

1985 No. 175

HEALTH AND SAFETY**Control of Industrial Major Accident Hazards Regulations
(Northern Ireland) 1985**

Made 16th July 1985

Coming into operation

for the purposes of regulations 6 to 10 1st October 1985

for all other purposes 1st January 1986

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The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services being departments designated by the European Communities (Designation) Order 1983(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the prevention and limitation of the effects of accidents arising from industrial activities involving dangerous substances, acting jointly in exercise of the power conferred on them by the said section 2 and acting jointly as the Department concerned(c) in exercise of the powers conferred by Articles 17(1), (2), (3), (5) and (6), 40(2) and (4) and 55(2) of, and paragraphs 1(1) and (2), 14(1) and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(d) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:

Citation, commencement and powers

1. These Regulations may be cited as the Control of Industrial Major Accident Hazards Regulations (Northern Ireland) 1985 and shall come into operation—

- (a) for the purposes of regulations 6 to 10, on 1st October 1985;
- (b) for all other purposes, on 1st January 1986.

Interpretation

2.—(1) In these Regulations—

“the Order of 1978” means the Health and Safety at Work (Northern Ireland) Order 1978;

“dangerous substance” means—

- (a) any substance which satisfies any of the criteria laid down in Schedule 1 (which sets out the provisions of Annex IV to the Directive);
- (b) any substance listed in column 1 of Schedule 2 (which sets out the provisions of Annex II to the Directive); and
- (c) any substance listed in column 1 of Schedule 3 (which sets out the provisions of Annex III to the Directive);

“the Department” means the Department of Economic Development;

“the Directive” means Council Directive No. 82/501/EEC “on the major-accident hazards of certain industrial activities”(e);

“the Health and Safety Executive” means the Health and Safety Executive established under section 10 of the Health and Safety at Work etc. Act 1974(f);

“industrial activity” means either—

- (a) an operation carried out in an industrial installation referred to in Schedule 4 (which sets out the provisions of Annex I to the Directive) involving or liable to involve one or more dangerous substances and includes on-site storage and on-site transport which is associated with that

(a) S.I. 1983/603

(b) 1972 c. 68

(c) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(d) S.I. 1978/1039 (N.I. 9)

(e) OJ No. L230, 5.8.82, p. 1

(f) 1974 c. 37

operation unless the operation is incapable of producing a major accident hazard, or

(b) isolated storage;

“isolated storage” means storage of a dangerous substance, other than storage associated with an installation specified in Schedule 4 on the same site, where that storage involves at least the quantities of that substance set out in Schedule 2;

“major accident” means an occurrence (including in particular, a major emission, fire or explosion) resulting from uncontrolled developments in the course of an industrial activity, leading to a serious danger to persons, whether immediate or delayed, inside or outside the installation, or to the environment, and involving one or more dangerous substances;

“manufacturer” means a person having control of an industrial activity;

“site” means—

(a) the whole of an area of land under the control of a manufacturer and includes a pier, jetty or similar structure, whether floating or not, or

(b) a structure, whether floating or not, which is within the inland waters of Northern Ireland and which is under the control of a manufacturer.

(2) The Interpretation Act (Northern Ireland) 1954(a) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Application of these Regulations

3.—(1) These Regulations shall apply to any industrial activity except an industrial activity which is carried on at—

(a) a nuclear installation within the meaning of Article 41(3) of the Order of 1978;

(b) an installation which is under the control of—

(i) the Secretary of State for Defence for the purposes of the Ministry of Defence, or

(ii) a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(b) or of the service authorities of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(c);

(c) a factory, magazine or store licensed under the Explosives Act 1875(d);

(d) a mine within the meaning of section 156 of the Mines Act (Northern Ireland) 1969(e);

(e) a quarry within the meaning of Article 2 of the Quarries (Northern Ireland) Order 1983(f);

(f) a site operated by a district council in accordance with Article 13(2) of the Pollution Control and Local Government (Northern Ireland) Order 1978(g) or for which a licence issued in pursuance of Article 7 of that Order is in force.

(2) These Regulations shall not apply to an industrial activity involving substances to which the Explosives Acts (Northern Ireland) 1875 to 1970(h) or the Explosives (Northern Ireland) Order 1972(i) applies.

(a) 1954 c. 33 (N.I.)

(b) 1964 c. 5

(c) 1952 c. 67

(d) 1875 c. 17

(e) 1969 c. 6 (N.I.)

(f) S.I. 1983/150 (N.I. 4)

(g) S.I. 1978/1049 (N.I. 19)

(h) 1875 c. 17; 1924 c. 5 (N.I.); 1970 c. 10 (N.I.)

(i) S.I. 1972/730 (N.I. 3)

Demonstration of safe operation

4.—(1) This regulation shall apply to—

- (a) an industrial activity, other than isolated storage, in which a dangerous substance which satisfies any of the criteria laid down in Schedule 1 is or may be involved; and
- (b) isolated storage in which there is involved a quantity of a dangerous substance listed in Schedule 2 in column 1 which is equal to or more than the quantity specified in the entry for that substance in column 2.

(2) A manufacturer who has control of an industrial activity to which this regulation applies shall at any time provide evidence including documents to show that he has—

- (a) identified the major accident hazards; and
- (b) taken adequate steps to—
 - (i) prevent such major accidents and to limit their consequences to persons and the environment, and
 - (ii) provide persons working on the site with the information, training and equipment necessary to ensure their safety.

Notification of major accidents

5.—(1) Where a major accident occurs on a site, the manufacturer shall forthwith notify the Department of that accident and the Department shall obtain from the manufacturer who made that notification—

- (a) the following information relating to the accident as soon as it becomes available—
 - (i) the circumstances of the accident,
 - (ii) the dangerous substances involved,
 - (iii) the data available for assessing the effects of the accident on persons and the environment,
 - (iv) the emergency measures taken; and
- (b) a statement of the steps envisaged—
 - (i) to alleviate medium or long term effects of the accident, if any, and
 - (ii) to prevent the recurrence of such an accident.

(2) In such a case, the Department shall—

- (a) collect, where possible, the information necessary for a full analysis of the major accident; and
- (b) send to the Health and Safety Executive for onward transmission to the European Commission the information specified in Schedule 5 (which sets out the provisions of Annex VI to the Directive).

(3) Where a manufacturer has notified a major accident to the Department as enforcing authority in accordance with the requirements of the Notification of Accidents and Dangerous Occurrences Regulations (Northern Ireland) 1981(a), he shall be deemed to have complied with the requirement to notify that accident under paragraph (1).

Industrial activities to which regulations 7 to 12 apply

6.—(1) Regulations 7 to 12 shall apply to—

- (a) an industrial activity, other than isolated storage, in which there is involved a quantity of a dangerous substance listed in Schedule 3 in column 1 which is

equal to or more than the quantity specified in the entry for that substance in column 2; and

(b) isolated storage in which there is involved a quantity of a dangerous substance which is listed in Schedule 2 in column 1 which is equal to or more than the quantity specified in the entry for that substance in column 3.

(2) For the purposes of regulations 7 to 12—

(a) a “new industrial activity” means an industrial activity which—

(i) was commenced after the date of the coming into operation of this regulation, or

(ii) if commenced before that date, is an industrial activity in which there has been since that date a modification which would be likely to have important implications for major accident hazards, and that activity shall be deemed to have been commenced on the date on which the change was made;

(b) an “existing industrial activity” means an industrial activity which is not a new industrial activity.

Reports on industrial activities

7.—(1) Subject to paragraphs (2) to (4), a manufacturer shall not undertake any industrial activity to which this regulation applies, unless he has prepared a written report containing the information specified in Schedule 6 and has sent a copy of that report to the Department at least 3 months before commencing that activity or before such shorter time as the Department may agree in writing.

(2) In the case of a new industrial activity which a manufacturer commences, or by regulation 6(2)(a)(ii) is deemed to commence, within 6 months after the date of the coming into operation of these Regulations, it shall be a sufficient compliance with paragraph (1) if the manufacturer sends to the Department a copy of the report required in accordance with that paragraph within 3 months after the coming into operation of the Regulations or within such longer time as the Department may agree in writing.

(3) In the case of an existing industrial activity, until 8th July 1989 it shall be a sufficient compliance with paragraph (1) if the manufacturer on or before 1st January 1986 sends to the Department the information specified in Schedule 7 relating to that activity, except that nothing in this paragraph shall require a manufacturer to provide information which he has already provided by a notification made in accordance with the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984(a).

(4) Where paragraph (3) applies, the Department may, by a certificate in writing (which it may revoke in writing at any time), exempt, either unconditionally or subject to conditions, any manufacturer or class of manufacturers from the requirement in paragraph (1) to send to the Department a copy of the report required under that paragraph.

Updating of reports under regulation 7

8.—(1) Where a manufacturer has made a report in accordance with regulation 7(1), he shall not make any modification to the industrial activity to which that report relates which could materially affect the particulars in that report, unless he has made a further report to take account of those changes and has sent a copy of that report to the Department at least 3 months before making those changes or before such shorter time as the Department may agree in writing.

(2) Where a manufacturer has made a report in accordance with paragraph (1), regulation 7(1), or this paragraph, and that industrial activity is continuing, the manufacturer shall within three years of the date of the last such report, make a further report which shall have regard in particular to new technical knowledge which materially affects the particulars in the previous report relating to safety and developments in the knowledge of hazard assessment, and shall within one month, or in such longer time as the Department may agree, send a copy of the report to the Department.

(3) A certificate of exemption issued under regulation 7(4), shall apply to reports or declarations made under this regulation as it applies to reports made under regulation 7(1).

Requirement for further information to be sent to the Department

9.—(1) Where, in accordance with regulation 7(1), a manufacturer has sent a report relating to an industrial activity to the Department, the Department may, by a notice served on the manufacturer, require him to provide such additional information as is specified in the notice and the manufacturer shall send that information to the Department within such time as is specified in the notice or within such longer time as the Department may subsequently agree.

(2) The Department shall not serve a notice under paragraph (1) unless, having regard to all the circumstances of the particular case, the information is reasonably required for the evaluation of the major accident hazards created by the activity.

(3) It shall be a defence in proceedings against any person for an offence consisting of a contravention of paragraph (1), for that person to prove that, at the time the proceedings were commenced—

- (a) an improvement notice under Article 23 of the Order of 1978 relating to the contravention had not been served on him; or
- (b) if such a notice had been served on him—
 - (i) the period for compliance had not expired, or
 - (ii) he had appealed against the notice and that appeal had not been dismissed or withdrawn.

Preparation of on-site emergency plan by the manufacturer

10.—(1) A manufacturer who has control of an industrial activity to which this regulation applies shall, after consulting such persons as appear to him to be appropriate, prepare and keep up to date an adequate on-site emergency plan detailing how major accidents will be dealt with on the site on which the industrial activity is carried on and that plan shall include the name of the person who is responsible for safety on the site and the names of those who are authorised to take action in accordance with the plan in the case of an emergency.

(2) The manufacturer shall ensure that the emergency plan prepared in accordance with paragraph (1) takes into account any material changes made in the industrial activity and that every person on the site who is affected by the plan is informed of its relevant provisions.

(3) The manufacturer shall prepare the emergency plan required under paragraph (1)—

- (a) in the case of a new industrial activity, before that activity is commenced, except that, in the case of a new industrial activity which is commenced or is deemed to have been commenced before a date 3 months after the coming into operation of the Regulations, by that date; or
- (b) in the case of an existing industrial activity by 1st January 1986.

Arrangement by the Department for the preparation of an off-site emergency plan

11.—(1) It shall be the duty of the Department, in relation to a site on which a manufacturer carries on an industrial activity, to arrange the preparation and maintenance of an adequate off-site emergency plan detailing how emergencies relating to a possible major accident on that site will be dealt with and in the preparation of that plan the Department shall consult the manufacturer and such other persons as appear to the Department to be appropriate.

(2) For the purpose of enabling the Department to arrange the preparation of the emergency plan required under paragraph (1), the manufacturer shall provide the Department with such information relating to the industrial activity under his control as the Department may reasonably require, including the nature, extent and likely effects off-site of possible major accidents and the Department shall provide the manufacturer with any information from the off-site emergency plan which relates to his duties under regulation 10 or this paragraph.

(3) The Department shall arrange the preparation of the emergency plan required under paragraph (1) for any industrial activity before that activity is commenced, except that in the case of an existing industrial activity or a new industrial activity commenced or deemed to have been commenced before 1st July 1986 and it shall be a sufficient compliance with this regulation if the emergency plan is prepared by that date or in any case within six months of the Department being notified of the industrial activity, whichever is the later.

Information to be given to persons liable to be affected by a major accident

12.—(1) The emergency plan prepared under regulation 11 shall require the manufacturer to take appropriate steps to inform persons outside the site who are likely to be in an area which, in the opinion of the Department, might be affected by a major accident at any site on which an industrial activity under his control to which this regulation applies is carried on—

- (a) that the industrial activity is an activity which has been notified to the Department;
- (b) of the nature of the major accident hazard; and
- (c) of the safety measures and the correct behaviour which should be adopted in the event of a major accident.

(2) The manufacturer shall take the steps required under paragraph (1) to inform persons about an industrial activity, before that activity is commenced, except that, in the case of an existing industrial activity or a new industrial activity commenced or deemed to have been commenced before 1st July 1986, it shall be a sufficient compliance with those paragraphs if the manufacturer takes those steps by that date.

Disclosure of information notified under these Regulations

13.—(1) Subject to paragraph (2) and regulation 5(2)(b), in so far as any provision of regulations 5 and 7 to 12 is made under section 2(2) of the European Communities Act 1972, information notified to the Department under that provision shall be treated as relevant information for the purposes of Article 30 of the Order of 1978 (which imposes restrictions on the disclosure of information).

(2) Where for the purpose of evaluating information notified under regulation 5 or regulations 7 to 12, the Department discloses that information to some other person, that other person shall not use that information for any purpose except a purpose of the Department disclosing it, and before disclosing that information the Department shall inform that other person of his obligations under this paragraph.

Enforcement

14.—(1) In so far as any provision of these Regulations is made under section 2(2) of the European Communities Act 1972, that provision shall be enforced as if it were a health and safety regulation made under Article 17 of the Order of 1978, and the provisions of the Order of 1978 (including the provisions relating to the approval of codes of practice and the use of approved codes of practice in criminal proceedings) and any health and safety regulations made under it, shall apply to that provision as they apply to health and safety regulations.

(2) Notwithstanding regulation 3 of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1985(a), the enforcing authority for the relevant statutory provisions in relation to any industrial activity to which regulations 7 to 12 apply shall be the Department.

Charge by the Department for off-site emergency plan

15.—(1) The Department which arranges the preparation and maintenance of an off-site emergency plan in pursuance of the duty imposed on it by regulation 11(1) may charge a fee, determined in accordance with paragraphs (2) to (4), to a manufacturer having control of a site to which the plan relates.

(2) The fee shall not exceed the sum of the costs reasonably incurred by the Department in preparing or keeping up to date the off-site emergency plan and, where the plan covers sites under the control of different manufacturers, the fee charged to each manufacturer shall not exceed the proportion of such sum attributable to the part or parts of the plan relating to the site or sites under his control.

(3) In determining the fee no account shall be taken of costs other than the costs of preparing or keeping up to date those parts of the plan which relate to the protection of the health or safety of persons and which were costs incurred after the coming into operation of regulation 11(1).

(4) The Department may determine the cost of employing a graded officer for any period on work appropriate to his grade by reference to the average cost to it of employing officers of his grade for that period.

(5) When requiring payment the Department shall send or give to the manufacturer a detailed statement of the work done and costs incurred including the dates of any site visits and the period to which the statement relates; and the fee, which shall be recoverable only as a civil debt, shall become payable one month after the statement has been sent or given.

Amendment of Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984

16. There shall be inserted at the end of Part I of Schedule 1 to the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984 the entry in Schedule 8.

Sealed with the Official Seal of the Department of Agriculture on 16th July 1985.

(L.S.)

R. E. Aiken

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 16th July 1985.

(L.S.)

Joan Dixon

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 16th July 1985.

(L.S.)

J. M. Irvine

Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services on 16th July 1985.

(L.S.)

Z. I. Davies

Under Secretary

(WHICH SETS OUT THE PROVISIONS OF ANNEX IV TO THE DIRECTIVE)

INDICATIVE CRITERIA

(a) Very toxic substances:

- substances which correspond to the first line of the table below,
- substances which correspond to the second line of the table below and which, owing to their physical and chemical properties, are capable of producing major accident hazards similar to those caused by the substance mentioned in the first line:

	LD50 (oral) ⁽¹⁾ mg/kg body weight	LD50 (cutaneous) ⁽²⁾ mg/kg body weight	LC50 ⁽³⁾ mg/l (inhalation)
1	LD50 ≤ 5	LD50 ≤ 10	LC50 ≤ 0.1
2	5 < LD50 ≤ 25	10 < LD50 ≤ 50	0.1 < LC50 ≤ 0.5

(1) LD50 oral in rats.

(2) LD50 cutaneous in rats or rabbits.

(3) LC50 by inhalation (four hours) in rats.

(b) Other toxic substances:

The substances showing the following values of acute toxicity and having physical and chemical properties capable of entailing major accident hazards:

LD50 (oral) ⁽¹⁾ mg/kg body weight	LD50 (cutaneous) ⁽²⁾ mg/kg body weight	LC50 ⁽³⁾ mg/l (inhalation)
25 < LD50 ≤ 200	50 < LD50 ≤ 400	0.5 < LC50 ≤ 2

(1) LD50 oral in rats.

(2) LD50 cutaneous in rats or rabbits.

(3) LC50 by inhalation (four hours) in rats.

(c) Flammable substances:

(i) flammable gases:

substances which in the gaseous state at normal pressure and mixed with air become flammable and the boiling point of which at normal pressure is 20°C or below;

(ii) highly flammable liquids:

substances which have a flash point lower than 21°C and the boiling point of which at normal pressure is above 20°C;

(iii) flammable liquids:

substances which have a flash point lower than 55°C and which remain liquid under pressure, where particular processing conditions, such as high pressure and high temperature, may create major accident hazards.

(d) Explosive substances:

Substances which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

SCHEDULE 2 Regulations 2(1), 4(1) and 6(1)

(WHICH SETS OUT THE PROVISIONS OF ANNEX II TO THE DIRECTIVE)

ISOLATED STORAGE

STORAGE AT INSTALLATIONS OTHER THAN THOSE COVERED BY
SCHEDULE 4 (ANNEX I TO THE DIRECTIVE)

The quantities set out below relate to each installation or group of installations belonging to the same manufacturer where the distance between installations is not sufficient to avoid, in foreseeable circumstances, any aggravation of major accident hazards. These quantities apply in any case to each group of installations belonging to the same manufacturer where the distance between the installations is less than 500 metres.

Substances or groups of substances (Column 1)	Quantities (tonnes)	
	For application of regulation 4 (Column 2)	For application of regulations 7 to 12 (Column 3)
Acrylonitrile	350	5,000
Ammonia	60	600
Chlorine	10	200
Flammable gases as defined in Schedule 1, paragraph (c)(i)	50	300
Highly flammable liquids as defined in Schedule 1, paragraph (c)(ii)	10,000	100,000
Liquid oxygen	200	2,000*
Sulphur dioxide	20	500

*Where this substance is in a state which gives it properties capable of creating a major accident hazard.

SCHEDULE 3

Regulations 2(1) and 6(1)

(WHICH SETS OUT THE PROVISIONS OF ANNEX III TO THE DIRECTIVE)

LIST OF SUBSTANCES FOR THE APPLICATION OF
REGULATIONS 7 TO 12

The quantities set out below relate to each installation or group of installations belonging to the same manufacturer where the distance between the installations is not sufficient to avoid, in foreseeable circumstances, any aggravation of major accident hazards. These quantities apply in any case to each group of installations belonging to the same manufacturer where the distance between the installations is less than 500 metres.

Substance (Column 1)	Quantity (for application of regulations 7-12) (Column 2)	CAS Number (Column 3)	EEC Number (Column 4)
<i>Group 1—Toxic substances (quantity ≤ 1 tonne)</i>			
Aldicarb	100 kilograms	116-06-3	006-017-00-X
4-Aminodiphenyl	1 kilogram	92-67-1	
Amiton	1 kilogram	78-53-5	
Anabasine	100 kilograms	494-52-0	
Arsenic pentoxide, Arsenic (V) acid and salts	500 kilograms		
Arsenic trioxide, Arsenious (III) acid and salts	100 kilograms		
Arsine (Arsenic hydride)	10 kilograms	7784-42-1	
Azinphos-ethyl	100 kilograms	2642-71-9	051-056-00-1
Azinphos-methyl	100 kilograms	86-50-0	015-039-00-9
Benzidine	1 kilogram	92-87-5	612-042-00-2
Benzidine salts	1 kilogram		
Beryllium (powders, compounds)	10 kilograms		
Bis (2-chloroethyl) sulphide	1 kilogram	505-60-2	
Bis (chloromethyl) ether	1 kilogram	542-88-1	603-046-00-5
Carbofuran	100 kilograms	1563-66-2	006-026-00-9
Carbophenothion	100 kilograms	786-19-6	015-044-00-6
Chlorfenvinphos	100 kilograms	470-90-6	015-071-00-3
4-(Chloroformyl) morpholine	1 kilogram	15159-40-7	
Chloromethyl methyl ether	1 kilogram	107-30-2	
Cobalt (powders, compounds)	100 kilograms		
Crimidine	100 kilograms	535-89-7	613-004-00-8
Cyanthoate	100 kilograms	3734-95-0	015-070-00-8
Cycloheximide	100 kilograms	66-81-9	
Demeton	100 kilograms	8065-48-3	
Dialifos	100 kilograms	10311-84-9	015-088-00-6
OO-Diethyl S-ethylsul- phynylmethyl phosphoro- thioate	100 kilograms	2588-05-8	
OO-Diethyl S-ethylsul- phonylmethyl phosphoro- thioate	100 kilograms	2588-06-9	

SCHEDULE 3 (continued)

Substance (Column 1)	Quantity (Column 2)	CAS Number (Column 3)	EEC Number (Column 4)
<i>OO</i> -Diethyl S-ethylthio- methyl phosphorothioate	100 kilograms	2600-69-3	
<i>OO</i> -Diethyl S-isopropylthio- methyl phosphorodithioate	100 kilograms	78-52-4	
<i>OO</i> -Diethyl S-propylthio- methyl phosphorodithioate	100 kilograms	3309-68-0	
Dimefox	100 kilograms	115-26-4	015-061-00-9
Dimethylcarbamoyl chloride	1 kilogram	79-44-7	
Dimethylnitrosamine	1 kilogram	62-75-9	
Dimethyl phosphoramidocyanidic acid	1 tonne	63917-41-9	
Diphacinone	100 kilograms	82-66-6	
Disulfoton	100 kilograms	298-04-4	015-060-00-3
EPN	100 kilograms	2104-64-5	015-036-00-2
Ethion	100 kilograms	563-12-2	015-047-00-2
Fensulfothion	100 kilograms	115-90-2	015-090-00-7
Fluenetil	100 kilograms	4301-50-2	607-078-00-0
Fluoroacetic acid	1 kilogram	144-49-0	607-081-00-7
Fluoroacetic acid, salts	1 kilogram		
Fluoroacetic acid, esters	1 kilogram		
Fluoroacetic acid, amides	1 kilogram		
4-Fluorobutyric acid	1 kilogram	462-23-7	
4-Fluorobutyric acid, salts	1 kilogram		
4-Fluorobutyric acid, esters	1 kilogram		
4-Fluorobutyric acid, amides	1 kilogram		
4-Fluorocrotonic acid	1 kilogram	37759-72-1	
4-Fluorocrotonic acid, salts	1 kilogram		
4-Fluorocrotonic acid, esters	1 kilogram		
4-Fluorocrotonic acid, amides	1 kilogram		
4-Fluoro-2-hydroxybutyric acid	1 kilogram		
4-Fluoro-2-hydroxybutyric acid, salts	1 kilogram		
4-Fluoro-2-hydroxybutyric acid, esters	1 kilogram		
4-Fluoro-2-hydroxybutyric acid, amides	1 kilogram		
Glycolonitrile (Hydroxyacetonitrile)	100 kilograms	107-16-4	
1,2,3,7,8,9-Hexa- chlorodibenzo- <i>p</i> -dioxin	100 kilograms	19408-74-3	
Hexamethylphosphoramide	1 kilogram	680-31-9	
Hydrogen selenide	10 kilograms	7783-07-5	
Isobenzan	100 kilograms	297-78-9	602-053-00-0
Isodrin	100 kilograms	465-73-6	602-050-00-4
Juglone (5-Hydroxynaph- thalene-1, 4-dione)	100 kilograms	481-39-0	
4,4'-Methylenebis (2-chloro- aniline)	10 kilograms	101-14-4	

SCHEDULE 3 (continued)

Substance (Column 1)	Quantity (Column 2)	CAS Number (Column 3)	EEC Number (Column 4)
Methyl isocyanate	1 tonne	624-83-9	615-001-00-7
Mevinphos	100 kilograms	7786-34-7	015-020-00-5
2-Naphthylamine	1 kilogram	91-59-8	612-022-00-3
Nickel (powders, compounds)	100 kilograms		
Nickel tetracarbonyl	10 kilograms	13463-39-3	028-001-00-1
Oxydisulfoton	100 kilograms	2497-07-6	015-096-00-X
Oxygen difluoride	10 kilograms	7783-41-7	
Paraoxon (Diethyl 4-nitro-phenyl phosphate)	100 kilograms	311-45-5	
Parathion	100 kilograms	56-38-2	015-034-00-1
Parathion-methyl	100 kilograms	298-00-0	015-035-00-7
Pentaborane	100 kilograms	19624-22-7	
Phorate	100 kilograms	298-02-2	015-033-00-6
Phosacetim	100 kilograms	4104-14-7	015-092-00-8
Phosphamidon	100 kilograms	13171-21-6	015-022-00-6
Phosphine (Hydrogen phosphide)	100 kilograms	7803-51-2	
Promurit (1-(3,4-Dichloro-phenyl)-3-triazenethio-carboxamide)	100 kilograms	5836-73-7	
1,3-Propanesultone	1 kilogram	1120-71-4	
1-Propen-2-chloro-1,3-diol diacetate	10 kilograms	10118-72-6	
Pyrazoxon	100 kilograms	108-34-9	015-023-00-1
Selenium hexafluoride	10 kilograms	7783-79-1	
Sodium selenite	100 kilograms	10102-18-8	034-002-00-8
Stibine (Antimony hydride)	100 kilograms	7803-52-3	
Sulfotep	100 kilograms	3689-24-5	015-027-00-3
Sulphur dichloride	1 tonne	10545-99-0	016-013-00-X
Tellurium hexafluoride	100 kilograms	7783-80-4	
TEPP	100 kilograms	107-49-3	015-025-00-2
2,3,7,8-Tetrachlorodibenzo- <i>p</i> -dioxin (TCDD)	1 kilogram	1746-01-6	
Tetramethylene-disulphotetramine	1 kilogram	80-12-6	
Thionazin	100 kilograms	297-97-2	
Tirpate (2,4-Dimethyl-1, 3-dithiolane-2-carboxaldehyde <i>O</i> -methyl-carbamoyloxime)	100 kilograms	26419-73-8	
Trichloromethanesulphenyl chloride	100 kilograms	594-42-3	
1-Tri(cyclohexyl)stannyl-1 <i>H</i> -1,2,4-triazole	100 kilograms	41083-11-8	
Triethylenemelamine	10 kilograms	51-18-3	
Warfarin	100 kilograms	81-81-2	607-056-00-0

SCHEDULE 3 (continued)

Substance (Column 1)	Quantity (Column 2)	CAS Number (Column 3)	EEC Number (Column 4)
<i>Group 2—Toxic substances (quantity >1tonne)</i>			
Acetone cyanohydrin (2-Cyanopropan-2-ol)	200 tonnes	75-86-5	608-004-00-X
Acrolein (2-Propenal)	200 tonnes	107-02-8	605-008-00-3
Acrylonitrile	200 tonnes	107-13-1	608-003-00-4
Allyl alcohol (2-Propen-1-ol)	200 tonnes	107-18-6	603-015-00-6
Allylamine	200 tonnes	107-11-9	612-046-00-4
Ammonia	500 tonnes	7664-41-7	007-001-00-5
Bromine	500 tonnes	7726-95-6	035-001-00-5
Carbon disulphide	200 tonnes	75-15-0	006-033-00-3
Chlorine	50 tonnes	7782-50-5	017-001-00-7
Ethylene dibromide (1,2-Dibromoethane)	50 tonnes	106-93-4	602-010-00-6
Ethyleneimine	50 tonnes	151-56-4	613-001-00-1
Formaldehyde (concentration $\geq 90\%$)	50 tonnes	50-00-0	605-001-01-2
Hydrogen chloride (liquefied gas)	250 tonnes	7647-01-0	017-002-00-2
Hydrogen cyanide	20 tonnes	74-90-8	006-006-00-X
Hydrogen fluoride	50 tonnes	7664-39-3	009-002-00-6
Hydrogen sulphide	50 tonnes	7783-06-4	016-001-00-4
Methyl bromide (Bromomethane)	200 tonnes	74-83-9	602-002-00-3
Nitrogen oxides	50 tonnes	11104-93-1	
Phosgene (Carbonyl chloride)	20 tonnes	75-44-5	006-002-00-8
Propyleneimine	50 tonnes	75-55-8	
Sulphur dioxide	1,000 tonnes	7446-09-5	016-011-00-9
Tetraethyl lead	50 tonnes	78-00-2	
Tetramethyl lead	50 tonnes	75-74-1	
<i>Group 3—Highly reactive substances</i>			
Acetylene (Ethyne)	50 tonnes	74-86-2	601-015-00-0
2,2-Bis (<i>tert</i> -butyl- peroxy) butane (concentration $\geq 70\%$)	50 tonnes	2167-23-9	
1,1-Bis (<i>tert</i> -butyl- peroxy) cyclohexane (concentration $\geq 80\%$)	50 tonnes	3006-86-8	
<i>tert</i> -Butyl peroxyacetate (concentration $\geq 70\%$)	50 tonnes	107-71-1	
<i>tert</i> -Butyl peroxyisobutyrate (concentration $\geq 80\%$)	50 tonnes	109-13-7	
<i>tert</i> -Butyl peroxy isopropyl carbonate (concentration $\geq 80\%$)	50 tonnes	2372-21-6	
<i>tert</i> -Butyl peroxy maleate (concentration $\geq 80\%$)	50 tonnes	1931-62-0	

SCHEDULE 3 (continued)

Substance (Column 1)	Quantity (Column 2)	CAS Number (Column 3)	EEC Number (Column 4)
<i>tert</i> -Butyl peroxy-pivalate (concentration $\geq 77\%$)	50 tonnes	927-07-1	
Dibenzyl peroxydicarbonate (concentration $\geq 90\%$)	50 tonnes	2144-45-8	
Di- <i>sec</i> -butyl peroxydicarbonate (concentration $\geq 80\%$)	50 tonnes	19910-65-7	
Diethyl peroxydicarbonate (concentration $\geq 30\%$)	50 tonnes	14666-78-5	
2,2-Dihydroperoxypropane (concentration $\geq 30\%$)	50 tonnes	2614-76-8	
Di-isobutyl peroxide (concentration $\geq 50\%$)	50 tonnes	3437-84-1	
Di- <i>n</i> -propyl peroxydicarbonate (concentration $\geq 80\%$)	50 tonnes	16066-38-9	
Ethylene oxide	50 tonnes	75-21-8	603-023-00-X
Ethyl nitrate	50 tonnes	625-58-1	007-007-00-8
3,3,6,6,9,9-Hexamethyl- 1,2,4,5-tetroxacyclononane (concentration $\geq 75\%$)	50 tonnes	22397-33-7	
Hydrogen	50 tonnes	1333-74-0	001-001-00-9
Methyl ethyl ketone peroxide (concentration $\geq 60\%$)	50 tonnes	1338-23-4	
Methyl isobutyl ketone peroxide (concentration $\geq 60\%$)	50 tonnes	37206-20-5	
Peracetic acid (concentration $\geq 60\%$)	50 tonnes	79-21-0	607-094-00-8
Propylene oxide	50 tonnes	75-56-9	603-055-00-4
<i>Group 4—Explosive substances</i>			
Barium azide	50 tonnes	18810-58-7	
Bis(2,4,6-trinitrophenyl)- amine	50 tonnes	131-73-7	612-018-00-1
Chlorotrinitrobenzene	50 tonnes	28260-61-9	610-004-00-X
Cellulose nitrate (containing >12.6% nitrogen)	100 tonnes	9004-70-0	603-037-00-6
Cyclotetramethylene- tetranitramine	50 tonnes	2691-41-0	
Cyclotrimethylene- trinitramine	50 tonnes	121-82-4	
Diazodinitrophenol	10 tonnes	7008-81-3	
Diethylene glycol dinitrate	10 tonnes	693-21-0	603-033-00-4
Dinitrophenol, salts	50 tonnes		609-017-00-3
Ethylene glycol dinitrate	10 tonnes	628-96-6	603-032-00-9
1-Guanyl-4-nitrosamino- guanyl-1-tetrazene	10 tonnes	109-27-3	
2,2'',4,4',6,6'-Hexanitro- stilbene	50 tonnes	20062-22-0	

SCHEDULE 3 (continued)

Substance (Column 1)	Quantity (Column 2)	CAS Number (Column 3)	EEC Number (Column 4)
Hydrazine nitrate	50 tonnes	13464-97-6	
Lead azide	50 tonnes	13424-46-9	082-003-00-7
Lead styphnate (Lead 2,4,6-trinitroresorcinoxide)	50 tonnes	15245-44-0	609-019-00-4
Mercury fulminate	10 tonnes	{ 20820-45-5 628-86-4	080-005-00-2
<i>N</i> -Methyl- <i>N</i> , 2,4,6-tetranitroaniline	50 tonnes	479-45-8	612-017-00-6
Nitroglycerine	10 tonnes	55-63-0	603-034-00-X
Pentaerythritol tetranitrate	50 tonnes	78-11-5	603-035-00-5
Picric acid (2,4,6-Trinitrophenol)	50 tonnes	88-89-1	609-009-00-X
Sodium picramate	50 tonnes	831-52-7	
Styphnic acid (2,4,6-Trinitroresorcinol)	50 tonnes	82-71-3	609-018-00-9
1,3,5-Triamino-2,4,6-trinitrobenzene	50 tonnes	3058-38-6	
Trinitroaniline	50 tonnes	26952-42-1	
2,4,6-Trinitroanisole	50 tonnes	606-35-9	609-011-00-0
Trinitrobenzene	50 tonnes	25377-32-6	609-005-00-8
Trinitrobenzoic acid	50 tonnes	{ 35860-50-5 129-66-8	
Trinitrocresol	50 tonnes	28905-71-7	609-012-00-6
2,4,6-Trinitrophenetole	50 tonnes	4732-14-3	
2,4,6-Trinitrotoluene	50 tonnes	118-96-7	609-008-00-4
<i>Group 5—Flammable substances</i>			
Flammable substances as defined in Schedule 1, paragraph (c)(i)	200 tonnes		
Flammable substances as defined in Schedule 1, paragraph (c)(ii)	50,000 tonnes		
Flammable substances as defined in Schedule 1, paragraph (c)(iii)	200 tonnes		

Note: (This note does not form part of Annex III to the Directive).

1. CAS Number (Chemical Abstracts Number) means the number assigned to the substance by the Chemical Abstracts Service, details of which can be obtained from the United Kingdom Chemical Information Service, University of Nottingham, Nottingham.
2. EEC Number means the number assigned to the substance by the Commission of the European Communities, details of which can be obtained from its office at 8 Storey's Gate, London, SW1P 3AT.

SCHEDULE 4

Regulation 2(1)

(WHICH SETS OUT THE PROVISIONS OF ANNEX I TO THE DIRECTIVE)

INDUSTRIAL INSTALLATIONS WITHIN THE MEANING OF
REGULATION 2(1)

1. (a) Installations for the production or processing of organic or inorganic chemicals using for this purpose, in particular:
 - alkylation
 - amination by ammonolysis
 - carbonylation
 - condensation
 - dehydrogenation
 - esterification
 - halogenation and manufacture of halogens
 - hydrogenation
 - hydrolysis
 - oxidation
 - polymerization
 - sulphonation
 - desulphurization, manufacture and transformation of sulphur-containing compounds
 - nitration and manufacture of nitrogen-containing compounds
 - manufacture of phosphorus-containing compounds
 - formulation of pesticides and of pharmaceutical products.
- (b) Installations for the processing of organic and inorganic chemical substances, using for this purposes, in particular:
 - distillation
 - extraction
 - solvation
 - mixing.
2. Installations for distillation, refining or other processing of petroleum or petroleum products.
3. Installations for the total or partial disposal of solid or liquid substances by incineration or chemical decomposition.
4. Installations for the production or processing of energy gases, for example, LPG, LNG, SNG.
5. Installations for the dry distillation of coal or lignite.
6. Installations for the production of metals or non-metals by a wet process or by means of electrical energy.

SCHEDULE 5

Regulation 5(2)

(WHICH SETS OUT THE PROVISIONS OF ANNEX VI TO THE DIRECTIVE)

INFORMATION TO BE SUPPLIED TO THE COMMISSION OF THE EUROPEAN COMMUNITIES BY THE MEMBER STATES PURSUANT TO REGULATION 5(2)

REPORT OF MAJOR ACCIDENT

Member State:

Authority responsible for report:

Address:

1. General data

Date and time of the major accident:

Country, administrative region, etc.:

Address:

Type of industrial activity:

2. Type of major accident

Explosion Fire Emission of dangerous substance

Substance(s) emitted:

3. Description of the circumstances of the major accident

4. Emergency measures taken

5. Cause(s) of major accident

Known:

(to be specified)

Not Known:

Information will be supplied as soon as possible

6. Nature and extent of damage

(a) Within the establishment

—casualties

.....killed

.....injured

.....poisoned

—persons exposed to the major accident

.....

—material damage

—the danger is still present

—the danger no longer exists

(b) Outside the establishment

—casualties

.....killed

.....injured

.....poisoned

—persons exposed to the major accident

.....

—material damage

—damage to the environment

—the danger is still present

—the danger no longer exists

7. Medium and long-term measures, particularly those aimed at preventing the recurrence of similar accidents (to be submitted as the information becomes available).

SCHEDULE 6

Regulation 7(1)

INFORMATION TO BE INCLUDED IN A REPORT UNDER REGULATION 7(1)

1. The report required under regulation 7(1) shall contain the following information.
2. Information relating to every dangerous substance involved in the activity in a relevant quantity as listed in Schedule 2 column 3 or Schedule 3, namely—
 - (a) the name of the dangerous substance as given in Schedule 2 or 3 or, for a dangerous substance included in either of those Schedules under a general designation, the name corresponding to the chemical formula of the dangerous substance;
 - (b) a general description of the analytical methods available to the manufacturer for determining the presence of the dangerous substance, or references to such methods in the scientific literature;
 - (c) a brief description of the hazards which may be created by the dangerous substance;
 - (d) the degree of purity of the dangerous substance, and the names of the main impurities and their percentages.
3. Information relating to the installation, namely—
 - (a) a map of the site and its surrounding area to a scale large enough to show any features that may be significant in the assessment of the hazard or risk associated with the site;
 - (b) a scale plan of the site showing the locations and quantities of all significant inventories of the dangerous substance;
 - (c) a description of the processes or storage involving the dangerous substance and an indication of the conditions under which it is normally held;
 - (d) the maximum number of persons likely to be present on site;
 - (e) information about the nature of the land use and the size and distribution of the population in the vicinity of the industrial activity to which the report relates.
4. Information relating to the management system for controlling the industrial activity, namely—
 - (a) the staffing arrangements for controlling the industrial activity with the name of the person responsible for safety on the site and the names of those who are authorised to set emergency procedures in motion and to inform outside authorities;
 - (b) the arrangements made to ensure that the means provided for the safe operation of the industrial activity are properly designed, constructed, tested, operated, inspected and maintained;
 - (c) the arrangements for training of persons working on the site.
5. Information relating to the potential major accidents, namely—
 - (a) a description of the potential sources of a major accident and the conditions or events which could be significant in bringing one about;
 - (b) a diagram of any plant in which the industrial activity is carried on, sufficient to show the features which are significant as regards the potential for a major accident or its prevention or control;
 - (c) a description of the measures taken to prevent, control or minimise the consequences of any major accident;
 - (d) information about the emergency procedures laid down for dealing with a major accident occurring at the site;
 - (e) information about prevailing meteorological conditions in the vicinity of the site;
 - (f) an estimate of the number of people on site who may be exposed to the hazards considered in the report.

SCHEDULE 7

Regulation 7(3)

PRELIMINARY INFORMATION TO BE SENT TO THE DEPARTMENT UNDER
REGULATION 7(3)

1. The name and address of the person supplying the information.
2. The full postal address of the site where the industrial activity is being carried on and its ordnance survey grid reference.
3. The area of the site, and of any adjacent site which is required to be taken into account by virtue of Schedule 2 or 3.
4. A statement to the effect that the industrial activity had already commenced on or before 30th September 1985.
5. A general description of the industrial activity carried on at the site or sites.
6. The name and address of the planning authority in whose area the industrial activity is being carried on.
7. The name and maximum quantity liable to be on the site or sites of each dangerous substance involved in the industrial activity concerning which information is being supplied.

SCHEDULE 8

Regulation 16

AMENDMENT TO PART I OF SCHEDULE 1 TO THE NOTIFICATION OF
INSTALLATIONS HANDLING HAZARDOUS SUBSTANCES REGULATIONS
(NORTHERN IRELAND) 1984

1 Substance	2 Notifiable Quantity tonnes
Liquid Oxygen	500

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement as respects Northern Ireland Council Directive 82/501/EEC (OJ No. L230, 5.8.82, p. 1) "on the major-accident hazards of certain industrial activities" and thus introduce new requirements with a view to preventing and limiting the effects of accidents arising from industrial activities involving dangerous substances.

Subject to the exceptions contained in regulation 3, the Regulations apply to any operation in an industrial installation specified in Schedule 4 which involves one or more dangerous substances, unless that operation is incapable of producing a major accident hazard, and to storage of at least specified quantities of the substances listed in Schedule 2 ("isolated storage").

Dangerous substances are substances which fulfil the criteria laid down in Schedule 1 for very toxic, toxic, explosive or flammable substances or are substances listed in Schedule 2 or 3.

Manufacturers who have control of relevant industrial activities are required by regulation 4 to be able to demonstrate that they have identified major accident hazards, have taken adequate steps to prevent or limit the consequences of any major accident and have provided suitable information, training and equipment for persons working on the site. By regulation 5 such manufacturers are required to report any major accident to the Department of Economic Development which is required to send information about the accident to the Health and Safety Executive for onward transmission to the Commission of the European Communities.

Regulation 6 provides that where a manufacturer has control of an industrial activity other than isolated storage in which at least the quantity of a dangerous substance specified in Schedule 3, or of isolated storage in which at least the quantity specified in Schedule 2 is involved, regulations 7 to 12 shall apply. He is required by regulation 7 to send a report containing the particulars specified in Schedule 6 to the Department. This must be done, in the case of a new activity at least three months before the activity is commenced, or in the case of an existing activity before 8th July 1989. In the latter case he must notify the particulars specified in Schedule 7 by 1st January 1986 unless he has already provided that information by a notification under the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984 (S.R. 1984 No. 177).

The Regulations provide for such reports to be kept up to date (regulation 8) and for the manufacturer to give further information relating to the activity if the Department of Economic Development requires it (regulation 9).

By regulation 10, the manufacturer is required to prepare and keep up to date an on-site emergency plan detailing how major accidents will be dealt with on the site where the industrial activity is carried on and by regulation 11 the Department of Economic Development is required to arrange the preparation and maintenance of an off-site emergency plan on the basis of information to be supplied to it by the manufacturer after consulting him and any other appropriate person.

Regulation 12 requires the manufacturer to arrange that persons outside the site who may be affected by a major accident are informed of the nature of the hazard and of the safety measures and the correct behaviour that should be adopted if such an accident occurs.

The Regulations restrict the use that may be made of the information notified (regulation 13) and provide for enforcement generally and for the enforcing authority for the relevant statutory provisions in relation to any industrial activity to which regulations 7 to 12 apply to be the Department of Economic Development (regulation 14).

Regulation 15 enables the Department of Economic Development which arranges the preparation and maintenance of an off-site emergency plan to recover from the manufacturer the costs reasonably incurred for that purpose.

A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding £2,000, or on conviction on indictment to a fine.

Regulation 16 corrects an omission in the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984 by adding liquid oxygen to the list of hazardous substances. This amendment is not made as a consequence of these Regulations.