

ADVISORY COMMITTEE ON DANGEROUS SUBSTANCES

FLAMMABLE SUBSTANCES SUBCOMMITTEE

PETROLEUM WORKING GROUP

MODERNISNIG PETROLEUM LEGISLATION

PHASE 2 PROJECT PLAN

Introduction

1 Attached at Annex 1 is the draft Project Plan for Phase 2 of the Modernising Petroleum Legislation project.

Background

2 The draft Project Plan has been developed mainly for internal HSE purposes. However, the schedule and milestones contained within the Plan give an early indication of the likely timings of the numerous stages we will have go through before our proposals are implemented.

Action

3 Petroleum Working Group members are invited to note the contents of the draft Project Plan and comment as necessary.

Stewart McEwen
PWG Chair
July 2003

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PROJECT PLAN – MODERNISING PETROLEUM LEGISLATION - PHASE 2

Project Title	Modernising Petroleum Legislation – Phase 2
Date prepared	14 July 2003
Date last updated	30 July 2003
Aim	<p>To develop and introduce a new regulatory regime for control of fire and explosion risks at petrol filling stations.</p> <p>Background</p> <p>The primary legislation controlling the storage and use of petrol is the Petroleum (Consolidation) Act 1928 (PCA). This requires anyone who keeps petrol to obtain a licence from the local Petroleum Licensing Authority (PLA). The licence may be, and usually is, issued subject to a number of licence conditions. The PLA set the licence conditions, but they must be related to the safe keeping of petrol. The Local Authorities Co-ordinators of Regulatory Services (LACORS) has issued a set of standard licence conditions which most, if not all, PLAs apply to their sites. A licence is time-limited, usually being renewed every one to three years and can be transferred, in accordance with the Petroleum (Transfer of Licences) Act 1936.</p> <p>This project <u>will not</u> include domestic petroleum storage. The future regulatory regime for domestic petroleum storage will be the subject of Phase 3 of the Modernising Petroleum Legislation programme.</p>
Outcome	<p>A new regulatory regime for petrol filling stations (PFSs) which will, or is likely to, include:</p> <ul style="list-style-type: none">▪ revision or repeal of PCA requirements;▪ new or revised regulations, eg amendment to DSEAR;▪ new ACOP and guidance, eg HSG and HELA/LACORS PETELs.
Justification	<p>The Dangerous Substances and Explosive Atmospheres Regulations (DSEAR which implemented the Chemical Agents Directive (CAD) and the Directive on Explosive Atmospheres (ATEX), introduced new controls on all dangerous substances that present a fire and/or explosion hazard, including petroleum. Because DSEAR's requirements overlap with the PCA's, now is the time, therefore, to review PCA and licensing with a view to developing a modern, goal-setting regulatory regime fore PFSs.</p> <p>Now work on the implementation of CAD/ATEX is coming to an end, stakeholders are expecting this Phase 2 work to begin.</p>
Success criteria	<p>Consensus on the final regulatory regime, eg amended PCA, new or revised regulations, ACOP and guidance.</p>

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Schedule and milestones

Activity	Completed by	Achieved
PWG meeting	5 August 2003	
Develop proposals	1 September 2003	
PWG meeting	28 November 2003	
Instructions to Solicitors	31 December 2003	
Draft CD with proposals for consideration by FSSC and ACDS	31 March 2004	
Prepare HSC Paper covering draft CD	30 April 2004	
HSC meeting	31 May 2004	
CD published	30 June 2004	
Revised Instructions to Solicitors	15 October 2004	
Revised proposals to PWG	30 November 2004	
Revised proposals to FSSC and ACDS	31 December 2004	
Revised proposals to HSC	31 January 2005	
Ministerial submission	28 February 2005	
Regulations etc coming into force	1 April 2005	
Guidance etc published	1 April 2005	

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Team leader

Stewart McEwen - CFPD1

To ensure project work is taken forward in accordance with project plan, the project plan is kept up-to-date and senior management are kept informed of progress.

Team members

Peter Roberts - CFPD1
Martin Davies – T/Head CFPD1

To take forward work in accordance with project plan, in particular the schedule and milestones, and to inform other team members, the team leader and senior management of changes in circumstances or problems that might impact on the work of the project as a whole.

John Hazeldean - HIDCD5

To provide the technical input into the development of the proposals for the new regulatory regime.

Chris Hales – Solicitor

To:

- draft regulations in accordance with instructions;
- draft instructions to Parliamentary Council (if necessary);
- advise on appropriateness of ACOP and guidance material as necessary.

..... - EAU

..... - DIAS

Resources

All team members are content that they will have the necessary time available to undertake the work required. The total work over the length of the project for each person is estimated as follows:

Stewart McEwen	18 months
Peter Roberts	18 months
Martin Davies	3 months
John Hazeldean	9 months (provisional)
Chris Hales	2 months (provisional)
EAU	1 month
DIAS	1 month

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Key risks

3 key risks have been identified:

- unable to gain a consensus view of the format of the future regulatory regime;
- HSC not agreeing to the future regulatory regime;
- team members, in particular from CFPD1, absent or vacate post.

Work on the modernisation of petroleum legislation has been running for some time. In September 1997 a CD was published, its main aim being to abolish licensing, replacing it with a consent-based regime. Following the consultation period the negotiation of the CAD and ATEX Directives began which was likely to have a significant impact on flammables legislation. The decision was taken to put the petroleum review on hold until CAD/ATEX implementing regulations (DSEAR) had been developed. DSEAR took considerably longer to develop and implement than originally forecast. Work on the 3-Phase petroleum review started again in 2000, with Phase 1 being completed with the introduction of DSEAR.

Quality Assurance

Regular informal meetings will take place between members of the team to discuss progress and emerging issues.

The HoD and Policy Group co-Director will be kept up-to-date by correspondence and meetings where necessary.

Relevant Policy Group, technical experts and operational colleagues will be consulted on the project plan and developing proposals to ensure their contribution is obtained at the appropriate time and that proposals are consistent with the broader HSC/E policy and legislative framework, eg permissioning regime statement.

Interested Government departments will be contacted and meetings arranged where necessary to discuss the emerging proposals.

LA, trade and industry associations and trade unions will be an integral part of the developmental process. There will be regular meetings of the ACDS' Petroleum Working Group (PWG) and HELA's Petroleum Enforcement Liaison Group. ACDS and its Flammable Substances Sub-committee (FSSC) will be consulted regularly on emerging proposals.

Finally, the outputs will be checked against the quality checklist in the internal publication Project Management for Policy Projects.

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Approval

Senior managers: HoD and Co-Director Policy Group

- Project Plan and emerging proposals
- Final proposals for HSC and Ministers

ACDS and its Flammable Substances Sub-committee and Petroleum Working Group

- Emerging and final proposals for HSC

HSC:

- Initial approval:
 - [HSC/01/007 - Modernising Petrol Legislation \(HSE's Intranet only\)](#)
 - [HSC/01/M02 - Minutes \(HSE's Intranet only\)](#)
- CD containing regulatory proposals and other associated material, eg ACOP and guidance
- Revised proposals to Ministers following consultation.