

SCHEDULE 14

TRANSITIONAL PROVISIONS AND SAVINGS

PART 2

Continued application of the 2005 regime in relation to external waters during the transitional period

General saving of the 2005 regime

2. Despite the coming into force of these Regulations, the 2005 regime continues to apply in relation to external waters during the transitional period as provided for in this Part of this Schedule.

Continued application of the 2005 regime to existing and proposed non-production installations

3. The 2005 regime continues to apply in relation to the owner of a non-production installation, in respect of that installation, for the period which starts on the commencement date and ends—

- (a) where the installation is an existing non-production installation—
 - (i) immediately before 19th July 2016; or
 - (ii) if earlier, on the date of thorough review provided that that date falls on or after the commencement date;
- (b) where the installation is not an existing non-production installation and is established on or after the commencement date but before 19th July 2016, immediately before 19th July 2016.

Continued application of the 2005 regime to existing and proposed production installations

4. The 2005 regime continues to apply in relation to the operator of a production installation, in respect of that installation, for the period which starts on the commencement date and ends—

- (a) where the production installation is an existing production installation—
 - (i) immediately before 19th July 2018; or
 - (ii) if earlier, on the date of thorough review provided that that date falls on or after the commencement date;
- (b) where the production installation is not an existing production installation and is established on or after the commencement date but before 19th July 2016, immediately before 19th July 2016.

Continued application of the 2005 regime to well operations

5.—(1) The 2005 regime continues to apply to the submission of a well notification by a well operator in respect of, or execution by such an operator of a well operation from—

- (a) a non-production installation to which paragraph 3 applies, for the period that it applies to the owner of that installation in accordance with that paragraph;
- (b) from a production installation to which paragraph 4 applies, for the period that it applies to the operator of that installation in accordance with that paragraph; and
- (c) a vessel that is not an installation, for the period which starts on the commencement date and ends immediately before 19th July 2016.

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

- (2) Despite sub-paragraph (1)(b) the 2005 regime ceases to apply to—
 - (a) the submission of a well notification in respect of a production installation; or
 - (b) the execution of a well operation from such an installation,on 19th July 2016.
- (3) Nothing in sub-paragraph (2) affects the application of paragraph 4 to the operator of the relevant production installation.

Design notification for production installations to be established during transitional period

6. Where a production installation is to be established on or after the commencement date but before 19th July 2016, the 2005 regime applies to the preparation and sending to the Executive of the design notification for that installation.

Design notification: election to prepare notification under these Regulations

- 7.—(1) Despite paragraph 6, the operator of a production installation which is to be established on or after the commencement date but before 19th July 2016 may elect to prepare and send a design notification to the competent authority under these Regulations.
- (2) Where an operator elects to prepare and send a design notification under these Regulations, the 2005 regime ceases to apply to that operator in relation to that installation on the date on which that notification is sent to the competent authority.

Election to prepare a safety case under these Regulations

- 8.—(1) Subject to sub-paragraph (2), nothing in paragraph 3(b), 4(b) or 5(1) prevents a duty holder who would otherwise be or continue to be subject to the 2005 regime as a consequence of any of those provisions from preparing and sending a safety case to the competent authority under these Regulations.
- (2) Sub-paragraph (1) does not apply if there is a current safety case for the installation.
- (3) Where a duty holder elects in accordance with sub-paragraph (1) to prepare and send a safety case to the competent authority under these Regulations—
 - (a) the 2005 regime ceases to apply to that operator in relation to that installation on the date on which the operator sends the safety case to the competent authority; and
 - (b) these Regulations apply to that operator in relation to that installation on and after that date.

Treatment of current safety cases for installations continuing under the 2005 regime

- 9.—(1) Sub-paragraph (2) applies to the duty holder of an installation, in respect of that installation, where—
 - (a) paragraph 3 or 4 continues to apply to the duty holder in respect of that installation;
 - (b) there is a period of no more than four months, or such longer period as the competent authority may specify, remaining until the end of the transitional period;
 - (c) there is a current safety case; and
 - (d) there is an intention, after the transitional period ends—
 - (i) in the case of a non-production installation, to operate it in external waters or move it in external waters with a view to its being operated there; or
 - (ii) in the case of a production installation, to operate it in external waters.

(2) Where this sub-paragraph applies the duty holder may make revisions to the current safety case—

- (a) containing particulars, not required pursuant to the 2005 Regulations, but specified in—
 - (i) regulation 16 of and Schedule 7 to these Regulations, in the case of a non-production installation; or
 - (ii) in regulation 16 of and Schedule 6 to these Regulations in relation to a production installation; and
- (b) which are otherwise appropriate in consequence of any revision made under paragraph (a).

(3) Revisions made under sub-paragraph (2) which make a material change to the current safety case are not effective unless—

- (a) the duty holder sends a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least three months, or such shorter period as the competent authority may specify, before the revisions are to be made; and
- (b) the competent authority accepts the revisions.

10. Where revisions to current safety case under paragraph 9(2) may take effect without the acceptance of the competent authority or are accepted by the competent authority, the current safety case together with those revisions has effect—

- (a) as a current safety case until the end of the relevant transitional period; and
- (b) subject to paragraph 11, on and after the end of that transitional period for the purposes of these Regulations as a current safety case within the meaning of regulation 2(1).

11. Where paragraph 10(b) applies to a safety case, paragraph (1)(a) of regulation 23 has effect as if the reference in that paragraph to the date on which the current safety case was first accepted by the competent authority were a reference to the date on which the Executive first accepted that safety case under the 2005 Regulations.