

Emergency procedures

25—(1) The operator shall ensure that no fluid is conveyed in a major accident hazard pipeline unless—

- (a) such appropriate organisation and arrangements as shall have effect, and
- (b) the procedures which shall be followed in different circumstances,

in the event of an emergency relating to the pipeline have been established and recorded.

(2) The operator shall revise or replace the record of the organisation, arrangements and procedures referred to in paragraph (1) as often as may be appropriate.

(3) The operator shall ensure that the organisation, arrangements and procedures referred to in paragraph (1) are tested, by practice or otherwise, as often as may be appropriate.

Emergency plans in case of major accidents

26—(4) A local authority which has been notified by the Executive that there is, or is to be, a major accident hazard pipeline in its area shall, before the pipeline is first used or within 9 months of such notification, whichever is later, and subject to paragraph (4), prepare an adequate plan detailing how an emergency relating to a possible major accident in its area will be dealt with.

(5) In preparing the plan pursuant to paragraph (1), a local authority shall consult the operator of the pipeline, the Executive and any other persons as appear to the authority to be appropriate.

(6) The operator of a major accident hazard pipeline shall supply to every local authority through whose area the pipeline will pass such information as it may reasonably require in preparing the plan referred to in paragraph (1).

(7) It shall be deemed to be sufficient compliance with the requirement in paragraph (1) as to the time by which a plan is to be prepared, where such time is exceeded by reason of waiting for information referred to in paragraph (3) which has been promptly required.

(8) Where a pipeline passes or is to pass through the areas of two or more local authorities, their duties under this regulation may be discharged in relation to a single plan.

Review and testing of emergency plans

27—(1) A local authority which has prepared an emergency plan pursuant to regulation 26 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 in relation to the pipeline to which the plan relates and within the emergency services concerned, new technical knowledge and knowledge concerning the response to major accidents.

(2) The local authority shall endeavour to reach agreement with the operator of the pipeline and the emergency services as to how the plan is to be tested.

Implementing emergency plans

28. A local authority which has prepared an emergency plan pursuant to regulation 26 shall take reasonable steps to put it into effect without delay when—

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

Charge for preparation, review and testing of an emergency plan

29.—(1) A local authority may charge the operator a fee for performing its functions under regulations 26 and 27.

(2) The fee shall not exceed the sum of the costs reasonably incurred by the local authority in performing the functions referred to in paragraph (1) in relation to the pipeline concerned, including (but without prejudice to the generality of the foregoing provision of this paragraph) any costs reasonably incurred by the local authority in arranging for the emergency services to participate in the testing of the emergency plan.

(3) Where an emergency plan covers more than one pipeline, and the pipelines have different operators, the fee charged to each operator shall not exceed the proportion of such sum attributable to the part or parts of the plan relating to his pipeline.

[(4) In determining the fee, no account shall be taken of costs other than the costs of discharging functions in relation to those parts of the plan which relate to the protection of health or safety of persons [and which were costs incurred after the coming into force of these Regulations]].

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

(6) When requiring payment the local authority shall send or give to the operator of the pipeline a detailed statement of the work done and costs incurred, including the date of any visit to any place 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.