

1988 No. 388

HEALTH AND SAFETY

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

Made 3rd November 1988

Coming into operation 12th December 1988

The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services being departments designated by the European Communities (Designation) Order 1983(a) 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, acting jointly in exercise of the power conferred on them by the said section 2 and acting jointly as the Department concerned(c) in exercise of the powers conferred by Articles 17(1), (2) and 55(2) of, and paragraphs 1(1), (2), 14(1) and (19) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(d) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Control of Industrial Major Accident Hazards (Amendment) Regulations (Northern Ireland) 1988, and shall come into operation on 12th December 1988.

Interpretation

2.—(1) In these Regulations “the principal Regulations” means the Control of Industrial Major Accident Hazards Regulations (Northern Ireland) 1985(e).

(2) The Interpretation Act (Northern Ireland) 1954(f) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

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.

(a) S.I. 1983/603

(b) 1972 c. 68

(c) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(d) S.I. 1978/1039 (N.I. 9)

(e) S.R. 1985 No. 175, to which there are amendments not relevant to these Regulations

(f) 1954 c. 33 (N.I.)

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, then in relation to that activity the principal Regulations shall have effect subject to the modifications specified in Schedule 2.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 3rd November 1988.

(L.S.)

I. C. Henderson

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 3rd November 1988.

(L.S.)

Suzanna Cooper

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 3rd November 1988.

(L.S.)

Trevor Pearson

Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd November 1988.

(L.S.)

R. McMurray

Assistant Secretary

SCHEDULE 1

Regulation 3

AMENDMENTS

PART I

AMENDMENTS TO SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

1. In Column 3, opposite the entry for "Chlorine" in Column 1, for "200" substitute "75".
2. In Column 3, opposite the entry for "Liquid oxygen" in Column 1, delete the asterisk.
3. 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.
4. Delete the asterisked footnote below the table.

PART II

AMENDMENTS TO SCHEDULE 3 TO THE PRINCIPAL REGULATIONS

5. 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".
6. In Column 2, opposite the entry for "Methyl isocyanate" in Column 1 Group 1, for "1 tonne" substitute "150 kilograms".
7. 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".
8. 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.
9. In Column 2, opposite the entry for "Chlorine" in Column 1 Group 2, for "50 tonnes" substitute "25 tonnes".
10. In Column 1 Group 2 delete the entry for "Phosgene (Carbonyl chloride)" and delete the entries opposite thereto in Columns 2, 3 and 4.
11. In Column 2, opposite the entry for "Sulphur dioxide" in Column 1 Group 2, for "1,000 tonnes" substitute "250 tonnes".
12. 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.
13. 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 "008-001-8" respectively.

PART III

AMENDMENTS TO SCHEDULE 4 TO THE PRINCIPAL REGULATIONS

14. 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.

15. 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.

16. 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 date of coming into operation of these Regulations.

2. In regulation 7(2) the words "or within such longer time as the Department 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 January 1986	24th March 1989
Regulation 10(3)(b)	1st January 1986	12th March 1989
Regulation 11(3)	1st July 1986	12th September 1989
Regulation 12(2)	1st July 1986	12th December 1989
Schedule 7 paragraph 4	30th September 1985	11th December 1988

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Control of Industrial Major Accident Hazards Regulations (Northern Ireland) 1985 ("the principal Regulations"). The principal Regulations implemented with respect to Northern Ireland Council Directive 82/501/EEC (O.J. No. L230, 5.8.82, p. 1) "on the major-accident hazards of certain industrial activities". These Regulations implement with respect to Northern Ireland the provisions of Council Directive 87/216/EEC (O.J. No. L85, 28.3.87, p. 36), which amends that Directive.

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 and Parts I and II of Schedule 1 make amendments to those Schedules.

The main changes to Schedule 2 to the principal Regulations are:

- (a) The threshold quantity for chlorine is reduced.
- (b) The qualification that liquid oxygen has to be in a state which gives it properties capable of creating a major accident hazard for certain provisions of the principal Regulations to apply, is removed.
- (c) Sulphur trioxide is added and the threshold quantities specified.

The main changes to Schedule 3 to the principal Regulations are:

- (a) The threshold quantities for 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) Liquid oxygen and sulphur trioxide are added and the threshold quantities specified.

Regulation 3 and Part III of Schedule 1 amend 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.

Regulation 4 and Schedule 2 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.