
STATUTORY INSTRUMENTS

2015 No. 483

The Control of Major Accident Hazards Regulations 2015

PART 3

SAFETY REPORTS FOR UPPER TIER ESTABLISHMENTS

Purposes of safety reports

8. Every operator of an upper tier establishment must prepare a safety report for the purposes of—
- (a) demonstrating that a major accident prevention policy and a safety management system for implementing it have been put into effect in accordance with the information set out in Schedule 3;
 - (b) demonstrating that the major accident hazards and possible major accident scenarios in relation to the establishment have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for human health and the environment;
 - (c) demonstrating that adequate safety and reliability have been taken into account in the design, construction, operation and maintenance of any installation, storage facility, equipment and infrastructure connected with the establishment's operation which are linked to major accident hazards inside the establishment;
 - (d) demonstrating that an internal emergency plan has been prepared in accordance with regulation 12, which includes sufficient information to enable an external emergency plan to be prepared;
 - (e) providing sufficient information to the competent authority to enable decisions to be made regarding the siting of new activities or developments around establishments.

Requirements relating to the preparation of safety reports

- 9.—(1) A safety report prepared by an operator must—
- (a) contain as a minimum the data and information specified in Schedule 3; and
 - (b) identify the organisations involved in preparing it.
- (2) An operator must send a safety report to the competent authority—
- (a) where the establishment is a new establishment, within a reasonable period of time prior to—
 - (i) the start of construction of the establishment;
 - (ii) the start of operation of the establishment;
 - (iii) any modifications leading to a change in the inventory of dangerous substances at the establishment;
 - (b) where the establishment is an existing establishment—

- (i) in any case where a review of the safety report (within the meaning of regulation 2(1) of the 1999 Regulations) would, had those Regulations not been revoked by these Regulations, have been required to be carried out by the operator before 1st June 2016, no later than five years after the relevant date;
 - (ii) in any other case, on or before 1st June 2016;
 - (c) where the establishment is an other establishment, within two years beginning on the date on which the establishment, or site of operation, first becomes an other establishment.
- (3) An operator is not required to include in a safety report any information previously sent to the competent authority under paragraph (2), if that information remains valid.
- (4) Where an operator had, immediately before 1st June 2015, sent to the competent authority a safety report in relation to an establishment under regulation 7 or 8 of the 1999 Regulations (“the original report”), that operator may comply with paragraph (2)(b) by sending to the competent authority only those parts of the original report that are revised to ensure compliance with regulation 8, this regulation and Schedule 3, and the original report (and its revised parts) is to be treated as a safety report sent under paragraph (2)(b).
- (5) The competent authority may specify in writing the format of revisions to be provided under paragraph (4).
- (6) Where—
- (a) an operator had, immediately before 1st June 2015, sent to the competent authority a safety report in relation to an establishment under regulation 7 or 8 of the 1999 Regulations;
 - (b) the information contained within that report remains materially unchanged; and
 - (c) it complies with the requirements of regulation 8, this regulation and Schedule 3,
- the operator is not required to send to the competent authority a further safety report under paragraph (2)(b).
- (7) Subject to regulation 23 (prohibition of operation), an operator must not—
- (a) where paragraph (2)(a)(i) applies, start construction of an establishment;
 - (b) where paragraph (2)(a)(ii) applies, start operation of an establishment;
 - (c) where paragraph (2)(a)(iii) applies, make any modifications leading to a change in the inventory of dangerous substances at an establishment,
- until it has received from the competent authority the conclusions of the competent authority’s examination of the safety report under regulation 22.
- (8) For the purposes of paragraph (2)(b) “relevant date”, in relation to a safety report within the meaning of regulation 2(1) of the 1999 Regulations, means—
- (a) the date on which the safety report was last sent to the competent authority under regulation 7, or, 8(1) of those Regulations; or
 - (b) the date on which it was last notified under regulation 8(2) or (4) of those Regulations,
- whichever is later.

Review of safety reports

- 10.—**(1) A safety report must be reviewed and, where it is necessary, revised by the operator—
- (a) in any case where regulation 9(6) does not apply, no later than five years after the date on which—
 - (i) it was last sent to the competent authority; or

- (ii) where it was not required to be sent to the competent authority, it was last reviewed by the operator; or
 - (b) in any case where regulation 9(6) applies, no later than five years after the date on which the safety report was last sent to the competent authority under regulation 7 or 8 of the 1999 Regulations.
- (2) Despite paragraph (1), a safety report must be reviewed and, where necessary, revised by the operator—
 - (a) following a major accident at the establishment;
 - (b) where a review is justified by new facts or by technological knowledge about safety matters, including knowledge arising from analysis of accidents or near misses;
 - (c) where a review is justified by developments in knowledge concerning the assessment of hazards;
 - (d) before making any modifications to the establishment, process or the nature or physical form or quantity of dangerous substances which could have significant consequences for major accident hazards;
 - (e) following any change to the safety management system (referred to in paragraph 2 of Schedule 3) which could have significant consequences for the prevention of major accidents or the limitation of the consequences of major accidents to human health and the environment.
- (3) In carrying out a review of a safety report the operator must take into account the purposes specified in regulation 8 and the data and information specified in Schedule 3.
- (4) Except where paragraph (5) applies, a revised safety report, or revised parts of a report, must be sent by the operator to the competent authority without delay.
- (5) Where paragraph (2)(d) applies, a revised safety report, or revised parts of it, must be sent by the operator to the competent authority in advance of the proposed modification.
- (6) Where a safety report has been reviewed under this regulation, but not revised, the operator must inform the competent authority in writing without delay.