

Factsheet

Liquefied Petroleum Gas Safety (Liquefied Petroleum Gas Incident) Regulations 2014, & Liquefied Petroleum Gas Safety (LPG Incident Reporting and Investigation) Regulations 2014

1. What is the law from 31st March 2014?

Under the *Electricity Regulation Act 1999* (“the 1999 Act”), as amended by the *Energy (Miscellaneous Provisions) Act 2012* (“the 2012 Act”) the CER has been given increased safety regulatory powers over the Liquefied Petroleum Gas (LPG) industry. As part of these new responsibilities, certain classes of LPG incident must be reported to the CER by LPG undertakings. CER has set out in law the three categories of incident that must be reported and the reporting requirements.

Investigation of such incidents by the CER can help prevent recurrence in the future and assist in promoting safety for the general public.

2. What are the new Regulations called?

The titles of the regulations are as follows:

- Liquefied Petroleum Gas Safety (Liquefied Petroleum Gas Incident) Regulations 2014 (Statutory Instrument(SI) No: 77); and,
- Liquefied Petroleum Gas Safety (Liquefied Petroleum Gas Incident Reporting and Investigation) Regulations 2014 (SI No: 78).

These are available to view on www.irishstatutebook.ie.

3. What incidents must be reported?

Both the 2012 Act, and SI No: 77 define the following as incidents that must be reported to the CER as:

“Each of the following is a class of event or occurrence which is a LPG incident

- (a) the death of any person [TYPE A]
 - (b) injury to any person which requires medical attention to be given to such person in hospital other than as an outpatient [TYPE B], or
 - (c) loss or damage to any building, land or other property where in the opinion of the LPG undertaking concerned the aggregate value of such loss or damage is in excess of €6,500 [TYPE C],
- resulting from the use, misuse, abuse, leakage, combustion or explosion of LPG.”

If you are in doubt regarding whether an incident should be reported then the CER would encourage you to make the report.

4. Who do the regulations apply to?

These regulations apply to all LPG undertakings that are regulated by the CER. The 1999 Act¹ defines such LPG undertakings as follows:

‘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;”,

Therefore, you or your business is considered to be a LPG undertaking if you engage in either of the following activities:

- (i) Import LPG and make LPG available to individual domestic or commercial final customers by way of LPG cylinder, bulk tank or via a piped LPG distribution network; **or**

¹ Section 2 of the *Electricity Regulation Act 1999*, as amended by the *Energy (Miscellaneous Provisions) Act 2012*

- (ii) Purchase LPG directly from a refinery within the State and make LPG available to individual domestic or commercial final customers by way of LPG cylinder, bulk tank or via a piped LPG distribution network.

If you fall under either of these categories, you are a LPG undertaking regulated with respect to safety by the CER, and as such, you must report any incidents that you become aware of to the CER.

If you are aware of an incident and you are in doubt as to whether these Regulations apply to you, then the CER would encourage you to report the incident.

5. How do I report an Incident?

Incidents can be reported to the CER through the following:

By Email/post:

An Incident Reporting form for Natural Gas and LPG incidents is available on the Energy Safety section of our website www.cer.ie . The form can be downloaded for submission by email (LPGincident@cer.ie) or posted to the CER. Contact details are on the form.

By Phone:

The CER's Gas Safety Regulatory Team can be contacted at 01-4000800.

6. What happens when I report a LPG Incident?

The Gas Safety Regulatory Team will contact you for further information about the incident if necessary. Depending on the nature of the incident, the CER may carry out an investigation in to the cause and circumstances of the incident. Further information may be requested as part of this process. If appropriate, other agencies may be involved in this investigation, such as the Health and Safety Authority (HSA). The CER uses any knowledge gained from the outcome of the investigations to help further develop safety policy and to inform promotion and public awareness activities for safe use of natural gas and LPG.

7. What are the penalties for not reporting an incident?

The penalties for not reporting an incident are set out in Section 9H of the Electricity Regulation Act 1999. A person guilty of an offence under this section is liable to:

- (a) on summary conviction to a fine not exceeding €5,000 or a term of imprisonment not exceeding 6 months or both, or
- (b) on conviction on indictment to a fine not exceeding €15,000 or a term of imprisonment not exceeding 3 years or both.

It is also worth noting that, by law, a person cannot not alter, suppress or destroy any documents, records or materials (including documents stored in non-legible form), items or evidence that the person may reasonably be expected to be required to produce in connection with the investigation of a LPG incident.