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STATUTORY INSTRUMENTS

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**2015 No. 483**

**The Control of Major Accident Hazards Regulations 2015**

**PART 6**

**FUNCTIONS OF THE COMPETENT AUTHORITY**

**Inspections and investigations**

**25.**—(1) The competent authority must organise a system of inspections of establishments appropriate to the type of establishment concerned.

(2) An inspection—

- (a) must not be dependent on the receipt of any report submitted by an operator;
- (b) must be sufficient for a planned and systematic examination of the technical, organisational and management systems being employed at an establishment so as to ensure, in particular, that—
  - (i) the operator can demonstrate that it has taken appropriate measures, in connection with the various activities of the establishment, to prevent major accidents;
  - (ii) the operator can demonstrate that it has provided appropriate means for limiting the consequences of major accidents;
  - (iii) the data and information contained in the safety report, or any other report submitted by the operator adequately reflects the conditions in the establishment; and
  - (iv) information is supplied to the public in accordance with regulations 17 and 18.

(3) The system of inspections must ensure that all establishments are covered by an inspection plan that includes—

- (a) a general assessment of relevant safety issues;
- (b) the geographical area covered by the inspection plan;
- (c) a list of the establishments covered by the plan;
- (d) a list of groups of establishments with possible domino effects;
- (e) a list of establishments where particular external risks or hazard sources could increase the risk or consequences of a major accident;
- (f) procedures for routine inspections, including the programmes for such inspections under paragraph (5);
- (g) procedures for non-routine investigations under paragraph (8); and
- (h) provisions on co-operation between the Executive or the ONR and the appropriate agency.

(4) The inspection plan must be regularly reviewed and revised as appropriate.

(5) Based on the inspection plan the competent authority must prepare programmes for routine inspections of all establishments.

(6) In preparing programmes for routine inspections of establishments the competent authority must ensure in particular that—

- (a) it has prepared a systematic appraisal of major accident hazards of the establishments;
- (b) the programmes are regularly reviewed and revised, where necessary; and
- (c) the programmes provide for the frequency of site visits for different types of establishment.

(7) In carrying out a systematic appraisal referred to in paragraph (6)(a) the competent authority must take into account—

- (a) the potential impacts of the establishments on human health and the environment;
- (b) the record of the operators of the establishments in complying with the requirements of these Regulations; and
- (c) the relevant findings, if any, of inspections carried out by the appropriate agency, in England and Wales, under the 2010 Regulations, or in Scotland, the 2012 Regulations.

(8) The competent authority must investigate, as soon as possible, when it comes to its attention in relation to any establishment that there have been—

- (a) serious complaints;
- (b) serious accidents or near misses; or
- (c) occurrences of significant non-compliance with these Regulations.

(9) Following the conclusion of an inspection or investigation under this regulation, the competent authority must—

- (a) within 4 months after the date of the inspection or investigation communicate its conclusions and all the necessary actions it requires to be taken to the operator; and
- (b) take reasonable steps to ensure that the operator takes all the necessary actions within a reasonable time after receipt of the communication containing the conclusions.

(10) Where, following the conclusion of an inspection or investigation under this regulation, the competent authority has identified an important case of non-compliance with these Regulations it must carry out an additional inspection within 6 months.

(11) Where the competent authority considers it to be expedient, inspections and investigations under this regulation may be co-ordinated with inspections and investigations carried out by the appropriate agency under—

- (a) in England and Wales, the 2010 Regulations; or
- (b) in Scotland, the 2012 Regulations.