



STATUTORY INSTRUMENTS.

S.I. No. 78 of 2014

LIQUEFIED PETROLEUM GAS SAFETY (LIQUEFIED PETROLEUM
GAS INCIDENT REPORTING AND INVESTIGATION) REGULATIONS
2014

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The Commission for Energy Regulation in exercise of the powers conferred on it by Section 9H of the Electricity Regulation Act 1999 (as inserted by Section 17(2)(e) of the Energy Miscellaneous Provisions Act 2012) hereby makes the following regulations:

Citation

1. These Regulations may be cited as the Liquefied Petroleum Gas Safety (Liquefied Petroleum Gas Incident Reporting and Investigation) Regulations 2014.

Commencement.

2. These Regulations shall come into operation on 31 March 2014.

Interpretation.

3. (1) In these Regulations:

“Act of 1999” means the Electricity Regulation Act 1999 (No. 23 of 1999) as amended;

“LPG equipment” means any equipment, cylinder, tank, pipes, apparatus, infrastructure, storage device or similar that is the property of a LPG undertaking or of any contractors or subcontractors of any tier of a LPG undertaking;

“LPG incident” means a class of event or occurrence prescribed by S.I. 77 of 2014 (Liquefied Petroleum Gas Safety (Liquefied Petroleum Gas Incident) Regulations 2014);

“LPG undertaking” means any person who imports LPG or purchases LPG directly from a refinery within the State and makes LPG available to individual domestic or commercial final customers by way of LPG cylinder, bulk tank or via a piped LPG distribution network;

“LPG undertaking concerned” means, in respect of a particular LPG incident, a LPG undertaking that made, or may have made, available to a domestic or commercial final customer the LPG involved in the particular LPG incident.

(2) In these Regulations:

(a) A word or expression that is used in these Regulations and is also used in the Act of 1999 has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Act of 1999,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th February, 2014.*

- (b) Where a word or expression is given a meaning in the Act of 1999 or in these Regulations then, except where the context otherwise requires, any cognate word or expression used in these Regulations shall be construed accordingly,
- (c) A reference to a Regulation is to a Regulation of these Regulations, unless it is indicated that reference to some other provision is intended, and
- (d) A reference to a paragraph is a reference to a paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

Mandatory Reporting

4. (1) Where a LPG incident occurs the LPG undertaking concerned or, if the LPG incident involves more than one LPG undertaking concerned, the LPG undertakings concerned shall notify the LPG incident to the Commission in writing as soon as practicable after the occurrence of the LPG incident and in accordance with any guidance the Commission has issued from time to time for the purposes of this Regulation 4.

(2) On receipt of a notification of a LPG incident the Commission shall consider the notification and where it considers that it is necessary, the Commission may request a further report giving additional details of the incident and the circumstances associated with it, and in that event the Commission shall notify the LPG undertaking concerned and request that such further report be furnished to it within such period of time specified in the request. The LPG undertaking concerned shall, within the period of time specified in the request, supply the Commission with a further report giving such additional details as were requested by the Commission.

(3) A LPG undertaking concerned shall, if the relevant LPG incident resulted in the death of a person or missing persons, supply the Commission by the quickest practicable means with the name of the deceased or missing person(s), together with brief particulars and the location of the LPG incident. A LPG undertaking concerned shall prioritise its obligations under this paragraph (3) over its other obligations in this Regulation 4.

(4) Any guidance issued by the Commission from time to time for the purpose of this Regulation 4 may set down requirements in relation to such matters as are considered appropriate by the Commission including, without limitation, requirements with respect to:

- (a) the medium(s) by which a LPG incident must be reported to the Commission,
- (b) the timeline within which a LPG incident must be reported to the Commission, and
- (c) the form of, and particulars and additional information to be included in, a report in respect of a LPG incident.

Voluntary Reporting

5. (1) A LPG undertaking may, on a voluntary basis, at any time submit a written report to the Commission in relation to any incident or series of incidents involving LPG (and which is not a LPG incident in respect of which it is a LPG undertaking concerned) where, in the opinion of the LPG undertaking, it is desirable that such a report be submitted to the Commission.

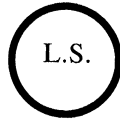
Investigation by Gas Safety Officer of a LPG incident

6. (1) The Commission may appoint a person to be a gas safety officer in accordance with section 9J(1) of the Act of 1999 to investigate a LPG incident whether or not the LPG incident was reported to the CER.

(2) Where the Commission appoints a gas safety officer to conduct an investigation into a LPG incident, the LPG undertaking concerned shall co-operate fully with the gas safety officer and make available to the gas safety officer all relevant records, materials, items and evidence in its possession or under its control as may be requested.

Preservation of Evidence

7. A person shall not alter, suppress or destroy any documents, records or materials (including documents stored in non-legible form), items or evidence that the person has been required to produce or may reasonably be expected to be required to produce by a gas safety officer in connection with the investigation of a LPG incident.



SEALED with the common seal of the Commission for
Energy Regulation
3 February 2014.

DERMOT NOLAN,
Chairperson, Commission for Energy Regulation.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Regulation provides for the reporting of LPG incidents by LPG undertakings that made, or may have made, available to a domestic or commercial final customer the LPG involved in the LPG incident concerned. It also provides for the investigation of LPG incidents by a gas safety officer appointed by the Commission.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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