
STATUTORY INSTRUMENTS

1996 No. 913

HEALTH AND SAFETY

**The Offshore Installations and Wells (Design
and Construction, etc.) Regulations 1996**

<i>Made</i>	- - - -	<i>25th March 1996</i>
<i>Laid before Parliament</i>		<i>28th March 1996</i>
<i>Coming into force</i>	- -	<i>30th June 1996</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (3)(a), (5)(b) and (6)(b) and 82(3)(a) of, and paragraphs 1(1) and (2), 6, 9, 10, 11, 14, 15(1), 16 and 18(a) of Schedule 3 to, the Health and Safety at Work etc. Act 1974^{M1} ("the 1974 Act") and of all other powers enabling him in that behalf, and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Marginal Citations

M1 [1974 c.37](#). Sections 15 and 50 were amended by the [Employment Protection Act 1975 \(c.71\)](#) Schedule 15, paragraphs 6 and 16 respectively; the general purposes of Part I referred to in section 15(1) were extended by section 1(1) of the [Offshore Safety Act 1992 \(1992 c.15\)](#); and section 15 was extended by section 1(2) of the 1992 Act.

PART I

INTERPRETATION AND GENERAL

Citation and commencement

1. These Regulations may be cited as the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996 and shall come into force on 30th June 1996.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the [^{F1}2005] Regulations” means the Offshore Installations (Safety Case) Regulations [^{F1}2005];

^{F2}
...

^{M2}“the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 ;

[^{F3}“the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013;

“the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;]

^{F4}
...

“duty holder” in relation to an installation, means the person who is the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation;

“environmental conditions” means—

- (a) meteorological and oceanological conditions; and
- (b) properties and configuration of the sea-bed and subsoil;

“the Executive” means the Health and Safety Executive;

[^{F5}“external waters” means the territorial sea adjacent to Great Britain and any area designated by order under section 1(7) of the Continental Shelf Act 1964;]

“fixed installation” means an installation other than a mobile installation;

“installation” means an offshore installation within the meaning of regulation 3, except subparagraphs (a) and (b), and paragraph (ii) of subparagraph (c) of paragraph (3), of the 1995 Regulations;

“integrity” means structural soundness and strength, stability and, in the case of a floating installation, buoyancy in so far as they are relevant to the health and safety of persons;

[^{F6}“licensee”—

- (a) in relation to a well in Great Britain and any activity in relation to that well, means any person to whom a licence to search and bore for and get petroleum is granted pursuant to section 2 of the Petroleum (Production) Act 1934 or section 3 of the Petroleum Act 1998; and
- (b) in relation to a well in external waters and any activity in relation to that well, means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;]

“management system” means the organisation and arrangements established by a person for managing his undertaking;

“mobile installation” means an installation ^{F7}... which can be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

“safety case” means a document described in regulation 2(2) of the [^{F8}2005] Regulations [^{F9}or regulation 2(2) of the 2015 Regulations] which is required to be prepared pursuant to a provision of those Regulations;

“traffic route” means a route for pedestrians, vehicles or both and includes any stairs, staircase, fixed ladder, doorway, gateway, loading bay or ramp;

“well” means—

- (a) a well made by drilling; and

(b) a borehole drilled with a view to the extraction of minerals through it or another well, and shall be deemed to include any device on it for containing the pressure in it;

“well intervention operation” means an operation in which a well is re-entered for a purpose other than to continue drilling or to maintain or repair it;

^{F10}“well operator” —

(a) in relation to a well in Great Britain, means the person appointed by the licensee for the well to execute the function of organising and supervising all operations to be carried out by means of such well or, where no such person has been appointed, the licensee; and

(b) in relation to a well in external waters, has the meaning given in regulation 2 of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;

“workover operation” means an operation in which a well is re-entered for the purpose of maintaining or repairing it; and

“workplace” means any workroom or other place on an installation used mainly for the performance of work, and does not include a traffic route.

(2) Any reference in these Regulations to operating an installation is a reference to using it for any of the purposes described in regulation 3(1) of the 1995 Regulations.

(3) Where a duty holder in relation to an installation, or a well-operator, is succeeded by a new duty holder or well-operator, anything done in compliance with these Regulations by the former duty holder or operator in relation to the installation or the well shall, for the purpose of these Regulations, be treated as having been done by his successor.

(4) Unless the context otherwise requires —

(a) any reference in these Regulations (apart from Schedule 2) to —

(i) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and

(ii) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears; ^{F11} ...

^{F12}(b)

Textual Amendments

- F1** Word in reg. 2(1) substituted (6.4.2006) by [The Offshore Installations \(Safety Case\) Regulations 2005 \(S.I. 2005/3117\)](#), reg. 1, **Sch. 9 para. 5(a)(i)(aa)** (with reg. 27)
- F2** Words in reg. 2(1) omitted (19.7.2015) by virtue of [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 25(2)(a)**, **Sch. 13 Pt. 2** (with reg. 4(2), Sch. 14)
- F3** Words in reg. 2(1) inserted (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 25(2)(b)** (with reg. 4(2), Sch. 14)
- F4** Words in reg. 2(1) omitted (6.4.2006) by virtue of [The Offshore Installations \(Safety Case\) Regulations 2005 \(S.I. 2005/3117\)](#), reg. 1, **Sch. 9 para. 5(a)(i)(bb)** (with reg. 27)
- F5** Words in reg. 2(1) inserted (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 25(2)(c)** (with reg. 4(2), Sch. 14)
- F6** Words in reg. 2(1) substituted (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 25(2)(d)** (with reg. 4(2), Sch. 14)

- F7** Words in reg. 2(1) omitted (6.4.2006) by virtue of The Offshore Installations (Safety Case) Regulations 2005 (S.I. 2005/3117), reg. 1, **Sch. 9 para. 5(a)(i)(dd)** (with reg. 27)
- F8** Word in reg. 2(1) substituted (6.4.2006) by The Offshore Installations (Safety Case) Regulations 2005 (S.I. 2005/3117), reg. 1, **Sch. 9 para. 5(a)(i)(ee)** (with reg. 27)
- F9** Words in reg. 2(1) inserted (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), reg. 1, **Sch. 13 para. 25(2)(e)** (with reg. 4(2), Sch. 14)
- F10** Words in reg. 2(1) substituted (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), reg. 1, **Sch. 13 para. 25(2)(f)** (with reg. 4(2), Sch. 14)
- F11** Word in reg. 2(4) omitted (19.7.2015) by virtue of The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), reg. 1, **Sch. 13 para. 25(3)(a), Sch. 13 Pt. 2** (with reg. 4(2), Sch. 14)
- F12** Reg. 2(4)(b) omitted (19.7.2015) by virtue of The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), reg. 1, **Sch. 13 para. 25(3)(b), Sch. 13 Pt. 2** (with reg. 4(2), Sch. 14)

Modifications etc. (not altering text)

- C1** Reg. 2(1) modified (17.9.2002) by The Offshore Safety (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/2175), regs. 1(1), **3(a)(iii)**

Marginal Citations

- M2** S.I. 1995/738.

Application

- 3.—(1) Subject to paragraphs (2) and (3), these Regulations shall apply—
- (a) in Great Britain; and
 - (b) [^{F13}except for regulation 18,] to and in relation to installations, wells and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of [^{F14}articles 4(1) and (2) and 5 of the 2013 Order].
- (2) These Regulations shall apply to a well in Great Britain, and activities in relation to it, only if—
- (a) it is drilled from an installation; or
 - (b) it is drilled with a view to the extraction of petroleum.
- (3) In paragraph (2) “petroleum” means any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation.

Textual Amendments

- F13** Words in reg. 3(1)(b) inserted (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), reg. 1, **Sch. 13 para. 26(a)** (with reg. 4(2), Sch. 14)
- F14** Words in reg. 3(1)(b) substituted (19.7.2015) by The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (S.I. 2015/398), reg. 1, **Sch. 13 para. 26(b)** (with reg. 4(2), Sch. 14)

PART II

INTEGRITY OF INSTALLATIONS

General duty

4.—(1) The duty holder shall ensure that an installation at all times possesses such integrity as is reasonably practicable.

(2) The provisions contained in regulations 5 to 10 are without prejudice to the generality of the provision contained in this regulation.

Design of an installation

5.—(1) The duty holder shall ensure that the designs to which an installation is to be or in the event is constructed are such that, so far as is reasonably practicable—

- (a) it can withstand such forces acting on it as are reasonably foreseeable;
- (b) its layout and configuration, including those of its plant, will not prejudice its integrity;
- (c) fabrication, transportation, construction, commissioning, operation, modification, maintenance and repair of the installation may proceed without prejudicing its integrity;
- (d) it may be decommissioned and dismantled safely; and
- (e) in the event of reasonably foreseeable damage to the installation it will retain sufficient integrity to enable action to be taken to safeguard the health and safety of persons on or near it.

(2) The duty holder shall ensure that an installation is composed of materials which are—

- (a) suitable, having regard to the requirement in regulation 4; and
- (b) so far as is reasonably practicable, sufficiently proof against or protected from anything liable to prejudice its integrity.

Work to an installation

6. The duty holder shall ensure that work of fabrication, construction, commissioning, modification, maintenance and repair of an installation, and activity in preparation for the positioning of an installation, are carried out in such a way that, so far as is reasonably practicable, its integrity is secured.

Operation of an installation

7.—(1) The duty holder shall ensure that the installation is not operated in such a way as may prejudice its integrity.

(2) The duty holder shall ensure that the installation is not operated unless—

- (a) appropriate limits within which it is to be operated; and
- (b) the environmental conditions in which it may safely operate,

have been recorded.

(3) The duty holder shall ensure that a record of the matters described in paragraph (2) is kept on the installation, readily available to any person involved in its operation.

(4) The duty holder shall ensure that the matters described in paragraph (2) are reviewed as often as may be appropriate.

Maintenance of integrity

8.—(1) The duty holder shall ensure that suitable arrangements are in place for maintaining the integrity of the installation, including suitable arrangements for—

- (a) periodic assessment of its integrity; and
 - (b) the carrying out of remedial work in the event of damage or deterioration which may prejudice its integrity.
- (2) Paragraph (1) shall not apply—
- (a) to a fixed installation while its structure is not yet established at the location at which it is to be operated; or
 - (b) to a mobile installation under construction which is not yet able to be moved.

Reporting of danger to an installation

9.—(1) The duty holder shall ensure that, ^{F15}... after the appearance of evidence of a significant threat to the integrity of an installation, a report is made to the Executive in writing identifying such threat and specifying any action taken or to be taken to avert it.

(2) Paragraph (1) shall not apply to anything of which [^{F16}the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013] require a report to be made.

[^{F17}(3) The report must be made—

- (a) where the installation is in external waters, within 10 working days after the appearance of evidence of the significant threat; and
- (b) in any other case, within 10 days after the appearance of that evidence.

(4) In paragraph (3) “working days” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of Great Britain.]

Textual Amendments

- F15** Words in reg. 9(1) omitted (19.7.2015) by virtue of [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 27(a)** (with reg. 4(2), Sch. 14)
- F16** Words in reg. 9(2) substituted (1.10.2013) by [The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 \(S.I. 2013/1471\)](#), reg. 1(2)(3), 18(2), **Sch. 4 Table 2** (with reg. 19)
- F17** Reg. 9(3)(4) inserted (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 27(b)** (with reg. 4(2), Sch. 14)

Decommissioning and dismantlement

10. The duty holder shall ensure that an installation is decommissioned and dismantled in such a way that, so far as is reasonably practicable, it will possess sufficient integrity to enable such decommissioning and dismantlement to be carried out safely.

PART III

FURTHER REQUIREMENTS RELATING TO INSTALLATIONS

Helicopter landing area

11. The duty holder shall ensure that every helicopter landing area forming part of an installation—

- (a) is large enough, and has sufficient clear approach and departure paths, to enable any helicopter intended to use the landing area safely to land thereon and to take off therefrom in any wind and weather conditions permitting helicopter operations; and
- (b) is otherwise of a design and construction adequate for its purpose.

Additional requirements

12.—(1) ^{F18}... the duty holder shall ensure that the additional requirements set out in Schedule 1 are complied with in relation to an installation, while it is in use, unless in the case of any such requirement it would not prejudice the health, safety or welfare of any person if it were not complied with.

(2) While there are persons on a fixed installation which is—

- (a) being completed at the place where it is to be operated; or
- (b) being decommissioned or dismantled,

the duty holder shall ensure that such of the requirements contained in Schedule 1 are complied with, and to such extent, as is reasonably practicable in the circumstances.

^{F19}(3)

(4) The requirements contained in this regulation shall apply without prejudice to the requirements of the other relevant statutory provisions relating to the installation.

Textual Amendments

F18 Words in reg. 12(1) omitted (19.7.2015) by virtue of [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 28(a)** (with reg. 4(2), Sch. 14)

F19 Reg. 12(3) omitted (19.7.2015) by virtue of [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 28(b)**, **Sch. 13 Pt. 2** (with reg. 4(2), Sch. 14)

PART IV

WELLS

General duty

13.—(1) The well-operator shall ensure that a well is so designed, modified, commissioned, constructed, equipped, operated, maintained, suspended and abandoned that—

- (a) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and

(b) risks to the health and safety of persons from it or anything in it, or in strata to which it is connected, are as low as is reasonably practicable.

(2) The provisions of regulations 14 to 19 and 21 [F20] and regulations 11 and 12 of the 2015 Regulations (examination of wells in external waters)] are without prejudice to the generality of the requirements of paragraph (1) save that, where regulation 17(2) places a duty on the duty holder for an installation, the well-operator is not under the same duty.

Textual Amendments

F20 Words in [reg. 13\(2\)](#) inserted (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), [reg. 1](#), [Sch. 13 para. 29](#) (with [reg. 4\(2\)](#), [Sch. 14](#))

Assessment of conditions below ground

14.—(1) Before the design of a well is commenced the well-operator shall cause—

- (a) the geological strata and formations, and fluids within them, through which it may pass; and
- (b) any hazards which such strata and formations may contain,

to be assessed.

(2) The well-operator shall ensure that account is taken of the assessment required by paragraph (1) when the well is being designed and constructed.

(3) The well-operator shall ensure that, while an operation (including the drilling of the well) is carried out in relation to the well, those matters described in sub-paragraphs (a) and (b) of paragraph (1) shall, so far as is reasonably practicable, be kept under review and that, if any change is observed in those matters, such modification is made, where appropriate, to—

- (a) the design and construction of the well; or
- (b) any procedures,

as are necessary to ensure that the purposes described in regulation 13(1) will continue to be fulfilled.

Design with a view to suspension and abandonment

15. The well-operator shall ensure that a well is so designed and constructed that, so far as is reasonably practicable—

- (a) it can be suspended or abandoned in a safe manner; and
- (b) after its suspension or abandonment there can be no unplanned escape of fluids from it or from the reservoir to which it led.

Materials

16. The well-operator shall ensure that every part of a well is composed of material which is suitable for achieving the purposes described in regulation 13(1).

Well control

17.—(1) Before an operation in relation to a well (including the drilling of a well) is begun elsewhere than at a borehole site to which the Borehole Sites and Operations Regulations 1995 ^{M3} apply, the well-operator shall ensure that suitable well control equipment is provided for use during such operations to protect against blowouts.

(2) In the case of an operation to which paragraph (1) applies which is begun—

- (a) from an installation, the duty holder; and
- (b) otherwise than from an installation, the well-operator,

shall ensure that equipment provided pursuant to paragraph (1) is deployed when the prevailing well and operational conditions so require.

Marginal Citations

M3 S.I. 1995/2038.

Arrangements for examination

18.—(1) Before the design of a well is commenced or adopted the well-operator shall make and put into effect arrangements relating to the well of a kind described in paragraph (2) or (where such arrangements already have effect in relation to another well) apply such arrangements, with any appropriate modifications, to the well.

(2) The arrangements referred to in paragraph (1) are arrangements in writing for such examinations, by independent and competent persons, of any part of the well, or similar well, information, or work in progress, and the making of such reports and recommendations, as are suitable for ensuring (with the assistance of such other measures as the well-operator takes) that the well is so designed and constructed, and is maintained in such repair and condition, that—

- (a) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and
- (b) risks to the health and safety of persons from it or anything in it, or in strata to which it is connected, are as low as is reasonably practicable.

(3) The well-operator shall review and revise the arrangements as often as may be appropriate.

(4) The well-operator shall ensure that the arrangements, any revision of them, and reports and recommendations pursuant to them are kept at an address in Great Britain notified to the Executive, until the expiration of six months after the arrangements and any revision of them cease to be current.

^{F21}(5)

^{F22}(6)

(7) For the purpose of this regulation a person shall be regarded as independent only where—

- (a) his examination will not involve the consideration by him of an aspect, of a thing liable to be examined, for which he bears or has borne such responsibility as might compromise his objectivity; and
- (b) he will be sufficiently independent of a management system, or of a part thereof, which bears or has borne any responsibility for an aspect, which he might consider, of a thing liable to be examined, to ensure that he will be objective in discharging his function.

^{F23}(8)

Textual Amendments

F21 Reg. 18(5) omitted (19.7.2015) by virtue of [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, [Sch. 13 para. 30](#), [Sch. 13 Pt. 2](#) (with reg. 4(2), Sch. 14)

- F22** Reg. 18(6) omitted (19.7.2015) by virtue of [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, [Sch. 13 para. 30](#), [Sch. 13 Pt. 2](#) (with reg. 4(2), Sch. 14)
- F23** Reg. 18(8) omitted (19.7.2015) by virtue of [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, [Sch. 13 para. 30](#), [Sch. 13 Pt. 2](#) (with reg. 4(2), Sch. 14)

Provision of drilling etc. information

19.—(1) Where an operation to which this paragraph applies is being carried out on a well the well-operator shall cause to be sent to the Executive, at such intervals as may be agreed or, failing agreement, at intervals of one week calculated from its commencement, a report comprising the following information—

- (a) the identifying number, and any slot number, of the well;
 - (b) the name of any installation or vessel involved;
 - (c) a summary of the activity in the course of the operation since its commencement, or the previous report;
 - (d) the diameter and true vertical and measured depths of—
 - (i) any hole drilled; and
 - (ii) any casing installed;
 - (e) the drilling fluid density immediately before making the report; and
 - (f) in the case of an existing well, its current operational state.
- (2) Paragraph (1) applies to—
- (a) a drilling operation;
 - (b) a workover operation;
 - (c) an abandonment operation;
 - (d) an operation consisting in the completion of a well;
 - (e) any other operation of a kind involving substantial risk of the unplanned escape of fluids from a well.

Co-operation

20. Every person who is, or is to be concerned (in whatever capacity) in an operation in relation to a well (including the drilling of a well) shall co-operate with the well-operator so far as is necessary to enable him to discharge his duties under regulations 13(1) and 17.

Information, instruction, training and supervision

21. In the case of a drilling, well intervention or workover operation to be carried out on a well—

- (a) from an installation, the duty holder; and
- (b) otherwise than from an installation, the well-operator,

shall ensure that the operation is not carried out, unless it is carried on in circumstances where the persons carrying out the operation have received such information, instruction and training, and are being so supervised, that the risk to health and safety from such operation is reduced to the lowest level that is reasonably practicable.

PART V

MISCELLANEOUS

Defence

22.—(1) In any proceedings for an offence for a contravention of any of the provisions of regulations 5 and 6 it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove—

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called “the other person”); and
- (b) that he took all reasonable precautions, and exercised all due diligence, to avoid the commission of the offence.

(2) The person charged shall not, without the leave of the court, be entitled to rely on the defence in paragraph (1) unless, within a period ending seven clear days—

- (a) before the hearing to determine mode of trial, where the proceedings are in England or Wales; or
- (b) before the trial, where the proceedings are in Scotland,

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the 1974 Act, a person who establishes a defence under this regulation shall nevertheless be treated for the purposes of that section as having committed the offence.

Certificates of exemption

23.—(1) Subject to paragraph (2) and to any of the provisions imposed by [^{F24}the European Union][^{F25}(as they had effect immediately before IP completion day)] in respect of the encouragement of improvements in the safety and health of workers at work [^{F26}or under Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC], the Executive may, by a certificate in writing, exempt any person, installation, well or class of persons, installations or wells from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and, in particular, to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Textual Amendments

F24 Words in reg. 23 substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 4

F25 Words in reg. 23(1) inserted (31.12.2020) by [The Health and Safety \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1370\)](#), regs. 1(1), **6(2)** (as amended by [S.I. 2020/660](#), regs. 1(1), **6**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996. (See end of Document for details)

F26 Words in reg. 23(1) inserted (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 31** (with reg. 4(2), Sch. 14)

Transitional provision

^{F27}**24.**

Textual Amendments

F27 Reg. 24 omitted (19.7.2015) by virtue of [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 32, Sch. 13 Pt. 2** (with reg. 4(2), Sch. 14)

Repeal of section 3 of the Mineral Workings (Offshore Installations) Act 1971

25. Section 3 of the Mineral Workings (Offshore Installations) Act 1971 ^{M4} is hereby repealed.

Marginal Citations

M4 1971 c.61.

Modification of the Offshore Installations (Safety Case) Regulations 1992

^{F28}**26.**

Textual Amendments

F28 Reg. 26 omitted (6.4.2006) by virtue of [The Offshore Installations \(Safety Case\) Regulations 2005 \(S.I. 2005/3117\)](#), reg. 1, **Sch. 9 para. 5(b)** (with reg. 27)

Revocation

27. The instruments specified in column 1 of Schedule 3 are hereby revoked to the extent specified in column 3 of the Schedule.

Signed by authority of the Secretary of State.

Paul Beresford
Parliamentary Under Secretary of State,
Department of the Environment.

SCHEDULE 1

Regulation 12

ADDITIONAL REQUIREMENTS

Organisation of the installation

1. The layout and configuration of an installation, including its plant, shall be such that risks to persons on it are reduced to the lowest level that is reasonably practicable.
2. An installation shall be kept sufficiently clean, with any hazardous substances or deposits removed or controlled in order not to endanger the health and safety of persons on the installation.
3. Arrangements shall exist for the collection at source and removal, in such a way that persons are not at risk, of harmful substances which could accumulate in the atmosphere.
4. Workstations must be designed and constructed with a view to the safety and ease of action of persons at work, taking into account the need for them to carry out activities there.

Ventilation of enclosed workplaces

5. A supply of fresh or purified air shall be maintained in enclosed workplaces which is sufficient, having regard to the working methods used and the physical demands placed on the persons at work.
6. If a mechanical ventilation system is used, it must be maintained in working order. Any breakdown must be indicated by a control system where this is necessary for the health of persons on the installation.
7. If air-conditioning or mechanical ventilation systems are used, they must operate in such a way that persons are not exposed to draughts which cause discomfort.
8. Any deposit or dirt likely to create an immediate danger to the health of persons by polluting the atmosphere must be removed without delay.

Room temperature

9. During working hours, the temperature in enclosed workplaces must be reasonable, having regard to the working methods being used and the physical demands placed on the persons at work.
10. The temperature in rest areas, changing rooms, rooms containing facilities for washing, lavatories, mess-rooms, galleys and sick bays must be appropriate to the particular purpose of such areas.
11. Sunlight let into workplaces via any window or skylight shall not be excessive, having regard to the nature of the work and the workplace.

Floors, walls and ceilings of rooms

12. The floors of workplaces must have no dangerous bumps, holes or slopes and must be fixed, stable and not made of material which is or is liable to become slippery.
13. Enclosed workplaces must be adequately insulated against heat, bearing in mind the type of undertaking involved and the physical activity of the persons at work.
14. The surfaces of floors, walls and ceilings in rooms must be such that they can be cleaned or refurbished to an appropriate standard of hygiene.

Transparent or translucent surfaces

15. Every window or other transparent or translucent surface in a wall or partition and every transparent or translucent surface in a door or gate shall, where necessary for reasons of health and safety—

- (a) be of safety material or be protected against breakage of the transparent or translucent material; and
- (b) be appropriately marked or incorporate features so as, in either case, to make it apparent.

Roofs

16. Access to roofs made of materials of insufficient strength must not be permitted unless equipment is provided to ensure that the work can be carried out in a safe manner.

Natural and artificial lighting

17. Every workplace must be provided throughout with lighting capable of supplying illumination sufficient to ensure the health and safety of persons therein.

18. Workplaces must, as far as possible, receive sufficient natural light and be equipped, taking into account climatological conditions, with artificial lighting adequate for the protection of safety and health.

19. Lighting installations in workplaces and in passageways must be placed in such a way that the type of lighting does not present a risk of accident.

20. Workplaces in which persons are especially exposed to risks in the event of failure of artificial lighting must be provided with emergency lighting of adequate intensity.

Windows and skylights

21. Windows, skylights and ventilation devices which are meant to be opened, adjusted or secured must be designed so that these operations can be carried out safely. They must not be positioned so as to constitute a hazard when open.

22. It must be possible to clean windows and skylights without undue risk.

Doors and gates

23. The position, number and dimensions of doors and gates, and the materials used in their construction shall be determined by reference to the nature of and use of the rooms or areas.

24. Transparent doors must be appropriately marked at a conspicuous level.

25. Swing doors and gates must be transparent or have see-through panels.

26. Sliding doors must be fitted with a safety device to prevent them from being derailed and falling over unexpectedly.

27. Doors and gates opening upwards must be fitted with a mechanism to secure them against falling back unexpectedly.

28. Doors for pedestrians must be provided in the immediate vicinity of any gates intended essentially for vehicle traffic, unless it is safe for pedestrians to pass through; such doors must be clearly marked and left permanently unobstructed.

29. Power-operated doors and gates must function without risk of accident to workers. They must be fitted with easily identifiable and accessible emergency shutdown devices and, in the event of a power failure, it must be possible to operate them by hand.

30. When chains or similar devices are used to prevent access at any place, these should be clearly visible and appropriately identified by signs denoting any prohibitions or warning.

Traffic routes

31. It must be possible to reach workplaces without danger and leave them quickly and safely in an emergency.

32. Traffic routes must be sufficient in number, in suitable positions, and of sufficient size to ensure easy, safe and appropriate access for pedestrians or vehicles in such a way as not to endanger persons at work in the vicinity of these traffic routes, having regard to the number of potential users and the type of undertaking.

33. If means of transport are used on traffic routes, a sufficient safety clearance must be provided for pedestrians.

34. Sufficient clearance must be allowed between vehicle traffic routes and doors, gates, passages for pedestrians, corridors and staircases.

35. Traffic routes must be clearly identified for the protection of persons.

Danger areas

36. If the workplaces contain danger areas in which, owing to the nature of the work, there are risks including that of the worker or objects falling, the places must be equipped, as far as possible, with devices preventing unauthorised workers from entering those areas.

Room dimensions and air space in rooms— freedom of movement in the workstation

37. Enclosed workplaces must have sufficient surface area, height and air space to allow workers to perform their work without risk to their safety, health or welfare.

38. The dimensions of the unoccupied area at the workstation must allow workers sufficient freedom of movement and enable them to perform their work safely.

Rest rooms

39. Where the safety or health of workers, in particular because of the type of activity carried out, or the presence of more than a certain number of workers, so requires, workers must be provided with an easily accessible rest room.

40. Paragraph 39 does not apply if the workers are employed in offices or similar workplaces providing equivalent relaxation during breaks.

41. Rest rooms must be large enough and equipped with an adequate number of tables and seats with backs for the number of workers.

42. If working hours are regularly and frequently interrupted and there is no rest room, other rooms must be provided in which workers can stay during such interruptions, wherever this is required for the safety or health of workers.

43. Appropriate measures should be taken for the protection of non-smokers in the rooms referred to in paragraphs 41 and 42 against discomfort caused by tobacco smoke.

Changes to legislation: There are currently no known outstanding effects for the The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996. (See end of Document for details)

Outdoor workplaces

44. Workstations, traffic routes and other areas outdoors which are used or occupied by the workers in the course of their work must be organised in such a way that pedestrians and vehicles can circulate safely.

45. Workplaces outdoors must be adequately lit by artificial lighting if daylight is not adequate.

46. When workers are employed at workstations outdoors, such workstations must as far as possible be arranged so that workers—

- (a) are protected against inclement weather conditions and, if necessary, against falling objects;
- ^{F29}(b)
- (c) are able to leave their workstations swiftly in the event of danger or are able to be rapidly assisted; and
- (d) cannot slip or fall.

Textual Amendments

F29 Sch. 1 para. 46(b) revoked (6.4.2006 for specified purposes, 6.4.2008 in so far as not already in force) by [The Control of Noise at Work Regulations 2005 \(S.I. 2005/1643\)](#), regs. 1, 15(3), [Sch. 3](#) (with reg. 3(3)(4))

Pregnant women and nursing mothers

47. Pregnant women and nursing mothers must be able to lie down to rest in appropriate conditions.

People with disabilities

48. The arrangement of an installation shall take due account of the health, safety and welfare of any persons with disabilities who may work on it.

Sanitary facilities

49. Appropriate changing rooms must be provided for workers if they have to wear special work clothes and where, for reasons of health or propriety, they cannot be expected to change in another room.

50. Changing rooms must be easily accessible, be of sufficient capacity and be provided with seating.

51. Changing rooms must be sufficiently large and have facilities to enable each worker to lock away his clothes during working hours.

52. If circumstances so require, lockers for work clothes must be separate from those for ordinary clothes.

53. Provision must be made to enable wet work clothes to be dried.

54. Provision must be made for separate changing rooms or separate use of changing rooms for men and women.

55. If changing rooms are not required under paragraph 49, each worker must be provided with a place to store his clothes.

Showers and washing facilities

56. In addition to those facilities provided in any accommodation area, suitable showers and washing facilities must, if necessary, be provided in the vicinity of workstations.

Lavatories and washbasins

57. In addition to those facilities provided in any accommodation, lavatories and washbasins must, if necessary, be provided in the vicinity of workstations.

58. Provision must be made for separate lavatories or separate use of lavatories for men and women.

Accommodation

59. If the nature, scale and duration of operations so require, persons on the installation shall be provided with accommodation which is—

- (a) suitably provided with ventilation, heating and lighting;
- (b) protected against ^{F30} ..., smells and fumes likely to be hazardous to health from other areas, and against inclement weather; and
- (c) separate from any workstation and located away from dangerous areas.

Textual Amendments

F30 Word in Sch. 1 para. 59 revoked (6.4.2006 for specified purposes, 6.4.2008 in so far as not already in force) by [The Control of Noise at Work Regulations 2005 \(S.I. 2005/1643\)](#), regs. 1, 15(3), [Sch. 3](#) (with reg. 3(3)(4))

60. Accommodation must contain sufficient beds or bunks for the number of persons expected to sleep on the installation.

61. Any room designated as sleeping accommodation—

- (a) must not be overcrowded;
- (b) must contain adequate space for the occupants to store their clothes; and
- (c) shall, so far as is reasonably practicable, be occupied only by such number of persons as is consistent with reasonable privacy and comfort, having regard to the features of the room.

62. Accommodation must include a sufficient number of showers and washing facilities equipped with clean hot and cold running water.

63. Showers must be sufficiently spacious to permit each worker to wash without hindrance in suitably hygienic conditions.

64. Accommodation must be equipped with a sufficient number of lavatories and washbasins.

65. Where there are both men and women on an installation there shall be separate—

- (a) sleeping rooms;
- (b) shower rooms, or provision for separate use of shower rooms; and
- (c) lavatories and washbasins, or provision for separate use of lavatories and washbasins,

for men and women.

66. Accommodation and its plant must be maintained to adequate standards of hygiene.

Changes to legislation: There are currently no known outstanding effects for the The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996. (See end of Document for details)

^{F31} ... **vibration of plant**

^{F32} 67.

Textual Amendments

F31 Words in Sch. 1 para. 67 heading revoked (21.2.1998) by virtue of [The Offshore Electricity and Noise Regulations 1997 \(S.I. 1997/1993\)](#), regs. 1, **4(2)(a)**

F32 Sch. 1 para. 67 omitted (6.7.2005) by virtue of [The Control of Vibration at Work Regulations 2005 \(S.I. 2005/1093\)](#), regs. 1, **13(1)** (with reg. 3)

^{F33} SCHEDULE 2

Regulation 26

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Textual Amendments

F33 Sch. 2 omitted (6.4.2006) by virtue of [The Offshore Installations \(Safety Case\) Regulations 2005 \(S.I. 2005/3117\)](#), reg. 1, **Sch. 9 para. 5(b)** (with reg. 27)

SCHEDULE 3

Regulation 27

REVOCATION

(1) Title	(2) Reference	(3) Extent of revocation
The Offshore Installations (Construction and Survey) Regulations 1974	S.I. 1974/289	The whole Regulations
The Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976	S.I. 1976/1019	Regulations 4 and 5; in regulation 6(1) the words "without prejudice to the generality of regulation 5 above"; regulations 14 and 15; Parts I and II of Schedule 1; and Schedule 4
The Offshore Installations (Well Control) Regulations 1980	S.I. 1980/1759	The whole Regulations
The Offshore Installations (Well Control) (Amendment) Regulations 1991	S.I. 1991/308	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations contain requirements for ensuring that offshore oil and gas installations, and oil and gas wells are designed, constructed and kept in a sound structural state, and other requirements affecting them, for purposes of health and safety.

2. The Regulations give effect, in relation to offshore installations in territorial waters adjacent to Great Britain, or in the United Kingdom sector of the continental shelf, to the following provisions of Council Directive [92/91/EEC](#) (OJ No. L348, 28.11.92, p.9), concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling ("the Directive")—

a) Article 3.1(a) (in combination with other provision);

b) in Part A of the Annex, parts 1, 2.1.1 (in combination with other provision), 2.1.2, 4.1 and 6.2.1 (both in combination with other provision), 8 to 13 (other than 11.5 and 13.7), 14.1 (in combination with other provision), 14.2 to 14.5, 15.1, and 16 to 20 (*regulation 12 and paragraphs of Schedule 1*), and part 6.2.3 (the additions made to Schedules 2 and 3 of the Offshore Installations (Safety Case) Regulations 1992/2885 ("the 1992 Regulations") by *paragraphs 12 and 13 of Schedule 2*, in combination with existing provisions of those Schedules);

c) in Part C of the Annex parts 8, 10 (save the first and third indent of 10.1) (*regulation 12 and paragraphs of Schedule 1*), 11.1 (*regulation 11*) and 12.2 (*regulation 6*).

3. The Regulations also give effect, in combination with other provision, to part 5 of Part A of the Annex to the Directive (*regulation 17*).

4. Interpretation and application are dealt with in Part I (*regulations 2 and 3*).

5. Part II is concerned with integrity of installations and the provisions in it impose duties on the "duty holder" for an installation (defined in *regulation 2(1)*) relating to—

a) the maintenance of its integrity at all times (*regulation 4*);

b) its design (*regulation 5*);

c) work to it (*regulation 6*);

d) the way it is operated (*regulation 7*);

e) arrangements for maintaining its integrity (*regulation 8*);

f) the reporting of danger to it (*regulation 9*); and

g) decommissioning and dismantlement (*regulation 10*).

6. Part III contains requirements relating to the helicopter landing area of an offshore installation (*regulation 11*) and requirements relating to its layout and facilities (*regulation 12 and Schedule 1*).

7. The regulations in Part IV impose requirements affecting oil and gas wells, in the case of regulations 13 to 19 on the "well-operator" (defined in *regulation 2(1)*) relating to—

a) the general reduction of risk (*regulation 13*);

b) assessment of conditions below ground (*regulation 14*);

Changes to legislation: There are currently no known outstanding effects for the The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996. (See end of Document for details)

- c) design and construction(*regulation 15*);
 - d) the materials used(*regulation 16*);
 - e) well control equipment(*regulation 17*);
 - f) arrangements for examination of the well, and information relating to it(*regulation 18*);
 - g) the provision of information to the Health and Safety Executive (“the Executive”)(*regulation 19*);
 - h) co-operation with the well-operator(*regulation 20*); and
 - i) information, instruction, training and supervision.
8. The regulations in Part V—
- a) provide a defence for contravention of regulation 5 or 6(*regulation 22*);
 - b) provide for the issue of certificates of exemption by the Executive(*regulation 23*);
 - c) contain transitional provision(*regulation 24*);
 - d) repeal section 3 of the Mineral Workings (Offshore Installations) Act 1971(*regulation 25*);
 - e) amend the 1992 Regulations(*regulation 26 and Schedule 2*) (apart from minor and drafting amendments)—
 - i) by adding requirements for a verification scheme for safety-critical elements of an offshore installation;
 - ii) by providing a defence for breach of those requirements;
 - iii) by adding requirements for notification of information to the Executive regarding well operations from a vessel;
 - iv) by adding requirements that certain offshore installation safety cases describe arrangements for protection of people from toxic gas; and
 - f) revoke specified instruments(*regulation 27 and Schedule 3*).
9. A copy of the compliance cost assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Strategy and General Division, Economic Advisers Unit (1), South Wing, Eighth Floor, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the Library of each House of Parliament.

Changes to legislation:

There are currently no known outstanding effects for the The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996.