
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 93

**Control of Major Accident Hazards
Regulations (Northern Ireland) 2000**

Part I

Introduction

Citation and commencement

1. These Regulations may be cited as the Control of Major Accident Hazards Regulations (Northern Ireland) 2000 and shall come into operation on 1st May 2000.

Interpretation

2.—(1) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“the 1985 Regulations” means the Control of Industrial Major Accident Hazards Regulations (Northern Ireland) 1985⁽¹⁾;

“CIMAH report” means a report sent to the Department or to the Executive pursuant to regulation 7 or 8 of the 1985 Regulations;

“competent authority” means the Executive and the Department of the Environment acting jointly;

“control” in relation to a person means control in the course of a trade, business or other undertaking carried on by him;

“dangerous substance” means (subject to regulation 3(3)(b)) a substance, mixture or preparation—

(a) listed in column 1 of Part II of Schedule 1, or

(b) within a category specified in column 1 of Part III of Schedule 1,

and present as a raw material, product, by-product, residue or intermediate;

“the Department” means the Department of Enterprise, Trade and Investment;

“the Directive” means Council Directive [96/82/EC](#) on the control of major accident hazards involving dangerous substances⁽²⁾;

“emergency services” means—

(a) those police, fire and ambulance services who are liable to be required to respond to an emergency at the establishment;

(b) where appropriate, Her Majesty’s Coastguard;

(1) [S.R. 1985 No. 175](#) as amended by [S.R. 1988 No. 388](#), [S.R. 1991 No. 141](#), [S.R. 1994 No. 44](#), [S.R. 1995 No. 60](#), [S.R. 1997 No. 455](#) and [S.R. 1999 No. 150](#)

(2) [O.J. No. L10, 14.1.97](#), p. 13

“establishment” means the whole area under the control of the same person where dangerous substances are present in one or more installations, and for this purpose two or more areas under the control of the same person and separated only by a road, railway or inland waterway shall be treated as one whole area;

“the Executive” means the Health and Safety Executive for Northern Ireland;

“existing establishment” shall be construed in accordance with paragraph (7);

“hazardous substances consent” means a hazardous substances consent granted under the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993⁽³⁾;

“the Health and Safety Executive” means the Health and Safety Executive established under section 10 of the Health and Safety at Work etc. Act 1974⁽⁴⁾;

“Health and Social Services Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁵⁾;

“industrial activity” has the same meaning as in the 1985 Regulations;

“installation” means a unit in which dangerous substances present are, or are intended to be, produced, used, handled or stored, and it includes—

- (a) equipment, structures, pipework, machinery and tools,
- (b) railway sidings, docks and unloading quays serving the unit, and
- (c) jetties, warehouses or similar structures, whether floating or not,

which are necessary for the operation of the unit;

“major accident” means an occurrence (including in particular, a major emission, fire or explosion) resulting from uncontrolled developments in the course of the operation of any establishment and leading to serious danger to human health or the environment, immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances;

“major accident prevention policy document” shall be construed in accordance with regulation 5(1);

“notify” means notify in writing;

“off-site emergency plan” shall be construed in accordance with regulation 10(1);

“on-site emergency plan” shall be construed in accordance with regulation 9(1);

“operator” shall be construed in accordance with paragraph (2);

“pipeline” means a pipeline to which the Pipelines Safety Regulations (Northern Ireland) 1997⁽⁶⁾ applies;

“road” has the meaning assigned to it by Article 2(2) of the Road Traffic (Northern Ireland) Order 1995⁽⁷⁾;

“safety report” means a report sent to the competent authority pursuant to regulation 7 or a part of a report sent to the competent authority pursuant to regulation 7(10) except that where any such report or part has been revised pursuant to regulation 8, it means the report or part as so revised.

(2) Any reference in these Regulations to an operator is a reference to a person who is in control of the operation of an establishment or installation (or in relation to an establishment or installation which is to be constructed or operated, the person who proposes to control its operation or, if that person is not known, the person who in the course of a trade, business or other undertaking carried on

(3) S.R. 1993 No. 275

(4) 1974 c. 37

(5) S.I. 1972/1265 (N.I. 14)

(6) S.R. 1997 No. 193

(7) S.I. 1995/2994 (N.I. 18)

by him has commissioned its design and construction); and any duty imposed by these Regulations on him shall extend only in relation to that establishment or installation.

(3) Any reference in these Regulations to the presence of dangerous substances includes a reference to the anticipated presence of such substances and the presence of those which it is reasonable to believe may be generated during the loss of control of an industrial chemical process.

(4) Any reference in these Regulations to the storage of dangerous substances includes a reference to the presence of dangerous substances for the purposes of warehousing, depositing in safe custody or keeping in stock.

(5) Any reference in these Regulations to the start of construction or operation of an establishment is, subject to paragraph (6), a reference to the start of construction or operation, as the case may be, of the installation in the establishment, or where there is or is to be more than one installation in the establishment, the one whose construction or operation, as the case may be, is first started, and where an installation in an establishment has been constructed, or its construction has been started, before the coming into operation of these Regulations, regulations 6(1) and 7(1) shall not apply in respect of that establishment.

(6) Where after the coming into operation of these Regulations an establishment becomes subject to any of these Regulations by reason of any increase in the quantity of dangerous substances present there, any reference in that regulation to the start of operation of the establishment is a reference to the time when the establishment first becomes so subject.

(7) Any reference in a regulation to an existing establishment is a reference to an establishment whose operation commenced before the coming into operation of these Regulations and which, on the coming into operation of these Regulations, is an establishment to which that regulation applies.

(8) The columns in Parts II and III of Schedule 1 shall be applied in accordance with the provisions of Part I of that Schedule and Notes set out in each of those Parts.

(9) The Interpretation Act (Northern Ireland) 1954⁽⁸⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Application

3.—(1) These Regulations shall apply to an establishment where a dangerous substance listed in column 1 of Parts II or III of Schedule 1 is present in a quantity equal to or exceeding the quantity listed in the entry for that substance in column 2 of those Parts, except that regulations 7 to 14 shall apply only to an establishment where such a dangerous substance is present in a quantity equal to or exceeding the quantity listed in the entry for that substance in column 3 of those Parts.

(2) The reference in paragraph (1) to the presence of dangerous substances shall not include the presence of dangerous substances in the following activities—

- (a) the transport of those substances and their intermediate temporary storage by road, rail, inland waterways, sea or air, including their loading and unloading and transport to and from another means of transport at docks, wharves and marshalling yards; or
- (b) the transport of those substances in a pipeline or pumping station.

(3) These Regulations shall not apply to—

- (a) an establishment which is under the control of—
 - (i) the Secretary of State for the purposes of the Ministry of Defence,
 - (ii) a headquarters or an organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽⁹⁾ or the service authorities of a

⁽⁸⁾ 1954 c. 33 (N.I.)

⁽⁹⁾ 1964 c. 5

visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952⁽¹⁰⁾;

- (b) substances which create a hazard from ionising radiation if present on a site for which a nuclear site licence has been granted or is required for the purposes of section 1 of the Nuclear Installations Act 1965⁽¹¹⁾;
 - (c) the activities of the extractive industries concerned with exploration for, and the exploitation of, minerals in mines and quarries or by means of boreholes;
 - (d) waste land-fill sites.
- (4) Where, by reason of any change in—
- (a) the classification of a substance (as referred to in Note 1 of Part III of Schedule 1), or
 - (b) knowledge of what dangerous substances may be generated during the loss of control of an industrial chemical process;

the area of land on which the substance is present becomes an establishment after the coming into operation of these Regulations (in this paragraph referred to as “a new entrant establishment”), any requirement imposed by these Regulations on an operator which is to be performed by him before an establishment starts to operate shall apply to the operator of the new entrant establishment as if that requirement had to be performed within 12 months after the change in classification takes effect or the change in knowledge occurs.

⁽¹⁰⁾ 1952 c. 67

⁽¹¹⁾ 1965 c. 57; section 1 was amended by S.I. 1974/2056 and S.I. 1990/1918