

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,804 of 27th October, 1994.

LEGAL NOTICE NO. 115 OF 1994.

PUBLIC HEALTH ACT.

INTERPRETATION AND GENERAL CLAUSES ACT.

**CONTROL OF MAJOR ACCIDENT HAZARDS OF CERTAIN
INDUSTRIAL ACTIVITIES REGULATIONS, 1994.**

In exercise of the powers conferred on it by section 23 of the Interpretation and General Clauses Act, and of all other enabling powers, and for the purpose of transposing into the national law of Gibraltar Council Directive 82/501/EEC as amended, the Government has made the following regulations -

Title.

1. These regulations may be cited as the Control of Major Accident Hazards of certain Industrial Activities Regulations 1994.

Amendment to the Public Health Act.

2. The Public Health Act hereinafter called "the Act") is amended -

- (a) in the heading to Part II by inserting after the word "TRADES" the words "AND TRADES LIKELY TO GIVE RISE TO MAJOR ACCIDENT HAZARDS";
- (b) by inserting after section 95 the following sub-heading and sections-

**"TRADES LIKELY TO GIVE RISE TO MAJOR
ACCIDENT HAZARDS
Interpretation in respect of sections 95A to 95P
and Schedules 4 to 11.**

95A. In this section and sections 95B to 95P, unless the context otherwise requires -

"competent authority" means the Chief Environmental Health Officer or such other person as the Government may by notice in the Gazette appoint,

"dangerous substance" means -

(a) any substance which satisfies any of the criteria laid down in Schedule 4 (which sets out the provisions of Annex IV to the Directive);

(b) any substance listed in Column 1 of Part I of Schedule 5 (which sets out the provisions of Annex II to the Directive) and any substance or preparation falling with any of the categories set out in Column 1 of Part II of that Schedule; and

(c) any substance listed in Column 1 of Schedule 6 (which sets out the provisions of Annex III to the Directive);

"the Directive" means Council Directive 82/501 /EEC on the major accident hazards of certain industrial activities;

"further relevant information" for the purposes of Schedule 11 means information necessary for the assessment of the potential effects of a major accident and which, in the circumstances of the case -

(a) is reasonably required by the enquirer to assess the risk to his health and safety created by such an accident and to know and understand what action he should take in the event of an accident; and

(b) where the information is to be disclosed by the manufacturer, it is reasonable for him to disclose it having regard to the requirements of law and his commercial interests;

"industrial activity" means -

(a) an operation carried out in an industrial installation referred to in Schedule 7 (which sets out the provisions of Annex I to the Directive) involving, or liable to involve, one or more dangerous substances which -

(i) satisfy any of the criteria laid down in Schedule 4,

(ii) are listed in Column 1 of Schedule 6, or

(iii) both satisfy any of the criteria and are so listed as above,

and includes on-site storage and on-site transport which is associated with that operation, unless the operation is incapable of producing a major accident hazard;

(b) any storage to which Schedule 5 applies;

"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;

"preparation" means a mixture or solution of two or more substances;

"site" means the whole of the area or land under the control of a manufacturer and includes a pier, jelly or similar structure, whether floating or not

Application of sections 95A to 95P and Schedules 4-11.

95B. Sections 95A to 95p shall apply to any industrial activity except-

- (a) nuclear installations and plant For the processing of radio active substances and material;
- (b) military installations;
- (c) the manufacture and separate storage of explosives, gun powder and munitions; .
- (d) extraction and other mining operations.

Demonstration of safe operation.

95C.(1) This section shall apply to -

- (a) an industrial activity to which sub-paragraph (a) of the definition of industrial activity in section 95A applies and in which a substance which satisfies any of the criteria laid down in Schedule 4 is involved or is liable to be involved; and
- (b) an industrial activity to which sub-paragraph (b) of that definition applies and in which there is involved or is liable to be involved -
 - (i) for a substance specified in Column 1 of Part I of Schedule 5, a quantity of that substance which is equal to or more than the quantities specified in the entry for that substance in Column 2 of that Part;
 - (ii) for substances and preparations falling with a category or categories specified in an entry in Column 1 of Part II of Schedule 5, a total quantity of such substances and preparations in the category or categories in that entry which is equal to or more than quantity for that entry specified in Column 2 of that Part.

(2) A manufacturer who has control of an industrial activity to which this rule applies shall, at all times take all the measures necessary to prevent major accident hazards and to limit their consequences to persons and the environment and shall at all times provide evidence including documents to show that he has -

- (a) identified the major accident hazard; 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.

95D.(1) Where a major accident occurs on a site, the manufacturer shall forthwith notify the competent authority of that accident, and the competent authority 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 the 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 that accident, if any, and
- (ii) to prevent the recurrence of such an accident.

(2) In such case, the competent authority shall -

- (a) collect where possible the information necessary for a full analysis of the major accident; and
- (b) send to the European Commission the information specified in Schedule 8 (which sets out the provisions of Annex VI to the Directive).

Industrial activities to which sections 95F to 95L apply.

95E.(1) Sections 95F to 95L shall apply to -

- (a) an industrial activity to which sub-paragraph (a) of the definition of industrial activity in section 95A applies and in which there is involved, or liable to be involved, a substance listed in Column of Schedule 6 in a quantity which is equal to or more than the quantity specified in the entry for that substance in Column 2 of that Schedule; and
- (b) an industrial activity to which sub-paragraph (h) of that definition applies and in which there is involved, or liable to be involved -
 - (i) for a substance specified in Column 1 of Part I of Schedule 5 a quantity of that substance which is equal to or more than the quantity specified in the entry for that substance in Column 3 of that Part;
 - (ii) for substances and preparations falling within a category or categories specified in the entry in Column 1 of Part 11 of Schedule 5, a total quantity of such substances and preparations in the category or categories in that

entry which is equal to or more than the quantity for that entry specified in Column 3 of that Part.

(2) For the purpose of sections 95F to 95K -

(a) "new industrial activity" means an industrial activity which-

(i) was commenced after the date of the coming into operation of sections 95A to 95P, or

(ii) if commenced before that date, is an industrial activity in which there has been since that date a modification which will 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.

95F.(1) Subject to the following sub-sections, a manufacturer shall not undertake any industrial activity to which this section applies unless he has prepared a written report containing the information specified in Schedule 9 and has sent a copy of that report to the competent authority at least three months before commencing that activity or before such shorter time as the competent authority may agree in writing.

(2) In the case of a new industrial activity which a manufacturer commences or by virtue of section 95E (2) (a) (ii) is deemed to commence, within six months after the date of coming into effect of this section, it shall be sufficient compliance with sub-section (1) if the manufacturer sends to the competent authority a copy of the report prepared in accordance with that sub-section within three months after the coming into effect of this section.

- (3) In the case of an existing industrial activity, it shall be sufficient compliance with sub-section (1) if the manufacturer on or before the 1st of February 1995 sends to the competent authority the information specified in Schedule 10 relating to that activity.
- (4) Where sub-section (3) applies, the authority 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 sub-section (1) to send to the competent authority a copy of the report required under that sub-section

Updating of reports under section 95F.

- 95G.(1) Where a manufacturer has made a report in accordance with section 95F (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 competent authority at least three months before making those changes or before such shorter time as the Competent authority may agree in writing.
- (2) Where a manufacturer has made a report in accordance with section 95F(1), sub-section (1) or this sub-section 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 competent authority may agree, send a copy of the report to the competent authority.
 - (3) A certificate of exemption issued under section 95F (4), shall apply to reports or declaration made under this section as it applies to reports made under section 95F (1).

Requirement for further information to be sent to the Competent Authority.

- 95H.(1) Where in accordance with section 95F(I), a manufacturer has sent a report relating to an industrial activity to the competent authority, the Competent authority may, by a notice served on (lie manufacturer, require him to provide such additional information as is specified in the notice and the manufacturer shall send that information to the competent authority within such time as is specified in the notice or within such longertime as the competent authority may subsequently agree.
- (2) The competent authority shall not serve a notice under sub-section (1) unless, having regard to the circumstances of the particular case, the information is reasonably required for the evaluation of the major accident hazards created by the activity.

Preparation of on-site emergency plan by the manufacturer.

- 95J.(1) A manufacturer who has control of an industrial activity to which this section applies shall, after consulting such persons as appear to him to be appropriate, prepare and keep up to date an adequate oil-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 sub-section (1) takes into account any material changes made in the industrial activity and that every person oil the site who is affected by the plan is informed of' the relevant provisions.
- (3) The manufacturer shall prepare the emergency plan required under sub-section (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 three months after the coming into effect of this section, by that date; or

(b) in the case of an existing industrial activity by the 1st of February 1995.

Preparation of off-site emergency plan by the Competent Authority.

95K.(1) It shall be the duty of the competent authority if there is a site in Gibraltar on which a manufacturer carries on an industrial activity to which this section applies, to prepare and keep up to date an adequate off-site emergency plan detailing how emergencies relating to a possible major accident on that site will be dealt with and, in preparing that plan, the competent authority shall consult the manufacturer and such other persons as appear to the competent authority to be appropriate.

(2) For the purpose of enabling the competent authority to prepare the emergency plan required under sub-section (1), the manufacturer shall provide the competent authority with such information relating to the industrial activity under his control that the competent authority may reasonably require, including the nature, extent and likely effects off-site of possible major accidents and the competent authority shall provide the manufacturer with any information from the off-site emergency plan which relates to his duties under section 95J or under this sub-section.

(3) The competent authority shall prepare its emergency plan 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 the 1st of April 1995, it shall be a sufficient compliance with this rule if the competent authority prepares its emergency plan by that date or in any case, within six months of it being notified by the manufacturer of the industrial activity, whichever is the later.

- (4) In preparation of an off-site emergency plan the competent authority may engage the services of such experts or consultants as it deems necessary.

Information to the public.

95L.(1) It shall be the duty of a manufacturer who has control of an industrial activity to which this section applies to -

- (a) ensure that persons outside the site 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 site, are supplied in an appropriate manner, without them having to request it, with at least the information specified in Schedule II (which sets out the provisions of Annex VII to the Directive); and
- (b) make that information publicly available.
- (2) In preparing, the information required to be supplied in accordance with sub-section (1), the manufacturer shall consult the competent authority and such other persons who seem to him to be appropriate, but the manufacturer shall remain responsible for the accuracy, completeness and form of the information so supplied.
- (3) Without prejudice to his duty under sub-section (1), the manufacturer shall endeavour to enter into an agreement with the competent authority for the competent authority to disseminate the information required to be supplied in accordance with that subsection to the persons mentioned in it.
- (4) The manufacturer shall ensure that the information supplied in accordance with sub-section (1) is updated and supplied again in accordance with that sub-section at appropriate intervals and made publicly available.
- (5) The manufacturer shall take the steps necessary to comply with sub-sections (1) to (3) before the industrial activity is commenced, except that in the case of an industrial activity commenced before the 1st of February 1995, it shall be a

sufficient compliance with those sub-sections if the manufacturer takes the necessary steps by that date.

Disclosure of information notified under sections 95D and 95F-95L.

95M. Where, for the purposes of evaluating information notified under section 95D or sections 95F-95L, the competent authority discloses that information to some other person, that other person shall not use that information for any purpose except a purpose of the competent authority, and before disclosing that information, the competent authority shall inform that other person of his obligations under this section.

Enforcement.

95N. Failure by a manufacturer to comply with sections 95B-95M shall be an offence to which section 327 of the Act shall apply.

Charges by the Competent Authority.

95P.(1) Where the competent authority incurs costs in carrying out its functions under sections 95D, 95F, 95G, 95H, 95K, or 95L it may charge a fee determined in accordance with sub-sections (2) to (3) to any manufacturer having control of the site to which the plan relates.

(2) The fee shall not exceed the sum of the costs reasonably incurred by the competent authority and where the costs are in respect of preparing or keeping up to date an off-site emergency plan and, where the plan covers the 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) Where, in the opinion of the competent authority, the competent authority can properly carry out its function only by engaging specialists and consultants to evaluate information notified or prepare plans, the cost of such specialists or consultants shall be included in the fee payable under sub-section (1).

- (4) The competent authority may determine the cost of employing an officer (including a public officer) for any period of 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 competent authority shall send or give to the manufacturer a detailed statement of the work done and costs incurred including the date of any site visits and the period to which the statement relates, and the fee shall be recoverable under the provisions of the Act as a civil debt and shall become payable one month after the statement has been sent or given."

New Schedules 4 to 11.

3. The Act is amended by inserting after Schedule 3 the following new Schedules 4 to 11-

"SCHEDULE 4

Sections 95A and 95C(1)

(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 producing major accident hazards:

LD50 (oral) (¹) mg/kg body weight	LD50 (cutaneous) (²) mg/kg body weight	LC50 (³) mg/l (inhalation)
25 < LD50 < 400	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 degrees C or below;

(ii) highly flammable liquids:

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

(iii) flammable liquids:

substances which have a flash point lower than 55 degrees 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.

- (e) Oxidizing substances: substances which give rise to highly exothermic reaction when in contact with other substances, particularly flammable substances.

SCHEDULE 5

Sections 95A, 95C(1) and 95E(1)

**(WHICH SETS OUT THE PROVISIONS OF ANNEX 11 TO THE
DIRECTIVE)**

STORAGE OTHER THAN OF SUBSTANCES LISTED IN SCHEDULE 6 ASSOCIATED WITH AN INSTALLATION REFERRED TO IN SCHEDULE 7

This Schedule applies to storage of dangerous substances and/or preparations at any place, installation, premises building, or area of land, isolated or within an establishment being a site used for the purpose of storage, except where that storage is associated with an installation covered by Schedule 7 and where the substances in question appear in Schedule 6.

The quantities set out below in Parts I and 11 relate to each store or group of stores belonging to the same manufacturer where the distance between the stores is not sufficient to avoid, in foreseeable circumstances, any aggravation of major accident hazards. These quantities apply in any case to each group of stores belonging to the same manufacturer where the distance between the stores is less than 500 meters

The quantities to be considered are the maximum quantities which are, or are liable to be, in storage at any one time.

PART I.

NAMED SUBSTANCES

Where a substance (or a group of substances) listed in Part I also falls within a category of Part II the quantities set out in Part I shall be used.

Substances or groups of substances Column I	Quantities (tonnes) For application of Section 95C Column 2	for application of Sections 95F to 95L Column 3
Acetylene	5	50
Acrolein (2-propenal)	20	200
Acrylonitrile	20	200
Ammonia	50	500
Ammonium nitrate (a)	350	2,500
Ammonium nitrate in the form of fertilizers	1,250	10,000
Bromine	50	500
Carbon disulphide	20	200
Chlorine	10	75
Diphenyl methane diisocyanate (MDI)	20	200
Ethylene dibromide (1,2-Dibromoethane)	5	50
Ethylene oxide	5	50
Formaldehyde (concentration >90%)	5	50
Hydrogen chloride (liquefied gas)	25	250
Hydrogen cyanide	5	20
Hydrogen fluoride	5	50
Hydrogen sulphide	5	50
Methyl bromide (Bromomethane)	20	200
Methylisocyanate	0.15 (150 kilograms)	0.15 (150 kilograms)
Oxygen	200	2,000
Phosgene (Carbonyl chloride)	0.75 (750 kilograms)	0.75 (750 kilograms)

Substances or groups of substances Column I	Quantities (tonnes) For application of Section 95C Column 2	for application of Sections 95F to 95L Column 3
Propylene oxide	5	50
Sodium chlorate	25	250
Sulphur dioxide	25	250
Sulphur trioxide	15	100
Tetraethyl lead or tetramethyl lead	5	50
Toluene diisocyanate (TDI)	10	100

- (a) This applies to ammonium nitrate and mixtures of ammonium nitrate where the nitrogen content derived from the ammonium nitrate is > 28% by weight and to aqueous solutions of ammonium nitrate where the concentration of ammonium nitrate is > 90% by weight
- (b) This applies to straight ammonium nitrate fertilizers which comply with Council Directive 80/876/EEC "on the approximation of laws of the Member States relating to straight ammonium nitrate fertilizers of high nitrogen content (a) and to compound fertilizers where the nitrogen content derived from the ammonium nitrate is > 28% by weight (a compound fertilizer contains ammonium nitrate together with phosphate and/or potash).

PART II

CATEGORIES OF SUBSTANCES AND PREPARATIONS NOT SPECIFICALLY NAMED IN PART I.

The quantities of different substances and preparations of the same category are cumulative. Where there is more than one category specified in the same entry, the quantities of all substances and preparations of the specified categories in that entry shall be summed up.

Categories u/ substances and preparations Column 1	Quantities (tonnes)	
	For application of Section 95C Column 2	For application of Sections 95F to 95L Column 3
1. Substances and preparations that are classified as very toxic,	5	20
2. Substances and preparations that are classified as very toxic', 'toxic' (a), 'oxidizing' or 'explosive'	10	200
3. Gaseous substances and preparations including those in liquefied form, which are gaseous at normal pressure and which are classified as 'highly flammable' (b)	50	200
4. Substances and preparations (excluding gaseous substances and preparations covered under item 3 above) which are classified as 'highly flammable' or 'extremely flammable' (c)	5,000	50,000

- (a) Where the substances and preparations are in a state which gives them proportions capable of producing a major accident hazard.
- (b) This includes flammable gases as defined in paragraph (c)(i) of Schedule 4.
- (c) This includes highly flammable liquids as defined in paragraph (c) (ii) of Schedule 4.

For the purpose of assigning categories, reference may be had to the Classification, Packaging and Labelling of Dangerous Substances Regulations 1994 (SI 1984/1244 as amended by SI 1986/1922, 1988/766, 1989/2208) and 1990/1255) of the United Kingdom, whether or not the substance or preparation is required to be classified for the purposes of those regulations, or, in the case of a pesticide approved under the Food and

Environment Protection Act 1985 (c.48) of the United Kingdom, in accordance with the classification assigned to it by that approval.

SCHEDULE 6

Sections 95A and 95E (1)

List of substances For the application of Sections 95F to 95L

(which sets out the provisions of Annex III to the Directive)

Sections 95A and 95E (1)

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 sections 95F to 95L) (Column 2)	(Column 3)	EEC Number (Column 4)
Group 1 - Toxic substance (quantity < 1 tonne)			
Aldicarb I (N)	100 kilograms	111-06-03	006017-00-X
4-Aminodiphenyl	1 kilogram	92-67-1	
Amiton	1 kilograms	78-53-5	
Anabasine	100 kilograms	494-52-0	
Arsenic pentoxide	500 kilograms		
Arsenic (V) acid and salts			
Arsenic trioxide, I(1)	100 kilograms		
Arsenious (III) acid and salts			
Arsine (Arsenic hydride)	10 kilograms	7784-42-1	

Substance (Column 1)	Quantity (for application of sections 95F to 95L) (Column 2)	(Column 3)	EEC Number (Column 4)
Azinphos-ethyl	100 kilograms	2642-71-9	051-056-(X)-1
Azinphos-methyl (H)	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) I sulphide	1 kilogram	505-60-2	
Bis (chloroethyl) I ether	kilogram	542-88-1	603-046-00-5
Carbofuran	100 kilograms	1563-66-2	006-026-00-9
Carborphenothion	100 kilograms	786-19-6	015-044-00-6
Chlorfenvinphos (H)	100 kilograms	470-90-6	015-071-00-3
4-(Chlorolormyl) morpholine	1 kilogram	15159-40-7	
Chloromethy methyl ether	1 kilogram	107-30-2	
Cobalt metal, oxides, carbonates, sulphides, as powders	1 tonne		
Crimidine	100 kilograms	535-89-7	613-004-00-8
Cyanthoate	100 kilograms	3734095-0	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
00-Diethyl S- ethylsulphinylmethyl phosphorothioate	100 kilograms	2588-05-08	
00-Diethyl S- ethylsulphonylmethyl phosphorothioate	100 kilograms	2588-06-9	
00-Diethyl S- ethyl	100 kilograms	2600-69-3	

Substance (Column 1)	Quantity (for application of sections 95F to 95L) (Column 2)	(Column 3)	EEC Number (Column 4)
phosphorothioate 00-Diethyl S- methyl phosphoro dithioate	100 kilograms	78-52-4	
00-Diethyl S- propylthiomethyl phosphorodithioate	100 kilograms	3309-68-0	
Dimefox	100 kilograms	115-26-4	015-061-00-9
Dimethylcarbamoyl chloride	1 kilogram	79-44-7	
Dimerhynitro- sami nc	1 kilogram	62-75-9	
Dimethyl phosphoramido- cyanidic 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
Fluometil	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	402-23-7	
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	1 kilogram		

Substance (Column 1)	Quantity (for application of sections 95F to 95L) (Column 2)	(Column 3)	EEC Number (Column 4)
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		
Glycolotnitrile (Hydroxyacetonitrile)	100 kilograms	107-16-4	
1, 2, 3, 7, R, 9-Hexa- chlorodibenzo-p- dioxin	100 kilograms	19408-74-3	
Hexamethylphos- phoramide	1 kilogram	680-31-9	
Hydrogen selenide	10 kilograms	7783-07-5	
Isobenzan	100 kilograms	297-78-9	602-503-00-0
Isodrin	100 kilograms	465-73-6	602-050-00-4
Juglone (5-Hydro- Xynanhuthalene- 1, 4-dione)	100 kilograms	481-39-0	
4, 4-Mehylenebis (2-chloroaniline)	10 kilograms	101-14-4	
Methyl isocyanate	150 kilograms	624-83-9	61-5-001-00-7
Mevinphos	100 kilograms	7786-34-7	015-020-00-5
2-Naphthylamine	1 kilogram	91-59-8	612-022-00-3
Nickel metal, oxides, carbonates, sulphides, as powders	1 tonne		
Nickel	10 kilograms	13463-39-3	028-001-00-1

Substance (Column 1)	Quantity (for application of sections 95F to 95L) (Column 2)	(Column 3)	EEC Number (Column 4)
tetracarbonyl Oxydisulfoton	100 kilograms	2497-07-6	015-096-00-X
Oxygen difluoride	10 kilograms	7783-41-7	
Paraoxon (Diethyl 4-nitrophenyl 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
Phosgene (Carbonyl chloride)	750 kilograms	75-44-5	006-002-00-8
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-dioldiacetate	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-Tetra- Chlorodibenzo- p-dioxin (TCDD)	1 kilogram	1746-01-6	

Substance (Column 1)	Quantity (for application of sections 95F to 95L) (Column 2)	(Column 3)	EEC Number (Column 4)
Tetramethylene- disulphotetramine	1 kilogram	80-12-6	
Thionazin	100 kilograms	297-97-2	
Tirpate (2, 4- Dimethyl-1, 3- Dithiolane-2- Carboxaldehyde 0- Methylcarbamoylo- Xime)	100 kilograms	26419-73-8	
Trichloromethan- esulphenyl chloride	100 kilograms	594-42-3	
1, 2, 4-triazole Triethylenemela- mine	10 kilograms	51-18-3	
Warfarin	100 kilograms	81-81-2	607-056-00-0
Group 2 - Toxic substances (quantity > 1 tonne)			
Acetone cyanohydrin (2-Cyanopropan- 2-ol)	200 tonnes	75-86-5	608-004-00-X
Acrolcin (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	25 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	50 tonnes	50-00-0	605-001-01-2

Substance (Column 1)	Quantity (for application of sections 95F to 95L) (Column 2)	(Column 3)	EEC Number (Column 4)
< 90%)			
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	
Propyleneimine	50 tonnes	75-55-8	
Sulphur dioxide	250 tonnes	7446-09-5	016-011-00-9
Sulphur trioxide	75 tonnes	7446-11-9	
Tetraethyl lead	50 tonnes	78-00-2	
Tetramethyl lead	50 tonnes	75-74-1	
Group 3 - Highly Reactive substances			
Acetylene (Ethyne)	50 tonnes	74-86-2	601-015-00-0
Ammonium Nitrate (a)	2,500 tonnes	6484-52-2	
Ammonium Nitrate in the Form of fertilizers (b)	5,000 tonnes		
2, 2-Bis (tert- Butylperoxy) butane (concentration > 70%)	50 tonnes	2167-23-9	
1, 1-Bis (tert- Butyl-peroxy) cyclohexane (concentration > 80%)	50 tonnes	3006-86-8	
Tert-Butyl peroxyacetate (concentration > 70%)	50 tonnes	107-71-1	
Tert-Butyl peroxyacetate (concentration			

Substance (Column 1)	Quantity (for application of sections 95F to 95L) (Column 2)	(Column 3)	EEC Number (Column 4)
> 80%) Tert-Butyl peroxyisobutyrate (concentration > 80%)	50 tonnes	109-13-7	
Tert-Butyl Peroxy isopropyl carbonate (concentration > 80%)	50 tonnes	2372-21-6	
Tert-Butyl peroxymaleate (concentration > 80%)	50 tonnes	1931-62-0	
Tert-Butyl peroxypivalate (concentration > 77%)	50 tonnes	927-07-1	
Dibenzyl peroxy- dicarbonate (concentration > 90%)	50 tonnes	2144-45-8	
Di-sec-butyl peroxydicarbonate (concentration > 30%)	50 tonnes	19910-65-7	
Diethyl peroxy- dicarbonate (concentration > 30%)	50 tonnes	14666-78-5	
2, 2-Dihydroper- oxypropane (concentration > 50%)	50 tonnes	2614-76-8	
Di-isobutyryl peroxide (concentration > 50%)	50 tonnes	3437-84-1	
Di-n-propyl pero-	50 tonnes	16066-38-9	

Substance (Column 1)	Quantity (for application of sections 95F to 95L) (Column 2)	(Column 3)	EEC Number (Column 4)
xycarbonate (concentration > 80%)			
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-tetroxa- cyclononane (concentration > 75%)	50 tonnes	22397-33-7	
Hydrogen	50 tonnes	1333-74-0	001-001-00-9
Liquid oxygen	2,000 tonnes	7782-44-7	008-001-00-8
Methyl ethyl ketone peroxide (concentration > 60%)	50 tonnes	1338-23-4	
Methyl isobutyl Ketone peroxide (concentration > 60%)	50 tonnes	37206-20-5	
Peracetic acid (concentration > 60%)	50 tonnes	79-21-0	607-094-00-8
Propylene oxide	50 tonnes	75-56-9	603-055-00-4
Sodium chlorate	250 tonnes	7775-09-9	017-005-00-9
Group 4 - Explosives substances			
Barium azide	50 tonnes	18810-58-7	
Bis (2, 4, 6- Trinitrophenyl)- amine	50 tonnes	131-73-7	612-018-00-1
Chlorotrinitro- benzene	50 tonnes	28260-61-9	610-004-00-X
Cellulose nitrate (containing > 12.6% Nitrogen)	100 tonnes	9004-70-0	603-037-00-6
Cyclotrimethylene- Lene-tetranitramine	50 tonnes	2691-41-0	

Substance (Column 1)	Quantity (for application of sections 95F to 95L) (Column 2)	(Column 3)	EEC Number (Column 4)
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- Hexanitrostilbene	50 tonnes	20062-22-0	
Hydrazine nitrate	50 tonnes	13464-97-6	
Lead azide	50 tonnes	13424-46-9	082-003-00-7
Lead styphnate (Lead 2, 4, 6- trinitroresorcin- oxide)	50 tonnes	15245-44-0	609-019-00-4
Mercury fulminate	10 tonnes	{ 20820-45-5 { 628-86-4	080-005-00-2
N-Methyl-N, 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	

Substance (Column 1)	Quantity (for application of sections 95F to 95L) (Column 2)	(Column 3)	EEC Number (Column 4)
Trinitroaniline	50 tonnes	26952-42-1	
2, 4, 6-Trinitroani- sole	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-Trinitro- phenetole	50 tonnes	4732-14-3	
2, 4, 6-Trinitro- toluene	50 tonnes	118-96-7	609-008-00-4
Group 5 Flammable substances			
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		

- (a) This applies to ammonium nitrate and mixtures of ammonium nitrate where the nitrogen content derived from the ammonium nitrate is > 28% by weight and aqueous solutions of ammonium nitrate where [lie concetration of ammonium nitrate is > 90% by weight.

- (b) This applies to straight ammonium nitrate fertilizers which comply with Council Directive 90/870/EEC "on the approximation of the laws of the Member States relating to straight ammonium nitrate fertilizers of high nitrogen content" and to compound fertilizers I where the nitrogen content derived from the ammonium nitrate is > 28% by weight (a compound fertilizer contains ammonium nitrate together with phosphate and/or potash.)

Note (This 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 20 Kensington Palace Gardens, London W8 4QQ.

SCHEDULE 7

Section 95A

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

INDUSTRIAL INSTALLATIONS WITHIN THE MEANING OF SECTION 95A

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 purpose, 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. Installation,, 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 8

Section 95D (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 SECTION 95D (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
- 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 major accidents (to be submitted as the information becomes available).

SCHEDULE 9

Section 95F(1)

INFORMATION TO BE INCLUDED IN A REPORT UNDER SECTION 95F (1)

1. The report required under S. 95F(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 5 column 3 or Schedule 6 namely-
 - (a) the name of the dangerous substance as given in Schedule 5 or 6 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 10

Section 95F(3)

**PRELIMINARY INFORMATION TO BE SENT TO THE
GOVERNMENT UNDER SECTION 95F (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

3. The area of the site, and of any adjacent site which is required to be taken into account by virtue of Schedule 5 or 6.
4. A statement to the effect that the industrial activity had already commenced on or before 1st December, 1994.
5. A general description of the industrial activity carried on at the site or sites.
6. 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 11

Sections 95A and 95L(1)

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

ITEMS OF INFORMATION TO BE COMMUNICATED TO THE PUBLIC IN THE APPLICATION OF SECTION 95L

- (a) Name of manufacture and address of site
- (b) Identification by position held, of person giving the information.
- (c) Confirmation that the site is subject to these Regulations and that the report referred to in S. 95F (1) or at least the information required by S. 95F (3) has been submitted to the Government.
- (d) An explanation in simple terms of the activity undertaken on the site.
- (e) The common names or in the case of storage covered by Part II of Schedule 5 the generic names or the general danger classification, of the substances and preparations involved on site which could give rise to a major accident with an indication of their principal dangerous characteristics.

- (f) General information relating to the nature of the major accident hazards, including their potential effects on the population and the environment,
- (g) adequate information on how the population concerned will be warned and kept informed in the event of an accident.
- (h) Adequate information on the actions the population concerned should take and on the behaviour they should adopt in the event of an accident.
- (i) Confirmation that the manufacturer is required to make adequate arrangements on site, including liaison with the emergency services, to deal with accidents and to minimise their effects,
- (j) A reference to the off-site emergency plan drawn up to cope with any off-site effects from an accident. This shall include advice to co-operate with any instructions or requests from the emergency services at the time of an accident.
- (k) Details of where further relevant information can be obtained, subject to the requirements of confidentiality laid down in national legislation

Dated this 27th day of October, 1994.

J. PILCHER,

Minister for the Environment and Tourism.