

STATUTORY INSTRUMENTS

1982 No. 1357

HEALTH AND SAFETY

The Notification of Installations Handling Hazardous Substances Regulations 1982

Made - - - - 22nd September 1982
Laid before Parliament 4th October 1982
Coming into Operation 1st January 1983

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (3) and (5)(b) and 82(3)(a) of, and paragraphs 1(1) and 15(1) of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a) ("the 1974 Act"), and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Notification of Installations Handling Hazardous Substances Regulations 1982 and shall come into operation on 1st January 1983.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"the Executive" means the Health and Safety Executive;

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

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

"notifiable quantity" means—

(a) in the case of a substance specified in column 1 of Part I 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

(a) 1974 c.37; section 15 was amended by the Employment Protection Act 1975 (c.71), section 116 and Schedule 15, paragraph 6.

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);

“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 Great Britain and which is under the control of a person.
- (2) In these Regulations, unless the context otherwise requires, any reference to—
- (a) a numbered Regulation or Schedule is a reference to the Regulation or Schedule so numbered; and
 - (b) a numbered paragraph is a reference to the paragraph so numbered in the Regulation or Schedule in which that reference appears.

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 paragraph (4) applies, unless he has notified in writing to the Executive 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 Executive 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 section 5 of the Control of Pollution Act 1974(a).

(a) 1974 c.40.

(4) The pipe-lines referred to in paragraph (1) are any pipe-line within the meaning of the Pipe-lines Act 1962(a) except—

- (a) a pipe-line which has been authorised under section 1 of that Act or notified under section 2 of that Act; or
- (b) where the only hazardous substance that the pipe-line contains is a substance of one of the following classes, namely:—
 - (i) a flammable gas as defined in item 1 of Part II of Schedule 1 at a pressure of less than 8 bars absolute, or
 - (ii) a flammable liquid as defined in item 4 of that Part.

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 Executive 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 Executive in accordance with Regulation 3(1), the quantity of a substance notified under paragraph 7 of Part I 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) below, the Executive 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 Executive 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
- (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.

(a) 1962 c.58.

Enforcing authority

7.—(1) Notwithstanding Regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1977(a), and Regulation 2(3) of the Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979(b), 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 Executive.

(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 1928(c) for the keeping of that substance, the Executive 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 Executive the particulars required by Schedule 2 to these Regulations within 3 months after the coming into operation of these Regulations or within such longer time as the Executive may agree in writing.

Signed by order of the Secretary of State.
22nd September 1982.

David Waddington,
Joint Parliamentary Under Secretary of State,
Department of Employment.

(a) S.I. 1977/746, amended by S.I. 1980/1744. (b) S.I. 1979/427. (c) 1928 c.32.

SCHEDULE 1 Regulations 2 and 3(2)

LIST OF HAZARDOUS SUBSTANCES

PART I

NAMED SUBSTANCES

1 Substance	2 Notifiable quantity tonnes
Liquefied petroleum gas, such as commercial propane and commercial butane, and any mixtures thereof held at a pressure greater than 1.4 bar absolute	25
Liquefied petroleum gas, such as commercial propane and commercial butane, and any mixture thereof held under refrigeration at a pressure of 1.4 bar absolute or less	50
Phosgene	2
Chlorine	10
Hydrogen fluoride	10
Sulphur trioxide	15
Acrylonitrile	20
Hydrogen cyanide	20
Carbon disulphide	20
Sulphur dioxide	20
Bromine	40
Ammonia (anhydrous or as solution containing more than 50% by weight of ammonia)	100
Hydrogen	2
Ethylene oxide	5
Propylene oxide	5
<i>tert</i> -Butyl peroxyacetate	5
<i>tert</i> -Butyl peroxyisobutyrate	5
<i>tert</i> -Butyl peroxy maleate	5
<i>tert</i> -Butyl peroxy isopropyl carbonate	5
Dibenzyl peroxydicarbonate	5
2,2-Bis(<i>tert</i> -butylperoxy)butane	5
1,1-Bis(<i>tert</i> -butylperoxy)cyclohexane	5
Di- <i>sec</i> -butyl peroxydicarbonate	5
2,2-Dihydroperoxypropane	5
Di- <i>n</i> -propyl peroxydicarbonate	5
Methyl ethyl ketone peroxide	5
Sodium chlorate	25

(a) 1875 c.17.

SCHEDULE 1 PART I *cont.*

1 Substance	2 Notifiable quantity tonnes
Cellulose nitrate other than— (a) cellulose nitrate to which the Explosives Act 1875(a) applies; or (b) solutions of cellulose nitrate where the nitrogen content of the cellulose nitrate does not exceed 12.3% by weight and the solution contains not more than 55 parts of cellulose nitrate per 100 parts by weight of solution	50
Ammonium nitrate and mixtures of ammonium nitrate where the nitrogen content derived from the ammonium nitrate exceeds 28% of the mixture by weight other than— (a) mixtures to which the Explosives Act 1875(a) applies; or (b) ammonium nitrate based products manufactured chemically for use as fertiliser which comply with Council Directive 80/876/EEC(b)	500
Aqueous solutions containing more than 90 parts by weight of ammonium nitrate per 100 parts by weight of solution	500
Liquid oxygen	500

PART II

CLASSES OF SUBSTANCES NOT SPECIFICALLY NAMED IN PART I

1 Class of Substance	2 Notifiable quantity tonnes
1. Gas or any mixture of gases which is flammable in air and is held in the installation as a gas.	15
2. A substance or any mixture of substances which is flammable in air and is normally held in the installation above its boiling point (measured at 1 bar absolute) as a liquid or as a mixture of liquid and gas at a pressure of more than 1.4 bar absolute.	25 being the total quantity of substances above the boiling points whether held singly or in mixtures.
3. A liquefied gas or any mixture of liquefied gases, which is flammable in air, has a boiling point of less than 0°C (measured at 1 bar absolute) and is normally held in the installation under refrigeration or cooling at a pressure of 1.4 bar absolute or less.	50 being the total quantity of substances having boiling points below 0°C whether held singly or in mixtures.
4. A liquid or any mixture of liquids not included in items 1 to 3 above, which has a flash point of less than 21°C.	10,000

(a) 1875 c.17.

(b) OJ No L250, 23.9.80, p.7.

SCHEDULE 2

Regulations 3(1) and 5

PART I

PARTICULARS TO BE INCLUDED IN A NOTIFICATION OF A SITE

1. The name and address of the person making the notification.
2. The full postal address of the site where the notifiable activity will be carried on and its ordnance survey grid reference.
3. The area of the site covered by the notification and of any adjacent site which is required to be taken into account by virtue of Regulation 3(2).
4. The date on which it is anticipated that the notifiable activity will commence, or if it has already commenced a statement to that effect.
5. A general description of the activities carried on or intended to be carried on there.
6. The name and address of the planning authority in whose area the notifiable activity is being or is to be carried on.
7. The name and maximum quantity liable to be on the site of each hazardous substance for which notification is being made.

PART II

PARTICULARS TO BE INCLUDED IN A NOTIFICATION RELATING TO A PIPE-LINE

1. The name and address of the person making the notification.
2. The full postal address of the place from which the pipe-line activity is controlled, the ordnance survey grid references and addresses of the places where the pipe-line starts and finishes and a map showing the pipe-line route drawn to a scale of not less than 1:400,000.
3. The date on which it is anticipated that the notifiable activity will commence, or if it has already commenced a statement to that effect.
4. The names and addresses of the planning authorities in whose areas the pipe-line lies.
5. The total length of the pipe-line, its diameter and normal operating pressure and the name and maximum quantity liable to be in the pipe-line of each hazardous substance for which notification is being made.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prohibit any person from undertaking any activity which entails there being a notifiable quantity or more of a hazardous substance on any site unless that person has notified the Health and Safety Executive of the particulars specified in Part I of Schedule 2 to the Regulations at least 3 months before commencing that activity.

With certain specified exceptions, similar notification of the particulars specified in Part II of Schedule 2 is required for any pipe-line which contains a notifiable quantity or more of a hazardous substance.

Notification is also required of any changes in an activity previously notified which affects the particulars previously notified and where the quantity of the hazardous substance is increased to 3 or more times that originally notified the activity is required to be re-notified as if it were a new activity.

The Regulations provide that the enforcing authority for the relevant statutory provisions in relation to any site on which an activity which is required to be notified is carried on shall be the Health and Safety Executive and that after 1st February 1985 the Health and Safety Executive shall be the authority empowered to grant and enforce petroleum-spirit licences for such sites.

The Regulations contain a transitional provision which allows activities which are in existence at the time the Regulations come into operation or which are commenced within 6 months of that date to be carried on provided that they are duly notified within three months of the coming into operation of the Regulations.

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