
STATUTORY INSTRUMENTS

1999 No. 743

The Control of Major Accident Hazards Regulations 1999

PART 1

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Control of Major Accident Hazards Regulations 1999 and shall come into force on 1st April 1999.

Interpretation

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

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 1984 Regulations” means the Control of Industrial Major Accident Hazards Regulations 1984⁽¹⁾;

“the Agency” in relation to an establishment in—

(a) England and Wales, means the Environment Agency,

(b) Scotland, means the Scottish Environment Protection Agency;

“CIMAH report” means a report sent to the Executive pursuant to regulations 7 or 8 of the 1984 regulations;

“competent authority” means the Executive and the Agency 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 2 of Schedule 1, or,

(b) within a category specified in column 1 of Part 3 of Schedule 1,

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

“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.I.1984/1902; amended by S.I. 1988/1462 and S.I. 1994/118.

⁽²⁾ OJ L10/13 14.1.97.

“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;

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

“hazardous substances consent” means a hazardous substances consent granted under the Planning (Hazardous Substances) Act 1990⁽³⁾ or the Planning (Hazardous Substances) (Scotland) Act 1997⁽⁴⁾;

“health authority”, in relation to England and Wales means a health authority established under section 8 of the National Health Service Act 1977⁽⁵⁾ and in relation to Scotland, means a health board established under section 2 of the National Health Service (Scotland) Act 1978⁽⁶⁾;

“industrial activity” has the same meaning as in the 1984 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;

“local authority” means—

- (a) for the purposes of regulation 14, in relation to—
 - (i) the City of London, the Common Council for the City of London;
 - (ii) an area in the rest of London, the London Borough Council for that area;
 - (iii) the Isles of Scilly, the Council of the Isles of Scilly;
 - (iv) an area in the rest of England, the district council for that area or where there is no district council for that area, the county council for that area;
 - (v) an area in Scotland, the council for the local government area, and
 - (vi) an area in Wales, the county council or the county borough council for that area;
- (b) for the purposes of other regulations, in relation to—
 - (i) London, the London Fire and Civil Defence Authority;
 - (ii) an area where there is a fire and civil defence authority, that authority;
 - (iii) the Isles of Scilly, the Council of the Isles of Scilly;
 - (iv) an area in the rest of England, the county council for that area, or where there is no county council for that area, the district council for that area;
 - (v) an area in Scotland, the council for the local government area;
 - (vi) an area in Wales, the county council or the county borough council for that area;

“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;

(3) 1990 c. 10.

(4) 1997 c. 10.

(5) 1977 c. 49; section 8 was substituted by section 1(1) of the Health Authorities Act 1995 c. 17.

(6) 1978 c. 29.

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

“notify” means notify in writing and “notification” shall be construed accordingly;

“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 1996(7) applies;

“road” means—

(a) in relation to England and Wales, a road within the meaning of section 192(1) of the Road Traffic Act 1988(8);

(b) in relation to Scotland, a road within the meaning of the Roads (Scotland) Act 1984(9);

“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 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 force of these Regulations, regulations 6(1) and 7(1) shall not apply in respect of that establishment.

(6) Where after the coming into force 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 force of these Regulations and which, on the coming into force of these Regulations, is an establishment to which that regulation applies.

(8) The columns in Parts 2 and 3 of Schedule 1 shall be applied in accordance with the provisions of Part 1 of that Schedule and notes set out in each of those Parts.

(9) Any reference in these Regulations to—

(7) S.I. 1996/825.

(8) 1988 c. 52.

(9) 1984 c. 54.

- (a) a numbered regulation or Schedule is a reference to the regulation in or Schedule to these Regulations so numbered, and
- (b) a numbered paragraph is a reference to the paragraph so numbered in the Regulation or Schedule in which the reference appears.

Application

3.—(1) These Regulations shall apply to an establishment where a dangerous substance listed in column 1 of Parts 2 or 3 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 organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽¹⁰⁾ or the service authorities of a visiting force within the meaning of any of the provisions of Part 1 of the Visiting Forces Act 1952⁽¹¹⁾;
- (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⁽¹²⁾;
- (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 3 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 force 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.

(5) These Regulations shall not apply in Northern Ireland.

⁽¹⁰⁾ 1964 c. 5.

⁽¹¹⁾ 1952 c. 67.

⁽¹²⁾ 1965 c. 57; section 1 was amended by S.I. 1974/2056 and S.I. 1990/1918.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
