

*This Statutory Instrument has been made in consequence of a defect in [S.I. 2008/736](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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**2008 No. 1087**

### **HEALTH AND SAFETY**

#### **The Control of Major Accident Hazard (Amendment) Regulations 2008**

<i>Made</i>	- - - -	<i>16th April 2008</i>
<i>Laid before Parliament</i>		<i>17th April 2008</i>
<i>Coming into force</i>	- -	<i>18th April 2008</i>

The Secretary of State makes these Regulations —

- (a) in exercise of the powers conferred on him by sections 43(2), (4), (5) and (6) and 82(3)(a) of the Health and Safety at Work etc. Act 1974<sup>(1)</sup> (“the 1974 Act”); and
- (b) for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Executive under section 11(3)<sup>(2)</sup> of the 1974 Act.

#### **Citation and commencement**

1. These Regulations may be cited as The Control of Major Accident Hazard (Amendment) Regulations 2008 and shall come into force on 18th April 2008.

#### **Amendment to the Control of Major Accident Hazard Regulations 1999**

2. For sub-paragraphs (a) and (b) of paragraph (2A) of regulation 22 of the Control of Major Accident Hazard Regulations 1999<sup>(3)</sup>, substitute —

- “(a) that operator or owner in relation to the establishment to which the current safety report relates; or
- (b) a contractor in relation to any work carried out by him on or in connection with that establishment.”.

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(1) 1974 c.37; section 43(6) is amended by the Employment Protection Act 1975 (c. 71), section 116 and Schedule 15, paragraph 12 and [S.I. 2002/794](#) and [1998/960](#).  
(2) Section 11(3) is amended by [S.I. 2008/960](#);  
(3) [S.I. 1999/743](#); amended by [S.I. 2008/736](#), which inserted paragraph (2A).

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Signed by authority of the Secretary of State for Work and Pensions.

16th April 2008

*Stephen C. Timms,*  
Minister of State  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend paragraph (2A) of regulation 22 of the Control of Major Accident Hazard Regulations 1999 ([S.I. 1999/743](#)) (“COMAH”) which was inserted by the Health and Safety (Fees) Regulations 2008 ([S.I. 2008/736](#)). The amendments correct errors in sub-paragraphs (a) and (b) of that paragraph. The words “installation” and “safety case” should not have been referred to and “establishment” and “safety report” are now referred to instead. There is no retrospective effect to these regulations.

2. Paragraph (2A) of regulation 22 of COMAH enables the Health and Safety Executive to recover fees for the enforcement of general health and safety functions at certain COMAH establishments that are required to have a safety report.

3. No Impact Assessment has been prepared for this instrument which is for making corrections to reflect what was intended [S.I. 2008/736](#) should provide for.