
STATUTORY INSTRUMENTS

1999 No. 743

The Control of Major Accident Hazards Regulations 1999

PART 6

FUNCTIONS OF COMPETENT AUTHORITY

Inspections and investigations

19.—(1) The competent authority shall organise an adequate system of inspections of establishments or other measures of control appropriate to the type of establishment concerned.

(2) The inspections or control measures referred to in paragraph (1) shall not be dependent upon the receipt of any report submitted by the operator and they shall be sufficient for a planned and systematic examination of the systems being employed at the establishment, whether of a technical, organisational or managerial nature, so as to ensure in particular—

- (a) that the operator can demonstrate that he has taken appropriate measures to prevent major accidents;
- (b) that the operator can demonstrate that he has provided appropriate means for limiting the consequences of major accidents both inside and outside the establishment;
- (c) that the information contained in any report sent to the competent authority by the operator of the establishment adequately reflects the conditions in the establishment; and
- (d) that information has been supplied to the public pursuant to regulation 14.

(3) A system of inspection referred to in paragraph (1) shall meet the following conditions—

- (a) there shall be a programme of inspections for all establishments;
- (b) unless such a programme is based upon a systematic appraisal of major accident hazards of the particular establishment concerned, the programme shall, in the case of establishments to which regulations 7 to 14 apply, entail at least one on-site inspection made on behalf of the competent authority every 12 months;
- (c) following each inspection, a report shall be prepared by the competent authority; and
- (d) where necessary, matters shall be pursued with the operator within a reasonable period following the inspection.

(4) Where the competent authority or the Executive has been informed of a major accident at an establishment the competent authority shall—

- (a) obtain from the operator of the establishment—
 - (i) information as respects the circumstances of the accident, the dangerous substances involved, the data available for assessing the effects of the accident on persons and the environment, the emergency measures taken and the steps envisaged to alleviate the medium and long-term effects of the accident and to prevent any recurrence of it, and
 - (ii) such other information in the operator's possession as will enable the competent authority to notify the European Commission pursuant to regulation 21(1);

- (b) ensure that any urgent, medium and long-term measures which may prove necessary are taken;
- (c) make a full analysis of the technical, organisational and managerial aspects of the major accident and collect, by inspection, investigation or other appropriate means, the information necessary for that purpose;
- (d) take appropriate action to ensure that the operator takes any necessary remedial measures; and
- (e) make recommendations on future preventive measures.