
STATUTORY INSTRUMENTS

2015 No. 483

The Control of Major Accident Hazards Regulations 2015

PART 4

EMERGENCY PLANS FOR UPPER TIER ESTABLISHMENTS

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⁽¹⁾ 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—

(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).

- (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.