

1988 No. 1462

HEALTH AND SAFETY

**The Control of Industrial Major
Accident Hazards (Amendment) Regulations 1988**

Made - - - - - *16th August 1988*

Laid before Parliament *26th August 1988*

Coming into force *21st September 1988*

The Secretary of State, being the designated (a) Minister for the purposes of section 2(2) of the European Communities Act 1972 (b) in relation to measures relating to the prevention and limitation of the effects of accidents arising from industrial activities involving dangerous substances, in exercise of the powers conferred on him by the said section 2 and by sections 15(1), (2) and 82(3)(a) of, and paragraphs 1(1)(b) and (c) and (2), 15(1) and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(c) ("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 Control of Industrial Major Accident Hazards (Amendment) Regulations 1988, and shall come into force on 21st September 1988.

Interpretation

2. In these Regulations "the principal Regulations" means the Control of Industrial Major Accident Hazards Regulations 1984(d).

Amendments

3. Schedules 2, 3 and 4 to the principal Regulations shall be amended in accordance with Parts I, II and III respectively of Schedule 1 to these Regulations.

Application of the principal Regulations

4. Where an industrial activity becomes subject to regulations 7 to 12 of the principal Regulations in consequence of an amendment made by regulation 3 above, then in relation to that activity the principal Regulations shall have effect subject to the modifications specified in Schedule 2 to these Regulations.

Signed by order of the Secretary of State

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

16th August 1988

(a) S.I. 1983/603.

(b) 1972 c.68.

(c) 1974 c.37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraphs 6 and 16 respectively.

(d) S.I. 1984/1902, to which there are amendments not relevant to these Regulations.

AMENDMENTS

PART I

AMENDMENTS TO SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

1. In Column 1, after the words "Ammonium nitrate" insert "(a)", and opposite thereto in Columns 2 and 3 for "500*" and "5,000*" substitute "350" and "2,500" respectively.
2. In Column 1, after the entry for "Ammonium nitrate", insert the entry "Ammonium nitrate in the form of fertilizers (b)", and opposite thereto in Columns 2 and 3 insert "1,250" and "10,000" respectively.
3. In Column 3, opposite the entry for "Chlorine" in Column 1, for "200" substitute "75".
4. In Column 3, opposite the entries for "Liquid oxygen" and "Sodium chlorate" in Column 1, delete each asterisk.
5. In Column 1, after the entry for "Sulphur dioxide", insert the entry "Sulphur trioxide", and opposite thereto in Columns 2 and 3 insert "15" and "100" respectively.
6. For the asterisked footnote below the table substitute the following footnotes—
 - "(a) This applies to ammonium nitrate and mixtures of ammonium nitrate where the nitrogen content derived from the ammonium nitrate is > 28% by weight and to aqueous solutions of ammonium nitrate where the concentration of ammonium nitrate is > 90% by weight.
 - (b) This applies to straight ammonium nitrate fertilizers which comply with Council Directive 80/876/EEC 'on the approximation of the laws of the Member States relating to straight ammonium nitrate fertilizers of high nitrogen content'(a) and to compound fertilizers where the nitrogen content derived from the ammonium nitrate is > 28% by weight (a compound fertilizer contains ammonium nitrate together with phosphate and/or potash)."

PART II

AMENDMENTS TO SCHEDULE 3 TO THE PRINCIPAL REGULATIONS

7. In Column 1 Group 1 for the entry "Cobalt (powders, compounds)" substitute "Cobalt metal, oxides, carbonates, sulphides, as powders", and opposite thereto in Column 2 for "100 kilograms" substitute "1 tonne".
8. In Column 2, opposite the entry for "Methyl isocyanate" in Column 1 Group 1, for "1 tonne" substitute "150 kilograms".
9. In Column 1 Group 1 for the entry "Nickel (powders, compounds)" substitute "Nickel metal, oxides, carbonates, sulphides, as powders", and opposite thereto in Column 2 for "100 kilograms" substitute "1 tonne".
10. In Column 1 Group 1, after the entry for "Phosacetim", insert the entry "Phosgene (Carbonyl chloride)", and opposite thereto in Columns 2, 3 and 4 insert "750 kilograms", "75-44-5" and "006-002-00-8" respectively.
11. In Column 2, opposite the entry for "Chlorine" in Column 1 Group 2, for "50 tonnes" substitute "25 tonnes".
12. In Column 1 Group 2 delete the entry for "Phosgene (Carbonyl chloride)" and delete the entries opposite thereto in Columns 2, 3 and 4.
13. In Column 2, opposite the entry for "Sulphur dioxide" in Column 1 Group 2, for "1,000 tonnes" substitute "250 tonnes".
14. In Column 1 Group 2, after the entry for "Sulphur dioxide", insert the entry "Sulphur trioxide", and opposite thereto in Columns 2 and 3 insert "75 tonnes" and "7446-11-9" respectively.
15. In Column 1 Group 3 for the asterisk next to the entry for "Ammonium nitrate" substitute "(a)", and opposite that entry in Column 2 for "5,000 tonnes" substitute "2,500 tonnes".
16. In Column 1 Group 3, after the entry for "Ammonium nitrate" insert the entry "Ammonium nitrate in the form of fertilizers (b)", and opposite thereto in Column 2 insert "5,000 tonnes".

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

17. In Column 1 Group 3, after the entry for "Hydrogen" insert the entry "Liquid oxygen" and opposite thereto in Columns 2, 3 and 4 insert "2,000 tonnes", "7782-44-7" and "008-001-00-8" respectively.

18. In Column 1 Group 3 delete the asterisk next to the entry for "Sodium chlorate", and for the asterisked footnote below the table substitute the following footnotes—

- "(a) This applies to ammonium nitrate and mixtures of ammonium nitrate where the nitrogen content derived from the ammonium nitrate is > 28% by weight and aqueous solutions of ammonium nitrate where the concentration of ammonium nitrate is > 90% by weight.
- (b) This applies to straight ammonium nitrate fertilizers which comply with Council Directive 80/876/EEC 'on the approximation of the laws of the Member States relating to straight ammonium nitrate fertilizers of high nitrogen content' and to compound fertilizers where the nitrogen content derived from the ammonium nitrate is > 28% by weight (a compound fertilizer contains ammonium nitrate together with phosphate and/or potash)."

PART III

AMENDMENTS TO SCHEDULE 4 TO THE PRINCIPAL REGULATIONS

19. In paragraph 1(a) for the first "or" substitute a comma, after "processing" insert "or treatment", for "in particular" substitute "amongst others", and at the end of the sub-paragraph delete the full stop.

20. In paragraph 1(b) delete the words "Installations" to "in particular:", add the rest of the sub-paragraph to paragraph 1(a), and delete the references to "(a)" and "(b)" so as to produce one whole paragraph.

21. In paragraph 4 for the word "or" substitute a comma, and after "processing" insert "or treatment".

SCHEDULE 2

Regulation 4

MODIFICATIONS TO PRINCIPAL REGULATIONS IN THEIR APPLICATION TO ADDITIONAL INDUSTRIAL ACTIVITIES

1. In regulations 6(2), 7(2), and 10(3), references to the coming into operation of the principal Regulations shall be construed as references to the coming into force of these regulations.

2. In regulation 7(2) the words "or within such longer time as the Executive may agree in writing" shall not apply.

3. In each regulation or Schedule specified in Column 1 below, the date specified opposite thereto in Column 3 shall apply in substitution for the date referred to in that regulation or Schedule and specified in the corresponding entry in Column 2.

Column 1 <i>Regulation or Schedule</i>	Column 2 <i>Existing Date</i>	Column 3 <i>Modified Date</i>
Regulation 7(3)	8th July 1989	24th March 1992
Regulation 7(3)	1st April 1985	24th March 1989
Regulation 10(3)(b)	1st April 1985	21st December 1988
Regulation 11(3)	1st October 1985	21st June 1989
Regulation 12(3)	1st January 1986	21st September 1989
Schedule 7 paragraph 4	7th January 1985	20th September 1988

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Control of Industrial Major Accident Hazards Regulations 1984 ("the principal Regulations"). The principal Regulations implemented with respect to Great Britain Council Directive 82/501/EEC (OJ No. L230, 5.8.82, p.1) "on the major-accident hazards of certain industrial activities". These Regulations implement with respect to Great Britain the provisions of Council Directive 87/216/EEC (OJ No. L85, 28.3.87, p.36), which amends that Directive.

2. Certain provisions of the principal Regulations apply to the storage of dangerous substances listed in Schedule 2 thereof and to other industrial activities involving dangerous substances listed in Schedule 3 thereof, provided that the quantity stored or involved is equal to or more than the quantity specified for the application of those provisions in the relevant Schedule (referred to in this Note as the threshold quantity). Regulation 3 of and Parts I and II of Schedule 1 to these Regulations make amendments to those Schedules.

3. The main changes to Schedule 2 to the principal Regulations are as follows:

- (a) The threshold quantities for ammonium nitrate and chlorine are reduced.
- (b) Ammonium nitrate in the form of fertilizers is inserted as a separate entry (with higher threshold quantities than for other forms of ammonium nitrate).
- (c) The qualification that ammonium nitrate, liquid oxygen and sodium chlorate have to be in a state which gives them properties capable of creating a major accident hazard for certain provisions of the principal Regulations to apply, is removed.
- (d) Sulphur trioxide is added and the threshold quantities specified.

4. The main changes to Schedule 3 to the principal Regulations are as follows:

- (a) The threshold quantities for ammonium nitrate, phosgene (carbonyl chloride), chlorine, sulphur dioxide and methyl isocyanate are reduced.
- (b) A revised range of cobalt and nickel substances is specified, and the threshold quantities are increased.
- (c) Ammonium nitrate in the form of fertilizers is inserted as a separate entry (with a higher threshold quantity than for other forms of ammonium nitrate).
- (d) The qualification that ammonium nitrate and sodium chlorate have to be in a state which gives them properties capable of creating a major accident hazard for certain provisions of the principal Regulations to apply, is removed.
- (e) Liquid oxygen and sulphur trioxide are added and the threshold quantities specified.

5. Regulation 3 of and Part III of Schedule 1 to these Regulations amends Schedule 4 to the principal Regulations (which lists the installations which are industrial installations within the meaning of Regulation 2(1) of the principal Regulations). The amendments add the "treatment" of chemicals to paragraphs 1 and 4 of Schedule 4 to the principal Regulations, and provide that the list of processes set out in paragraph 1 of that Schedule are examples.

6. Regulation 4 of and Schedule 2 to these Regulations make consequential modifications to the principal Regulations in respect of industrial activities which become subject to regulations 7 to 12 of the principal Regulations as a result of the other amendments made. The changes are mainly to various dates specified in the principal Regulations.

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