

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,189 of 28th September, 2000



I ASSENT,

DAVID DURIE,

GOVERNOR.

28th September, 2000.



GIBRALTAR

No. 11 of 2000

AN ACT to transpose into the law of Gibraltar Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Public Health (Amendment) Act 2000 and comes into operation on the day appointed by the Government by notice in the Gazette.

Amendment of the Public Health Act.

2. For sections 95A to 95P of the Public Health Act (“the principal Act”) the following is substituted—

**“PART IIA.
Control of major accident hazards involving dangerous
substances.**

Interpretation.

95A.(1) In this Part, unless the context otherwise requires—

“the 1994 provisions” means sections 95A to 95P of and Schedules 4A, 5, 6, 7, 8, 9, 10 and 11 to this Act as inserted by the Control of Major Accident Hazards of Certain Industrial Activities Regulations 1994;

“competent authority” means the Environmental Agency;

“control” in relation to a person means control in the course of a trade, business or other undertaking carried on by him;

“dangerous substance” means a substance, mixture or preparation—

(a) listed in column 1 of Part 2 of Schedule 6, or

(b) within a category specified in column 1 of Part 3 of Schedule 6,

and present as a raw material, product, by-product, residue or intermediate;

“the Directive” means Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances;

“emergency services” means those police, fire and ambulance services who are liable to be required to respond to an emergency at the establishment;

“establishment” means the whole area under the control of the same person where dangerous substances are present in one or more installations, and for this purpose two or more areas under the control of the same person and separated only by a road, shall be treated as one whole area;

“existing establishment” means an establishment whose operation commenced before the coming into operation of this Part;

“industrial activity” has the same meaning as in the 1994 provisions;

“installation” means a unit or area in which dangerous substances present are, or are intended to be, produced, used, handled or stored, and it includes—

- (a) equipment, structures, pipework, machinery and tools,
- (b) docks and unloading quays serving the unit or area, and
- (c) jetties, warehouses or similar structures, whether floating or not,

which are necessary for the operation of the unit or area;

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

“major accident prevention policy document” shall be construed in accordance with section 95D(1);

“notify” means notify in writing and “notification” shall be construed accordingly;

“off-site emergency plan” shall be construed in accordance with section 95i(1);

“on-site emergency plan” shall be construed in accordance with section 95H(1);

“operator” shall be construed in accordance with subsection (2);

“road” means a road within the meaning of section 2 of the Road Traffic Act;

“safety report” means a report sent to the competent authority pursuant to section 95F or a part of a report sent to the competent authority pursuant to section 95F(8) except that where any such report or part has been revised pursuant to section 95G, it means the report or part as so revised.

(2) Any reference in this Part to an operator is a reference to a person who is in control of the operation of an establishment or installation, (or in relation to an establishment or installation which is to be constructed or operated, the person who proposes to control its operation or, if that person is not known, the person who in the course of a trade, business or other undertaking carried on by him has commissioned its design and construction); and any duty imposed by this Part on him shall extend only in relation to that establishment or installation

(3) Any reference in this Part to the presence of dangerous substances includes a reference to the anticipated presence of such substances and the presence of those which it is reasonable to believe may be generated during the loss of control of an industrial chemical process.

(4) Any reference in this Part to the storage of dangerous substances includes a reference to the presence of dangerous substances for the purposes of warehousing, depositing in safe custody or keeping in stock.

(5) Any reference in this Part to the start of construction or operation of an establishment is, subject to subsection (6), a reference to the start of construction or operation, as the case may be, of the installation in the establishment, or where there is or is to

be more than one installation in the establishment, the one whose construction or operation, as the case may be, is first started.

(6) Where after the coming into operation of this Part an establishment becomes subject to any of those provisions by reason of any increase in the quantity of dangerous substances present there, any references in such provisions to the start of operation of the establishment, is a reference to the time when the establishment first becomes so subject.

(7) The columns in Parts 2 and 3 of Schedule 6 shall be applied in accordance with the provisions of Part 1 of that Schedule and the notes set out in each of the respective Parts.

Application.

95B.(1) This Part shall apply to an establishment where a dangerous substance listed in column 1 of Parts 2 or 3 of Schedule 6 is present in a quantity equal to or exceeding the quantity listed in the entry for that substance in column 2 of those Parts, except that sections 95F to 95M shall apply only to an establishment where such a dangerous substance is present in a quantity equal to or exceeding the quantity listed in the entry for that substance in column 3 of those Parts.

(2) The reference in subsection (1) to the presence of dangerous substances shall not include the presence of dangerous substances in the following activities

- (a) the transport of those substances and their intermediate temporary storage by road, sea or air, including their loading and unloading and transport to and from another means of transport at docks and wharves; or
- (b) the transport of those substances in a pipeline or pumping station.

(3) Sections 95A to 95T and their Schedules shall not apply to –

- (a) military establishments, installation or storage facilities;
- (b) hazards created by ionising radiation;

- (c) the activities of the extractive industries concerned with exploration for, and the exploitation of; minerals in mines and quarries or by means of boreholes;
- (d) waste land-fill sites.

General duty.

95C. Every operator shall take all measures necessary to prevent major accidents and limit their consequences to persons and the environment.

Major accident prevention policy.

95D.(1) Every operator shall prepare and keep a document setting out his policy with respect to the prevention of major accidents (in this Part referred to as a “major accident prevention policy document”).

(2) The policy referred to in subsection (1) shall be designed to guarantee a high level of protection for persons and the environment by appropriate means, structures and management systems.

(3) The major accident prevention policy document shall—

- (a) take account of the principles specified in paragraphs 1 and 2 of Schedule 7; and
- (b) include sufficient particulars to demonstrate that the operator has established a safety management system which takes account of the principles specified in paragraphs 3 and 4 of that Schedule.

(4) In the event of the modification of the establishment or installation, the process carried on there, or the nature or quantity of dangerous substances present there which could (in each case) have significant repercussions with respect to the prevention of major

accidents, the operator shall review and where necessary revise the major accident prevention policy document.

(5) The operator shall implement the policy set out in his major accident prevention policy document.

(6) Subject to paragraph 1 of Part I of Schedule 9 and paragraph 1 of Part 2 of that Schedule, this section shall not apply to an establishment to which section 95F applies.

Notifications.

95E(1) Within a reasonable period of time prior to the start of construction of an establishment the operator of the establishment shall send to the competent authority a notification containing the information specified in Schedule 8.

(2) Within a reasonable period of time prior to the start of the operation of an establishment, or in the case of an existing establishment by 3 February 2001, the operator of the establishment shall send to the competent authority a notification containing the information specified in Schedule 8, except that this subsection shall not require the notification to contain information already contained in the notification sent pursuant to subsection (1) if that information is still valid.

(3) Subsection (2) shall not apply to an existing establishment in respect of which a report has been sent to the competent authority in accordance with section 95F of the 1994 provisions.

(4) The operator shall notify the competent authority forthwith in the event of -

- (a) there being any significant increase in the quantity of dangerous substances notified—
 - (i) under this section, or
 - (ii) in the report referred to in subsection (3),
- (b) there being any significant change in -

- (i) the nature or physical form of the dangerous substances so notified,
- (ii) the processes employing them, or
- (iii) any other information notified to the competent authority in respect of the establishment;
- (c) section 95F ceasing to apply to the establishment by virtue of a change in the quantity of dangerous substances present there; or
- (d) permanent closure of an installation in the establishment.

(5) Subsections (1), (2) and (4) shall not require the notification of any information which has been included in a safety report.

SAFETY REPORTS

Safety report.

95F.(1) Within a reasonable period of time prior to the start of construction of an establishment, the operator of the establishment shall, subject to subsection (10), send to the competent authority a report containing information which is sufficient for the purpose specified in paragraph 3(a) of Part 1 of Schedule 9 and comprising at least such of the information specified in Part 2 of that Schedule as is relevant for that purpose.

(2) Nothing in subsection (1) shall require the report to contain information which it would not be reasonable to expect the operator to have at the time of sending the report.

(3) Without prejudice to the requirements of section 95Q (prohibition of use), an operator shall ensure that the construction of an establishment is not started until he has received from the competent authority the conclusions of its examination of the report sent pursuant to subsection (1).

(4) Within a reasonable period of time prior to the start of the operation of an establishment, the operator of the establishment

shall, subject to subsection (10), send to the competent authority a report containing information which is sufficient for the purposes specified in Part I of Schedule 9 and comprising at least the information specified in Part 2 of that Schedule, except that this subsection shall not require the report to contain information already contained in the report sent pursuant to subsection (1) if that information is still valid.

(5) Without prejudice to the requirements of section 95Q (prohibition of use), an operator shall ensure that the operation of an establishment is not started until he has received from the competent authority the conclusions of its examination of the report sent pursuant to subsection (3).

(6) The operator of an existing establishment shall, subject to subsection (10), send to the competent authority a report containing information which is sufficient for the purposes specified in Part I of Schedule 9 and comprising at least the information specified in Part 2 of that Schedule.

(7) The report referred to in subsection (6) shall, subject to subsection (8), be sent—

- (a) in the case of an establishment in respect of which a report has been sent to the competent authority –
 - (i) within such period after the coming into force of this Part that report would have been required to have been sent to the competent authority pursuant to section 95G(2) of the 1994 provisions if those provisions had remained in force; or
 - (ii) by 3 February 2001,
whichever is earlier;
- (b) in any other case by 3 February 2002.

(8) Where, in a case referred to in subsection (7)(a), a different report has been sent to the competent authority relating to different industrial activities undertaken at the same establishment—

- (a) it shall be sufficient compliance with subsection (6) if the report referred to in that paragraph is sent to the competent authority in parts, each part relating to an industrial activity to which a report related and containing, in respect of that activity, the information referred to in that paragraph; and
- (b) where paragraph (a) of this subsection is relied on, subsection (7)(a) shall have effect in relation to each part as if the reference in head (i) of that paragraph to a report were a reference to the report relating to the industrial activity concerned.

(9) All or part of the information required to be included in a safety report may be so included in a safety report by reference to information contained in another report or notification sent to the competent authority pursuant to a requirement imposed by or under any enactment.

(10) Where it is demonstrated by the operator of the establishment to the satisfaction of the competent authority that particular dangerous substances present at an establishment, or any part thereof, are in a state incapable of creating a major accident hazard, the competent authority may in writing and in accordance with criteria established by the European Commission pursuant to Article 9.6(b) of the Directive, limit the information required to be included in the safety report for that establishment to those matters which are relevant to the prevention of residual major accident hazards and the limitation of their consequences for persons and the environment.

(11) An operator shall provide to the competent authority such further information as it may request following its examination of the safety report.

Review and revision of safety report.

95G.(1) Where a safety report has been sent to the competent authority the operator shall, subject to subsection (2), review it-

- (a) at least every 5 years; and

- (b) whenever such a review is necessary because of new facts or to take account of new technical knowledge about safety matters;

and where in consequence of that review it is necessary to revise the report, the operator shall do so and forthwith send the revised report to the competent authority.

(2) Where, pursuant to section 95F(8), a report has been sent to the competent authority in parts, each part shall be reviewed pursuant to subsection (1)(a) within 5 years from the time the first part was sent and at least every 5 years after that review.

(3) Where an operator proposes to modify the establishment or an installation in it, the process carried on there or the nature or quantity of dangerous substances present there, and that modification could have significant repercussions with respect to the prevention of major accidents, he shall in advance of such modification-

- (a) review, and where necessary revise, the safety report prepared in respect of the establishment, installation, process or dangerous substances as the case may be; and
- (b) inform the competent authority of the details of such revision.

EMERGENCY PLANS.

On-site emergency plan.

95H.(1) Every operator of an establishment shall prepare an emergency plan (in this Part referred to as an "on-site emergency plan") which shall be adequate for securing the objectives specified in Part I of Schedule 10 and shall contain the information specified in Part 2 of that Schedule.

(2) The on-site emergency plan shall be prepared-

- (a) in the case of an existing establishment where the industrial activity carried on there was, immediately before the coming into force of this Part, subject to the

requirements of section 95J of the 1994 provisions, by 3 February 2001;

(b) in the case of any other existing establishment, by 3 February 2002;

(c) in any other case, before the establishment starts to operate.

(3) The operator shall consult persons employed in the establishment, and the emergency services on the preparation of the on-site emergency plan.

(4) The operator shall consult the competent authority on the preparation of an on-site emergency plan, except that this shall not apply where the competent authority has decided not to prepare an off-site emergency plan in respect of the establishments pursuant to section 95i(7).

Off-site emergency plan.

95i.(1) The competent authority shall prepare an emergency plan (in this Part referred to as an "off-site emergency plan") in respect of an establishment, and such a plan shall be adequate for securing the objectives specified in Part I of Schedule 10 and shall contain the information specified in Part 3 of that Schedule.

(2) The off-site emergency plan shall be prepared no later than 6 months (or such longer period, not exceeding 9 months, as the competent authority may agree in writing) after—

- (a) the time an on-site emergency plan is required to be prepared for the establishment pursuant to section 95H, or
- (b) the receipt by the competent authority of the information referred to in subsections (3) and (5),

whichever is later.

(3) An operator shall supply the competent authority with the information necessary for the purpose of enabling the authority to prepare an off-site emergency plan.

(4) The information referred to in subsection (3) shall be supplied no later than the time an on-site emergency plan is required to be prepared for the establishment pursuant to section 95H.

(5) The operator shall supply to the competent authority any additional information it may reasonably request to enable the off-site emergency plan to be prepared.

(6) The competent authority shall consult the operator, the emergency services, the Gibraltar Health Authority and such members of the public as it considers appropriate on the preparation of the off-site emergency plan.

(7) The competent authority may decide in view of the information contained in a safety report not to prepare an off-site emergency plan in respect of an establishment, but shall state the reasons for its decision.

Review and testing of emergency plans.

95J.(1) A person who has prepared an emergency plan pursuant to a duty imposed on him by this Part shall at suitable intervals not exceeding 3 years-

- (a) review and where necessary revise the plan, and
- (b) test the plan and take reasonable steps to arrange for the emergency services to participate in the test to such extent as is necessary,

and any such review shall take into account changes occurring in the establishment to which the plan relates and within the emergency services concerned, new technical knowledge, and knowledge concerning the response to major accidents.

(2) The competent authority shall endeavour to reach agreement with the operator and the emergency services as to how the off-site emergency plan is to be tested.

Implementing emergency plans.

95K. A person who has prepared an emergency plan pursuant to a duty imposed on him by this Part shall take reasonable steps to put it into effect without delay when-

- (a) a major accident occurs, or
- (b) an uncontrolled event occurs which could reasonably be expected to lead to a major accident.

Charge for preparation, review and testing of off-site emergency plan.

95L.(1) The competent authority may, with the consent of the Minister with responsibility for the environment, charge the operator a fee for performing its functions under sections 95i and 95J.

(2) The fee shall not exceed the sum of the costs reasonably incurred by the competent authority in performing the functions referred to in subsection (1) in relation to the establishment

concerned, including (but without prejudice to the generality of the foregoing provision of this subsection) any costs reasonably incurred by the authority in arranging for the emergency services to participate in the testing of the off-site emergency plan.

(3) When requiring payment the competent authority shall send or give to the operator a detailed statement of the work done and costs incurred including the dates of any visits to the establishment 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.

PROVISION OF INFORMATION BY OPERATOR.

Provision of information to the public.

95M.(1) The operator of an establishment shall-

- (a) ensure that persons who are likely to be in an area in which, in the opinion of the competent authority, they are liable to be affected by a major accident occurring at the establishment are supplied, 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;
- (b) make that information and the safety reports relating to the establishment available to the public (except that with the approval of the competent authority the operator need not make so available any parts of such reports for reasons of industrial, commercial or personal confidentiality, public security or national defence).

(2) The information referred to in subsection (1)(a) shall contain at least the information specified in Schedule 10A.

(3) In preparing the information required to be supplied in accordance with subsection (1)(a), the operator shall consult the competent authority and such other persons who appear to him to be appropriate, but the operator shall remain responsible for the accuracy, completeness and form of the information so supplied.

(4) Without prejudice to his duty under subsection (1)(a), the operator shall endeavour to enter into an agreement with the competent authority to disseminate the information required to be supplied in accordance with that subsection to the persons mentioned in it.

(5) The operator shall review and where necessary revise the information referred to in subsection (1)(a)-

- (a) at intervals not exceeding 3 years; or
- (b) in the event of a modification referred to in sections 95D(4) or 95G(3).

(6) The operator shall ensure that the information referred to in subsection (1)(a) is supplied in accordance with that subsection within a reasonable period of time after the off-site emergency plan has been prepared for the establishment and that the information is so supplied again -

- (a) at intervals not exceeding 5 years; or
- (b) if it is revised pursuant to subsection (5).

(7) The information in subsection 1(a) shall also be supplied to the competent authority of another Member State if that Member State is potentially affected by a major accident occurring in Gibraltar.

Provision of information to competent authority.

95N.(1) Every operator of an establishment shall, when requested to do so by the competent authority, demonstrate to the authority that he has taken all measures necessary to comply with this Part.

(2) Without prejudice to the generality of subsection (1), the operator shall when requested to do so by the competent authority provide the authority with any information necessary to enable the authority-

- (a) fully to assess the possibility of a major accident and to determine the scope of possible increased probability or aggravation of a major accident;
- (b) to take substances into account which, due to their physical form, particular conditions or location, may require additional consideration; or
- (c) to perform its functions of obtaining or collecting information under section 95R(4).

(3) Where a major accident has occurred at an establishment the operator shall forthwith inform the competent authority of that accident.

Provision of information to other establishments.

95O.(1) The competent authority shall, using the information received from operators in notifications sent pursuant to section 95E and in safety reports, designate groups of establishments where the likelihood or consequences of a major accident may be increased because of the location and proximity of establishments in the group and the dangerous substances present there.

(2) The competent authority shall notify each operator of an establishment in a group designated pursuant to subsection (1) of the names and addresses of other establishments within the same group.

(3) The operator of any establishment in a group designated pursuant to subsection (1) shall -

- (a) pass appropriate information about the establishment to other establishments in the group to enable them to take account of the nature and extent of the overall hazard of a major accident in their major accident prevention policy documents, safety reports and on-site emergency plans; and
- (b) co-operate with those other establishments to enable them to carry out any obligations they have under sections 95E(3), (5) and 95M(1).

FUNCTIONS OF COMPETENT AUTHORITY.

Functions of competent authority in relation to the safety report.

95P. The competent authority shall within a reasonable period of time of receiving a safety report-

- (a) communicate the conclusions of its examination of the report to the operator of the establishment concerned; or
- (b) prohibit the operation or bringing into operation of the establishment or installation concerned or any part thereof in accordance with section 95Q.

Prohibition of use.

95Q.(1) The competent authority shall prohibit the operation or bringing into operation of any establishment or installation or any part thereof where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient.

(2) The competent authority may prohibit the operation or bringing into operation of any establishment or installation or any part thereof if the operator has failed to submit any notification, safety report or other information required by or under this Part within the time so required.

(3) Where the competent authority proposes to prohibit an operation or the bringing into operation of an establishment or installation or any part thereof pursuant to this section, it shall serve on the operator a notice giving reasons for the prohibition and specifying the date when it is to take effect.

(4) Where a notice has been served on an operator in accordance with subsection (3) the operator shall comply with it (including any such notice as modified on appeal).

(5) Section 330 (appeals against enforcement of certain notices) shall apply in relation to a notice served under this section.

Inspections and investigations.

95R.(1) The competent authority shall organise an adequate system of inspections of establishments or other measures of control appropriate to the type of establishment concerned.

(2) The inspections or control measures referred to in subsection (1) shall not be dependent upon the receipt of any report submitted by the operator and they shall be sufficient for a planned and systematic examination of the systems being employed at the establishment, whether of a technical, organisational or managerial nature, so as to ensure in particular-

- (a) that the operator can demonstrate that he has taken appropriate measures to prevent major accidents;
- (b) that the operator can demonstrate that he has provided appropriate means for limiting the consequences of major accidents both inside and outside the establishment;
- (c) that the information contained in any report sent to the competent authority by the operator of the establishment adequately reflects the conditions in the establishment; and
- (d) that information has been supplied to the public pursuant to section 95M.

(3) A system of inspection referred to in subsection (1) shall meet the following conditions-

- (a) there shall be a programme of inspections for all establishments;
- (b) unless such a programme is based upon a systematic appraisal of major accident hazards of the particular establishment concerned, the programme shall entail at least one on-site inspection made on behalf of the competent authority every 12 months;
- (c) following each inspection, a report shall be prepared by the competent authority;

- (d) where necessary, matters shall be pursued with the operator within a reasonable period following the inspection.

(4) Where the competent authority has been informed of a major accident at an establishment the competent authority shall-

- (a) obtain from the operator of the establishment-
 - (i) information as respects the circumstances of the accident, the dangerous substances involved, the data available for assessing the effects of the accident on persons and the environment, the emergency measures taken and the steps to alleviate the medium and long term effects of the accident and to prevent any recurrence of it, and
 - (ii) such other information in the operator's possession as will enable the competent authority to notify the European Commission pursuant to section 95T(2).
- (b) ensure that any urgent, medium and long-term measures which may prove necessary are taken;
- (c) make a full analysis of the technical, organisational and managerial aspects of the major accident and collect, by inspection, investigation or other appropriate means, the information necessary for that purpose;
- (d) take appropriate action to ensure that the operator takes any necessary remedial measures;
- (e) make recommendations on future preventive measures.

Enforcement.

95S.(1) Subject to subsection (2), failure to comply with this Part shall be an offence to which section 327 shall apply.

(2) A failure to discharge a duty placed on the competent authority by this Part shall not be an offence.

Provision of information by competent authority.

95T.(1) Any information received by the competent authority pursuant to a requirement imposed by or under this Part shall to the extent that it is not information relating to the environment for the purposes of the Public Health (Freedom of Access to Information on the Environment) Rules 1992, be treated as being so for those purposes.

(2) The competent authority shall notify the European Commission as soon as practicable of any major accident meeting the criteria specified in Part 1 of Schedule 11.

(3) The notification referred to in subsection (2) shall contain the information specified in Part 2 of Schedule 11.

(4) The competent authority shall notify the European Commission of any analysis and recommendations made pursuant to section 95R(4)(c) and (e).

(5) The competent authority shall ensure that there is kept a copy of the safety report of each establishment situated within Gibraltar.

(6) The competent authority shall—

(a) ensure that the copy of the safety report kept pursuant to subsection (5) is available at all reasonable times for inspection by the public free of charge, and

(b) afford to members of the public facilities for obtaining copies of the safety report on payment of reasonable charges.

(7) The references in subsections (5) and (6) above to a copy of the safety report are references to a copy of such parts of the report as the operator is required by section 95M(1)(b) to make available to the public.”

Land-use Planning.

3. The Town Planning Act 1999 is amended by–

(a) inserting the following after section 5(2)(m)–

“(n) ensuring the prevention of major accidents and limiting the consequences of such accidents.”;

(b) inserting the following after section 22(2)(k)–

“(kk) the prevention of major accidents and limiting the consequences of such accidents.”.

REVOCATIONS, SAVINGS, TRANSITIONAL PROVISIONS AND SCHEDULES.

Revocations and savings.

4.(1) Sections 95A to 95P and Schedules 4A, 5, 6, 7, 8, 9, 10, and 11 of the principal Act and the Control of Major Accident Hazards of Certain Industrial Activities Regulations 1994 are repealed.

(2) A report, an on-site emergency plan prepared pursuant to section 95J of the 1994 provisions and an off-site emergency plan prepared pursuant to section 95K of those provisions shall, while the industrial activity to which it relates continues and until the time referred to in subsection (3), be kept up to date in accordance with the 1994 provisions as if they had not been repealed; and during that period sections 95F, 95M and 95N of the 1994 provisions shall apply in relation to that report and section 95M to 95P of the 1994 provisions shall apply in relation to that emergency plan as if those sections had not been repealed.

(3) The time referred to in subsection (2) is–

(a) in the case of a report, when a safety report has been sent to the competent authority pursuant to section 95F of the principal Act relating to the industrial activity concerned, and

(b) in the case of an on-site or off-site emergency plan, when an on-site emergency plan or off-site emergency plan, as the case may be, has been prepared pursuant to sections 95H or 95I of

the principal Act relating to the establishment at which the industrial activity is carried on.

(4) Information supplied in accordance with section 95K of the 1994 provisions, shall, while the industrial activity to which it relates continues and until the time referred to in subsection (5), be updated, supplied again and made available in accordance with that section as if it had not been revoked.

(5) The time referred to in subsection (4) is when the information relating to the establishment at which the industrial activity is carried on has been supplied in accordance with section 95M(1) of the principal Act.

(6) Subsections (2) to (5) shall only apply in relation to an industrial activity at an establishment to which sections 95F to 95M of the principal Act applies.

Transitional provisions.

5.(1) Where, by reason of any change in the classification of a substance (as referred to in note 1 of Part 3 of Schedule 6 of the principal Act), the area of land on which the substance is present becomes an establishment after the coming into force of this Act, (in this section referred to as a "new entrant establishment") any requirement imposed by this Act on an operator which is to be performed by him before an establishment starts to operate shall apply to the operator of the new entrant establishment as if that requirement had to be performed within 12 months after the change in classification takes effect.

(2) Where a report or off-site emergency plan referred to in section 3 is required to be kept up to date pursuant to that section, the references in paragraph 3 of Schedule 10A to the principal Act to the notification referred to in section 95E in that Act and to the safety report shall be construed as a reference to a report referred to in section 3(2) of this Act, and the reference in paragraph 10 of that Schedule to the off-site emergency plan shall be construed as a reference to the off-site emergency plan so referred to.

Schedules.

6. The schedules appearing in the Schedule to this Act shall be inserted in the principal Act.

SCHEDULE

Section 6

“SCHEDULE 6

Sections 95A(1)(7) and 95B(1)

**DANGEROUS SUBSTANCES TO WHICH THE REGULATIONS
APPLY**

(This Schedule sets out the provisions of Annex I of the Directive)

**PART 1
INTRODUCTION**

1. This Schedule applies to the presence of dangerous substances at any establishment and determines the application of the relevant regulations in accordance with section 95B(1).

2. Mixtures and preparations shall be treated in the same way as pure substances provided they remain within the concentration limits set according to their properties under the relevant provisions specified in Part 3, Note 1, unless a percentage composition or other description is specifically given.

3. The qualifying quantities set out in Parts 2 and 3 relate to each establishment.

4. The quantities to be considered for the application of the relevant regulations are the maximum quantities which are present at any one time. Dangerous substances present at an establishment only in quantities equal to or less than 2% of the relevant qualifying quantity shall be ignored for the purposes of calculating the total quantity present if their location within an establishment is such that it cannot act as an initiator of a major accident elsewhere on site.

5. The rules given in Part 3, Note 4 governing the addition of dangerous substances, or categories of dangerous substances, shall apply where appropriate.

PART 2

NAMED SUBSTANCES

Where a substance or group of substances listed in this Part also falls within a category of Part 3, the qualifying quantities set out in this Part must be used.

Column 1	Column 2	Column 3
Dangerous substances	Quantity in tonnes	
Ammonium nitrate (as described in Note I to this Part)	350	2,500
Ammonium nitrate (as described in Note 2 of this Part)	1,250	5,000
Arsenic pentoxide, arsenic (V) acid and/or salts	1	2
Arsenic trioxide, arsenious (III) acid and/or salts	0.1	0.1
Bromine	20	100
Chlorine	10	25

Public Health (Amendment) Act, 2000 [No. 11 of 2000]

Nickel compounds in inhalable powder form (nickel monoxide, nickel dioxide, nickel sulphide, trinickel disulphide, dinickel trioxide)	1	1
Ethyleneimine	10	20
Fluorine	10	20
Formaldehyde (concentration =>90%)	5	50
Hydrogen	5	50
Hydrogen chloride (liquefied gas)	25	250
Lead alkyls	5	50
Liquefied extremely flammable gases (including LPG) and natural gas	50	200
Acetylene	5	50
Ethylene oxide	5	50
Propylene oxide	5	50
Methanol	500	5,000
4, 4-Methylenebis (2-chloraniline) and/or salts, in powder form	0.01	0.01
Methylisocyanate	0.15	0.15
Oxygen	200	2,000
Toluene diisocyanate	10	100
Carbonyl dichloride (phosgene)	0.3	0.75
Arsenic trihydride (arsine)	0.2	1
Phosphorus trihydride (phosphine)	0.2	1
Sulphur dichloride	1	1
Sulphur trioxide	15	75
Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent	0.001	0.001
The following CARCINOGENS:		
4-Aminobiphenyl and/or its salts, Benzidine and/or salts, Bis(chloromethyl) ether, Chloromethyl methyl ether, Dimethylcarbamoyl chloride, Dimethylnitrosamine, Hxamethylphosphoric triamide, 2-Naptylamine and/or salts, 1,3 Propanesultone and 4-nitrodiphenyl	0.001	0.001

Public Health (Amendment) Act, 2000 [No. 11 of 2000]

Automotive petrol and other petroleum spirits	5,000	50,000
---	-------	--------

NOTES

1. Ammonium nitrate (350/2500)

This applies to ammonium nitrate and ammonium nitrate compounds in which the nitrogen content as a result of the ammonium nitrate is more than 28% by weight (compounds other than those referred to in Note 2) and to aqueous ammonium nitrate solutions in which the concentration of ammonium nitrate is more than 90% by weight.

2. Ammonium nitrate (1250/5000)

This applies to simple ammonium-nitrate based fertilisers which comply with Directive 80/876/EEC and to composite fertilisers in which the nitrogen content as a result of the ammonium nitrate is more than 28% in weight (a composite fertiliser contains ammonium nitrate with phosphate or potash, or phosphate and potash).

3. Polychlorodibenzofurans and polychlorodibenzodioxins

The quantities of polychlorodibenzofurans and polychlorodibenzodioxins are calculated using the following factors:

**International Toxic Equivalent Factors (ITEF) for the congeners of
concern
(NATO/CCMS)**

Public Health (Amendment) Act, 2000 [No. 11 of 2000]

2, 3, 7, 8-TCDD	I	2, 3, 7, 8-TCDF	0.1
1,2,3, 7, 8-PeDD	0.5	2, 3, 4, 7, 8-PeCDF	0.5
		1, 2, 3, 7, 8-PeCDF	0.05
1, 2, 3, 4, 7, 8-HxCDD			
1, 2, 3, 6, 7, 8-HxCDD	0.1		
1, 2, 3, 7, 8, 9-HxCDD		1, 2, 3, 4, 7, 8-HxCDF	
		1, 2, 3, 7, 8, 9-HxCDF	0.1
1, 2, 3, 4, 6, 7, 8-HpCDD	0.01	1, 2, 3, 6, 7, 8-HxCDF	
		2, 3, 4, 6, 7, 8-HxCDF	
OCDD	0.001		
		1, 2, 3, 4, 6, 7, 8-HpCDF	0.01
		1, 2, 3, 4, 7, 8, 9-HpCDF	
		OCDF	0.001

(T tetra, P = penta, Hx hexa, HP = hepta, O = octa)

PART 3
CATEGORIES OF SUBSTANCES AND PREPARATIONS
NOT SPECIFICALLY NAMED IN PART 2

Column 1	Column 2	Column 3
Dangerous substances	Quantity in tonnes	
1. VERY TOXIC	5	20
2. TOXIC	50	200
3. OXIDISING	50	200
4. EXPLOSIVE (where the substance or preparation falls within the definition given in Note 2(a))	50	200
5. EXPLOSIVE (where the substance or preparation falls within the definition given in Note 2(b))	10	50
6. FLAMMABLE (where the substance or preparation falls within the definition given in Note 3(a))	5000	50000
7a. HIGHLY FLAMMABLE (where the substance or preparation falls within the definition given in Note 3(b)(1))	50	200
7b. HIGHLY FLAMMABLE liquids (where the substance or preparation falls within the definition given in Note 3 (b)(2))	5000	50000
8. EXTREMELY FLAMMABLE (where the substance or preparation falls within the definition given in Note 3(c))	10	50

Column 1	Column 2	Column 3
Dangerous substances	Quantity in tonnes	
9. DANGEROUS FOR THE ENVIRONMENT in combination with risk phrases:		
(i) RSO: 'Very toxic to aquatic organisms'	200	500
(ii) R5 1: 'Toxic to aquatic organisms'; and R53: 'May cause long term adverse effects in the aquatic environment'	500	2000
10. ANY CLASSIFICATION not covered by those given above in combination with risk phrases:		
(i) R14: 'Reacts violently with water' (including R14/15)	100	500
(ii) R29: 'in contact with water, liberates toxic gas'	50	200

NOTES

1. Substances and preparations are classified according to the following Directives (as amended) and their current adaptation to technical progress:

- Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances;
- Council Directive 88/379/EEC of 7 June 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations;
- Council Directive 78/631/EEC of 26 June 1978 on the approximation of the laws of the Member States relating to the

classification, packaging and labelling of dangerous preparations (pesticides).

In the case of substances and preparations which are not classified as dangerous according to any of the above Directives but which nevertheless are present, or are likely to be present, in an establishment and which possess or are likely to possess, under the conditions found at the establishment, equivalent properties in terms of major-accident potential, the procedures for provisional classification shall be followed according to the relevant article of the appropriate Directive.

In the case of substances and preparations with properties giving rise to more than one classification, for the purposes of Part IIA the lowest thresholds shall apply.

2. An 'explosive' means:

- (a) (i) a substance or preparation which creates the risk of an explosion by shock, friction, fire or other sources of ignition (risk phrase R 2),
- (ii) a pyrotechnic substance is a substance (or mixture of substances) designed to produce heat, light, sound, gas or smoke or a combination of such effects through non-detonating self-sustained exothermic chemical reactions, or
- (iii) an explosive or pyrotechnic substance or preparation contained in objects;
- (b) a substance or preparation which creates extreme risks of explosion by shock, friction, fire or other sources of ignition (risk phrase R 3).

3. 'Flammable', 'highly flammable', and 'extremely flammable' in categories 6, 7 and 8 mean:

- (a) flammable liquids substances and preparations having a flash point equal to or greater than 21 °C and less than or equal to 55°C (risk phrase R 10), supporting combustion;
- (b) highly flammable liquids:-

- (i) substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any input of energy (risk phrase R 17),
 - substances which have a flash point lower than 55°C and which remain liquid under pressure, where particular processing conditions, such as high pressure or high temperature, may create major accident hazards;
 - (ii) substances and preparations having a flash point lower than 21°C and which are not extremely flammable (risk phrase R 11, second indent);
- (c) extremely flammable gases and liquids:-
- (i) liquid substances and preparations which have a flash point lower than 0°C and the boiling point (or, in the case of a boiling range, the initial boiling point) of which at normal pressure is less than or equal to 35°C (risk phrase R 12, first indent), and
 - (ii) gaseous substances and preparations which are flammable in contact with air at ambient temperature and pressure (risk phrase R 12, second indent), whether or not kept in the gaseous or liquid state under pressure, excluding liquefied extremely flammable gases (including liquefied petroleum gas) and natural gas referred to in Part 2, and
 - (iii) liquid substances and preparations maintained at a temperature above their boiling point.

4. The addition of dangerous substances to determine the quantity present at an establishment shall be carried out according to the following rule:

if the sum

$$q_1/Q + q_2^1/Q + q_3/Q + q_4/Q + q_5^1/Q + \dots > 1$$

where qx = the quantity of dangerous substances x (or category of dangerous substances) falling within Parts 2 or 3 of this Schedule,

Q = the relevant threshold quantity from Parts 2 or 3,

then the establishment is covered by the relevant requirements of Part IIA of this Act.

This rule will apply for the following circumstances:-

- (a) for substances and preparations appearing in Part 2 at quantities less than their individual qualifying quantity present with substances having the same classification from Part 3, and the addition of substances and preparations with the same classification from Part 3;
- (b) for the addition of categories 1, 2 and 9 present at an establishment together;
- (c) for the addition of categories 3, 4, 5, 6, 7a, 7b and 8, present at an establishment together.

SCHEDULE 7

Section 95D(2)

PRINCIPLES TO BE TAKEN INTO ACCOUNT WHEN PREPARING MAJOR ACCIDENT PREVENTION POLICY DOCUMENT

(This schedule sets out the provisions of Annex III to the Directive)

1. For the purpose of implementing the operator's major accident prevention policy and safety management system account shall be taken of the following elements. The requirements laid down in the major accident prevention policy document should be proportionate to the major accident hazards presented by the establishment.

2. The major accident prevention policy should be established in writing and should include the operator's overall aims and principles of action with respect to the control of major accident hazards.

3. The safety management system should include the part of the general management system which includes the organisational structure, practices, procedures, processes and resources for determining and implementing the major accident prevention policy.

4. The following issues shall be addressed by the safety management system-

- (a) the roles and responsibilities of personnel involved in the management of major hazards at all levels in the organisation. The identification of training needs of such personnel and the provision of the training so identified. The involvement of employees and, where appropriate, sub-contractors;
- (b) adoption and implementation of procedures for systematically identifying major hazards arising from normal and abnormal operation and the assessment of their likelihood and severity;
- (c) adoption and implementation of procedures and instructions for safe operation, including maintenance of plant, processes, equipment and temporary stoppages;
- (d) adoption and implementation of procedures for planning modifications to, or the design of new installations, processes or storage facilities;
- (e) adoption and implementation of procedures to identify foreseeable emergencies by systematic analysis and to prepare, test and review emergency plans to respond to such emergencies;
- (f) adoption and implementation of procedures for the on-going assessment of compliance with the objectives set by the operator's major accident prevention policy and safety management system, and the mechanisms for investigation and taking corrective action in the case of non-compliance. The procedures should cover the operator's system for reporting major accidents or near misses, particularly those involving failure of protective measures, and their investigation and follow-up on the basis of lessons learnt;
- (g) adoption and implementation of procedures for periodic systematic assessment of the major accident prevention policy

and the effectiveness and suitability of the safety management system; the documented review of performance of the policy and safety management system and its updating by senior management.

SCHEDULE 8

Section 95E(1)

INFORMATION TO BE INCLUDED IN A NOTIFICATION

(This Schedule sets out the provisions of Article 6(2) of the Directive)

The information referred to in section 95E(1) is as follows -

1. the name and address of the operator;
2. the address of the establishment concerned;
3. the name or position of the person in charge of the establishment;
4. information sufficient to identify the dangerous substances or category of dangerous substances present;
5. the quantity and physical form of the dangerous substances present;
6. a description of the activity or proposed activity of the installation concerned;
7. details of the elements of the immediate environment liable to cause a major accident or to aggravate the consequences thereof.

SCHEDULE 9

Sections 95D(5) and 95F(1), (4) and (6)

PURPOSE AND CONTENTS OF SAFETY REPORTS

PART 1

PURPOSE OF SAFETY REPORTS

(This Part sets out the provisions of Article 9(1) of the Directive)

The purposes referred to in section 95F are as follows -

1. demonstrating that a major accident prevention policy and a safety management system for implementing it have been put into effect in accordance with the information set out in Schedule 7;

2. demonstrating that major accident hazards have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for persons and the environment;
3. demonstrating that adequate safety and reliability have been incorporated into the-
 - (a) design and construction, and
 - (b) operation and maintenance,of any installation and equipment and infrastructure connected with its operation, and that they are linked to major accident hazards within the establishment;
4. demonstrating that on-site emergency plans have been drawn up and supplying information to enable the off-site plan to be drawn up in order to take the necessary measures in the event of a major accident;
5. providing sufficient information to the competent authority to enable decisions to be made in terms of the siting of new activities or developments around existing establishments.

PART 2
MINIMUM INFORMATION TO BE INCLUDED IN SAFETY
REPORT

(This Part sets out the provisions of Annex II to the Directive)

The information referred to in section 95F(1), (4) and (6) is as follows -

1. Information on the management system and on the organisation of the establishment with a view to major accident prevention.

This information shall contain the elements set out in Schedule 7.

2. Presentation of the environment of the establishment:
 - (a) description of the site and its environment including the geographical location, meteorological, geographical, hydrographic conditions and, if necessary, its history;

- (b) identification of installations and other activities of the establishment which could present a major accident hazard;
- (c) description of areas where a major accident may occur.

3. Description of installation:

- (a) a description of the main activities and products of the parts of the establishment which are important from the point of view of safety, sources of major accident risks and conditions under which such a major accident could happen, together with a description of proposed preventive measures;
- (b) description of processes, in particular the operating methods;
- (c) description of dangerous substances:
 - (i) inventory of dangerous substances including–
 - the identification of dangerous substances : chemical name, the number allocated to the substance by the Chemicals Abstract Service, name according to International Union of Pure and Applied Chemistry nomenclature;
 - the maximum quantity of dangerous substances present;
 - (ii) physical, chemical, toxicological, characteristics and indication of the hazards, both immediate and delayed for man and the environment;
 - (iii) physical and chemical behaviour under normal conditions of use or under foreseeable accidental conditions.

4. Identification and accidental risks analysis and prevention methods:

- (a) detailed description of the possible major accident scenarios and their probability or the conditions under which they occur including a summary of the event: which may play a role in triggering each of these scenarios, the causes being internal or external to the installation;
- (b) assessment of the extent and severity of the consequences of identified major accidents;
- (c) description of technical parameters and equipment used for the safety of installations.

5. Measures of protection and intervention to limit the consequences of an accident:
 - (a) description of the equipment installed in the plant to limit the consequences of major accidents;
 - (b) organisation of alert and intervention;
 - (c) description of mobilisable resources, internal or external;
 - (d) summary of elements described in sub-paragraphs (a), (b) and (c) necessary for drawing up the on-site emergency plan.

SCHEDULE 10

Sections 95H(1) and 95i(1)

EMERGENCY PLANS

PART 1

OBJECTIVES OF ON-SITE AND OFF-SITE EMERGENCY PLANS

(This Part sets out the provisions of Article 11(2) of the Directive)

The objectives referred to in sections 95H(1) and 95i(1) are–

1. containing and controlling incidents so as to minimise the effects, and to limit damage to persons, the environment and property;
2. implementing the measures necessary to protect persons and the environment from the effects of major accidents;
3. communicating the necessary information to the public and to the emergency services and authorities concerned in the area;
4. providing for the restoration and clean-up of the environment following a major accident.

PART 2
INFORMATION TO BE INCLUDED IN ON-SITE EMERGENCY
PLAN

(This Part sets out the provisions of Paragraph 1 of Annex IV to the Directive)

The information referred to in section 95H(1) is as follows-

1. names or positions of persons authorised to set emergency procedures in motion and the person in charge of and co-ordinating the on-site mitigatory action;
2. name of position of the person with responsibility for liaising with the competent authority responsible for preparing the off-site emergency plan;
3. for foreseeable conditions or events which could be significant in bringing about a major accident, a description of the action which should be taken to control the conditions or events and to limit their consequences, including a description of the safety equipment and the resources available;
4. arrangements for limiting the risks to persons on site including how warnings are to be given and the actions persons are expected to take on receipt of a warning;
5. arrangements for providing early warning of the incident to the competent authority to set the off-site emergency plan in motion, the type of information which should be contained in an initial warning and the arrangements for the provision of more detailed information as it becomes available;
6. arrangements for training staff in the duties they will be expected to perform, and where necessary co-ordinating this with the emergency services;
7. arrangements for providing assistance with off-site mitigatory action.

PART 3

INFORMATION TO BE INCLUDED IN OFF-SITE EMERGENCY PLAN

(This Part sets out the provisions of paragraph 2 of Annex IV to the Directive)

The information referred to in section 95i(1) is as follows

1. names or positions of persons authorised to set emergency procedures in motion and of persons authorised to take charge of and co-ordinate off-site action;
2. arrangements for receiving early warning incidents, and alert and call-out procedures;
3. arrangements for co-ordinating resources necessary to implement the off-site emergency plan;
4. arrangements for providing assistance with on-site mitigatory action;
5. arrangements for off-site mitigatory action;
6. arrangements for providing the public with specific information relating to the accident and the behaviour which it should adopt;
7. arrangements for the provision of information to the emergency services of other Member States in the event of a major accident with possible transboundary consequences.

SCHEDULE 10A

Section 95M(2)

INFORMATION TO BE SUPPLIED TO THE PUBLIC

(This Schedule sets Out the provisions of Annex V to the Directive)

The information referred to in section 95M(2) is as follows

1. name of operator and address of the establishment;
2. identification, by position held, of the person giving the information;
3. confirmation that the establishment is subject to these regulations and that the notification referred to in section 95E or the safety report has been submitted to the competent authority;
4. an explanation in simple terms of the activity or activities undertaken at the establishment;
5. the common names or, in the case of dangerous substances covered by Part 3 of Schedule 6 the generic names or the general danger classification of the substances and preparations involved at the establishment which could give rise to a major accident, with an indication of their principal dangerous characteristics;
6. general information relating to the nature of the major accident hazards, including their potential effects on the population and the environment;
7. adequate information on how the population concerned will be warned and kept informed in the event of a major accident;
8. adequate information on the actions the population concerned should take, and on the behaviour they should adopt, in the event of a major accident;
9. confirmation that the operator is required to make adequate arrangements on site, in particular liaison with the emergency services, to deal with major accidents and to minimise their effects;
10. a reference to the off-site emergency plan for the establishment. This should include advice to co-operate with any instructions or requests from the emergency services at the time of an accident;
11. details of where further relevant information can be obtained, subject to the requirements of confidentiality laid down in by or under any enactment.

SCHEDULE 11

Section 95T

**CRITERIA FOR NOTIFICATION OF A MAJOR ACCIDENT TO
THE EUROPEAN COMMISSION AND INFORMATION TO BE
NOTIFIED**

**PART 1
CRITERIA**

(This Part sets Out the provisions of Annex VI to the Directive)

The criteria referred to in section 95T(2) are as follows—

1. any accident covered in sub-paragraph (a) or having at least one of the consequences described in paragraphs (b), (c), (d) and (e) must be notified to the Commission—
 - (a) substances involved:

any fire or explosion or accidental discharge of a dangerous substance involving, a quantity of at least 5% of the qualifying quantity laid down in column 3 of Parts 2 or 3 of Schedule 6;
 - (b) injury to persons and damage to property:

an accident directly involving a dangerous substance and giving rise to one of the following events:-

 - (i) a death,
 - (ii) six persons injured within the establishment and kept in hospital for at least 24 hours,
 - (iii) one person outside the establishment kept in hospital for at least 24 hours,
 - (iv) dwellings outside the establishment damaged and unusable as a result of the accident,

- (v) the evacuation or confinement of persons for more than 2 hours (person x hours) : the value is at least 500,
- (vi) the interruption of drinking water, electricity, gas or telephone services for more than 2 hours (person x hours) : the value is at least 1000;
- (c) immediate damage to the environment:
 - (i) permanent or long-term damage to terrestrial habitats:-
 - 0.5 ha or more of a habitat of or conservation importance protected by legislation,
 - 10 or more hectares of more widespread habitat, including agricultural land;
 - (ii) significant or long-term damage to freshwater and marine habitats:
 - 10 km or more of river or canal,
 - 1 ha or more of a lake or pond,
 - 2 ha or more of delta,
 - 2 ha or more of a coastline or open sea;
 - (iii) significant damage to an aquifer or underground water:
 - 1 ha or more;
- (d) damage to property:
 - (i) damage to property in the establishment at least ECU 2 million,
 - (ii) damage to property outside the establishment at least ECU 0.5 million;
- (e) cross-border damage:

any accident directly involving a dangerous substance giving rise to effects outside the territory of the Member State concerned;

2. accidents or 'near misses' which Member States regard as being of particular technical interest for preventing major accidents and limiting their consequences and which do not meet the quantitative criteria above should be notified to the Commission.

PART 2
INFORMATION

The information referred to in section 95T(3) is as follows-

1. the Member State and the name and address of the competent authority;
2. the date, time and place of the major accident, including the full name of the operator and the address of the establishment involved;
3. a brief description of the circumstances of the accident, including the dangerous substances involved, and the immediate effects on persons and the environment;
4. a brief description of the emergency measures taken and of the immediate precautions necessary to prevent a recurrence."

Passed by the Gibraltar House of Assembly on the 12th day of September, 2000.

D. J. REYES,
Clerk to the Assembly.

