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STATUTORY INSTRUMENTS

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**1996 No. 825**

**The Pipelines Safety Regulations 1996**

**PART I**

**INTRODUCTION**

**Citation and commencement**

1. These Regulations may be cited as the Pipelines Safety Regulations 1996 and shall come into force on 11th April 1996.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“dangerous fluid” has the meaning given by regulation 18(2);

“emergency shut-down valve” means a valve which is capable of adequately blocking the flow of fluid within the pipeline at the point at which it is incorporated;

“the Executive” means the Health and Safety Executive;

“fluid” includes a mixture of fluids;

“local authority” means—

(a) in relation to England, a county council, a council having the functions of a county council, the London Fire and Civil Defence Authority, a metropolitan county fire and civil defence authority, or the Council for the Isles of Scilly;

(b) in relation to Scotland, the council for a local government area; and

(c) in relation to Wales, a county council or a county borough council;

“major accident” means death or serious injury involving a dangerous fluid;

“major accident hazard pipeline” has the meaning given by regulation 18(1);

“operator”, in relation to a pipeline means—

(a) the person who is to have or (once fluid is conveyed) has control over the conveyance of fluid in the pipeline;

(b) until that person is known (should there be a case where at a material time he is not yet known) the person who is to commission or (where commissioning has started) commissions the design and construction of the pipeline;

(c) when a pipeline is no longer, or is not for the time being used, the person last having control over the conveyance of fluid in it;

“pipeline” shall be construed in accordance with regulation 3.

(2) Unless the context otherwise requires, any reference in these Regulations to—

(a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and

- (b) a numbered paragraph is reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

### Meaning of “pipeline”

3.—(1) Subject to the provisions of this regulation, in these Regulations “pipeline” means a pipe or system of pipes (together with any apparatus and works, of a kind described in paragraph (2), associated with it) for the conveyance of any fluid, not being—

- (a) a drain or sewer;
- (b) a pipe or system of pipes constituting or comprised in apparatus for heating or cooling or for domestic purposes;
- (c) a pipe (not being apparatus described in paragraph (2)(e)) which is used in the control or monitoring of any plant.

(2) The apparatus and works referred to in paragraph (1) are—

- (a) any apparatus for inducing or facilitating the flow of any fluid through, or through a part of, the pipe or system;
- (b) any apparatus for treating or cooling any fluid which is to flow through, or through part of, the pipe or system;
- (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
- (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in the preceding sub-paragraphs;
- (e) apparatus for the transmission of information for the operation of the pipe or system;
- (f) apparatus for the cathodic protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system.

(3) For the purpose of sub-paragraph (c) of paragraph (2) a valve, valve chamber or similar work shall be deemed to be annexed to, or incorporated in the course of, a pipe or system where it connects the pipe or system to plant, an offshore installation, or a well.

(4) A pipeline for supplying gas to premises shall be deemed not to include anything downstream of an emergency control.

(5) In this regulation—

“emergency control” means a valve for shutting off the supply of gas in an emergency, being a valve intended for use by a consumer of gas;

“gas” has the same meaning as it has in Part I of the Gas Act 1986(1).

### Application

4.—(1) Subject to paragraph (2), these Regulations shall apply—

- (a) in Great Britain; and
- (b) to and in relation to pipelines and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of article 6 of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995(2).

(2) These Regulations shall not apply to any pipeline or part of a pipeline of a kind which is described in Schedule 1.

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(1) 1986 c. 44.

(2) S.I. 1995/263.

(3) In the case of a pipeline to which the Pressure Systems and Transportable Gas Containers Regulations 1989(3) apply, nothing in these Regulations shall require the taking of any measures to the extent that they are for the prevention of danger within the meaning of those Regulations.

## PART II

### GENERAL

#### **Design of a pipeline**

5. The operator shall ensure that no fluid is conveyed in a pipeline unless it has been so designed that, so far as is reasonably practicable, it can withstand—

- (a) forces arising from its operation;
- (b) the fluids that may be conveyed in it; and
- (c) the external forces and the chemical processes to which it may be subjected.

#### **Safety systems**

6. The operator shall ensure that no fluid is conveyed in a pipeline unless it has been provided with such safety systems as are necessary for securing that, so far as is reasonably practicable, persons are protected from risk to their health or safety.

#### **Access for examination and maintenance**

7. The operator shall ensure that no fluid is conveyed in a pipeline unless it has been so designed that, so far as is reasonably practicable, it may be examined and work of maintenance may be carried out safely.

#### **Materials**

8. The operator shall ensure that no fluid is conveyed in a pipeline unless it is composed of materials which are suitable.

#### **Construction and installation**

9. The operator shall ensure that no fluid is conveyed in a pipeline (save for the purpose of testing it) unless it has been so constructed and installed that, so far as is reasonably practicable, it is sound and fit for the purpose for which it has been designed.

#### **Work on a pipeline**

10. The operator shall ensure that modification, maintenance or other work on a pipeline is carried out in such a way that its soundness and fitness for the purpose for which it has been designed will not be prejudiced.

#### **Operation of a pipeline**

11. The operator shall ensure that—

- (a) no fluid is conveyed in a pipeline unless the safe operating limits of the pipeline have been established; and

(b) a pipeline is not operated beyond its safe operating limits, save for the purpose of testing it.

**Arrangements for incidents and emergencies**

12. The operator shall ensure that no fluid is conveyed in a pipeline unless adequate arrangements have been made for dealing with—

- (a) an accidental loss of fluid from;
- (b) discovery of a defect in or damage to; or
- (c) other emergency affecting,

the pipeline.

**Maintenance**

13. The operator shall ensure that a pipeline is maintained in an efficient state, in efficient working order and in good repair.

**Decommissioning**

14.—(1) The operator shall ensure that a pipeline which has ceased to be used for the conveyance of any fluid is left in a safe condition.

(2) The operator of a pipeline shall ensure that work done in discharge of the duty contained in paragraph (1) is performed safely.

**Damage to pipeline**

15. No person shall cause such damage to a pipeline as may give rise to a danger to persons.

**Prevention of damage to pipelines**

16. For the purpose of ensuring that no damage is caused to a pipeline, the operator shall take such steps to inform persons of its existence and whereabouts as are reasonable.

**Co-operation**

17. Where there are different operators for different parts of a pipeline, each operator shall co-operate with the other so far as is necessary to enable the operators to comply with the requirements of these Regulations.

**PART III**

**MAJOR ACCIDENT HAZARD PIPELINES**

**Dangerous fluids**

18.—(1) The provisions contained in regulations 19 to 27 shall apply in relation to a pipeline in which a dangerous fluid is being, or is to be conveyed (in these Regulations referred to as a “major accident hazard pipeline”).

(2) For the purpose of these Regulations a fluid is a dangerous fluid if it falls within a description in Schedule 2.

### **Emergency shut-down valves**

19.—(1) The operator of a major accident hazard pipeline which—

- (a) is connected to an offshore installation; and
- (b) has an internal diameter of 40 millimetres or more,

shall ensure that the requirements contained in Schedule 3 are complied with in relation to the pipeline.

(2) The duty holder in relation to an offshore installation to which a pipeline described in paragraph (1) is connected shall afford, or cause to be afforded, to the operator of the pipeline such facilities as he may reasonably require for the purpose of securing that the requirements contained in Schedule 3 are complied with in relation to the pipeline.

(3) In this regulation—

“duty holder”, in relation to an offshore installation, means the person who is the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation;

“the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995(4).

### **Notification before construction**

20. The operator shall ensure that the construction of a major accident hazard pipeline is not commenced unless he has notified to the Executive the particulars specified in Schedule 4 at least 6 months, or such shorter time as the Executive may approve, before such commencement.

### **Notification before use**

21. The operator shall ensure that no fluid is conveyed in a major accident hazard pipeline, or conveyed following a period in which it has been out of commission (other than for routine maintenance), until the expiration of 14 days, or of such shorter period as the Executive may in that case approve, from the receipt by it of a notification of the date on which it is intended to convey or, as the case may be, resume the conveyance of fluid in the pipeline.

### **Notification in other cases**

22.—(1) Where there is a change of operator of a major accident hazard pipeline, or of his address, the operator shall notify such change to the Executive within 14 days thereafter.

(2) Subject to paragraph (3), in the case of a major accident hazard pipeline the construction of which has commenced, or has been completed, the operator shall ensure that no event of a kind described in Schedule 5 takes place until the expiration of 3 months, or such shorter time as the Executive may in that case approve, from the receipt by the Executive of the particulars specified in that Schedule in relation to such event.

(3) Where an event of a kind described in Schedule 5 takes place in an emergency, the operator shall notify to the Executive the particulars specified in that Schedule as soon as is reasonably practicable.

### **Major accident prevention document**

23.—(1) The operator shall, before the design of a major accident hazard pipeline is completed prepare, and thereafter revise or replace as often as may be appropriate, a document relating to the pipeline containing, subject to paragraph (2), sufficient particulars to demonstrate that—

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(4) [S.I. 1995/738](#).

- (a) all hazards relating to the pipeline with the potential to cause a major accident have been identified;
- (b) the risks arising from those hazards have been evaluated;
- (c) the safety management system is adequate; and
- (d) he has established adequate arrangements for audit and for the making of reports thereof.

(2) Paragraph (1) shall only require the particulars in the document referred to in paragraph (1) to demonstrate the matters referred to in that paragraph to the extent that it is reasonable to expect the operator to address them at the time the document is prepared or revised.

(3) Where the document referred to in paragraph (1) describes any health and safety arrangements or procedures to be followed, the operator shall ensure that those arrangements or procedures are followed unless in the particular circumstances of the case it is not in the best interests of the health and safety of persons to follow them, and there has been insufficient time to revise or replace the document to take account of those circumstances.

(4) In this regulation—

“audit” means systematic assessment of the adequacy of the safety management system, carried out by persons who are sufficiently independent of the system (but who may be employed by the operator) to ensure that such assessment is objective; and

“safety management system” means the organisation, arrangements and procedures established by the operator for ensuring that the risk of a major accident is as low as is reasonably practicable.

### **Emergency procedures**

**24.**—(1) The operator shall ensure that no fluid is conveyed in a major accident hazard pipeline unless—

- (a) such appropriate organisation and arrangements as shall have effect; and
- (b) the procedures which shall be followed in different circumstances,

in the event of an emergency relating to the pipeline have been established and recorded.

(2) The operator shall revise or replace the record of the organisation, arrangements and procedures referred to in paragraph (1) as often as may be appropriate.

(3) The operator shall ensure that the organisation, arrangements and procedures referred to in paragraph (1) are tested, by practice or otherwise, as often as may be appropriate.

### **Emergency plans in case of major accidents**

**25.**—(1) A local authority which has been notified by the Executive that there is, or is to be a major accident hazard pipeline in its area shall before the pipeline is first used or within 9 months of such notification, whichever is later, and subject to paragraph (5), prepare an adequate plan detailing how an emergency relating to a possible major accident in its area will be dealt with.

(2) In preparing the plan pursuant to paragraph (1) a local authority shall consult the operator of the pipeline, the Executive and any other persons as appear to the authority to be appropriate.

(3) A local authority which has prepared a plan pursuant to paragraph (1) shall, as often as is appropriate and, in any case, at least every three years review the plan and make such revision as is appropriate.

(4) The operator of a major accident hazard pipeline shall ensure that every local authority through whose area the pipeline will pass is furnished promptly with such information as it may reasonably require in preparing the plan referred to in paragraph (1).

(5) It shall be deemed to be sufficient compliance with the requirement in paragraph (1) as to the time by which a plan is to be prepared, where such time is exceeded by reason of waiting for information referred to in paragraph (4) which has been promptly required.

(6) Where a pipeline passes or is to pass through the areas of two or more local authorities the duties under this regulation may be discharged by them where they prepare a single plan.

### **Charge by a local authority for a plan**

**26.**—(1) A local authority which prepares, reviews or revises a plan pursuant to paragraph (1) or (3) of regulation 25 may charge a fee, determined in accordance with paragraphs (2) to (4), to the operator of the pipeline to which the plan relates.

(2) A fee shall not exceed the sum of the costs reasonably incurred by the local authority in preparing, reviewing or revising the plan and, where the plan covers pipelines of which there are more than one operator, the fee charged to each operator shall not exceed the proportion of such sum attributable to the part or parts of the plan relating to his pipelines.

(3) In determining the fee no account shall be taken of costs other than the costs of discharging functions in relation to those parts of the plan which relate to the protection of health or safety of persons and which were costs incurred after the coming into force of these Regulations.

(4) The local authority may determine the cost of employing a graded officer for any period on work appropriate to his grade by reference to the average cost to it of employing officers of his grade for that period.

(5) When requiring payment the local authority shall send or give to the operator of the pipeline a detailed statement of the work done and costs incurred including the date of any visit to any place 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.

### **Transitional provision**

**27.**—(1) In the case of a pipeline, the construction of which is commenced within 6 months after the coming into force of these Regulations, it shall be sufficient compliance with regulation 20 if the particulars specified in Schedule 4 are notified to the Executive within 3 months after the coming into force of these Regulations.

(2) Subject to paragraph (3), in the case of a major accident hazard pipeline, the construction of which was commenced (and whether or not completed) before the coming into force of these Regulations the particulars specified in Schedule 4 (or, in the case of paragraphs 3, 4, 5, 6 and 8 particulars, where appropriate, of the actual route of the pipeline or of the riser, materials used, fluid conveyed, and the temperature and pressure, and maximum rate of flow of that fluid) shall be notified to the Executive within 6 months after such coming into force.

(3) Paragraph (2) shall not have effect where, pursuant to regulation 3(1) of the Notification of Installations Handling Hazardous Substances Regulations 1982(5), the particulars relating to that pipeline specified in Part II of Schedule 2 to those Regulations have been supplied before such coming into force.

(4) In the case of a pipeline, the design of which was completed before the coming into force of these Regulations, or within 12 months after such coming into force, regulation 23 shall have effect as if, for the words “before the design of a major accident hazard pipeline is completed” in paragraph (1) of that regulation there were substituted the words “within 12 months after the coming into force of these Regulations”.

(5) In the case of a pipeline which was first used before the coming into force of these Regulations it shall be sufficient compliance with the requirement in regulation 24(1) where the matters referred to therein are recorded within 6 months after the coming into force of these Regulations.

(6) Where a local authority receives a notification referred to in paragraph (1) of regulation 25 within 6 months after the coming into force of these Regulations, that regulation shall have effect in relation to the pipeline notified as if the reference in that paragraph to 9 months were a reference to 18 months.

## PART IV MISCELLANEOUS

### **Defence**

**28.**—(1) In any proceedings for an offence for a contravention of any of the provisions of these Regulations it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove—

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called “the other person”); and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The person charged shall not, without leave of the court, be entitled to rely on the defence in paragraph (1) unless, within a period ending seven clear days—

- (a) before the hearing to determine mode of trial, where the proceedings are in England or Wales; or
- (b) before the trial, where the proceedings are in Scotland,

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the 1974 Act, a person who establishes a defence under this regulation shall nevertheless be treated for the purposes of that section as having committed the offence.

### **Certificates of exemption**

**29.**—(1) Subject to paragraph (2) and to any of the provisions imposed by the Communities in respect of the encouragement of improvements in the safety and health of workers at work, the Executive may, by a certificate in writing, exempt any person, pipeline or class of persons or pipelines from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and, in particular, to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.



### **Repeal of provisions of the Pipe-lines Act 1962**

**30.** Sections 20 to 26, 27 to 32 and 42 of the Pipe-lines Act 1962<sup>(6)</sup> are hereby repealed.

### **Revocation and modification of instruments**

**31.**—(1) The instruments specified in column 1 of Part I of Schedule 6 shall be revoked to the extent specified in column 3 of that Part.

(2) The Notification of Installations Handling Hazardous Substances Regulations 1982 (“the 1982 Regulations”) shall have effect subject to the modifications of those Regulations specified in Part II of Schedule 6.

Signed by authority of the Secretary of State.

18th March 1996

*Paul Beresford*  
Parliamentary Under Secretary of State,  
Department of the Environment

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(6) 1962 c. 58; section 24 was repealed by S.I. 1974/1986; and section 26A was inserted by section 26 of the Petroleum Act 1987 (1987 c. 12).