
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 325

**The Control of Major Accident Hazards
Regulations (Northern Ireland) 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 shall 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 shall prepare an internal emergency plan, specifying the measures to be taken inside the establishment.

(2) An internal emergency plan shall 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 the 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 2000 Regulations, immediately before 28th September 2015, remains materially unchanged; and
- (b) it complies with the requirements of regulation 11 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 shall contain the information specified in Part 1 of Schedule 4.

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

- (a) persons working in the establishment;

- (b) the Department of the Environment;
 - (c) the emergency services;
 - (d) the Health and Social Care Trust for the area where the establishment is situated; and
 - (e) the Executive, unless the Executive has been exempted under regulation 15 from the requirement to arrange for the preparation of an external emergency plan in respect of the establishment.
- (6) An operator shall 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 shall first comply with paragraph (6) before the expiry of three years after the on-site emergency plan was prepared or last reviewed under the 2000 Regulations.
- (8) In carrying out a review of an internal emergency plan, the operator shall 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, the Executive shall arrange for the preparation of an external emergency plan, specifying the measures to be taken outside each upper tier establishment.

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

(3) The operator shall provide the Executive with the information necessary to enable it to arrange for the preparation of an external emergency plan.

(4) The information in paragraph (3) shall be provided to the Executive 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 Executive is not required to arrange for the preparation of an external emergency plan if—

- (a) the off-site emergency plan prepared under regulation 10 of the 2000 Regulations, immediately before 28th September 2015, remains materially unchanged; and
- (b) it complies with the requirements of regulation 11 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 shall contain the information specified in Part 2 of Schedule 4.

(7) In arranging for the preparation of an external emergency plan the Executive shall consult—

- (a) the operator;
- (b) the Department of the Environment;
- (c) the designated authorities who are liable to be required to respond to an emergency at the establishment; and
- (d) such members of the public and other persons as it considers appropriate.

Review and testing of external emergency plans

14.—(1) The Executive shall at suitable intervals not exceeding three years—

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

(2) Where regulation 13(5) applies, the Executive shall first comply with paragraph (1) before the expiry of three years after the off-site emergency plan was prepared or last reviewed under the 2000 Regulations.

(3) In carrying out a review of an external emergency plan, the Executive shall take into account—

- (a) any changes at the establishment or within the designated authorities concerned;
- (b) any relevant new technical knowledge; and
- (c) any relevant new knowledge concerning the response to major accidents.

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

(5) Where the Executive 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 shall co-operate in the testing of the external emergency plan.

Exemption of Executive from arranging preparation of an external emergency plan

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

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

(3) The Department may, with the agreement of the Department of the Environment, 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 shall be prepared.

Implementing emergency plans

16. An operator who has prepared an internal emergency plan or the Executive which has arranged for the preparation of an external emergency plan shall 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.