Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Control of Major Accident Hazards Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 483

HEALTH AND SAFETY

The Control of Major Accident Hazards Regulations 2015

Made - - - -	*2nd March 2015*
Laid before Parliament	*9th March 2015*
Coming into force - -	*1st June 2015*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 [F1] ("the 1972 Act") in relation to measures relating to the prevention and limitation of the effects of accidents involving dangerous substances [F2].

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 15(1), (2), (3)(a), (3)(c), (4)(a), (5)(a), (6)(d) and, (8), 43(2), (3), (4), (6), (80)(1) and 82(3)(a) of, and paragraphs 1(1), (2), 15, 16 and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974 [F3] ("the 1974 Act") and, section 2(2) of the 1972 Act.

Apart from the modifications referred to in the next paragraph, the Secretary of State makes these Regulations for the purpose of giving effect to proposals submitted—

(a) by the Health and Safety Executive under section 11(3) of the 1974 Act [F4] after consulting in accordance with section 50(3) [F5] of that Act; and

(b) by the Office for Nuclear Regulation under section 81(1)(a)(iv) of the Energy Act 2013 [F6] after consulting in accordance with section 81(3) of that Act.

It appears to the Secretary of State that—

(a) the amendments to secondary legislation referred to in Schedule 6; and

(b) the revocations in relation to the instruments referred to in regulation 31,

are expedient as set out in section 80(1) of the 1974 Act.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for the references in these Regulations to Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16th December 2008 [F7] on classification, labelling and packaging of substances and mixtures amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No. 1907/2006, to be construed as including references to Annex I, Part 1.0, 1.1, Parts 2 to 4 and, Annex VI, Part 3 Table 3.1 of that instrument as those provisions are amended from time to time.

F1 1972 c.68; section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). The

power of Ministers of the Crown to make regulations in relation to matters as regards Scotland is preserved by section 57(1) of the Scotland Act 1998 (c.46).

F2 S.I. 1998/1750.

F3 1974 c.37; section 15(1) was substituted by paragraph 6 of Schedule 15 to the Employment Protection Act 1975 (c.71) ("the 1975 Act") and amended by S.I. 2002/794. Section 15(2) and (3)(c) was amended by paragraph 5 of Schedule 12 to the Energy Act 2013 (c.32) ("the 2013 Act"). Section 15(4)(a) was amended by S.I. 2008/960. Section 43 was amended by paragraph 12 of Schedule 15 and Schedule 18 to the 1975 Act and by S.I. 2002/794 and 2008/960.

F4 Section 11 was substituted by S.I. 2008/960.

F5 Section 50(3) was amended by paragraph 16 of Schedule 15 to the 1975 Act, paragraph 6 of Schedule 7 to the Health and Social Care Act 2012 (c.7), **paragraph 11(4)** of Schedule 12 to the 2013 Act, and by S.I. 2008/960.

F6 2013 c. 32.

F7 O.J. No. L353, 31.12.08, p.1.

PART 1

INTRODUCTION

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Control of Major Accident Hazards Regulations 2015 and come into force on 1st June 2015.

(2) These Regulations extend to Great Britain.

Interpretation

2.—(1) In these Regulations—

"the 1974 Act" means the Health and Safety at Work etc. Act 1974;

"the 1999 Regulations" means the Control of Major Accident Hazards Regulations 1999 [F8];

[[F9]"the 2010 Regulations" means the Environmental Permitting (England and Wales) Regulations 2010 [F10];**]**

"the 2012 Regulations" means the Pollution Prevention and Control (Scotland) Regulations 2012 [F11];

[[F12]"the 2016 Regulations" means the Environmental Permitting (England and Wales) Regulations 2016;**]**

"the appropriate agency" in relation to an establishment in—

(a) England, means the Environment Agency;

(b) Scotland, means the Scottish Environment Protection Agency; and

(c) Wales, means the Natural Resources Body for Wales;

"authorised person" means a person authorised by the appropriate agency under section 108 of the Environment Act 1995 [F13];

"CAS number" is the number assigned to a substance by the Chemical Abstracts Service [F14];

"the CLP Regulation" means Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures amending and repealing Directives 67/548/EEC and 1999/45/EC and amending

Regulation (EC) No. 1907/2006, of which Annex I, Part 1.0 and 1.1, Parts 2 to 4 and, Annex VI, Part 3 Table 3.1 are to be read as amended from time to time;

"competent authority" has the meaning given in regulation 4;

"dangerous substance" means (subject to regulation 3(2)(b) and (c)) a substance or mixture—

(a) listed in column 1 of Part 2 of Schedule 1; or

(b) in a category listed in column 1 of Part 1 of Schedule 1,

including in the form of a raw material, product, by-product, residue or intermediate;

"designated authorities" means—

(a) in England and Wales, those persons or bodies specified in Part 1 of Schedule 1 to the Civil Contingencies Act 2004 [F15];

(b) in Scotland, those persons or bodies specified in Part 2 of Schedule 1 to that Act [F16];

"the Directive" means Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major accident hazards involving dangerous substances, amending and subsequently repealing Council Directive [F17]96/82/EC][F18];

"domino effects" is to be construed in accordance with regulation 24(2);

"domino groups" is to be construed in accordance with regulation 24(1) and a reference to "domino group" is to be read accordingly;

"emergency services" means—

(a) those police, fire and rescue, and ambulance services who are liable to be required to respond to an emergency at an establishment; and

(b) where appropriate, Her Majesty's Coastguard;

"establishment" means the whole location under the control of an operator where a dangerous substance is present in one or more installations, including common or related infrastructures or activities, in a quantity equal to or in excess of the quantity listed in the entry for that substance in column 2 of Part 1 or in column 2 of Part 2 of Schedule 1, where applicable using the rule laid down in note 4 in Part 3 of that Schedule;

"the Executive" means the Health and Safety Executive;

"existing establishment" has the meaning given in paragraph (2);

"external emergency plan" is to be construed in accordance with regulation 13(1);

"full address" means the full postal address (including postcode) and an address for contact by electronic means;

"hazard" means the intrinsic property of a dangerous substance or physical situation, with a potential for creating damage to human health or the environment;

"health authority" means—

(a) in relation to England, a clinical commissioning group established under section 14D of the National Health Service Act 2006 [F19];

(b) in relation to Wales, a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 [F20]; and

(c) in relation to Scotland, a Health Board established under section 2 of the National Health Service (Scotland) Act 1978 [F21];

"inspection" means all actions, including—

(a) site visits;

(b) checks of internal measures, systems and reports and follow up documents; and

(c) any necessary follow up,

undertaken by or on behalf of the competent authority to check and promote compliance of establishments with the requirements of these Regulations;

"inspector" means a person appointed under section 19 of the 1974 Act by or on behalf of—

(a) the Executive; or

(b) the ONR;

"installation" means a technical unit within an establishment, whether at or below ground level, in which dangerous substances are produced, used, handled or stored and includes all the equipment, structures, pipelines, pipework, machinery, tools, private railway sidings, docks, unloading quays serving the installation, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of that installation;

"internal emergency plan" is to be construed in accordance with regulation 12(1);

"local authority" means—

(a) for the purposes of regulation 18 and regulation 26, in relation to—

(i) the City of London, the Common Council of the City of London;

(ii) an area in the rest of London, the London borough council for that area;

(iii) the Isles of Scilly, the Council of the Isles of Scilly;

(iv) an area in the rest of England, the district council for that area or where there is no district council for that area, the county council for that area;

(v) an area in Scotland, the council for the local government area;

(vi) an area in Wales, the county council or the county borough council for that area;

(b) otherwise, in relation to—

(i) London, **[**F22the London Fire Commissioner**]**;

(ii) an area where there is a fire and civil defence authority, that authority;

(iii) the Isles of Scilly, the Council of the Isles of Scilly;

(iv) an area in the rest of England, the county council for that area, or where there is no county council for that area, the district council for that area;

(v) **[**F23an area in Scotland, the council for the local government area;**]**

(vi) an area in Wales, the county council or the county borough council;

"lower tier establishment" means an establishment where a dangerous substance is present in a quantity equal to or in excess of the quantity listed in the entry for that substance in column 2 of Part 1 or in column 2 of Part 2 of Schedule 1, but less than that listed in the entry for that substance in column 3 of Part 1 or in column 3 of Part 2 of Schedule 1, where applicable using the rule laid down in note 4 of Part 3 of that Schedule;

"major accident" means an occurrence such as a major emission, fire, or explosion resulting from uncontrolled developments in the course of the operation of any establishment to which these Regulations apply, and leading to serious danger to human health or the environment (whether immediate or delayed) inside or outside the establishment, and involving one or more dangerous substances;

"major accident prevention policy" is to be construed in accordance with regulation 7;

"mixture" means a mixture or solution composed of two or more substances;

"neighbouring establishment" means an establishment that is located in such proximity to another establishment so as to increase the risk or consequences of a major accident;

"new establishment" means—

(a) an establishment that is constructed or enters into operation on or after 1st June 2015;

(b) a site of operation which becomes an establishment to which these Regulations apply on or after 1st June 2015 due to an increase or other change in its inventory of dangerous substances;

(c) a lower tier establishment that becomes an upper tier establishment, or vice versa, on or after that date due to any modification to any of its installations or activities which results in a change in its inventory of dangerous substances;

"nuclear establishment" means an establishment which is or is wholly or partly within—

(a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013 [F24]); or

(b) a new nuclear build site (within the meaning given in regulation 2A of the Health and Safety (Enforcing Authority) Regulations 1998 [F25]);

"the ONR" means the Office for Nuclear Regulation;

"operator" means the person who is in control of the operation of an establishment, or in relation to an establishment which is to be constructed or operated the person who proposes to control its operation, or if that person is not known, the person who in the course of a trade, business or other undertaking carried on by that person has commissioned its design and construction;

"other establishment" means—

(a) a site of operation that becomes an establishment to which these Regulations apply on or after 1st June 2015; or

(b) a lower tier establishment that becomes an upper tier establishment, or vice versa, on or after that date,

for reasons other than those mentioned in paragraph (b) or (c) (as the case may be) of the definition of "new establishment";

[F26 … [F27]

"the public" means one or more persons and, includes their associations, organisations or groups;

"presence of a dangerous substance" means the actual or anticipated presence of a dangerous substance in an establishment, or of a dangerous substance which it is reasonable to foresee may be generated during loss of control of the processes, including storage activities, in any installation within the establishment, in a quantity equal to or in excess of the qualifying quantity listed in the entry for that substance in column 2 of Part 1 or in column 2 of Part 2 of Schedule 1, and "where a dangerous substance is present" is to be construed accordingly;

"risk" means the likelihood of a specific effect occurring within a specified period or in specified circumstances;

"safety report" is to be construed in accordance with regulation 8;

[[F28]"storage" includes warehousing, depositing in safe custody or keeping in stock;**]**

"upper tier establishment" means an establishment where a dangerous substance is present in a quantity equal to or in excess of the quantity listed in the entry for that substance in column 3 of Part 1 or in column 3 of Part 2 of Schedule 1, where applicable using the rule laid down in note 4 of Part 3 of that Schedule.

(2) For the purposes of these Regulations "existing establishment" means an establishment—

(a) where on 31st May 2015 a dangerous substance or category of substance listed in column 1 of Parts 2 or 3 of Schedule 1 to the 1999 Regulations was present in a quantity equal