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STATUTORY INSTRUMENTS

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**1999 No. 743**

**The Control of Major Accident Hazards Regulations 1999**

**PART 3**

**SAFETY REPORTS**

**Safety report**

7.—(1) Within a reasonable period of time prior to the start of construction of an establishment, the operator of the establishment shall, subject to paragraph (12), send to the competent authority a report containing information which is sufficient for the purpose specified in paragraph 3(a) of Part 1 of Schedule 4 and comprising at least such of the information specified in Part 2 of that Schedule as is relevant for that purpose.

(2) The report referred to in paragraph (1) may comprise more than one document sent to the competent authority at different times within the period referred to in that paragraph.

(3) Nothing in paragraph (1) shall require the report to contain information which it would not be reasonable to expect the operator to have at the time of sending the report.

(4) Without prejudice to the requirements of regulation 18 (prohibition of use), an operator shall ensure that the construction of an establishment is not started until he has received from the competent authority the conclusions of its examination of the report sent pursuant to paragraph (1).

(5) Within a reasonable period of time prior to the start of the operation of an establishment, the operator of the establishment shall, subject to paragraph (12), send to the competent authority a report containing information which is sufficient for the purposes specified in Part 1 of Schedule 4 and comprising at least the information specified in Part 2 of that Schedule, except that this paragraph shall not require the report to contain information already contained in the report sent pursuant to paragraph (1) if that information is still valid.

(6) Without prejudice to the requirements of regulation 18 (prohibition of use), an operator shall ensure that the operation of an establishment is not started until he has received from the competent authority the conclusions of its examination of the report sent pursuant to paragraph (5).

(7) The operator of an existing establishment shall, subject to paragraph (12), send to the competent authority a report containing information which is sufficient for the purposes specified in Part 1 of Schedule 4 and comprising at least the information specified in Part 2 of that Schedule.

(8) The report referred to in paragraph (7) shall, subject to paragraph (10), be sent—

(a) in the case of an establishment in respect of which a CIMAH report has been sent to the Executive—

(i) within such period after the coming into force of these Regulations that a report would have been required to have been sent to the Executive pursuant to regulation 8(2) of the 1984 Regulations if those Regulations had remained in force; or

(ii) by 3 February 2001,

whichever is earlier, except that where the period referred to in head (i) above expires before the date specified in paragraph (9) the report may be sent at any time before that date;

(b) in any other case by 3 February 2002.

(9) The date referred to in paragraph (8)(a) is 3 February 2000 or such later date (no later than 3 February 2001) as may be agreed in writing by the competent authority in respect of the establishment concerned.

(10) Where, in a case referred to in paragraph (8)(a), different CIMAH reports have been sent to the Executive relating to different industrial activities undertaken at the same establishment—

(a) it shall be sufficient compliance with paragraph (7) if the report referred to in that paragraph is sent to the competent authority in parts, each part relating to an industrial activity to which a CIMAH report related and containing, in respect of that activity, the information referred to in that paragraph, and

(b) where sub-paragraph (a) of this paragraph is relied on, paragraph (8)(a) shall have effect in relation to each part as if the reference in head (i) of that paragraph to a report were a reference to the report relating to the industrial activity concerned.

(11) All or part of the information required to be included in a safety report may be so included in a safety report by reference to information contained in another report or notification sent to the competent authority, the Executive or the Agency pursuant to a requirement imposed by or under any enactment or contained in an application for a hazardous substances consent.

(12) Where it is demonstrated by the operator of the establishment to the satisfaction of the competent authority that particular dangerous substances present at an establishment, or any part thereof, are in a state incapable of creating a major accident hazard, the competent authority may in writing and in accordance with criteria established by the European Commission pursuant to Article 9.6(b) of the Directive, limit the information required to be included in the safety report for the establishment to those matters which are relevant to the prevention of residual major accident hazards and the limitation of their consequences for persons and the environment.

(13) An operator shall provide to the competent authority such further information as it may reasonably request in writing following its examination of the safety report, and the information shall be so provided within such period as the competent authority specifies in the request.

### **Review and revision of safety report**

8.—(1) Where a safety report has been sent to the competent authority the operator shall, subject to paragraph (3), review it—

(a) at least every 5 years;

(b) whenever such a review is necessary because of new facts or to take account of new technical knowledge about safety matters; and

(c) whenever the operator makes a change to the safety management system (referred to in paragraph 1 of Part 1 of Schedule 4) which could have significant repercussions with respect to the prevention of major accidents or the limitation of consequences of major accidents to persons and the environment;

and where in consequence of that review it is necessary to revise the report, the operator shall do so forthwith and inform the competent authority of the details of such revision.

(2) Where a safety report has been reviewed pursuant to paragraph (1)(a) but not revised, the operator shall inform the competent authority of that fact.

(3) Where, pursuant to regulation 7(10), a report has been sent to the competent authority in parts, each part shall be reviewed pursuant to paragraph (1)(a) within 5 years from the time that part

was sent and at least every 5 years after that review; and every review of the last part sent shall include consideration of whether the parts together contain, in relation to the establishment, all the information referred to in regulation 7(7).

(4) Where an operator proposes to modify the establishment or installation in it, the process carried on there or the nature or quantity of dangerous substances present there and that modification could have significant repercussions with respect to the prevention of major accidents or the limitation of consequences of major accidents to persons and the environment, he shall in advance of such modification—

- (a) review, and where necessary revise, the safety report prepared in respect of the establishment, installation, process or dangerous substances as the case may be; and
- (b) inform the competent authority of the details of such revision.