
STATUTORY INSTRUMENTS

2015 No. 483

The Control of Major Accident Hazards Regulations 2015

PART 2

GENERAL DUTIES OF OPERATORS OF ALL ESTABLISHMENTS

General duties of operators

5.—(1) Every operator must take all measures necessary to prevent major accidents and to limit their consequences for human health and the environment.

(2) Every operator must demonstrate to the competent authority that it has taken all measures necessary as specified in these Regulations.

(3) Every operator must provide the competent authority with such assistance as is necessary to enable the competent authority to perform its functions under these Regulations.

(4) Without prejudice to the generality of paragraph (3), every operator must in particular provide such assistance as is necessary to the competent authority to enable it to—

- (a) carry out inspections and investigations; and
- (b) gather any necessary information,

in connection with the performance of its functions under these Regulations.

Notifications

6.—(1) Within a reasonable period of time prior to the start of construction of a new establishment the operator must send to the competent authority a notification containing the following information—

- (a) the name of the operator and the full address of the establishment;
- (b) the registered place of business of the operator, with the full address;
- (c) the name and position of the person in charge of the establishment;
- (d) sufficient information to identify the dangerous substances and category of substances involved or likely to be present;
- (e) the quantity and physical form of the dangerous substance or substances referred to in subparagraph (d);
- (f) the activities or proposed activities of the installations or storage facilities;
- (g) a description of the immediate environment of the establishment, and factors likely to cause a major accident or to aggravate the consequences of a major accident including, where available, details of—
 - (i) neighbouring establishments;
 - (ii) sites of operation that fall outside the scope of these Regulations; and

(iii) areas and developments that could be the source of or increase the risk or consequences of a major accident and of domino effects.

(2) Subject to paragraph (3), within a reasonable period of time prior to the start of operation of a new establishment the operator must send to the competent authority a notification containing the information specified in paragraph (1).

(3) The operator is not required to include in a notification under paragraph (2) any information included in a notification sent under paragraph (1), if that information is still valid.

(4) The operator of an existing establishment must send to the competent authority a notification containing the information specified in paragraph (1) by 1st June 2016.

(5) The operator of an other establishment must send to the competent authority a notification containing the information specified in paragraph (1) within one year beginning on the date on which the establishment, or site of operation, first becomes an other establishment.

(6) The operator of any establishment to which these Regulations apply must notify the competent authority in advance of—

- (a) a significant increase or decrease in the quantity of dangerous substances notified under this regulation;
 - (b) a significant change in—
 - (i) the nature or physical form of the dangerous substances notified under this regulation; or
 - (ii) the processes employing them;
 - (c) any modification of the establishment or an installation which could have significant consequences in terms of major accident hazards;
 - (d) permanent closure of the establishment or its decommissioning; or
 - (e) any change in the information referred to in paragraph (1)(a) to (c).
- (7) The competent authority must specify, in writing—
- (a) the form of notifications under this regulation; and
 - (b) the means by which operators must send them to the competent authority.

Major accident prevention policies

7.—(1) Subject to paragraph (4), every operator must prepare and retain a written major accident prevention policy.

- (2) A major accident prevention policy must—
 - (a) be designed to ensure a high level of protection of human health and the environment;
 - (b) be proportionate to the major accident hazards;
 - (c) set out the operator's overall aims and principles of action; and
 - (d) set out the role and responsibility of management, and its commitment towards continuously improving the control of major accident hazards.
- (3) A major accident prevention policy must be prepared by the operator—
 - (a) of a new establishment, within—
 - (i) a reasonable period of time prior to construction or operation of the establishment; or
 - (ii) a reasonable period of time prior to modifications leading to a change in the inventory of dangerous substances at the establishment;
 - (b) of an existing establishment, by 1st June 2016;

- (c) of an other establishment, within one year beginning on the date on which the establishment, or site of operation, first becomes an other establishment.

(4) Where—

- (a) the operator of an existing establishment had, immediately before 1st June 2015, prepared and retained a major accident prevention policy under regulation 5 of the 1999 Regulations;
- (b) the information contained within that policy remains materially unchanged; and
- (c) that policy complies with the requirements of these Regulations,

the operator is not required to prepare a further major accident prevention policy under paragraph (1).

(5) Where an operator of an existing establishment is not required to prepare a major accident prevention policy by virtue of paragraph (4)—

- (a) the major accident prevention policy prepared by that operator under regulation 5 of the 1999 Regulations is to be treated as a major accident prevention policy prepared under this regulation; and
- (b) the policy must be retained by the operator in accordance with this regulation.

(6) An operator must review its major accident prevention policy—

- (a) in the event of—
 - (i) a significant increase or decrease in the quantity of dangerous substances notified under regulation 6; or
 - (ii) a significant change in—
 - (aa) the nature or physical form of the dangerous substances notified under regulation 6; or
 - (bb) the processes employing them,

which could have significant consequences in terms of major accident hazards; and

- (b) in any event no later than five years after the date on which the policy was last reviewed, and where necessary it must revise and retain the revised policy.

(7) An operator must implement its major accident prevention policy by a safety management system.

(8) A safety management system must—

- (a) satisfy the requirements in paragraph 1 of Schedule 2; and
- (b) address the matters specified in paragraph 2 of that Schedule.