1984 No. 177

HEALTH AND SAFETY

Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984

Made . . . . . *31st May 1984*

Coming into operation . . . *3rd September 1984*

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SCHEDULE 1 — List of hazardous substances
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The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services, acting jointly as the Department concerned(**a**) in exercise of the powers conferred by Articles 17(1), (2), (3) and (5) and 55(2) of and paragraphs 1(1) and 14(1) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling them in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984 and shall come into operation on 3rd September 1984.

Interpretation

2.—(1) In these Regulations—

"the Department" means the Department of Economic Development;

"hazardous substance" means a substance specified in column 1 of Part I of Schedule 1 or substances of any class specified in column 1 of Part II of that Schedule;

"installation" means a site or pipe-line for which a notification is required under Regulation 3(1);

(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9)

"notifiable quantity" means—

(*a*) in the case of a substance specified in column 1 of Part 1 of Schedule 1, the quantity of that substance specified in the corresponding entry in column 2 of that Part;

(*b*) in the case of substances of a class specified in column 1 of Part II of that Schedule, the total quantity of all substances of that class specified in the corresponding entry in column 2 of that Part;

and in either case the quantity shall be determined in accordance with Regulation 3(2);

"pipe-line" means a pipe (together with apparatus and works associated therewith), or system of pipes (together with apparatus and works associated therewith), for the conveyance of anything other than air, water, water vapour or steam, not being—

(*a*) a drain or sewer; or

(*b*) a pipe or system of pipes constituting or comprised in apparatus for heating or cooling or for domestic purposes; or

(*c*) a pipe or system of pipes on the site of any operations or works to which certain provisions of the Factories Act (Northern Ireland) 1965(**a**) apply by virtue of section 125(1) (building operations and works of engineering construction) of that Act; or

(*d*) a pipe or system of pipes wholly situate within the boundaries of an agricultural unit and designed for use for purposes of agriculture; or

(*e*) a pipe or system of pipes wholly situate in premises used for the purposes of education or research; or

(*f*) a pneumatic despatch-tube; or

(*g*) a pipe or system of pipes where the only hazardous substance contained therein is a substance of one of the following classes, namely—

— a flammable gas as defined in item 1 of Part II of Schedule 1 at a pressure of less than 8 bars absolute; or

— a flammable liquid as defined in item 4 of that Part.

"site" means—

(*a*) the whole of an area of land under the control of a person and includes a pier, jetty or similar structure whether floating or not; or

(*b*) a structure, whether floating or not, which is within the inland waters of Northern Ireland and which is under the control of a person.

(2) For the purpose of these Regulations, the following apparatus and works, and none other, shall be treated as being associated with a pipe, or system of pipes, namely—

(*a*) apparatus for inducing or facilitating the flow of anything through the pipe or, as the case may be, through the system or any part thereof;

(*b*) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of, the pipe or system;

(*c*) apparatus for supplying energy for the operation of any such apparatus as is mentioned in sub-paragraph (*a*) or of any such works as are mentioned in sub-paragraph (*b*);

(*d*) apparatus for the transmission of information for the operation of the pipe or system;

(*e*) apparatus for affording cathodic protection to the pipe or system;

(*f*) a structure for the exclusive support of a part of the line or system.

(**a**) 1965 c. 20 (N.I.)

Notification of installations handling hazardous substances

3.—(1) Subject to paragraph (3), a person shall not undertake any activity in which there is or is liable to be at any one time a notifiable quantity or more of a hazardous substance at any site, or in any pipe-line to which these Regulations apply, unless he has notified in writing to the Department the particulars specified in the appropriate part of Schedule 2 at least 3 months before commencing that activity or before such shorter time as the Department may agree and for the purposes of this paragraph an activity in which subsequently there is or is liable to be a notifiable quantity or more of an additional hazardous substance shall be deemed to be a different activity and shall be notified accordingly.

(2) For the purposes of paragraph (1), in determining whether there is a notifiable quantity of a hazardous substance at a site account shall be taken of any quantity of that substance which is—

(*a*) in that part of any pipe-line under the control of the person having control of the site, which is within 500 metres of that site and connected to it;

(*b*) at any other site under the control of the same person any part of the boundary of which is within 500 metres of the said site; and

(*c*) in any vehicle, vessel, aircraft or hovercraft under the control of the same person which is used for storage purposes either at the site or within 500 metres of it;

but no account shall be taken of any hazardous substance which is in a vehicle, vessel, aircraft or hovercraft used for transporting it.

(3) Paragraph (1) shall not apply in relation to waste at any site which is licensed for the disposal of such waste by a licence issued in pursuance of Article 7 of the Pollution Control and Local Government (Northern Ireland) Order 1978(**a**).

Updating of the notification following changes in the notifiable activity

4. Where an activity has been notified in accordance with Regulation 3(1) and the person having control of that activity makes a change in it (including an increase or a reduction in the maximum quantity of any hazardous substance which is or is liable to be at the site or in the pipe-line or the cessation of the activity) which affects the particulars specified in that notification or any subsequent notification made under this Regulation or Regulation 5, he shall forthwith notify the Department of that change.

Re-notification where the quantity of a substance is increased to 3 times that already notified

5. Where an activity at a site has been notified to the Department in accordance with Regulation 3(1), the quantity of a substance notified under paragraph 6 of Part 1 of Schedule 2 shall not be increased to an amount 3 or more times that originally notified unless the activity has been re-notified under that Regulation as if it were a new activity; and accordingly Regulation 4 shall not apply to that increase.

Exemption certificates

6.—(1) Subject to paragraph (2), the Department may, by certificate in writing, exempt any person or class of persons, activity or class of activities to which these Regulations apply from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

(*a*) the conditions, if any, which it proposes to attach to the exemption, and

(a) S.I. 1978/1049 (N.I. 19)

(*b*) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced because of it.

Enforcing authority

7.—(1) The enforcing authority for the relevant statutory provisions in relation to any site at which there is an activity required to be notified under these Regulations or which is to be taken into account by virtue of Regulation 3(2), shall be the Department concerned.

(2) After 1st February 1985, for cases where the quantity of any substance at a site on which there is an activity which is required to be notified under these Regulations is such that a licence is required under the Petroleum (Consolidation) Act (Northern Ireland) 1929(**a**), for the keeping of that substance, the Department shall be the authority empowered to grant such a licence and to enforce any conditions attached to any such licence (whether granted by it or not) and that Act shall be modified accordingly.

Transitional provision

8. Where—

(*a*) at the date of coming into operation of these Regulations a person is in control of an activity which is required to be notified under Regulation 3(1); or

(*b*) within 6 months after that date a person commences any such activity;

it shall be a sufficient compliance with that Regulation if he notifies to the Department the particulars required by Schedule 2 within 3 months after the coming into operation of these Regulations or within such longer time as the Department may agree in writing.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 31st May 1984.

(L.S.) *D. M. Carnson*
Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development for Northern Ireland on 31st May 1984.

(L.S.) *Ian W. McMurtry*
Assistant Secretary

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 31st May 1984.

(L.S.) *J. M. Irvine*
Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 31st May 1984.

(L.S.) *R. Scott*
Assistant Secretary

(**a**) 1929 c. 13 (N.I.)