
STATUTORY INSTRUMENTS

2015 No. 483

The Control of Major Accident Hazards Regulations 2015

PART 5

INFORMATION

Provision of information to the public

17.—(1) The competent authority must make the following information available to the public, including by electronic means, in relation to every establishment—

- (a) the name of the operator and the address of the establishment;
- (b) confirmation that these Regulations apply to the establishment and that the notification required by regulation 6, and the safety report required by regulation 9, has been sent to the competent authority;
- (c) an explanation in simple terms of the activity or activities undertaken at the establishment;
- (d) the hazard classification of the relevant dangerous substances involved at the establishment which could give rise to a major accident, with an indication of their principal dangerous characteristics in simple terms;
- (e) general information about how the public will be warned, if necessary, and adequate information about the appropriate behaviour in the event of a major accident or an indication of where that information can be accessed electronically;
- (f) the date of the last site visit carried out further to a programme for routine inspections under regulation 25(5), and where more detailed information about the inspection and the related inspection plan can be obtained upon request;
- (g) details of where further relevant information can be obtained.

(2) In addition to the information in paragraph (1), the competent authority must make the following information available to the public, including by electronic means, in relation to every upper tier establishment—

- (a) general information relating to the nature of the major accident hazards, including their potential consequences on human health and the environment, summary details of the main types of major accident scenarios and the control measures to address them;
- (b) confirmation that the operator is required to make adequate arrangements within the establishment, in particular liaison with the emergency services, to deal with major accidents and to minimise their consequences;
- (c) appropriate information from the external emergency plan in relation to dealing with any consequences outside the establishment from a major accident, which must include advice about co-operating with any instructions or requests from the emergency services at the time of an accident;
- (d) where applicable, an indication as to whether the establishment is close to the territory of another Member State with the possibility of a major accident with trans-

boundary consequences under the Convention on the Transboundary Effects of Industrial Accidents⁽¹⁾.

- (3) The competent authority must ensure that the information in paragraph (1)—
 - (a) is made available to the public within a reasonable period of time from the date on which the establishment becomes subject to these Regulations; and
 - (b) is kept updated.
- (4) The competent authority must ensure that the information in paragraph (2)—
 - (a) is made available to the public within a reasonable period of time from the date on which the establishment becomes an upper tier establishment; and
 - (b) is kept updated.
- (5) The operator of an establishment must—
 - (a) provide the competent authority with—
 - (i) the information specified at paragraph (1)(a) to (e) and, in the case of an upper tier establishment, the information specified at paragraph (2); and
 - (ii) revisions to that information when it becomes necessary to update it;
 - (b) comply with any reasonable request for information from the competent authority, within such period specified in the request, in connection with the preparation of information by the competent authority under paragraph (1) or (2).
- (6) The competent authority must specify in advance in writing—
 - (a) the means by which operators must provide information under paragraph (5); and
 - (b) the format in which it must be provided.
- (7) The Environment and Safety Information Act 1988⁽²⁾ applies to a notice served under—
 - (a) regulation 23 (prohibition of operation) as it applies to a notice served under section 22 of the 1974 Act; or
 - (b) section 21 of the 1974 Act in respect of a contravention of these Regulations,

as if the reference in the third column of the Schedule to the 1988 Act to an enforcing authority as defined in section 18(7)(a) of the 1974 Act were a reference to the competent authority.

Provision of information to persons likely to be affected by a major accident at an upper tier establishment

- 18.—**(1) An operator of an upper tier establishment must ensure that—
- (a) every person who is likely to be in the area referred to in paragraph (2); and
 - (b) every school, hospital or other area of public use which is in the area referred to in paragraph (2),

is sent in the most appropriate form, without having to request it, clear and intelligible information on safety measures and requisite behaviour in the event of a major accident at the establishment.

(2) The area referred to in paragraph (1) is the area notified to the operator by the competent authority as being the area within which, in the opinion of the competent authority, persons are liable to be affected by a major accident occurring at the establishment.

(3) The information sent under paragraph (1) must include at least the information required to be made available to the public under regulation 17(1) and (2).

(1) O.J. No. L326, 3.12.1998, p. 1.

(2) 1988 c.30.

(4) In preparing the information under paragraph (1), the operator must consult with the local authority in whose administrative area the establishment is situated.

(5) The operator must review and, where necessary revise, the information sent under paragraph (1)—

- (a) at intervals not exceeding 3 years; or
- (b) in the event of any modification of the establishment or an installation which could have significant consequences in terms of major accident hazards.

(6) The information required under paragraph (1) must be sent to every person and every school, hospital or other area of public use referred to in that paragraph—

- (a) if it is revised following a review under paragraph (5); or
- (b) otherwise, at intervals not exceeding 5 years.

Provision of information pursuant to a request

19.—(1) Where an operator is of the opinion that environmental information which it sends to the competent authority under these Regulations should not be made available on request by reason of—

- (a) in the case of the Executive, ONR, Environment Agency or Natural Resources Body for Wales, an exception in regulation 12 or 13 of the 2004 Regulations,
- (b) in the case of the Scottish Environment Protection Agency, an exception in regulation 10 or 11 of the 2004 (Scotland) Regulations,

the operator must, when it sends that information to the competent authority, inform the competent authority in writing of its opinion and the reasons for it.

(2) Where it receives a request for environmental information under the 2004 Regulations or 2004 (Scotland) Regulations, as the case may be, the competent authority must, in dealing with that request, take into account any opinion and reasons provided by the operator in accordance with paragraph (1) in relation to that information.

(3) In this regulation—

- (a) “the 2004 Regulations” means the Environmental Information Regulations 2004⁽³⁾; or
- (b) “the 2004 (Scotland) Regulations” means the Environmental Information (Scotland) Regulations 2004⁽⁴⁾;
- (c) “environmental information” has the meaning—
 - (i) in the case of information sent to the Executive, ONR, Environment Agency or Natural Resources Body for Wales, given in regulation 2(1) of the 2004 Regulations;
 - (ii) in the case of information sent to the Scottish Environment Protection Agency, given in regulation 2(1) of the 2004 (Scotland) Regulations.

Trans-boundary consequences

20.—(1) Where an upper tier establishment presents a major accident hazard with possible trans-boundary consequences the competent authority must provide sufficient information to the potentially affected Member State so that the Member State can take this into account in preparing emergency plans and in preparing land use planning policies, or in making land use planning decisions in respect of applications.

(2) Where the competent authority has decided that an upper tier establishment close to the territory of another Member State is incapable of creating a major accident hazard beyond the

(3) S.I. 2004/3391, to which there are amendments not relevant to these Regulations.

(4) S.S.I. 2004/520, to which there are amendments not relevant to these Regulations.

boundary of the establishment and exempts the relevant local authority under regulation 15 from the requirement to produce an external emergency plan, the competent authority must notify that Member State of its decision and its reasons.

Power of the competent authority to accept information in another document

21.—(1) Where the competent authority considers it to be expedient, it may permit an operator to provide all or part of the information that the operator is required to include in—

- (a) a notification under regulation 6;
- (b) a major accident prevention policy;
- (c) a safety report;
- (d) an internal emergency plan; or
- (e) the details of action to be taken following a major accident under regulation 26(1),

by reference to information contained in another document sent to the appropriate agency, pursuant to a requirement imposed, in England and Wales, under the 2010 Regulations, or, in Scotland under the 2012 Regulations (“the relevant document”).

(2) Where the competent authority grants permission under paragraph (1) the operator must, at the time of sending the information contained in the relevant document inform the competent authority in writing, if it is seeking to rely on paragraph (1) and the extent of that reliance by reference to the relevant sub-paragraphs of that paragraph.

(3) The competent authority must assess whether the information contained in the relevant document satisfies the requirements of the relevant provisions of these Regulations and inform the operator of its decision in writing.

(4) If the competent authority is of the opinion that the information contained in the relevant document does not satisfy the requirements of the relevant provisions of these Regulations, the operator may not rely on that document as satisfying the requirements of those provisions.