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STATUTORY INSTRUMENTS

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**1996 No. 825**

**The Pipelines Safety Regulations 1996**

**PART III**

**MAJOR ACCIDENT HAZARD PIPELINES**

**Dangerous fluids**

**18.**—(1) The provisions contained in regulations 19 to 27 shall apply in relation to a pipeline in which a dangerous fluid is being, or is to be conveyed (in these Regulations referred to as a “major accident hazard pipeline”).

(2) For the purpose of these Regulations a fluid is a dangerous fluid if it falls within a description in Schedule 2.

**Emergency shut-down valves**

**19.**—(1) The operator of a major accident hazard pipeline which—

- (a) is connected to an offshore installation; and
- (b) has an internal diameter of 40 millimetres or more,

shall ensure that the requirements contained in Schedule 3 are complied with in relation to the pipeline.

(2) The duty holder in relation to an offshore installation to which a pipeline described in paragraph (1) is connected shall afford, or cause to be afforded, to the operator of the pipeline such facilities as he may reasonably require for the purpose of securing that the requirements contained in Schedule 3 are complied with in relation to the pipeline.

(3) In this regulation—

“duty holder”, in relation to an offshore installation, means the person who is the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation;

“the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995(1).

**Notification before construction**

**20.** The operator shall ensure that the construction of a major accident hazard pipeline is not commenced unless he has notified to the Executive the particulars specified in Schedule 4 at least 6 months, or such shorter time as the Executive may approve, before such commencement.

**Notification before use**

**21.** The operator shall ensure that no fluid is conveyed in a major accident hazard pipeline, or conveyed following a period in which it has been out of commission (other than for routine

maintenance), until the expiration of 14 days, or of such shorter period as the Executive may in that case approve, from the receipt by it of a notification of the date on which it is intended to convey or, as the case may be, resume the conveyance of fluid in the pipeline.

#### **Notification in other cases**

**22.**—(1) Where there is a change of operator of a major accident hazard pipeline, or of his address, the operator shall notify such change to the Executive within 14 days thereafter.

(2) Subject to paragraph (3), in the case of a major accident hazard pipeline the construction of which has commenced, or has been completed, the operator shall ensure that no event of a kind described in Schedule 5 takes place until the expiration of 3 months, or such shorter time as the Executive may in that case approve, from the receipt by the Executive of the particulars specified in that Schedule in relation to such event.

(3) Where an event of a kind described in Schedule 5 takes place in an emergency, the operator shall notify to the Executive the particulars specified in that Schedule as soon as is reasonably practicable.

#### **Major accident prevention document**

**23.**—(1) The operator shall, before the design of a major accident hazard pipeline is completed prepare, and thereafter revise or replace as often as may be appropriate, a document relating to the pipeline containing, subject to paragraph (2), sufficient particulars to demonstrate that—

- (a) all hazards relating to the pipeline with the potential to cause a major accident have been identified;
- (b) the risks arising from those hazards have been evaluated;
- (c) the safety management system is adequate; and
- (d) he has established adequate arrangements for audit and for the making of reports thereof.

(2) Paragraph (1) shall only require the particulars in the document referred to in paragraph (1) to demonstrate the matters referred to in that paragraph to the extent that it is reasonable to expect the operator to address them at the time the document is prepared or revised.

(3) Where the document referred to in paragraph (1) describes any health and safety arrangements or procedures to be followed, the operator shall ensure that those arrangements or procedures are followed unless in the particular circumstances of the case it is not in the best interests of the health and safety of persons to follow them, and there has been insufficient time to revise or replace the document to take account of those circumstances.

(4) In this regulation—

“audit” means systematic assessment of the adequacy of the safety management system, carried out by persons who are sufficiently independent of the system (but who may be employed by the operator) to ensure that such assessment is objective; and

“safety management system” means the organisation, arrangements and procedures established by the operator for ensuring that the risk of a major accident is as low as is reasonably practicable.

#### **Emergency procedures**

**24.**—(1) The operator shall ensure that no fluid is conveyed in a major accident hazard pipeline unless—

- (a) such appropriate organisation and arrangements as shall have effect; and
- (b) the procedures which shall be followed in different circumstances,

in the event of an emergency relating to the pipeline have been established and recorded.

(2) The operator shall revise or replace the record of the organisation, arrangements and procedures referred to in paragraph (1) as often as may be appropriate.

(3) The operator shall ensure that the organisation, arrangements and procedures referred to in paragraph (1) are tested, by practice or otherwise, as often as may be appropriate.

### **Emergency plans in case of major accidents**

**25.—**(1) A local authority which has been notified by the Executive that there is, or is to be a major accident hazard pipeline in its area shall before the pipeline is first used or within 9 months of such notification, whichever is later, and subject to paragraph (5), prepare an adequate plan detailing how an emergency relating to a possible major accident in its area will be dealt with.

(2) In preparing the plan pursuant to paragraph (1) a local authority shall consult the operator of the pipeline, the Executive and any other persons as appear to the authority to be appropriate.

(3) A local authority which has prepared a plan pursuant to paragraph (1) shall, as often as is appropriate and, in any case, at least every three years review the plan and make such revision as is appropriate.

(4) The operator of a major accident hazard pipeline shall ensure that every local authority through whose area the pipeline will pass is furnished promptly with such information as it may reasonably require in preparing the plan referred to in paragraph (1).

(5) It shall be deemed to be sufficient compliance with the requirement in paragraph (1) as to the time by which a plan is to be prepared, where such time is exceeded by reason of waiting for information referred to in paragraph (4) which has been promptly required.

(6) Where a pipeline passes or is to pass through the areas of two or more local authorities the duties under this regulation may be discharged by them where they prepare a single plan.

### **Charge by a local authority for a plan**

**26.—**(1) A local authority which prepares, reviews or revises a plan pursuant to paragraph (1) or (3) of regulation 25 may charge a fee, determined in accordance with paragraphs (2) to (4), to the operator of the pipeline to which the plan relates.

(2) A fee shall not exceed the sum of the costs reasonably incurred by the local authority in preparing, reviewing or revising the plan and, where the plan covers pipelines of which there are more than one operator, the fee charged to each operator shall not exceed the proportion of such sum attributable to the part or parts of the plan relating to his pipelines.

(3) In determining the fee no account shall be taken of costs other than the costs of discharging functions in relation to those parts of the plan which relate to the protection of health or safety of persons and which were costs incurred after the coming into force of these Regulations.

(4) The local authority may determine the cost of employing a graded officer for any period on work appropriate to his grade by reference to the average cost to it of employing officers of his grade for that period.

(5) When requiring payment the local authority shall send or give to the operator of the pipeline a detailed statement of the work done and costs incurred including the date of any visit to any place and the period to which the statement relates; and the fee, which shall be recoverable only as a civil debt, shall become payable one month after the statement has been sent or given.

### **Transitional provision**

**27.—**(1) In the case of a pipeline, the construction of which is commenced within 6 months after the coming into force of these Regulations, it shall be sufficient compliance with regulation 20 if the

particulars specified in Schedule 4 are notified to the Executive within 3 months after the coming into force of these Regulations.

(2) Subject to paragraph (3), in the case of a major accident hazard pipeline, the construction of which was commenced (and whether or not completed) before the coming into force of these Regulations the particulars specified in Schedule 4 (or, in the case of paragraphs 3, 4, 5, 6 and 8 particulars, where appropriate, of the actual route of the pipeline or of the riser, materials used, fluid conveyed, and the temperature and pressure, and maximum rate of flow of that fluid) shall be notified to the Executive within 6 months after such coming into force.

(3) Paragraph (2) shall not have effect where, pursuant to regulation 3(1) of the Notification of Installations Handling Hazardous Substances Regulations 1982(2), the particulars relating to that pipeline specified in Part II of Schedule 2 to those Regulations have been supplied before such coming into force.

(4) In the case of a pipeline, the design of which was completed before the coming into force of these Regulations, or within 12 months after such coming into force, regulation 23 shall have effect as if, for the words “before the design of a major accident hazard pipeline is completed” in paragraph (1) of that regulation there were substituted the words “within 12 months after the coming into force of these Regulations”.

(5) In the case of a pipeline which was first used before the coming into force of these Regulations it shall be sufficient compliance with the requirement in regulation 24(1) where the matters referred to therein are recorded within 6 months after the coming into force of these Regulations.

(6) Where a local authority receives a notification referred to in paragraph (1) of regulation 25 within 6 months after the coming into force of these Regulations, that regulation shall have effect in relation to the pipeline notified as if the reference in that paragraph to 9 months were a reference to 18 months.