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STATUTORY INSTRUMENTS

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**2015 No. 483**

**The Control of Major Accident Hazards Regulations 2015**

**PART 4**

**EMERGENCY PLANS FOR UPPER TIER ESTABLISHMENTS**

**Objectives of emergency plans**

**11.** Every internal emergency plan and external emergency plan prepared for the purposes of these Regulations must have the following objectives—

- (a) containing and controlling incidents so as to minimise the consequences, and to limit damage to human health, the environment and property;
- (b) implementing the necessary measures to protect human health and the environment from the consequences of major accidents;
- (c) communicating the necessary information to the public and to the services or authorities concerned in the area; and
- (d) providing for the restoration and clean up of the environment following a major accident.

**Preparation, review and testing of internal emergency plans**

**12.—(1)** Every operator of an upper tier establishment must prepare an internal emergency plan, specifying the measures to be taken inside the establishment.

(2) An internal emergency plan must be prepared by the operator—

- (a) where the establishment is a new establishment, within a reasonable period of time prior to the start of operation of the establishment or any modifications leading to a change in the inventory of dangerous substances at the establishment;
- (b) where the establishment is an existing establishment, by 1st June 2016; or
- (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) Despite paragraph (1), the operator of an existing establishment is not required to prepare an internal emergency plan if—

- (a) the on-site emergency plan prepared under regulation 9 of the 1999 Regulations, immediately before 1st June 2015, remains materially unchanged; and
- (b) it complies with the requirements of regulation 11 of these Regulations and this regulation,

in which case it is to be treated as an internal emergency plan prepared under this regulation.

(4) An internal emergency plan must contain the information specified in Part 1 of Schedule 4.

(5) In preparing an internal emergency plan the operator must consult—

- (a) persons working in the establishment;
- (b) the appropriate agency;

- (c) the emergency services;
  - (d) the health authority for the area where the establishment is situated;
  - (e) if the establishment is situated in England, the National Health Service Commissioning Board<sup>(1)</sup> and Public Health England, an executive agency of the Department of Health; and
  - (f) the local authority in whose administrative area the establishment is situated, unless the local authority has been exempted under regulation 15 from the requirement to prepare an external emergency plan in respect of the establishment.
- (6) An operator must at suitable intervals not exceeding three years—
- (a) review and, where necessary, revise the internal emergency plan; and
  - (b) test the plan.
- (7) Where paragraph (3) applies, the operator must first comply with paragraph (6) before the expiry of three years after the on-site emergency plan was prepared or last reviewed under the 1999 Regulations.
- (8) In carrying out a review of an internal emergency plan, the operator must take into account—
- (a) any changes at the establishment or within the emergency services concerned;
  - (b) any relevant new technical knowledge; and
  - (c) any relevant new knowledge concerning the response to major accidents.

### **Preparation of external emergency plans**

**13.**—(1) Subject to regulation 15, a local authority in whose administrative area an upper tier establishment is situated must prepare an external emergency plan specifying the measures to be taken outside the establishment.

(2) An external emergency plan must be prepared by the local authority no later than six months (or such longer period not exceeding nine months agreed by the competent authority in writing) after the receipt of the necessary information from the operator.

(3) The operator must provide the local authority with the information necessary to enable it to prepare an external emergency plan.

(4) The information in paragraph (3) must be provided to the relevant local authority before the date on which the internal emergency plan is required to be prepared for the establishment under regulation 12(2).

(5) Despite paragraph (1), the local authority is not required to prepare an external emergency plan if—

- (a) the off-site emergency plan prepared under regulation 10 of the 1999 Regulations, immediately before 1st June 2015, remains materially unchanged; and
- (b) it complies with the requirements of regulation 11 of these Regulations and this regulation, in which case it is to be treated as an external emergency plan prepared under this regulation.

(6) An external emergency plan must contain the information specified in Part 2 of Schedule 4.

(7) In preparing an external emergency plan the local authority must consult—

- (a) the operator;
- (b) the appropriate agency;

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(1) The National Health Service Commissioning Board is established by section 1H of the National Health Service Act 2006 (c.41) as inserted by section 9(1) of the Health and Social Care Act 2012 (c.7).

- (c) the designated authorities who are liable to be required to respond to an emergency at the establishment;
- (d) if the establishment is situated in England, the National Health Service Commissioning Board and Public Health England, an executive agency of the Department of Health; and
- (e) such members of the public and other persons as it considers appropriate.

### **Review and testing of external emergency plans**

14.—(1) A local authority which has prepared an external emergency plan must at suitable intervals not exceeding three years—

- (a) review and, where necessary, revise the plan; and
- (b) test the plan.

(2) Where regulation 13(5) applies, the local authority must first comply with paragraph (1) before the expiry of three years after the off-site emergency plan was prepared or last reviewed under the 1999 Regulations.

(3) In carrying out a review of an external emergency plan, the local authority must take into account—

- (a) any changes, at the establishment, within the designated authorities concerned or, if the establishment is situated in England, the National Health Service Commissioning Board and Public Health England, an executive agency of the Department of Health;
- (b) any relevant new technical knowledge; and
- (c) any relevant new knowledge concerning the response to major accidents.

(4) Where a local authority is of the opinion that an external emergency plan requires substantial revision, it must consult the persons referred to in regulation 13(7) before making those revisions.

(5) Where a local authority is of the opinion that in order to test adequately an external emergency plan the co-operation of one or more designated authorities is necessary, it may in writing request such co-operation from those authorities.

(6) Where a designated authority has received a request in accordance with paragraph (5), it must co-operate in the testing of the external emergency plan.

### **Exemption of local authority from preparing an external emergency plan**

15.—(1) The competent authority may exempt a local authority from the requirement to prepare an external emergency plan under regulation 13(1) where, taking into account the information contained in the safety report for the relevant establishment, the competent authority is of the opinion that the establishment is incapable of creating a major accident hazard outside the establishment.

(2) An exemption granted by the competent authority under paragraph (1) must be in writing and state the reasons for granting it.

(3) The competent authority may withdraw an exemption granted under paragraph (1) by specifying, in writing, the date on which the exemption will cease to apply and the date by which an external emergency plan must be prepared.

### **Implementing emergency plans**

16. An operator or local authority which has prepared an internal emergency plan or external emergency plan must take reasonable steps to ensure that it is put into effect without delay if—

- (a) a major accident occurs; or

- (b) an uncontrolled event occurs which by its nature could reasonably be expected to lead to a major accident.