

2014 No. 74

HEALTH AND SAFETY

**The Control of Major Accident Hazards (Amendment)
Regulations (Northern Ireland) 2014**

Made - - - - *11th March 2014*

Coming into operation - *7th April 2014*

The Department of Enterprise, Trade and Investment(**a**), being the Department concerned(**b**), makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 (“the 1972 Act”)(**c**) and Articles 17(1) to (5)(**d**), 40(2) and (4) and 55(2) of, and paragraphs 1(1) and (2), 14(1), 15 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**e**) (“the 1978 Order”).

The Department was designated(**f**) for the purposes of section 2(2) of the 1972 Act in relation to measures relating to the prevention and limitation of the effects of accidents involving dangerous substances.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**g**) of the 1978 Order after the Executive had carried out consultations in accordance with Article 46(3)(**h**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Control of Major Accident Hazards (Amendment) Regulations (Northern Ireland) 2014 and shall come into operation on 7th April 2014.

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

(a) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see* S.I. 1982/846 (N.I. 11), Article 3
(b) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(c) 1972 c. 68; the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51). Section 2(2) was further amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51)
(d) Article 17 shall be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)
(e) S.I. 1978/1039 (N.I. 9): the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1). Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraph 19
(f) S.I. 1998/1750
(g) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(h) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
(i) 1954 c.33 (N.I.), as amended by S.I. 1999/663

Amendment of the Control of Major Accident Hazards Regulations (Northern Ireland) 2000

2. In Part 2 of Schedule 1 to the Control of Major Accident Hazards Regulations (Northern Ireland) 2000(a) in column 1 of the table under the entry relating to petroleum products, after “(c) gas oils (including diesel fuels, home heating oils and gas oil blending streams)”, insert—

“(d) heavy fuel oils.”

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 11th March 2014



Jackie Kerr

A senior officer of the Department of Enterprise, Trade and Investment

(a) S.R. 2000 No. 93 as amended by S.R. 2005 No. 305, S.R. 2008 No. 424, S.R. 2009 No. 132 and S.R. 2013 No. 161

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations implement Article 30 of Directive 2012/18/EU of the European Parliament and of the Council on the control of major accident hazards involving dangerous substances (O.J. No. L 197, 24.7.2012, p.1) (the Seveso III Directive).

2. Article 30 of the Seveso III Directive deals with uncertainty in relation to the correct classification of heavy fuel oils, by adding heavy fuel oils to the table in Part 2 of Annex 1 to Council Directive 96/82 (O.J. No. L 10, 14.1.1997, p.13) as amended by Directive 2003/105 of the European Parliament and of the Council (O.J. No. L 345, 31.12.2003, p.97) (the Seveso II Directive) under the heading Petroleum Products with qualifying quantities of 2,500 tonnes for column 2 and 25,000 tonnes for column 3. This removes the uncertainty that existed as regards the appropriate qualifying quantities for heavy fuel oils for the purposes of implementing Seveso II.

3. Regulation 2 of these Regulations amends the Control of Major Accident Hazards Regulations (Northern Ireland) 2000 (“the 2000 Regulations”) by adding heavy fuel oils to the list of named substances in Part 2 of Schedule 1 to the 2000 Regulations. The effect of this is that an establishment where heavy fuel oils are present in a quantity equal to, or exceeding the qualifying quantity in column 2 (2,500 tonnes) becomes subject to the 2000 Regulations and an establishment where heavy fuel oils are present in a quantity equal to, or exceeding the quantity in column 3 (25,000 tonnes) becomes subject to additional requirements as set out in regulation 3(1) of the 2000 Regulations.

4. In Great Britain the corresponding Regulations are the Heavy Fuel Oil (Amendment) Regulations 2014 (S.I. 2014/162). The Great Britain Health and Safety Executive has prepared a full impact assessment in relation to these Regulations. A copy of that assessment together with a Northern Ireland supplement prepared by the Health and Safety Executive for Northern Ireland is held at the offices of that Executive at 83 Ladas Drive, Belfast, BT6 9FR, from where a copy may be obtained on request. A copy is annexed to the Explanatory Memorandum which is available alongside these Regulations at www.legislation.gov.uk.

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