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STATUTORY INSTRUMENTS

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**1999 No. 743**

**The Control of Major Accident Hazards Regulations 1999**

**PART 4**

**EMERGENCY PLANS**

**On-site emergency plan**

**9.**—(1) Every operator of an establishment shall prepare an emergency plan (in these Regulations referred to as an “on-site emergency plan”) which shall be adequate for securing the objectives specified in Part 1 of Schedule 5 and shall contain the information specified in Part 2 of that Schedule.

(2) The on-site emergency plan shall be prepared—

- (a) in the case of an existing establishment where the industrial activity carried on there was, immediately before the coming into force of these Regulations, subject to the requirements of regulation 10 of the 1984 Regulations, by 3 February 2001;
- (b) in the case of any other existing establishment, by 3 February 2002;
- (c) in any other case, before the establishment starts to operate.

(3) The operator shall consult—

- (a) persons employed in the establishment;
- (b) the Agency;
- (c) the emergency services; and
- (d) the health authority for the area where the establishment is situated;

on the preparation of the on-site emergency plan.

(4) The operator shall consult the local authority in whose area the establishment is situated on the preparation of an on-site emergency plan, except this shall not apply where the local authority has been exempted from the requirement to prepare an off-site emergency plan in respect of the establishment pursuant to regulation 10(7).

**Off-site emergency plan**

**10.**—(1) The local authority, in whose area there is an establishment, shall prepare an emergency plan (in these Regulations referred to as an “off-site emergency plan”) in respect of that establishment, and such a plan shall be adequate for securing the objectives specified in Part 1 of Schedule 5 and shall contain the information specified in Part 3 of that Schedule.

(2) The off-site emergency plan shall be prepared no later than 6 months (or such longer period, not exceeding 9 months, as the competent authority may agree in writing) after—

- (a) the receipt by the local authority of a notice from the competent authority informing the local authority of the need to prepare an off-site emergency plan in respect of the establishment;

- (b) the time an on-site emergency plan is required to be prepared for the establishment pursuant to regulation 9; or
  - (c) the receipt by the local authority of the information referred to in paragraphs (3) and (5);
- whichever is later.

(3) An operator shall supply to the local authority in whose area the establishment is situated the information necessary for the purpose of enabling the authority to prepare the off-site emergency plan.

(4) The information referred to in paragraph (3) shall be supplied no later than the time an on-site emergency plan is required to be prepared for the establishment pursuant to regulation 9.

(5) The operator shall supply to the local authority any additional information it may reasonably request in writing to enable the off-site emergency plan to be prepared, and the information shall be so provided within such period as the local authority specifies in the request.

(6) The local authority shall consult the operator, the competent authority, the emergency services, each health authority for the area in the vicinity of the establishment and such members of the public as it considers appropriate on the preparation of the off-site emergency plan.

(7) The competent authority may in view of the information contained in a safety report exempt a local authority from the requirement to prepare an off-site emergency plan in respect of an establishment, and any such exemption shall be in writing and state the reasons for granting it.

(8) Where an exemption has been given under paragraph (7), the local authority shall, for the purposes of these Regulations and while the exemption is in force, have no function in relation to the preparation, review, testing and putting into effect of an off-site emergency plan for the establishment concerned.

### **Review and testing of emergency plans**

**11.**—(1) A person who has prepared an emergency plan pursuant to a duty imposed on him by these Regulations shall at suitable intervals not exceeding three years—

- (a) review and where necessary revise the plan; and
- (b) test the plan and take reasonable steps to arrange for the emergency services to participate in the test to such extent as is necessary,

and any such review shall take into account changes occurring in the establishment to which the plan relates and within the emergency services concerned, new technical knowledge, and knowledge concerning the response to major accidents.

(2) The local authority shall endeavour to reach agreement with the operator and the emergency services as to how the off-site emergency plan is to be tested.

### **Implementing emergency plans**

**12.** A person who has prepared an emergency plan pursuant to a duty imposed on him by these Regulations shall take reasonable steps to put it into effect without delay when—

- (a) a major accident occurs; or
- (b) an uncontrolled event occurs which could reasonably be expected to lead to a major accident.

### **Charge for preparation, review and testing of off-site emergency plan**

**13.**—(1) A local authority may charge the operator a fee for performing its functions under regulations 10 and 11.

(2) The fee shall not exceed the sum of the costs reasonably incurred by the local authority in performing the functions referred to in paragraph (1) in relation to the establishment concerned, including (but without prejudice to the generality of the foregoing provision of this paragraph) any costs reasonably incurred by the local authority in arranging for the emergency services to participate in the testing of the off-site emergency plan.

(3) When requiring payment the local authority shall send or give to the operator a detailed statement of the work done and costs incurred including the dates of any visits to the establishment 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.