
STATUTORY INSTRUMENTS

2015 No. 483

The Control of Major Accident Hazards Regulations 2015

PART 10

**CONSEQUENTIAL AMENDMENTS, REVOCATIONS,
SAVING AND TRANSITIONAL PROVISIONS**

Amendments

30. Schedule 6, which makes consequential amendments to secondary legislation, has effect.

Revocations

31. The 1999 Regulations, the Control of Major Accident Hazards (Amendment) Regulations 2005⁽¹⁾, the Control of Major Accident Hazards (Amendment) Regulations 2008⁽²⁾, the Control of Major Accident Hazards (Amendment) Regulations 2009⁽³⁾, regulation 3 of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2013⁽⁴⁾ and, the Heavy Fuel Oil (Amendment) Regulations 2014⁽⁵⁾ are revoked.

Saving provisions

32.—(1) A notification sent by an operator to the competent authority under regulation 6 of the 1999 Regulations (including where regulation 6(3) of the 1999 Regulations applied and a report was sent to the Executive under regulation 7 of the Control of Industrial Major Accident Hazards Regulations 1984⁽⁶⁾) having effect immediately before 1st June 2015 continues to have effect during the relevant period as a notification sent under regulation 6 of these Regulations.

(2) For the purposes of paragraph (1) “relevant period” means the period beginning on 1st June 2015 and ending on the date on which the operator sends a notification to the competent authority under regulation 6 of these Regulations.

(3) In relation to an existing establishment, except where regulation 7(5) applies, regulation 5 of the 1999 Regulations continues to apply in relation to a major accident prevention policy prepared under regulation 5 of those Regulations immediately before 1st June 2015 as if the 1999 Regulations had not been revoked until such time as the operator has prepared a major accident prevention policy under regulation 7 of these Regulations.

(4) In relation to an upper tier establishment—

(a) except where regulation 9(4) applies, regulation 8 of the 1999 Regulations continues to apply in relation to a safety report prepared under regulation 7 or 8 of those Regulations before 1st June 2015 as if the 1999 Regulations had not been revoked until such time as

(1) [S.I. 2005/1088](#).

(2) [S.I. 2008/1087](#).

(3) [S.I. 2009/1595](#).

(4) [S.I. 2013/766](#).

(5) [S.I. 2014/162](#).

(6) [S.I. 1984/1902](#). The 1984 Regulations were revoked by [S.I. 1999/743](#).

a safety report is sent by the operator to the competent authority under regulation 9(2)(b) of these Regulations;

- (b) except where regulation 12(3) applies, an on-site emergency plan prepared under regulation 9 of the 1999 Regulations must be reviewed, tested and put into effect in accordance with regulations 11 and 12 of the 1999 Regulations as if those Regulations had not been revoked until such time as an internal emergency plan is prepared by the operator under regulation 12 of these Regulations;
- (c) except where regulation 13(5) applies, an off-site emergency plan prepared by a local authority under regulation 10 of the 1999 Regulations must be reviewed, tested and put into effect by that local authority in accordance with regulations 11 and 12 of the 1999 Regulations as if those Regulations had not been revoked until such time as an external emergency plan is prepared by the local authority under regulation 13 of these Regulations;
- (d) where immediately before the revocation of the 1999 Regulations by these Regulations regulation 14 of the 1999 Regulations applied to the operator of an establishment—
 - (i) information supplied by the operator under regulation 14(1) of the 1999 Regulations having effect immediately before 1st June 2015 continues to have effect during the relevant period as information sent under regulation 18(1) of these Regulations;
 - (ii) where an area was notified to the operator by the competent authority under regulation 14(2) of the 1999 Regulations before 1st June 2015 and that notification remained in effect immediately before that date, the notification continues to have effect as a notification under regulation 18(2) of these Regulations;
 - (iii) regulation 18(5)(a) of these Regulations, in relation to information sent under regulation 14(1) of the 1999 Regulations, has effect as if the first interval at which the operator of the establishment must review and, where necessary revise, the information started on the date that information—
 - (aa) was supplied by the operator under regulation 14(1) of the 1999 Regulations; or
 - (bb) was last reviewed and, where necessary revised, by the operator under regulation 14(6) of those Regulations,
 whichever is later;
 - (iv) regulation 18(6)(b) of these Regulations has effect, in relation to information sent under regulation 14(1) of the 1999 Regulations, as if the first interval at which information must be sent under regulation 18(6) started on the date that information—
 - (aa) was supplied by the operator under regulation 14(1) of the 1999 Regulations; or
 - (bb) was last supplied by the operator under regulation 14(7) of those Regulations,
 whichever is later.

(5) Nothing in paragraph (4)(d)(iii) or (iv) affects the obligations of an operator to review and, where necessary, revise the information mentioned in those paragraphs in accordance with regulation 18(5)(b) or 18(6)(a) (as the case may be).

(6) For the purposes of paragraph (4)(d)(i) “relevant period” means the period beginning with 1st June 2015 and ending on the date on which the operator sends information under regulation 18(1) of these Regulations.

(7) Where the competent authority had designated a group of establishments under regulation 16 of the 1999 Regulations immediately before 1st June 2015 and that designation remained in effect

immediately before that date, the designation continues to have effect as an identification of a domino group for the purposes of regulation 24.

(8) A notice served under regulation 18(1) of the 1999 Regulations which is in force or effective immediately before 1st June 2015 continues to have effect as a notice served under regulation 23(1) of these Regulations.

(9) A notice served under regulation 18(2) of the 1999 Regulations which is in force or effective immediately before 1st June 2015 continues to have effect as a notice served under regulation 23(2) of these Regulations.

(10) A fee payable to the competent authority under regulation 22 of the 1999 Regulations immediately before 1st June 2015 remains payable to the competent authority under regulation 28 of these Regulations.

(11) A fee payable to a local authority under regulation 13 of the 1999 Regulations immediately before 1st June 2015 remains payable to the local authority under regulation 29 of these Regulations.

Transitional provisions

33.—(1) Where regulation 32(1) applies, the reference in regulation 17(1)(b), to a notification required by regulation 6, must be construed accordingly.

(2) Where regulation 32(4)(a) applies, the reference in regulation 17(1)(b), to a safety report required by regulation 9, must be construed accordingly.