
EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations impose requirements with respect to the control of major accident hazards involving dangerous substances. (The expressions “major accident” and “dangerous substance” are defined in regulation 2(1)). The Regulations implement Council Directive [96/82/EC](#) on the control of major accident hazards involving dangerous substances, except Article 12 (which relates to land use planning).

2. The Regulations apply to establishments (as defined in regulation 2(1)) where dangerous substances are present in quantities equal to or exceeding those specified in column 2 of Parts II or III of Schedule 1, except that regulations 7 to 14 apply to establishments where such substances are present in quantities equal to or exceeding those specified in column 3 of those Parts (regulation 3(1)). The Regulations do not apply in the cases specified in regulation 3(2) nor to certain specified establishments, substances or activities or waste land-fill sites (regulation 3(3)).

3. The competent authority for the purposes of the Regulations is the Health and Safety Executive for Northern Ireland (the Executive) and the Department of the Environment acting jointly.

4. The Regulations—

- (a) impose a duty on the operator of an establishment to take all measures necessary to prevent major accidents and limit their consequences for persons and the environment (regulation 4);
- (b) impose a duty on the operator to prepare a major accident prevention policy document containing specified information and to revise it in specified circumstances (regulation 5 and Schedule 2);
- (c) require the operator to notify the competent authority of specified matters at specified times (regulation 6 and Schedule 3);
- (d) require the operator to send at specified times a safety report to the competent authority containing specified information, to revise that report in specified circumstances, and not to start the construction or operation of the establishment until he has received from the competent authority the conclusions of its examination of the report (regulation 7 and Schedule 4);
- (e) require the operator to review and revise the safety report in specified circumstances (regulation 8);
- (f) require the operator to prepare an on-site emergency plan for specified purposes and containing specified information (regulation 9 and Schedule 5);
- (g) require, subject to any exemption that may be granted by the Department of Enterprise, Trade and Investment, the Executive to arrange for the preparation of an off-site emergency plan for specified purposes and containing specified information and require the operator to supply to the Executive the information necessary to enable the plan to be prepared (regulation 10 and Schedule 5);
- (h) require on-site and off-site emergency plans to be reviewed, tested and implemented (regulations 11 and 12), and empower the Executive to charge the operator a fee for arranging for the preparation, and for the review and testing, of the off-site emergency plan (regulation 13);

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- (i) require the operator to provide, after consulting the Executive, specified information to specified persons at specified times and to make that information publicly available (regulation 14 and Schedule 6);
- (j) require the operator to demonstrate to the competent authority that he has taken all measures necessary to comply with the Regulations (regulation 15(1));
- (k) require the operator to provide, when requested to do so by the competent authority, information to the authority for specified purposes (regulation 15(2));
- (l) require the operator to notify major accidents to the competent authority (regulation 15(3) and (4));
- (m) require the operator to provide information to, and to co-operate with, other establishments in a group designated by the competent authority (regulation 16);
- (n) impose functions on the competent authority with respect to—
 - (i) its consideration of the safety report sent by the operator (regulation 17);
 - (ii) prohibiting the operation of an establishment (regulation 18);
 - (iii) inspections and investigations (regulation 19);
 - (iv) enforcement (regulation 20); and
 - (v) the provision of information (regulation 21 and Schedules 7 and 8);
- (o) provide for fees to be payable by the operator to the Executive in relation to the performance of specified functions of the Executive or competent authority (regulation 22);
- (p) amend the Petroleum Consolidation Act (Northern Ireland) 1929, the Petroleum-Spirit (Motor Vehicles, &c.) Regulations (Northern Ireland) 1930 and the Petroleum-Spirit (Plastic Containers) Regulations (Northern Ireland) 1983 so as to disapply that Act and those Regulations to establishments subject to these Regulations and to sites subject to the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984 (regulation 23);
- (q) revoke the Control of Industrial Major Accident Hazards Regulations (Northern Ireland) 1985, and certain other statutory provisions which amended them (regulation 24);
- (r) contain a transitional provision (regulation 25).

5. The numbers assigned to substances by the Chemicals Abstract Service and referred to in paragraph 3(c)(i) of Part II of Schedule 4 are given in the CAS Registry Handbook, ISSN 0093-058X, which may be inspected at the Royal Society of Chemistry, Burlington House, Piccadilly, London W1V 0BN. Details of the CAS Registry Handbook may also be obtained at the CAS customer website at: <http://www.cas.org/support/custserv.html>. Information about the International Union of Pure and Applied Chemistry (IUPAC) nomenclature, also referred to in paragraph 3(c)(i) of Part II of Schedule 4, may be obtained at the IUPAC website at: <http://www.iupac.org/publications/books/seriestitles/index.html>.

6. In Great Britain the corresponding Regulations are the Control of Major Accident Hazards Regulations 1999 (S.I. 1999/743) and the Health and Safety Executive has prepared a regulatory impact assessment in relation to those Regulations. A copy of that assessment, together with the Northern Ireland Supplement prepared by the Department of Enterprise, Trade and Investment, is held at the offices of the Health and Safety Executive for Northern Ireland, 83 Ladas Drive, Belfast BT6 9FR, from where a copy can be obtained on request.

7. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.