
STATUTORY INSTRUMENTS

2015 No. 483

The Control of Major Accident Hazards Regulations 2015

PART 6

FUNCTIONS OF THE COMPETENT AUTHORITY

Examination of safety reports by the competent authority

22. The competent authority must within a reasonable period of time following receipt of a safety report—

- (a) communicate the conclusions of its examination of that safety report to the operator of the establishment; or
- (b) if necessary prohibit the bringing into operation, or continued operation, of the establishment, or any part of it, in accordance with regulation 23.

Prohibition of operation

23.—(1) The competent authority must prohibit, by serving a notice on the operator, the operation or bringing into operation of any establishment, installation or storage facility, or any part of any establishment, installation or storage facility where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient.

(2) The competent authority may prohibit, by serving a notice on the operator, the operation or bringing into operation of any establishment, installation or storage facility, or any part of any establishment, installation or storage facility if the operator has not submitted any notification, report or other information required by these Regulations within the specified time.

(3) A notice served under paragraph (1) or (2)—

- (a) must give reasons;
- (b) must specify the date when it is to take effect; and
- (c) may be withdrawn in writing by the competent authority.

(4) In considering whether, under paragraph (1), the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient, the competent authority must, amongst other matters, take into account any serious failures by the operator to take the necessary actions identified by the competent authority in a communication sent to the operator under regulation 25(9)(a).

(5) The operator must comply with any notice served under paragraph (1) or (2).

(6) Section 24 of the 1974 Act (appeal against improvement or prohibition notice) and, regulation 13(1) of, and Schedule 1 to, the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013(1) apply in relation to a notice served under this regulation as they apply in relation to a prohibition notice served under section 22 of that Act.

Domino effects and domino groups

24.—(1) The competent authority must identify groups of establishments (“domino groups”) where the risk or consequences of a major accident may be increased because of the—

- (a) geographical position of establishments;
- (b) proximity of establishments to each other; or
- (c) inventories of dangerous substances held by establishments.

(2) In these Regulations “domino effects” means the increase in the risk or consequences of a major accident because of one or more of the factors referred to in paragraph (1)(a) to (c).

(3) In identifying domino groups the competent authority may use the following sources of information—

- (a) notifications sent under regulation 6;
- (b) safety reports;
- (c) information it holds pursuant to any of its functions, in England and Wales, under the Planning (Hazardous Substances) Act 1990(2) or, in Scotland, the Planning (Hazardous Substances)(Scotland) Act 1997(3);
- (d) information from inspections and investigations at establishments.

(4) The competent authority may request such additional information from any operator as is necessary for the purposes of this regulation.

(5) Where the competent authority has information in addition to that provided by any operator of an establishment which is part of a domino group about the immediate environment of the establishment, or factors which are likely to cause a major accident or to aggravate the consequences of a major accident, including—

- (a) details of neighbouring establishments;
- (b) sites of operation that fall outside the scope of these Regulations; or
- (c) areas and developments that could be the source of or increase the risk or consequences of a major accident and of domino effects,

the competent authority must provide that information to each operator of an establishment in that group.

(6) Where the competent authority identifies a domino group, it must notify each operator of an establishment in that group of the name of the operator and full address of each of the establishments within the group.

(7) Where an operator is notified under paragraph (6), it must, using any information received under paragraph (5), co-operate with the operators of each establishment within the domino group in—

- (a) putting in place arrangements for the exchange of suitable information with each other so as to enable them to take into account the nature and extent of the major accident hazards in the case of—
 - (i) each operator, in its—
 - (aa) major accident prevention policy; and
 - (bb) safety management system; and
 - (ii) each operator of an upper tier establishment, in—
 - (aa) its safety report;

(2) 1990 c.10; sections 7(3), 9(2)(e) and 39(1) were amended by S.I. 2014/469.

(3) 1997 c.10; sections 5(2), 7(2)(e) and 38(1) were amended by S.I. 2014/469.

- (bb) its internal emergency plan; and
 - (cc) the provision of information to persons likely to be affected by a major accident under regulation 18;
 - (b) informing neighbouring sites to which these Regulations do not apply of their proximity to a domino group and in appropriate cases to provide suitable information to those sites;
 - (c) preparing information for the purposes of regulation 17(1)(e); and
 - (d) supplying the local authority with information relevant for the purposes of preparing an external emergency plan, where one is required under regulation 13.
- (8) The Executive, the ONR and the appropriate agency must, in appropriate cases, co-operate in—
- (a) identifying domino groups under paragraph (1);
 - (b) providing information to an operator under paragraph (5); and
 - (c) notifying each operator in a domino group under paragraph (6).

Inspections and investigations

25.—(1) The competent authority must organise a system of inspections of establishments appropriate to the type of establishment concerned.

- (2) An inspection—
- (a) must not be dependent on the receipt of any report submitted by an operator;
 - (b) must be sufficient for a planned and systematic examination of the technical, organisational and management systems being employed at an establishment so as to ensure, in particular, that—
 - (i) the operator can demonstrate that it has taken appropriate measures, in connection with the various activities of the establishment, to prevent major accidents;
 - (ii) the operator can demonstrate that it has provided appropriate means for limiting the consequences of major accidents;
 - (iii) the data and information contained in the safety report, or any other report submitted by the operator adequately reflects the conditions in the establishment; and
 - (iv) information is supplied to the public in accordance with regulations 17 and 18.
- (3) The system of inspections must ensure that all establishments are covered by an inspection plan that includes—
- (a) a general assessment of relevant safety issues;
 - (b) the geographical area covered by the inspection plan;
 - (c) a list of the establishments covered by the plan;
 - (d) a list of groups of establishments with possible domino effects;
 - (e) a list of establishments where particular external risks or hazard sources could increase the risk or consequences of a major accident;
 - (f) procedures for routine inspections, including the programmes for such inspections under paragraph (5);
 - (g) procedures for non-routine investigations under paragraph (8); and
 - (h) provisions on co-operation between the Executive or the ONR and the appropriate agency.
- (4) The inspection plan must be regularly reviewed and revised as appropriate.

(5) Based on the inspection plan the competent authority must prepare programmes for routine inspections of all establishments.

(6) In preparing programmes for routine inspections of establishments the competent authority must ensure in particular that—

- (a) it has prepared a systematic appraisal of major accident hazards of the establishments;
- (b) the programmes are regularly reviewed and revised, where necessary; and
- (c) the programmes provide for the frequency of site visits for different types of establishment.

(7) In carrying out a systematic appraisal referred to in paragraph (6)(a) the competent authority must take into account—

- (a) the potential impacts of the establishments on human health and the environment;
- (b) the record of the operators of the establishments in complying with the requirements of these Regulations; and
- (c) the relevant findings, if any, of inspections carried out by the appropriate agency, in England and Wales, under the 2010 Regulations, or in Scotland, the 2012 Regulations.

(8) The competent authority must investigate, as soon as possible, when it comes to its attention in relation to any establishment that there have been—

- (a) serious complaints;
- (b) serious accidents or near misses; or
- (c) occurrences of significant non-compliance with these Regulations.

(9) Following the conclusion of an inspection or investigation under this regulation, the competent authority must—

- (a) within 4 months after the date of the inspection or investigation communicate its conclusions and all the necessary actions it requires to be taken to the operator; and
- (b) take reasonable steps to ensure that the operator takes all the necessary actions within a reasonable time after receipt of the communication containing the conclusions.

(10) Where, following the conclusion of an inspection or investigation under this regulation, the competent authority has identified an important case of non-compliance with these Regulations it must carry out an additional inspection within 6 months.

(11) Where the competent authority considers it to be expedient, inspections and investigations under this regulation may be co-ordinated with inspections and investigations carried out by the appropriate agency under—

- (a) in England and Wales, the 2010 Regulations; or
- (b) in Scotland, the 2012 Regulations.