
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace, in relation to British external waters, the Offshore Installations (Safety Case) Regulations 2005 to provide for the preparation of safety cases for offshore installations and the notification of specified activities to the competent authority. The “competent authority,” for the purposes of these Regulations is the Health and Safety Executive (the “Executive”) and the Secretary of State acting jointly. The competent authority is appointed to carry out the functions imposed on such an authority by Directive 2013/30/EU on safety of offshore oil and gas operations and amending Directive 2004/35/EC (“the Offshore Safety Directive”) (OJ No L 178, 28.06.13, p.66). A “safety case” is defined in the Regulations as a document containing specified information relating to the management of health and safety and the control of major accident hazards and containing the relevant particulars specified in Schedule 6 or 7 to the Regulations.

These Regulations:

- (a) together with the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015 (S.I. 2015/385) and the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) (Amendment) Regulations 2015 (S.I. 2015/386) implement the Offshore Safety Directive in relation to the territorial sea adjacent to Great Britain and any area designated by order under section 1(7) of the Continental Shelf Act 1964 (“British external waters”);
- (b) implement Article 3(2) of Council Directive 92/91/EEC (OJ No L 348, 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. That Directive applies to internal waters and external waters. That Directive was implemented in relation to internal waters and GB external waters by the Offshore Installations (Safety Case) Regulations 2005 (S.I. 2005/3117) (“the 2005 Regulations”). These Regulations replace the provisions of the 2005 Regulations as they implemented Article 3(2) of that Directive in British external waters. The 2005 Regulations, as amended by these Regulations, continue to implement Directive 92/91/EEC in internal waters in Great Britain. For these purposes “internal waters” are tidal waters and parts of the sea in, or adjacent to, Great Britain up to the landward limits of the territorial sea.

The Regulations:

require a licensee to ensure that any operator or well operator appointed by the licensee is capable of carrying out the functions and discharging the duties of an operator satisfactorily (*regulation 5*);

require the competent authority to inform the licensing authority (which is established in the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015) where it determines that an operator or well operator no longer has the capacity to meet the requirements of the relevant statutory provisions (as defined in *regulation 2(1)*) (*regulation 6*);

require any operator or owner (which is a body corporate or unincorporate) to prepare and implement a corporate major accident prevention policy (*regulation 7 and Schedules 1 and 2*);

require an operator and owner to prepare a document setting out its safety and environmental management system and to integrate that system with its overall management system (*regulation 8 and Schedules 2 and 3*);

Status: This is the original version (as it was originally made).

impose requirements with respect to the creation, revision and continuing effect of a verification scheme in respect of an installation and provide a defence for contravention of the requirements (*regulations 9, 10 and 14 and Part 1 of Schedule 4*);

impose requirements with respect to the creation, revision and continuing effect of a well examination scheme in respect of a well and provide a defence for contravention of the requirements (*regulations 11, 12 and 14 and Part 2 of Schedule 4*);

require an operator to prepare and send to the competent authority a design notification for a production installation which is to be established (*regulation 15(1) and Schedule 5*) and a relocation notification for a production installation that is to be moved to a new location (*regulation 15(3) and Schedule 5*);

prohibit the operation of a production installation unless a safety case has been sent to and accepted by the competent authority (*regulations 16 and 17 and Schedule 6*);

prohibit the movement of a non-production installation in external waters with a view to its being operated there unless a safety case has been sent to and accepted by the competent authority (*regulations 16 and 18 and Schedule 7*);

require a design notification to be sent to the competent authority in respect of the conversion of a non-production installation to a production installation (*regulation 19(1)*) and prohibit the operation of a converted installation unless a safety case has been sent to and accepted by the competent authority (*regulation 19(7)*);

prohibit the dismantling of a fixed installation unless a revised safety case has been sent to and accepted by the competent authority (*regulation 20 and Schedule 8*);

prohibit the commencement of a well operation unless a notification has been sent to the competent authority (*regulation 21(1) and Schedule 9*) or where the competent authority objects to the notification (*regulation 21(7)*);

prohibit the engagement of an installation in a combined operation with another installation or installations unless a notification has been sent to the competent authority (*regulation 22 and Schedule 10*);

require an owner or operator to review their safety case at intervals of five years and at such other times as the competent authority may direct (*regulation 23*);

require a safety case to be revised when appropriate and when directed by the competent authority (*regulation 24*);

grant to the competent authority powers in respect of safety cases and related documents (*regulation 25*);

grant to the competent authority a power to prohibit operations where measures for preventing or limiting the consequences of a major accident proposed in a safety case or in a notification of well operations or combined operations are insufficient (*regulation 26*);

impose requirements with respect to the making and keeping of documents (*regulation 27*);

require any procedures or arrangements in safety cases and plans stated in a notification of well operations or a notification of combined operations to be followed, and provide for specified defences for contravention of the requirement as regards safety cases (*regulation 28*);

require an operator, owner and well operator to take suitable measures to reduce risk, including where necessary suspending operations, where an activity carried out significantly increases the risk of a major accident (*regulation 29(1) and (2)*) and to report to the competent authority when such measures have been taken (*regulation 29(3)*);

require the operator or owner to perform certain duties under the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 (the duties are set out in *regulation 30(14)*) consistently with the external emergency response plan (as defined in

regulation 30(13)) and taking into account the risk assessment undertaken during the preparation of the safety case (regulation 30(1));

require the operator, owner and well operator to communicate to their employees, contractors and contractors' employees the arrangements for confidential reporting of safety concerns (regulation 31);

require duty holders to cooperate with the competent authority in developing, preparing and revising standards and guidance on major accident prevention (regulation 32);

require the operator, well operator or owner to notify the competent authority of any major accident or situations where there is an immediate risk of such an accident (regulation 33);

require UK-registered companies to provide the competent authority with information about accidents outside the European Union in which they or their subsidiaries are involved as licensees, operators or well operators (regulation 34);

provide for the granting of exemptions from the Regulations by the competent authority (regulation 35);

make specific provision for enforcement of the Regulations and penalties for offences (regulations 36 and 40);

provide for an appeal to the Secretary of State against certain decisions of the competent authority (regulation 37 and Schedule 12);

make amendments to existing legislation (regulation 38 and Schedule 13); and

contain savings and transitional provisions in respect of activities in existence or proposed within a specified time of the coming into force of the Regulations (regulation 39).

A full impact assessment of the effect that these Regulations would have on the costs of business and the voluntary sector is published with the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk. The Transposition Note in relation to the implementation of the Offshore Safety Directive is published with the Explanatory Memorandum and available on that website. Copies of these documents are available in the libraries of both Houses of Parliament.