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STATUTORY INSTRUMENTS

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**2005 No. 1088**

**The Control of Major Accident Hazards  
(Amendment) Regulations 2005**

**Citation and Commencement**

1. These Regulations may be cited as the Control of Major Accident Hazards (Amendment) Regulations 2005 and shall come into force on 30th June 2005.

**Amendment of the Control of Major Accident Hazards Regulations 1999**

2. The Control of Major Accident Hazards Regulations 1999(1) shall be amended in accordance with the following provisions of these Regulations.

3. In regulation 2(1)—

- (a) there shall be added to the definition of “the Directive” the words “as amended by Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003(2)”;
- (b) for the definition of “notify” there shall be substituted—
  - ““notify” means notify—
  - (a) in writing, including in an email; or
  - (b) by such other means as the recipient may allow,and “notification” shall be construed accordingly;”.

4.—(1) In regulation 3(3), for sub-paragraphs (c) and (d) there shall be substituted—

- “(c) the exploration, extraction and processing of minerals in mines, quarries or by means of boreholes, except—
  - (i) chemical and thermal processing operations; and
  - (ii) storage relating to those operations,which involve dangerous substances; and
- (d) waste land-fill sites, except tailing ponds or dams and other operational tailings disposal facilities containing dangerous substances, in particular when any such facilities are used in connection with the chemical and thermal processing of minerals.”.

(2) Regulation 3(4) shall be revoked.

5. For paragraph (1) of regulation 5, there shall be substituted—

“5.—(1) Every operator shall without delay but at all events within 3 months after the establishment becomes subject to this regulation prepare, and thereafter keep, a document setting out his policy with respect to the prevention of major accidents (in these Regulations referred to as a “major accident prevention policy document”).”.

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(1) S.I.1999/743, to which there are amendments not relevant to these Regulations.

(2) OJ L345/97 31.12.2003.

- 6.—(1) After paragraph (3) of regulation 6 there shall be inserted—
- “(3A) Where paragraphs (1) to (3) do not apply, the operator of the establishment shall send to the competent authority a notification containing the information specified in Schedule 3 within 3 months after the establishment becomes subject to this regulation.”.
- (2) In regulation 6(4)(b)(iii), after “authority”, there shall be inserted “under this regulation”.
- (3) After regulation 6(4)(b) there shall be inserted—
- “(ba) modification of the establishment or an installation which could have significant repercussions with respect to the prevention of major accidents;”.
7. After paragraph (10) of regulation 7 there shall be inserted—
- “(10A) Where paragraphs (1) to (10) do not apply, the operator shall, subject to paragraph (12), without delay, but at all events within 1 year after the establishment becomes subject to this regulation, send to the competent authority a report which is sufficient for the purpose specified in Part 1 of Schedule 4 and comprising at least the information specified in Part 2 of that Schedule.”.
- 8.—(1) For regulation 8(1) there shall be substituted—
- “8.—(1) Where a safety report has been sent to the competent authority the operator shall, subject to paragraph (3), review it—
- (a) whenever the operator makes a change to the safety management system (referred to in paragraph 1 of Part 1 of Schedule 4) which could have significant repercussions with respect to the prevention of major accidents or the limitation of consequences of major accidents to persons and the environment;
- (b) whenever such a review is necessary because of new facts or to take account of new technical knowledge about safety matters; and
- (c) fully at least every 5 years,
- and where in consequence of that review it is necessary to revise the report, the operator shall do so forthwith and notify the competent authority of the details of such revision.”.
- (2) In regulation 8(2)—
- (a) for “inform” there shall be substituted “notify”;
- (b) for “(1)(a)” there shall be substituted “(1)(c)”.
- (3) In regulation 8(3), for “(1)(a)” there shall be substituted “(1)(c)”.
- (4) In regulation 8(4)(b), for “inform” there shall be substituted “notify”.
9. In regulation 9(2), for sub-paragraph (c) there shall be substituted—
- “(c) in the case of an establishment which has not started to operate, before it starts to operate;
- (d) in any other case, without delay but at all events within 1 year after the establishment becomes subject to this regulation.”.
10. In regulation 9(3)(a), for “employed” there shall be substituted “working”.
11. In regulation 10(6), after “competent authority,” there shall be inserted “the Agency,”.
12. There shall be added to regulation 11(1) “and, in the case of a review of an off-site emergency plan, shall involve consultation by the local authority of such members of the public as it considers appropriate”.
13. For paragraph (1) of regulation 14 there shall be substituted—

- “14.—(1)** The operator of an establishment shall—
- (a) ensure that—
    - (i) every person who is likely to be in an area referred to in paragraph (2); and
    - (ii) every school, hospital or other establishment serving the public which is situated in such area,is supplied regularly and in the most appropriate form, without their having to request it, with information on safety measures at the establishment and on the requisite behaviour in the event of a major accident at the establishment; and
  - (b) make that information permanently available to the public.”.

**14.** For Schedule 1 there shall be substituted the schedule in the Schedule to these Regulations.

**15.—(1)** In paragraph 4(a) of Schedule 2, for “The involvement of employees and, where appropriate, sub-contractors”, there shall be substituted “The involvement of persons working in the establishment”.

(2) For paragraph 4(e) of Schedule 2 there shall be substituted—

- “(e) planning for emergencies – adoption and implementation of procedures to—
- (i) identify foreseeable emergencies by systematic analysis;
  - (ii) prepare, test and review emergency plans to respond to such emergencies; and
  - (iii) provide specific training for all persons working in the establishment.”.

**16.** There shall be added to paragraph 5 of Schedule 3 “including, in relation to petroleum products listed in Part 2 of Schedule 1, the quantity falling within each of classes (a) to (c)”.

**17.—(1)** Paragraph 2(a) of Part 2 of Schedule 4 shall be amended—

- (a) by substituting for “meterological” the word “meteorological”;
- (b) by substituting for “geographical”, where it secondly occurs, the word “geological”.

(2) The following sub-paragraph shall be substituted for paragraph 4(b) of that Part—

- “(b) assessment of the extent and severity of the consequences of identified major accidents including maps, images or, as appropriate, equivalent descriptions, showing areas which are liable to be affected by such accidents arising from the establishment.”.

(3) The following paragraph shall be added to that Part—

**“6.** The names of the relevant organisations involved in the drawing up of the report.”.

**18.** After paragraph 1(b) of Schedule 8 there shall be inserted—

- “(ba) notifications under regulation 8(2);”.

**19.** After paragraph 13 of Schedule 8 there shall be inserted—

“(13A) Where information in a safety report is excluded from the register, the operator shall within 3 months after being notified of its exclusion, or such longer period as the competent authority may allow, send to the competent authority a safety report which omits that information.”.

Signed by authority of the Secretary of State

4th April 2005

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