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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 325**

The Control of Major Accident Hazards  
Regulations (Northern Ireland) 2015

PART 6

FUNCTIONS OF THE COMPETENT AUTHORITY

**Examination of safety reports by the competent authority**

**22.** The competent authority shall 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 shall 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) shall give reasons;
- (b) shall 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- (c) may be withdrawn in writing by the competent authority.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 shall, 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 shall comply with any notice served under paragraph (1) or (2).

(6) Article 26 of the 1978 Order (Appeal against improvement or prohibition notice) and, regulation 12(3)(c) of, and Schedule 5 to, the Industrial Tribunals (Constitution and Rules of

Procedure) Regulations (Northern Ireland) 2005(1) apply in relation to a notice served under this regulation as they apply in relation to a prohibition notice served under Article 24 of that Order.

### **Domino effects and domino groups**

**24.**—(1) The competent authority shall 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 the establishments.

(2) In these Regulations “domino effects” means the increase in risk or consequence 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 under the Planning (Hazardous Substances) Regulations (Northern Ireland) 2015(2);
- (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 shall provide that information to each operator of an establishment in that group.

(6) Where the competent authority identifies a domino group, it shall 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 shall, 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

(1) S.R. 2005 No. 150, as amended by S.R. 2005 No. 376, S.R. 2005 No. 578, S.R. 2006 No. 261, S.R. 2007 No. 340, S.R. 2007 No. 494, 2009 c. 3, 2010 c. 3 (N.I.) and S.R. 2011 No. 161; revoked in part by S.R. 2006 No. 261

(2) S.R. 2015 No. 61

- (ii) each operator of an upper tier establishment, in—
    - (aa) its safety report;
    - (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 Executive with information relevant for the purposes of arranging for the preparation of an external emergency plan, where one is required under regulation 13.
- (8) The Executive and the Department of the Environment shall, 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 shall organise a system of inspections of establishments appropriate to the type of establishment concerned.

(2) An inspection—

- (a) shall not be dependent on the receipt of any report submitted by an operator;
- (b) shall 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 shall 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 and the Department of the Environment.

- (4) The inspection plan shall be regularly reviewed and revised as appropriate.
- (5) Based on the inspection plan the competent authority shall prepare programmes for routine inspections of all establishments.
- (6) In preparing programmes for routine inspections of establishments the competent authority shall ensure in particular that—
- (a) it has prepared a systematic appraisal of major accident hazards of 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 shall 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 Department of Environment under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(3).
- (8) The competent authority shall 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 shall—
- (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 shall 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 enforcing authority under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.