment identify sufficient risk then a plan that identifies the hazardous area is to be implemented. The plan <b>must</b> also demonstrate that all electrical and mechanical machinery and portable equipment used in hazardous areas is identified as fit for purpose for the respective zones, is correctly maintained and is asset tracked in accordance with DSEAR</p>
Regulation 6	<p><b>Roles and Responsibilities</b></p> <p>Those operating on Fuel &amp; Gas Storage (F&amp;GS) facilities <b>shall</b> appoint appropriate persons to manage and facilitate on behalf of the Head of Establishment. All staff with responsibilities <b>shall</b> have their roles and responsibilities formally arranged so that they are clear and understood by both the person and the staff who interact with them.</p>
Regulation 7	<p><b>Training and Competence</b></p> <p>Those operating on Fuel &amp; Gas Storage (F&amp;GS) facilities <b>must</b> only allow personnel who are suitably trained, qualified, experienced, and competent to operate the facility; This requirement <b>must</b> be formally managed and documented to ensure compliance.</p>
Regulation 8	<p><b>Infrastructure</b></p> <p>Those operating on Fuel &amp; Gas Storage (F&amp;GS) facilities <b>must</b> ensure the infrastructure facilities are sited, designed, constructed, operated and decommissioned in a manner that is safe, environmentally sound, and fit for purpose. This fitness for purpose <b>must</b> be actively maintained throughout the life of the facility.</p>

<p>Regulation 9</p>	<p><b>Maintenance &amp; Inspection</b></p> <p>Those operating on Fuel &amp; Gas Storage (F&amp;GS) facilities <b>must</b> ensure that the infrastructure facilities are properly maintained, inspected and, where necessary, certificates are provided to guarantee that they are fit for continued use, or taken out of service (decommissioned). This shall include an in-date FGSR CCO where applicable.</p> <p>Where fitness for continued use is not possible, those operating defence fuel and industrial gas facilities <b>must</b> ensure that the facilities are made safe until they are repaired or taken out of service.</p>
<p>Regulation 10</p>	<p><b>Operation</b></p> <p>Those operating on Fuel &amp; Gas Storage (F&amp;GS) facilities <b>must</b> ensure that they are in possession of appropriate, current, and concise procedures that detail normal, abnormal, and emergency activities.</p>

## APPLICATION OF THE LAND SYSTEMS SAFETY REGULATOR (LSSR) REGULATIONS

### Introduction

82. The Ministry of Defence (MOD) has a duty to protect its employees, those that may be affected by its activities and the environment. Effective safety and environmental protection is crucial to force protection and maximising operational capability.

### Scope

83. These Regulations, along with DSA03-DLSR.LSSR DCoPs and supporting guidance for S&EP (in response to the SofS Policy Statement on HS&EP in defence), provide a framework for ensuring that acceptable levels of HS&EP are being achieved and sustained through the Land System Lifecycle.

84. This regulatory document overarches all other documents relating to the management of land systems safety and environmental protection in MOD. Where there are interfaces with other regulatory domains these shall be identified.

85. LSSR is empowered to enforce [JSP 930](#) (Generic Maintenance, Inspection Certification and Testing of Vehicles). The requirement for [JSP 930](#) compliance lies under Regulation 15 (Equipment Care and Configuration Control).

### Land System Definition

86. A land system can be defined as any system designed to be operated and maintained in the land environment, where the output and the activity does not primarily impact on Air or Sea worthiness.

a. This includes:

- (1) Vehicles, integrated weapons, communication systems, information systems, support equipment;
- (2) People as an element of the land system function;
- (3) Rail systems (including rail rolling stock, power units and running gear) owned or operated by or on behalf of MOD<sup>19</sup>).

b. This excludes:

- (1) Permanent infrastructure<sup>20</sup> owned and maintained by DIO; for example, Rail track, points, signals and buildings;
- (2) Adventurous Training (non-land system elements).

87. Land environment refers to the physical environment in which a land based system operates, not the part of the organisation that provides the system. Land systems may operate in the littoral zone; this straddles air, maritime and land environments<sup>21</sup>.

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<sup>19</sup> MOD Rail Safety Management, policy, guidance and criteria for the safe operation and management of MOD rail activities is contained in DCOP D in DSA03-DLSR LSSR and MTSR Regulations and guidance documents.

<sup>20</sup> These are permanent installations, for example, structures, systems, and facilities that provide a defence capability. Installations that do not have a planned permanent use are outside of this definition, such as deployable installations.

<sup>21</sup> Adapted from JCN 2/12, Future Land Operating Concept.



88. The determination of whether a land system primarily impacts on Air or Sea worthiness should be agreed with the relevant TLBs and recorded. Where there is ambiguity this should be discussed and agreed with the relevant domain regulator.

LAND SYSTEMS REGULATIONS	
Regulation	Title
Regulation 1	<p><b>Safety and Environmental Protection</b></p> <p>Those holding safety and environmental responsibilities <b>shall</b> ensure that land systems meet the requirements of all applicable safety and environmental MOD policy.</p>
DCOP A	<b>Supported by DSA03 LSSR DCoP A - Safety and Environmental Protection</b>
Regulation 2	<p><b>Establish a Safety and Environmental Management System (SEMS)</b></p> <p>Those holding safety and environmental responsibilities <b>shall</b> document, maintain and use a suitable and sufficient Safety and Environmental Management System (SEMS) for the management of safety and environmental protection throughout the lifecycle of all land systems.</p>
DCOP B	<b>Supported by DSA03 LSSR DCoP B - Safety and Environmental Management System</b>
Regulation 3	<p><b>Competence</b></p> <p>Those holding safety and environmental responsibilities <b>shall</b> have the competence to undertake the roles for which they are engaged.</p>
DCOP C	<b>Competence - Supported by DSA03 LSSR DCoP C</b>
Regulation 4	<p><b>Safety and Environmental Cases</b></p> <p>Those holding safety and environmental responsibilities <b>shall</b> establish, use and maintain a valid Safety Case and Environmental Case, including Summary Reports, for land systems.</p>
Regulation 5	<p><b>Safety and Environmental Case Interfaces</b></p> <p>Those holding safety and environmental responsibilities <b>shall</b> ensure that all interfaces relating to safety and environmental protection (between land systems and other systems) are identified, assessed and managed effectively.</p>
Regulation 6	<p><b>Transferring a Safety and Environmental Case</b></p> <p>Those holding safety and environmental responsibilities <b>shall</b> ensure that due diligence is exercised when responsibility for a safety and environmental case is transferred.</p>
DCOP D	<b>Supported by DSA03 LSSR DCoP D - Safety and Environmental Case Development</b>
Regulation 7	<p><b>As Low As Reasonably Practicable (ALARP)</b></p> <p>Those holding safety responsibilities <b>shall</b> ensure that the residual risk posed by the land system(s) has been reduced to a level that is ALARP.</p>
Regulation 8	<p><b>Best Practicable Environmental Option (BPEO)</b></p> <p>Those holding environmental responsibilities <b>shall</b> ensure that the environmental risk posed by the system(s) has been reduced or managed as far as reasonably practicable by selection of the BPEO.</p>

DCOP E	<b>Supported by DSA03 LSSR DCoP E - Safety and Environmental Risk Management</b>
Regulation 9	<b>Legislation Compliance Assessment</b> Those holding safety and environmental responsibilities <b>shall</b> undertake a suitable and sufficient legislation compliance assessment for each land system prior to use.
Regulation 10	<b>Exemption Cases</b> Those holding safety and environmental responsibilities <b>shall</b> present a formal exemption case to the Land Exemption Committee for each land system, where a legal exemption is necessary and permitted, prior to use.
DCOP F	<b>Supported by DSA03 LSSR DCoP F - Legislation Compliance</b>
Regulation 11	<b>Operational Dispensation</b> Those holding safety and environmental responsibilities <b>shall</b> ensure that an Operational Dispensation is in place if an operational imperative arises that necessitates the use of the land system(s) outside its safe operating envelope.
DCOP G	<b>Supported by DSA03 LSSR DCoP G – Operational Dispensation</b>
Regulation 12	<b>Incident Reporting</b> Those holding safety and environmental responsibilities <b>shall</b> ensure that all incidents involving land systems are reported, recorded and appropriately investigated.
Regulation 13	<b>Monitoring and Reviewing Performance</b> Those holding safety and environmental responsibilities <b>shall</b> have in place an effective means of monitoring, reviewing and reporting safety and environmental performance.
Regulation 14	<b>Audit Requirements</b> Those holding safety and environmental responsibilities <b>shall</b> undertake suitable and sufficient safety and environmental protection audits.
DCOP H	<b>Supported by DSA03 LSSR DCoP H - Safety and Environmental Performance Monitoring, Review and Audit</b>
Regulation 15	<b>Equipment Care and Configuration Management</b> Those holding safety and environmental responsibilities <b>shall</b> ensure effective processes and procedures are in place for equipment care <sup>22</sup> and configuration management for land systems.
DCOP I	<b>Supported by DSA03 LSSR DCoP I - Equipment Care and Configuration Management</b>

<sup>22</sup> For Land System vehicles: TLBs **shall** also ensure compliance with the requirements of JSP 930 [Generic Maintenance, Inspection, Certification and Testing (MICaT)].

## **APPLICATION OF THE MOVEMENT & TRANSPORT SAFETY REGULATOR (M&T SR) REGULATIONS**

### **Introduction**

89. To manage Movement and Transport (M&T) safety arrangements integrally with other safety and environmental management processes as part of a system of systems; due consideration shall be given to the regulatory requirements of other defence regulators, (i.e. the requirements of DSA 02 – Defence Ordnance Munitions and Explosives (OME)) Regulations when handling, transporting and staging explosives.

90. M&T Safety Regulations should not be read in isolation, as it is possible that more than one Regulation effects a particular M&T activity.

91. In addition, Regulations are to be read in conjunction with the Advice and Guidance contained in DSA03 M&T Defence Codes of Practice (DCOP) and DSA03 Operating Manuals. These give practical advice regarding compliance on how to achieve the standards required for M&T activities and have a special regulatory status. If someone is found to be in breach of Defence Regulations and did not follow the relevant provisions of a DCOP, then the onus is on them to demonstrate that they complied with the regulations in some other way.

### **Scope**

92. M&T Safety Regulations outline the M&T Safety and Environmental Management Arrangements (SEMA) framework for defence to meet its legal obligations. They:

- a. Contain the requirements by which the Regulator ensures that M&T systems and arrangements comply with the SofS Policy Statement;
- b. Specify the M&T Safety Regulations, Defence Codes of Practice (DCOP) and supporting guidance against which compliance will be assessed;
- c. Are intended for all personnel engaged in M&T activity, including acquisition, support, storage, transportation, training, use, operation and disposal of defence M&T systems and equipment;
- d. Outline how defence and those responsible for M&T systems and arrangements (including policy), manage and demonstrate that acceptable levels of inherent risk to people and the environment are being achieved and sustained through-life;
- e. Describe, for M&T activity, the acceptable levels of safety risk as either Broadly Acceptable or Tolerable and As Low as Reasonably Practicable (ALARP).

93. DSA Safety Regulations take precedence over all other defence documents relating to the safety and environmental management of defence M&T activity.

## Applicability

94. M&T Safety Regulations are intended to:
- a. Be applied to all M&T activity (worldwide) conducted by all defence organisations, Trading Fund Agency (TFA) or defence contractors employing military, MOD civilian or contractors' personnel. Defence contractors shall be required to seek legal clarification as to the applicability of legislation and DEDs in relation to their activity;
  - b. Identify areas that shall be managed in order that the inherent risks to personnel, third parties, materiel or the environment are assessed;
  - c. Specify how levels of inherent M&T safety and environmental risks for systems and their constituent components shall be established and demonstrated.
95. M&T Safety Regulations are **not** intended to:
- a. Address occupational health and safety that is necessary within the armed services that use M&T systems. This shall be managed in accordance with MOD health and safety handbooks and TLB procedures;
  - b. Be used for contracting purposes in its own right. Contracting for safety shall be in accordance with [Def Stan 00-056 Pt 1](#)<sup>23</sup>; however, specific defence Regulations may be included within contracts.
96. Whilst the processes and requirements mandated within the M&T Safety Regulations are designed to be sufficiently generic to apply to most of M&T activities and systems, there may be instances where initial Risk Assessments (RA) infer that some of the M&T regulatory requirements may not be appropriate. This is particularly relevant to systems reliant on novel technologies and compositions, where those responsible for the system shall justify those requirements that are not appropriate - via the appropriate safety panel.

## Movement and Transport Definition

97. M&T covers a wide and varied range of functional disciplines and often requires pan TLB cooperation in the conduct of activities. M&T Safety Regulations cover safety requirements for the planning, preparation and execution of all M&T activities worldwide. The regulatory requirements shall be applied to all M&T activity conducted by: TLBs, TFAs or defence contractors employing military, MOD civilian or MOD contracted personnel<sup>24</sup>.
98. M&T is interpreted as the planning, risk management, control and execution of the change in location of vehicles, personnel or equipment, as part of a defence operation, by road, rail, sea, inland waterways, air and/or inter-modal transport. The term Movement is inclusive of the supporting capabilities of mobility, transportation, infrastructure, movement control and support functions required to undertake movement tasks. Broadly defined, M&T activities and disciplines cover the following:
- a. Safe movement of vehicles, freight and personnel by road, rail, air and water;
  - b. Safe operation of MOD rail;
  - c. Safe use and management of road transport;

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<sup>23</sup> Defence Standard 00-56, Safety Management Requirements for Defence Systems.

<sup>24</sup> Including where defence regulatory requirements have been included in contracts.

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- d. Road safety;
- e. Safety of loads and load restraint – by all modes;
- f. Transport of dangerous goods – by all modes;
- g. Management and use of ISO freight containers;
- h. Environment and biosecurity requirements for M&T activities

M&T SAFETY REGULATIONS	
Regulation	Title
Regulation 1	<p><b>M&amp;T Safety Management</b></p> <p>Those planning, managing, supporting or undertaking M&amp;T activity <b>shall</b> have arrangements in place to ensure that all activity is conducted safely and in accordance with: national and international legislation, Defence Regulation and S&amp;EP policy.</p>
Sub-Clauses	<p>1. <b>Legislation compliance.</b> Those planning, managing, supporting or undertaking M&amp;T activity shall undertake a suitable and sufficient legislation compliance assessment for each element of the activity.</p> <p>2. <b>Exemption cases.</b> Those responsible for the management of M&amp;T activity shall present a formal exemption case to the Land Exemption Committee for any M&amp;T activity where a legal exemption is deemed necessary. Where an exemption from defence M&amp;T regulations is sought, an exemption case shall be submitted to the MTSR.</p> <p>3. <b>Safety and Environmental Management Arrangements (SEMA).</b> Arrangements shall be in place to ensure that those planning, managing, supporting or undertaking M&amp;T activity - document, maintain and use suitable and sufficient arrangements for the management of safety and environmental protection.</p> <p>3.1. <b>Best Practicable Environmental Option (BPEO).</b> Those planning, managing, supporting or undertaking M&amp;T activity shall ensure that any environmental risk posed by the activity has been reduced or managed as far as reasonably practicable by selection of the BPEO.</p> <p>3.2. <b>Biosecurity.</b> Those planning, managing, supporting or undertaking M&amp;T activity for all modes of transport, including multi-modal movement, shall ensure that all activity is in full compliance with national and international biosecurity requirements.</p> <p>3.3. <b>Emergency arrangements.</b> Those planning, managing, supporting or undertaking M&amp;T activity shall ensure that documented emergency arrangements are made available to those who may be called upon to attend and resolve an emergency.</p>
Regulation 2	<p><b>M&amp;T Competence</b></p> <p>Those planning, managing, supporting or undertaking M&amp;T activity <b>shall</b> ensure that those involved are competent.</p>
Regulation 3	<p><b>Establishment of Safe Ways of Working</b></p> <p>Those planning, managing, supporting or undertaking M&amp;T activity <b>shall</b> document, implement and maintain safe systems of work so that the residual risks posed have been reduced to a level that is As Low as Reasonably Practicable (ALARP).</p>

Sub-Clauses	<p>1. <b>Safety management arrangements.</b> Those planning, managing, supporting or undertaking M&amp;T activity shall have in place arrangements to ensure that those planning, managing, supporting or undertaking M&amp;T activity document, maintain and use safe systems of work.</p> <p>2. <b>M&amp;T interfaces.</b> Those responsible for the planning, managing, supporting or undertaking M&amp;T activity, which impacts upon or has potential to affect any other activity, shall ensure that all interfaces are identified, assessed and managed effectively.</p> <p>3. <b>Risk Assessment (RA).</b> Those planning, managing, supporting or undertaking M&amp;T activities shall complete a RA for each activity to ensure that any residual risk has been reduced to a level that is ALARP. The RA shall be recorded with reviews conducted as appropriate.</p> <p>4. <b>Contracted activity.</b> Where an M&amp;T activity is to be contracted, those responsible for the commercial letting shall ensure the contractor is aware of how legal Derogations, Exemptions or Disapplications (DED) may apply and that they take appropriate steps to ensure compliance.</p>
Regulation 4	<p><b>Monitoring and Reviewing M&amp;T Performance</b></p> <p>Those planning, managing, supporting or undertaking M&amp;T activity <b>shall</b> ensure that arrangements are in place to provide an effective means of monitoring, reviewing and reporting safety and environmental performance.</p>
Sub-Clauses	<p>1. <b>Assurance, audits and inspections.</b> Those responsible for the management of M&amp;T activity shall undertake suitable and sufficient audits and inspections to assure that risks are appropriately managed.</p> <p>2. <b>Documentation.</b> Documentation relating to M&amp;T activity shall be legibly maintained and be readily accessible for audit and inspection.</p>
Regulation 5	<p><b>Defence Driver Licence Acquisition</b></p> <p>Those responsible for defence driver licence acquisition activities <b>shall</b> ensure that appropriate arrangements are in place for the management, effective control and supervision of the defence licence acquisition process for entitled personnel.</p>
Sub-Clauses	<p>1. <b>Legislative standards.</b> Those responsible for the provision of driver licence acquisition, training and testing processes, shall ensure that all activity conforms to national and international standards.</p> <p>2. <b>Provision and management.</b> Those involved in the management of the defence licence acquisition process shall provide appropriate arrangements to control, manage and record driving licence applications, driver training and driver testing processes for entitled personnel.</p> <p>3. <b>Defence Licensing and Testing Authority (DELTA) and Theory Test Centres (TTC).</b></p> <p>a. A DELTA and TTC shall require a licence to operate.</p> <p>b. Personnel involved in the licence application or driver training and driver testing process shall be formally appointed, appropriately trained and managed.</p> <p>4. <b>Data management.</b> Management arrangements shall be in place to ensure communication of test results are compliant with requirements of the appropriate national licencing authority.</p>
Regulation 6	<p><b>Specific Requirements for the Carriage of Dangerous Goods</b></p> <p>Those planning, managing, supporting or undertaking M&amp;T activities <b>shall</b> ensure that arrangements are in place for the safe preparation and consignment of articles, equipment or substances classified as Dangerous Goods (DG).</p>

## Sub-Clauses

1. Those responsible for the transport of DG shall use and comply with all relevant DG legislation, modal regulations and defence requirements relevant to the mode of transport used.

#### Appointments and Training

2. **Dangerous Goods Safety Advisor (DGSA).** Where a TLB is routinely required to transport DG by road and/or rail, it shall formally appoint a DGSA. Where a TLB utilises contract support to transport DG by road and/or rail, it shall ensure that the contractor(s) engage their own DGSA.

3. **Authorised Representative (AR).** A formally trained AR shall be present to prepare and supervise the loading and unloading of a Cargo Transport Unit (CTU) when utilised for the carriage of DG of UN Class 1. The AR shall be competent for all anticipated modes of transport.

4. **Government Authorised Explosive Representative (GAER).** A formally trained GAER shall be appointed to oversee and advise on the safe transit of military explosives through a port or harbour area.

#### Consignment Procedures

5. **Acceptance and rejection procedures.** Those responsible for the consignment of DG shall ensure that procedures are in place to ensure that the goods are compliant with the requirements for all anticipated modes of transport. All non-compliant DG consignments shall be appropriately managed.

6. **Safety handling.** Consignments of UN Class 1 and 7 are subject to additional special safety requirements, specifically:

- a. Goods of UN Class 1 shall only be handled, loaded, unloaded or stabled in an area licenced for that purpose.
- b. Goods of UN Class 1 shall always be carried in compliance with full regulatory requirements. Limited Quantity (LQ) provisions shall not be applied to military consignments.
- c. Arrangements shall be in place to notify personnel engaged in handling goods of UN Class 1 when the Meteorological Office declares a Thunderstorm Level/Risk High or Medium warning.
- d. Goods of UN Class 7 shall only be handled, loaded, unloaded or stabled in authorised areas.

#### Transport Operations

7. **Transport documents.** Those responsible for the consignment of DG shall ensure that appropriate safety information and transport documentation is provided in respect of the DG being carried. The transport document shall accompany DG consignments at all times.

8. **Dual compartment vehicle.** For road movement, DG consignments shall only be transported in a dual compartment vehicle.

9. **Old cargo vehicles.** Vehicles constructed prior to 01 Jan 1997, shall not transport Class 1 DG in a quantity that exceeds the load limits for an EX/II type vehicle.

10. **Proof of training.** When transporting DG by road, all drivers, attendants and essential vehicle crew shall carry proof of DG qualification.

11. **Stowage of Cargo Aircraft Only (CAO) DG.** DG that are classified and labelled as CAO shall not be stowed in lower cargo holds of aircraft.

Regulation 7	<p><b>M&amp;T Reporting</b></p> <p>Those responsible for the management, support and conduct of M&amp;T activity <b>shall</b> ensure that all accidents, incidents and non-compliances are reported, recorded and appropriately investigated.</p>
Sub-Clauses	<ol style="list-style-type: none"> <li>1. <b>Accident, incident and non-compliance reporting.</b> All TLB shall ensure that arrangements are in place to record, document and investigate M&amp;T activity related accidents, incidents and non-compliances.</li> <li>2. <b>Reporting of M&amp;T non-compliance.</b> Accidents, Incidents, near-misses and non-compliances involving M&amp;T activity shall be reported to MTSR.</li> <li>3. <b>Reporting of vehicle related accidents.</b> All MOD vehicle related accidents and incidents shall be reported by the responsible unit to:             <ol style="list-style-type: none"> <li>a. The appropriate Department's Claims Handler, and</li> <li>b. The MTSR IMPACT Data Cell.</li> </ol> </li> </ol>
Regulation 8	<p><b>Hazardous Stores Information System (HSIS)</b></p> <p>Those responsible for the procurement of hazardous substances (or equipment containing hazardous substances, mixtures or articles), <b>shall</b> ensure that suitable arrangements are in place to ensure that sufficient, current and appropriate hazardous information and safety data is made available to the user community.</p>
Sub-Clauses	<ol style="list-style-type: none"> <li>1. <b>Provision of safety information.</b> Those responsible for the procurement, management, supervision and control of hazardous substances, mixtures and articles shall ensure that appropriate hazard data, safety data sheets and safety information on proposed control measures shall be made available at all stages of the procurement, storage, distribution, use and disposal cycles.</li> <li>2. <b>Hazardous Stores Information System (HSIS):</b> The defence Equipment and Support (DE&amp;S), as the designated Defence Delivery Agent, shall maintain a system which provides readily accessible hazardous stores and safety information for all products that are designated as, or contain, hazardous substances, mixtures and articles.</li> </ol>
Regulation 9	<p><b>Design Requirements for Transportability</b></p> <p>Those responsible for the procurement and through life management of defence equipment <b>shall</b> ensure that arrangements are in place to ensure that equipment is designed and constructed to meet the requirements for load restraint and its safe transportation by any mode.</p>
Sub-Clauses	<ol style="list-style-type: none"> <li>1. <b>Equipment design and construction.</b> Defence issued equipment, which is likely to be transported by road, rail, sea, or air shall have suitable restraint and lifting points designed, constructed and tested in accordance with national and international legislation, and comply with NATO and Defence Standards.</li> <li>2. <b>Restraint systems.</b> Those responsible for the procurement and through life management of defence vehicles and major equipment shall ensure that:             <ol style="list-style-type: none"> <li>a. Trials are conducted to develop a system for the safe restraint of the equipment during transport in accordance with the statement of user requirement for the vehicle or equipment, the environment(s) it is to be operated in and the mode by which the equipment may be transported.</li> <li>b. A Tie Down Scheme (TDS), including movement safety data, is provided for each mode of transport.</li> </ol> </li> </ol>



	<p>c. Where equipment undergoes modification or upgrade, the relevant TDS and documents providing related data are reviewed and amended to reflect changes of dimensions, weights, etc.</p>
<p>Regulation 10</p>	<p><b>Load Safety and Load Restraint</b></p> <p>Those planning, managing, supporting or undertaking the loading of materiel <b>shall</b> ensure that arrangements are in place for the safe loading, restraint and transportation of equipment.</p>
<p>Sub-Clauses</p>	<ol style="list-style-type: none"> <li>1. <b>Principles of load restraint.</b> Those planning, managing, supporting or undertaking the loading of goods or cargo shall ensure that personnel engaged in loading are trained and competent in the principles of load restraint.</li> <li>2. <b>Provision of restraint systems.</b> Those responsible for tasking or operating vehicles capable of carrying a load shall ensure that adequate and suitable restraint equipment is available and used to prevent the movement of loads.</li> <li>3. <b>Loading of vehicles and equipment.</b> Those planning, managing, supporting or undertaking the loading of vehicles shall ensure that those involved are competent to conduct the activity.</li> <li>4. <b>Tie Down Schemes (TDS).</b> Those planning, managing, supporting or undertaking the movement of vehicles and major equipment shall ensure that:             <ol style="list-style-type: none"> <li>a. All personnel involved in the loading and securing of vehicles and major equipment have access to and apply the requirements of the defence authorised TDS.</li> <li>b. The restraint equipment assemblies required for the application of the authorised TDS are made available to the user.</li> <li>c. Users of vehicles and major equipment for which a TDS has been provided shall be formally trained in its application and use of the load restraint assembly.</li> <li>d. Where it is identified that no authorised TDS is available, or damage to the equipment prevents application of an authorised TDS, a suitably qualified and competent person shall assess the load to determine the level of restraint required.</li> </ol> </li> </ol>
<p>Regulation 11</p>	<p><b>Defence Rail Operating</b></p> <p>Those planning, managing, supporting or undertaking rail operating activities <b>shall</b> ensure that arrangements are in place to document, maintain and employ suitable and sufficient safety and environmental management arrangements.</p>
<p>Sub-Clauses</p>	<ol style="list-style-type: none"> <li>1. <b>Safety and environmental responsibilities.</b> Those holding safety and environmental responsibilities for the operation of defence rail shall ensure effective processes and procedures are in place for the management of safety and environmental protection throughout the life of the rail system.</li> <li>2. <b>Safety management arrangements.</b> Those providing, managing or undertaking rail operations on the defence estate shall ensure that all activity be conducted in accordance with a documented safety environment management system.</li> <li>3. <b>Safety verification.</b> Those providing, managing or undertaking rail operations shall have procedures in place to introduce new, or altered, vehicles or infrastructure safely. Where the introduction of new or alterations to infrastructure or vehicles significantly increases the level of risk, safety verification shall be necessary.</li> </ol>

	<p>4. <b>Safety critical work.</b> Those providing, managing or undertaking rail operations shall ensure that only suitably competent and fit persons conduct safety critical tasks.</p> <p>5. <b>Entities in Charge of Maintenance (ECM).</b> Those providing, managing or undertaking rail operations shall ensure a system of maintenance is in place to certify that all vehicles in service are safe to use.</p> <p>6. <b>Access to National Rail.</b> Those providing, managing or undertaking rail operations shall ensure that personnel required to access National Rail controlled infrastructure and will work on or be near the line are competent.</p> <p>7. <b>Railway protection.</b> Those providing, managing or undertaking rail operations shall ensure the railway is protected against unwanted intrusion and unauthorised access.</p> <p>8. <b>Separation from operational railway.</b> Those providing, managing or undertaking rail operations shall ensure that personnel carrying out duties on an operational railway are separated from danger so that they are able to carry out their duties in safety. Where operational procedures permit personnel onto the infrastructure, while trains are operating, adequate clearances shall be provided to enable them to carry out their duties in safety.</p> <p>9. <b>Location identification.</b> Those providing, managing or undertaking rail operations shall ensure that there are means to identify and provide defined locations on the infrastructure for the safe operation and maintenance of the railway.</p> <p>10. <b>Terminal tracks.</b> Those providing, managing or undertaking rail operations shall ensure that where stations have terminal tracks, arrangements are provided to stop a train and protect people and the station from the effects of an overrun.</p> <p>11. <b>Rail control.</b> Those providing, managing or undertaking rail operations shall ensure that arrangements and facilities are in place to enable effective operational control of the station in co-ordination with the railway and with activities adjacent to the railway.</p> <p>12. <b>Evacuation.</b> Those providing, managing or undertaking rail operations shall ensure the station and its control arrangements allow for safe evacuation in an emergency.</p> <p>13. <b>Access, egress and retention.</b> Those providing, managing or undertaking rail operations shall ensure trains have a safe means of access, egress and retention of people and goods carried.</p> <p>14. <b>Communications.</b> Those providing, managing or undertaking rail operations shall ensure there is an effective means of communicating safety messages to passengers either on the train or boarding and alighting from it; and between passengers and staff on the train both on board the train and to external controllers in event of an emergency.</p> <p>15. <b>Stabling areas safe for people.</b> Those providing, managing or undertaking rail operations shall ensure the railway system provides safe stabling, marshalling and maintenance of trains.</p>
Regulation 12	<p><b>Management and use of MOD Vehicles</b></p> <p>Those planning, managing, supporting or controlling the use of MOD provided vehicles <b>shall</b> ensure that arrangements are in place to ensure that all vehicles are controlled, managed and used safely.</p>
Sub-Clauses	<p>1. <b>Vehicle management responsibilities.</b> Those planning and managing the provision of vehicles for defence activities shall ensure that roles and responsibilities are clearly defined and documented.</p>

	<p>2. <b>Vehicle roadworthiness.</b> Those responsible for the provision, tasking, allocation and use of MOD provided vehicles shall ensure that they are in a roadworthy condition and fitted with any mandated safety equipment.</p> <p>3. <b>Vehicle speed limits and vehicle speed restrictions.</b> Those responsible for the provision, tasking, allocation and use of MOD provided vehicles shall ensure that relevant information is provided to drivers, riders and vehicle commanders in respect of any applicable speed limit or speed restriction associated with the vehicle and road or terrain the vehicle is required to operate on.</p> <p>4. <b>Use of vehicles under Blue Light (BL) (Emergency) conditions.</b> Those responsible for the tasking, allocation and use of MOD provided vehicles shall ensure that no MOD vehicle is operated under blue light conditions or exceed signed speed limits unless authority exists to do so and the driver, and or crew has received the appropriate training.</p> <p>5. <b>Marking and lighting of vehicles used for emergency purposes.</b> Those responsible for the tasking, allocation and use of MOD provided vehicles shall ensure that no MOD vehicle is fitted with emergency lights or markings, unless an authority to do so exists.</p> <p>6. <b>Pre-use vehicle checks.</b> Those personnel controlling or operating MOD provided vehicles shall ensure that a safety check of the vehicle is conducted prior to use.</p> <p>7. <b>Driver and passenger safety.</b> Those responsible for the controlling, tasking, allocating or using MOD provided vehicles shall ensure that appropriate safety clothing and equipment is provided and used.</p> <p>8. <b>Use of open architecture vehicles.</b> Those personnel controlling or operating open architecture vehicles shall ensure that appropriate safety clothing and equipment is made available and used.</p>
Regulation 13	<p><b>Use of Operational Military Vehicles (OMV)</b></p> <p>Those planning, managing, supporting or operating OMV <b>shall</b> ensure that arrangements are in place to ensure the safe use of the vehicles on public roads.</p>
Sub-Clauses	<p>1. <b>Planning and control.</b> Those responsible for the use of OMV on public roads shall ensure that all activity is appropriately planned and controlled, including route selection and notification to local authorities.</p> <p>2. <b>Management.</b> Those responsible for the use of OMV on UK public roads shall ensure that:</p> <ul style="list-style-type: none"> <li>a. Attendants are provided where appropriate.</li> <li>b. Escorts shall be provided for movement of OMV which exceed 3.5m in width. Consideration shall be given to the use of escorts for all other OMV.</li> <li>c. Where there is a requirement to escort: <ul style="list-style-type: none"> <li>(1) Personnel shall be appropriately trained, suitably equipped and have clearly defined roles and responsibilities.</li> <li>(2) Escort Vehicles shall be fully compliant with legislation.</li> </ul> </li> </ul> <p>3. <b>Marking and lighting of OMV.</b> Those responsible for the use of OMV on UK public roads shall ensure that:</p> <ul style="list-style-type: none"> <li>a. Where a vehicle exceeds 2.6m in width, the extreme edges of the vehicle shall be appropriately marked.</li> <li>b. Any forward, rearward or lateral projection shall be appropriately marked.</li> <li>c. Where a vehicle exceeds 2.9m in width or limited to a maximum speed of less than 25mph, it shall be fitted with, and use amber warning beacons.</li> </ul>

	<p>d. Where a vehicle exceeds 3m in height appropriate warning labels, or other documentation shall be provided.</p> <p>e. Where the vehicle is being used on a public road, in a non-operational environment, it shall display a minimum of dipped beam to the front and tail lights to the rear.</p> <p>4. <b>Armoured Vehicle (Tracked) (AV(T)) speed limits.</b> Those responsible for the use of AV(T) on UK public roads shall ensure that arrangements are in place to ensure that:</p> <p>a. Vehicles with a Maximum Authorised Mass (MAM) not exceeding 30t are operated at a speed not exceeding 40 mph.</p> <p>b. Vehicles with a Maximum Authorised Mass (MAM) exceeding 30t are operated at a speed not exceeding 30 mph.</p>
Regulation 14	<p><b>Driver Management</b></p> <p>Those planning, managing, supporting or operating MOD provided vehicles <b>shall</b> have arrangements in place to ensure that drivers are appropriately managed.</p>
Sub-Clauses	<p>1. <b>Licensing.</b> Those managing transport activities shall ensure that all drivers hold a valid driving licence, are formally trained and certified to drive and operate each vehicle category and platform type.</p> <p>2. <b>Driving overseas.</b> Those managing transport activities shall ensure that all drivers are appropriately trained and certified to drive when employed overseas.</p> <p>3. <b>Military vehicles exceeding 3.5t Maximum Authorised Mass (MAM).</b> Those managing transport activities shall ensure that drivers of wheeled vehicles including Armoured Vehicles (Wheeled) (AV(W)) and vehicles used for firefighting or fire salvage purposes, which are more than 3.5t MAM, hold a valid driving licence entitlement which equates to the MAM of the vehicle (Category C1 or Category C), or passenger carrying capability (Category D1 or Category D) of the vehicle being driven.</p> <p>4. <b>Commanders of crew served platforms.</b> Those managing transport activities shall ensure that commanders of crew served platforms hold a valid driving licence and are formally trained and certified for the vehicle category and platform being commanded.</p> <p>5. <b>Entitlement to carry passengers in Dual Purpose Vehicles.</b> Those managing transport activities shall ensure that a member of the armed forces, when driving a dual-purpose vehicle, holds a valid driving entitlement for the Category of vehicle being driven; and that not more than 24 passengers are carried.</p> <p>6. <b>Young drivers.</b> Those managing transport activities shall ensure that all members of the armed forces, who fall below the normal age requirements for driving licence acquisition, are provided with additional training regarding licence limitations and/or conditions of use.</p> <p>7. <b>Driver continuation and professional competence training.</b> Those managing transport activities shall ensure that drivers are provided with continuation training commensurate with their driving activities and role.</p> <p>8. <b>Visiting forces.</b> Those planning, supporting or undertaking transport activities involving visiting forces to the UK or when MOD is operating overseas, shall ensure that:</p> <p>a. All personnel are aware of how legislation affects their use of vehicles and associated driving activities.</p> <p>b. Where an individual is required to operate a vehicle that belongs to another nation, they are formally trained and certified.</p>

	<p>9. <b>Driver responsibilities.</b> Management arrangements shall be in place to ensure that all personnel driving vehicles on MOD business are aware of their responsibilities and fully comply with Defence Regulations.</p>
Regulation 15	<p><b>Management of Drivers' Hours</b></p> <p>Those planning, managing, supporting or operating MOD provided vehicles <b>shall</b> ensure that arrangements are in place to ensure that drivers' hours are appropriately controlled and managed.</p>
Sub Clauses	<p>1. <b>Driver's hours.</b> Those managing vehicle related activities shall ensure that all drivers of MOD provided vehicles, or those driving privately owned vehicles on MOD business, have enough rest prior to driving and that their duty and driving hours are appropriately managed.</p> <p>2. <b>Recording drivers' hours, breaks and rest.</b> Those managing vehicle related activities, in vehicles which are designed to be larger than 3.5 tonne or have more than 8 passenger seats, shall ensure that a suitable system to record the hours worked, breaks taken and rest periods of drivers is in place.</p> <p>3. <b>Rest requirements for professional drivers serving with the reserve forces or as adult instructors in the cadet corps.</b> Those managing personnel, who are either members of the reserve forces or are adult instructors in the cadet corps, who are professional [vocational] drivers, are to ensure they take appropriate daily or weekly rest prior to and following weekend training sessions or annual camp training as required under the Community Drivers' Hours Regulations.</p> <p><b>Driving after air travel.</b> Those managing personnel required to drive after air travel shall ensure that due consideration is taken to manage fatigue.</p>

**ACRONYMS**

AAR	Annual Assurance Report
ACOP	Approved Code of Practice
AESP	Army Equipment Support Publication
ALARP	As Low as Reasonably Practicable
AoR	Area of Responsibility
AP	Accountable Person
AP(Elec)	Authorised Person (Electrical)
AP(Pet)	Authorised Person (Petroleum)
AP(Px)	Authorised Person (Pressure Systems)
APEA	Association for Petroleum and Explosives Administration
AST	Ancillary Storage Tank
Asst	Assistant
AT	Adventurous Training
ATSR	Adventurous Training Safety Regulator
AVGAS	Aviation Gasoline
BCGA	British Compressed Gas Association
BFI	Bulk Fuel Installation
BFCV	Bulk Fuel Carrying Vehicle
BPEO	Best Practicable Environmental Option
CA	Competent Authority
CAR	Corrective Action Requirement
CESO	Chief Environment and Safety Office
COMAH	Control of Major Accident Hazards
DDH	Delivery Duty Holder
DIO	Defence Infrastructure Organisation
DE&S	Defence Equipment and Support
Def Stan	Defence Standard
DSC	Defence Safety Committee
DFRMO	Defence Fire Risk Management Organisation
DH	Duty Holder
DIN	Defence Instructions and Notice
DLSR	Defence Land Safety Regulator
DMR	Defence Maritime Regulator
DNSR	Defence Nuclear Safety Regulator
DOSR	Defence Ordnance Munitions and Explosives Safety Regulator
DSA	Defence Safety Authority
DG DSA	Director General Defence Safety Authority
DSFA	Defence Strategic Fuel Authority
DSEAR	Dangerous Substances and Explosives Atmospheres Regulations
E2E	End-to-End
EA	Environmental Agency
EIGA	European Industrial Gas Association
EN	Enforcement Notice
EPA	Environmental Protection Act
F&GS	Fuel (Lubricant) & Gas Storage
FGSR	Fuel and Gas Safety Regulator
FLC	Front Line Command
FSAA	Fuel Safety and Assurance Assessment
Hd DLSR	Head DLSR
HSWA	Health and Safety at Work Act 1974
HS&EP	Health, Safety and Environmental Protection
HSE	Health and Safety Executive

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HSG	Health and Safety Guidance
IN	Improvement Notice
ISN	Immediate Stop Notice
JOFS	Joint Operational Fuel System
JSP	Joint Services Publication
LSSR	Land Systems Safety Regulator
LPG	Liquefied Petroleum Gas
MAA	Military Aviation Authority
MACR	Major Accident Control Regulations
MOD	Ministry of Defence
MOU	Memorandum of Understanding
MTFI	Motor Transport Fuel Installation
MTR	Movement and Transport Safety Regulator
NATO	North Atlantic Treaty Organisation
ODH	Operating Duty Holder
OFD	Oil Fuel Depot
PEA	Petroleum Enforcement Authority
PFI	Private Finance Initiative
PJHQ	Permanent Joint Headquarters
PJOB	Permanent Joint Operating Base
PN	Prohibit Notice
PPE	Personal Protection Equipment
PPG	Pollution Prevention Guidelines
PPP	Public Private Partnership
PSD	Petroleum Storage Depot
PUS	Permanent Under Secretary
RAF	Royal Air Force
RN	Royal Navy
SC	Stakeholder Committee
SDH	Senior Duty Holder
SFAIRP	So Far as is Reasonably Practicable
SME	Subject Matter Expert
SofS	Secretary of State
STANAG	NATO Standardization Agreement
TFA	Trading Fund Agency
TLB	Top Level Budget holder
UIN	Urgent Improvement Notice
UK	United Kingdom
ULGAS	Unleaded Gasoline
UN	United Nations
WG	Working Group