

1995 No. 340

HEALTH AND SAFETY**Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995***Made* 31st August 1995*Coming into operation—**The whole Regulations except
regulation 23(2)* 9th October 1995*regulation 23(2)* 20th June 1997**ARRANGEMENT OF REGULATIONS**

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Schedule 1 — Repeals and modifications of the Mineral Workings (Offshore Installations) Act 1971.

Schedule 2 — Revocations and modifications of statutory provisions.

The Department of Economic Development, being the Department concerned(a), in exercise of the powers conferred on it by Articles 17(1), (2), (3) and (5)(b) and 55(2) of, and paragraphs 5, 13, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(c) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995 and shall come into operation on 9th October 1995 except regulation 23(2), which shall come into operation on 20th June 1997.

Interpretation

2.—(1) In these Regulations—

“the 1971 Act” means the Mineral Workings (Offshore Installations) Act 1971(d);

“the 1972 Order” means the Employers’ Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972(e);

“apparatus or works” means—

(a) apparatus or works described in sub-paragraphs (a) to (f); and

(b) a structure described in sub-paragraph (g),

of the definition of “pipeline”;

“associated structure” means, in relation to an offshore installation, a vessel, aircraft or hovercraft attendant on the installation or any floating structure used in connection with the installation;

“concession owner” in relation to an offshore installation means the person who at any time has the right to exploit or explore mineral resources in any area, or to store gas in any area and to recover gas so stored if, at that time, the installation is, or is to be, used in the exercise of that right;

“the Department” means the Department of Economic Development;

“designated area” means any area designated by Order under section 1(7)

(a) See Article 2(2) of S.I. 1978/1039 (N.I. 9).

(b) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Article 3(2)

(c) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Article 3(1)

(d) 1971 c. 61; relevant amending statutory provisions are 1975 c. 74, 1982 c. 23, 1987 c. 49 and S.R. 1993 No. 384

(e) S.I. 1972/963 (N.I. 6) to which there are amendments not relevant to this rule

of the Continental Shelf Act 1964(a) and “within a designated area” includes over and under it;

“duty holder” means—

- (a) in relation to a fixed installation, the operator; and
- (b) in relation to a mobile installation, the owner;

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

“installation manager” means, in relation to an offshore installation, the person appointed for the purposes of regulation 6(1)(a) who is for the time being in charge of it;

“mobile installation” means an offshore installation (other than a floating production platform) which can be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

“offshore installation” shall be construed in accordance with regulation 3;

“operator” in relation to a fixed installation means the person appointed by a concession owner to execute any function of organising or supervising any operation to be carried out by such installation or, where such a person has not been appointed, the concession owner;

“owner” in relation to a mobile installation means the person who controls the operation of the installation;

“pipeline” means a pipe or system of pipes for the conveyance of any thing, together with—

- (a) any apparatus for inducing or facilitating the flow of any thing through, or through a part of, the pipe or system;
- (b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;
- (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
- (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in sub-paragraphs (a) to (c);
- (e) apparatus for the transmission of information for the operation of the pipe or system;
- (f) apparatus for the cathodic protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system;

but not including a pipeline of which no initial or terminal point is situated in the United Kingdom, or within territorial waters, United Kingdom territorial waters adjacent to Great Britain or a designated area;

(a) 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23), Schedule 3, paragraph 1

“pipeline works” means—

- (a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;
- (c) changing the position of or dismantling or removing a pipeline or length of pipeline;
- (d) opening the bed of the sea for the purposes of the works mentioned in sub-paragraphs (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in sub-paragraphs (a) to (d);
- (f) diving operations in connection with any of the works mentioned in sub-paragraphs (a) to (e) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline;

“relevant employee” means an employee—

- (a) who is ordinarily resident in the United Kingdom, or
- (b) who is not ordinarily resident in the United Kingdom but who has been present in the United Kingdom and relevant waters in the course of employment there for a continuous period of not less than 7 days;

“relevant waters” means tidal waters and parts of the sea in or adjacent to Northern Ireland up to the seaward limits of territorial waters;

“territorial waters” means United Kingdom territorial waters adjacent to Northern Ireland and “within territorial waters” includes on, over and under them; and

“vessel” includes a hovercraft and any floating structure which is capable of being staffed.

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

(3) For the purpose of these Regulations any structures and devices on top of a well shall be treated as forming part of the well.

Meaning of “offshore installation”

3.—(1) Subject to paragraphs (2) to (4), in these Regulations the expression “offshore installation” means a structure which is, or is to be, or has been, used while standing or stationed in relevant waters, or on the foreshore or other land intermittently covered with water—

- (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;

- (b) for the storage of gas in or under the shore or bed of relevant waters or in the recovery of gas so stored;
- (c) for the conveyance of things by means of a pipe; or
- (d) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this paragraph,

and which is not an excepted structure.

(2) For the purposes of paragraph (1), the excepted structures are—

- (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
- (b) a well;
- (c) a structure or device which does not project above the sea at any state of the tide;
- (d) a structure which has ceased to be used for any of the purposes specified in paragraph (1), and has since been used for a purpose not so specified;
- (e) a mobile structure which has been taken out of use and is not for the time being intended to be used for any of the purposes specified in paragraph (1); and
- (f) any part of a pipeline.

(3) For the purposes of these Regulations the following shall be deemed to be part of an offshore installation—

- (a) any well for the time being connected to it by pipe or cable;
- (b) such part of any pipeline connected to it as is within 500 metres of any part of its main structure;
- (c) any apparatus or works which are situated—
 - (i) on or affixed to its main structure; or
 - (ii) wholly or partly within 500 metres of any part of its main structure and associated with a pipe or system of pipes connected to any part of that installation.

(4) Where two or more structures are, or are to be, connected permanently above the sea at high tide they shall for the purposes of these Regulations be deemed to comprise a single offshore installation.

Application

4.—(1) Within territorial waters these Regulations shall apply to and in relation to—

- (a) any offshore installation and any activity on it;
- (b) any activity, including diving operations, in connection with an offshore installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, on or from a vessel or in any other manner, other than—
 - (i) transporting, towing or navigating the installation; and

- (ii) any activity on or from a vessel being used as a stand-by vessel;
- (c) diving operations involving the survey and preparation of the sea bed for an offshore installation;
- (d) subject to sub-paragraph (e), a well and any activity in connection with it and an activity which is immediately preparatory to any such activity;
- (e) sub-paragraph (d) includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation; and
- (f)
 - (i) any pipeline;
 - (ii) any pipeline works;
 - (iii) the following activities in connection with pipeline works—
 - (aa) the loading, unloading, fuelling or provisioning of a vessel;
 - (bb) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel,

being in either case a vessel which is engaged in pipeline works.

(2) Regulations 6 to 21 shall not apply in relation to an offshore installation which is in transit to or from a location; and an offshore installation is not in transit to or from a location while it is being manoeuvred at the location.

(3) Save where otherwise expressly provided, nothing in regulations 6 to 13 or 15 to 18 shall impose a duty in relation to an offshore installation while there are no persons aboard.

Notification concerning offshore installations

5.—(1) The duty holder shall, no later than the date on which an offshore installation is due to enter or leave relevant waters, notify the Department in writing of the date of its intended entry into or departure from such waters.

(2) Where there is a change of duty holder in relation to an offshore installation, the new duty holder shall ensure that it is not operated until the Department has been notified in writing of—

- (a) the date of such change;
- (b) the name and address of the new duty holder; and
- (c) where the address furnished pursuant to sub-paragraph (b) is outside Northern Ireland, an address in Northern Ireland to which communications to him may be sent.

Managers

6.—(1) The duty holder shall ensure that—

- (a) the offshore installation is at all times under the charge of a competent person appointed by him to manage on his behalf the installation and the persons on it; and a reference to the installation manager is a reference to such person while he is in charge;
- (b) the installation manager is provided with appropriate resources to be

able to carry out effectively his function, and the duties he may have to discharge under regulation 8; and

- (c) the identity of the installation manager is known to or readily ascertainable by every person on the installation.

(2) For the purposes of paragraph (1)(a), a person is not in charge of an offshore installation when he is not on it unless he remains in communication with it and, in a case where it might be necessary to exercise his functions, is able to reach it promptly.

Restraint and putting ashore

7.—(1) If an installation manager has reasonable cause to believe that it is necessary or expedient to do so for the purpose of securing the safety of the offshore installation or the safety or health of persons on or near it, he may take such measures against a person on the installation, including—

- (a) restraint of his person; and
- (b) putting him ashore in the United Kingdom as soon as is practicable thereafter,

as are reasonable.

(2) If it appears likely that a person will not be put ashore within twenty-four hours of being put under restraint, the installation manager shall forthwith give notice to the duty holder of his being kept under restraint and of the reason for it.

Co-operation

8.—(1) Every person shall co-operate—

- (a) with the installation manager, and any other person on whom any duty is placed by regulations 5 to 19, so far as is necessary to enable him to comply with the relevant statutory provisions, including this regulation;
- (b) with the installation manager, so far as is necessary to enable him to discharge his functions described in regulations 6 and 7; and
- (c) with the helicopter landing officer, so far as is necessary to enable him to perform his function referred to in regulation 13.

(2) In addition to the duty placed on him by paragraph (1), an installation manager shall co-operate with the manager of another offshore installation, where an activity carried out from, by means of, or on one of the installations could affect the health and safety of persons on the other installation or of persons engaged in an activity in connection with the other installation.

(3) The duty in paragraph (1) is without prejudice to any duty owed by a master, captain or person in charge of any vessel or aircraft.

Records

9.—(1) The duty holder shall ensure that there is kept on the offshore installation or at a suitable place nearby a record of the persons who are for the time being on, or working from the installation, and containing, in relation

to each such person—

(a) his full name; and

(b) the name and address of his employer, if any,

and in this regulation such a record is referred to as “the offshore record”.

(2) The duty holder shall ensure that, as soon as possible after an entry is made in the offshore record, a like entry is made together with the following additional information—

(a) the nationality of the person working on or from the installation;

(b) his date of birth;

(c) his usual residence; and

(d) the name, address and relationship of any next of kin of his,

in another record, in this regulation referred to as “the onshore record”.

(3) The duty holder shall ensure that an entry in the onshore record relating to any person is thereafter kept readily available at an address in Northern Ireland until 28 days after he ceases to be on or to work from the installation.

Permits to work

10. In cases where, because of—

(a) the kind of work which may be done on the offshore installation; or

(b) the circumstances in which work may be done on the offshore installation,

it is necessary for the health or safety of persons to do so, the duty holder shall introduce arrangements for securing that, in such a case, a person does not do such work save in accordance with the terms of a permit in writing, given by a competent person authorised by or on behalf of the duty holder.

Instructions

11. The duty holder shall ensure that, where necessary for the health and safety of persons—

(a) comprehensible instructions on procedures to be observed on the offshore installation are put in writing; and

(b) the relevant part of such instructions is brought to the attention of every person who is to do anything to which that part relates.

Communication

12. The duty holder shall ensure that arrangements, which are appropriate for health and safety purposes, are in place for effective communication—

(a) between the offshore installation and the shore, vessels, aircraft and other installations; and

(b) where a helicopter is to land or take off from an offshore installation aboard which there will be no persons immediately before the landing, or after the take off, between the helicopter and—

(i) a suitable offshore installation with persons on board; or

(ii) where there is no such installation, suitable premises ashore.

Helicopters

13. The duty holder shall ensure that—

- (a) a competent person appointed to be in control of helideck operations on the offshore installation (in these Regulations referred to as “the helicopter landing officer”) is present on the installation;
- (b) such person is in control throughout such operations; and
- (c) such procedures are established, and plant provided, as will secure, so far as is reasonably practicable, that helideck operations, including the landing and take off of helicopters, are without risks to health and safety.

Operational information

14. The duty holder shall make arrangements for the collection and keeping of—

- (a) such meteorological and oceanographic information; and
- (b) such information relating to the motions of the offshore installation, as is necessary for securing, so far as is reasonably practicable, the safe operation of the installation and the safety of persons on or near it.

Information to persons

15.—(1) The duty holder shall ensure that the address and telephone number of the appropriate office of the Department is known to or readily ascertainable by every person on the offshore installation.

(2) The employer of a person who is not on an offshore installation and who is engaged in—

- (a) an activity in connection with an offshore installation;
- (b) an activity in connection with a well;
- (c) pipeline works; or
- (d) any of the following activities in connection with pipeline works—
 - (i) the loading, unloading, fuelling or provisioning of a vessel;
 - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel,

being in either case a vessel which is engaged in pipeline works, shall ensure that the address and telephone number of the appropriate office of the Department is known to or readily ascertainable by such a person.

Health surveillance

16.—(1) An employer of a person engaged in work on an offshore installation shall ensure that he is provided with such health surveillance as is appropriate to the health and safety risks incurred in the work; and, where that person is assigned to the work after 9th October 1995, the health surveillance shall be commenced before he is so assigned.

(2) In this regulation "appropriate" means appropriate having regard to the nature and magnitude of the risks to the safety and health of the employee created by the relevant work.

Drinking water

17. The duty holder shall ensure that—

- (a) an adequate supply of clean, wholesome drinking water is available at suitable locations on the offshore installation; and
- (b) such locations are clearly marked to show that drinking water is there.

Provisions

18. The duty holder shall ensure that all provisions for consumption by persons on the offshore installation are fit for human consumption, palatable and of good quality.

Identification of the offshore installation

19. Save where the nature of the structure makes it impracticable to do so, the duty holder shall ensure that the offshore installation—

- (a) displays its name or other designation in such a manner as to make the installation readily identifiable on approach by sea or air; and
- (b) displays no name, letters or figures likely to be confused with the name or other designation of another offshore installation.

Certificates of exemption

20.—(1) Subject to paragraph (2) and to any Community obligation in respect of the encouragement of improvements in the safety and health of workers at work, the Department may, by a certificate in writing, exempt any person, offshore installation or class of persons or offshore installations 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 Department 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 statutory provisions 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.

Application of the Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972

21.—(1) The 1972 Order shall apply to employers of relevant employees employed for work on or from offshore installations, or on or from associated structures in the course of activities undertaken on or in connection with such

installations, subject to such modifications and extensions as are prescribed in paragraphs (2) to (5).

(2) In Article 5 of the 1972 Order as applied by paragraph (1)—

(a) in paragraph (1), for the words from “his employees” to the end of the paragraph, there shall be substituted the words “those of his relevant employees who are employed by him for work on or from an offshore installation, or on or from an associated structure in the course of an activity undertaken on or in connection with an offshore installation and arising out of and in the course of their employment for that work”; and

(b) in paragraph (3), at the end of sub-paragraph (c), there shall be added the following sub-paragraph—

“(d) any expression to which a meaning is given by the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995, and to which a meaning is not given by this Order, shall have the same meaning in this Order”.

(3) Article 6(b) of the 1972 Order as applied by paragraph (1) shall have no effect.

(4) In Article 8(2)(a) of the 1972 Order as applied by paragraph (1), after the word “insurance” there shall be inserted the words “or make arrangements to secure the maintenance of such copies on offshore installations or associated structures”.

(5) After Article 9 of the 1972 Order as applied by paragraph (1) there shall be inserted the following Articles—

“Liability of owners of offshore installations

9A.—(1) In respect of any offshore installation, it shall be the duty of the owner of the installation to ensure that requirements imposed by or under this Order are complied with and where, in respect of that installation—

(a) any employer is on any day not insured in accordance with this Order, the owner of the installation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; or

(b) any person fails to comply with a requirement imposed by or under Article 8, the owner of the installation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) In proceedings against the owner of an installation for an offence under this Article it shall be a defence for the accused to prove—

(a) that he used all due diligence to prevent the commission of the offence; and

(b) that any relevant contravention was committed without his consent, connivance or wilful default.

(3) In proceedings for an offence under this Article an averment in any process of the fact that anything done or situated within relevant waters shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment.

(4) Proceedings for any offence under this Article may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Northern Ireland.

(5) References in this Article to "the owner", in relation to an offshore installation, are to the person who controls the operation of the installation.

Prosecutions

9B. Proceedings shall not be instituted in Northern Ireland for any offence under this Order in respect of an offshore installation except by the Secretary of State or by a person authorised in that behalf by the Secretary of State."

Repeals and modifications of the Mineral Workings (Offshore Installations) Act 1971

22.—(1) The provisions of the 1971 Act specified in column 1 of Part I of Schedule 1 are repealed as respects Northern Ireland to the extent specified opposite in column 3 of that Part.

(2) Section 12(1) of the 1971 Act shall have effect as respects Northern Ireland subject to the modifications specified in Part II of Schedule 1.

Revocations and modifications of statutory provisions

23.—(1) The statutory provisions specified in column 1 of Part I of Schedule 2 shall be revoked as respects Northern Ireland to the extent specified opposite in column 3 of that Part.

(2) Regulation 29 of the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976(a) shall be revoked as respects Northern Ireland.

(3) The statutory provisions specified in Part II of Schedule 2 shall have effect as respects Northern Ireland subject to the modifications specified in that Part.

Sealed with the Official Seal of the Department of Economic Development on 31st August 1995.

(L.S.)

Philip B. Strong

Assistant Secretary

**Repeals and Modifications of the Mineral Workings (Offshore Installations)
Act 1971**

PART I

REPEALS

Column 1 <i>Provision</i>	Column 2 <i>Description</i>	Column 3 <i>Extent of repeal</i>
Section 1	Application of Act	The whole section.
Section 3	Construction and survey regulations for offshore installations	In subsection (4) the words “, and of the installation manager, and of every person who, in relation to the installation, is a concession owner”; where they next occur, the words “, the installation manager and every person who, in relation to the installation, is a concession owner”; and the word “each”.
Section 4	Managers of offshore installations	The whole section.
Section 5	Managers of offshore installations, further provisions	The whole section.
Section 9	Offences: general provisions	In subsection (3) the words “, section 4 or section 5”.
Section 11	Civil liability for breach of statutory duty	Subsections (5) and (6).
Section 12	Interpretation	In subsection (1), the definitions of “designated area” and “foreign sector of the Continental Shelf”; and subsections (2) and (3).

PART II

AMENDMENTS TO SECTION 12(1)

1. Before the definition of “controlled waters” there shall be inserted the following definition—

‘ “the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995,’.

2. For the definition of “controlled waters” there shall be substituted the following definition—

‘ “controlled waters” means tidal waters and parts of the sea in or adjacent to Northern Ireland up to the seaward limits of territorial waters,’.

3. For the definition of "installation manager" there shall be substituted the following definition—

‘ “installation manager” has the meaning given by regulation 2(1) of the 1995 Regulations.’

4. For the definition of "offshore installation" there shall be substituted the following definition—

‘ “offshore installation” has the same meaning as in regulation 3 of the 1995 Regulations.’

5. For the definition of "owner" there shall be substituted the following definition—

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

Revocations and Modifications of Statutory Provisions

PART I

REVOCATIONS

Column 1 <i>Title</i>	Column 2 <i>Reference</i>	Column 3 <i>Extent of revocation</i>
Offshore Installations (Registration) Regulations 1972	S.I. 1972/702 as amended by S.I. 1991/679	The whole Regulations.
Offshore Installations (Managers) Regulations 1972	S.I. 1972/703 as amended by S.I. 1991/679	The whole Regulations.
Offshore Installations (Logbooks and Registration of Death) Regulations 1972	S.I. 1972/1542 as amended by S.I. 1991/679	Regulations 1(2) and 2 to 7; in regulation 12(1) the words "2(1)" to "or"; in regulation 12(2) the words "2(1)" to "7"; and regulation 12(3) to (5).
Offshore Installations (Inspectors and Casualties) Regulations 1973	S.I. 1973/1842 as amended by S.I. 1991/679	In regulation 1(2), the definition of "manager"; in regulation 5(1), the words "or manager"; regulations 8(1) and 9(b); in regulation 12(2), in sub-paragraph (a), the words from "excluding therefrom" to the end of that sub-paragraph; and in regulation 12(2), the words "a reference to any relevant entry in an installation logbook and".
Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976	S.I. 1976/1019 as amended by S.I. 1984/419 and S.I. 1989/1672	In regulation 1(2), the definition of "installation manager"; regulation 3; in regulation 5(3), the words "and 25(2)"; in regulation 5(4), the words "who shall read and sign the report and enter the report in the installation's logbook"; regulations 7 to 10, 12, 16, 17(2), 18 to 26 and 30;

Column 1 Title	Column 2. Reference	Column 3 Extent of revocation
Offshore Installations (Well Control) Regulations 1980	S.I. 1980/1759 as amended by S.I. 1991/308	in regulation 32(1), the words "the installation manager, and of" and the words "and of the concession owner,"; regulation 32(3) to (7); in regulation 34(1), the words "the installation manager, the concession owner and" and the word "each"; and Schedule 2.
Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989	S.I. 1989/971 as amended by S.R. 1993 No. 221 and S.R. 1993 No. 384	In regulation 1(2), the definition of "installation manager"; and in regulation 3(1), the words "the installation manager, the concession owner and" and the word "each". In regulation 2, the definitions of "installation logbook" and "installation manager"; and in regulation 13(b), the words "the installation manager shall record those facts in the installation logbook and".
Offshore Installations (Included Apparatus or Works) Order 1989	S.I. 1989/978	The whole Order.
Offshore Installations (Emergency Pipe-line Valve) Regulations 1989	S.I. 1989/1029	In regulation 2 the definitions of "controlled waters" and "manager".
Offshore Installations (Amendment) Regulations 1991	S.I. 1991/679	Regulations 2 to 4.
Diving Operations at Work Regulations (Northern Ireland) 1994	S.R. 1994 No. 146	Regulation 4(1)(b)(ii).

PART II

MODIFICATIONS

Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976

1. In regulation 1(2) (definitions) of the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976(a) there shall be substituted, for the definition of “responsible person”, the following definition—

‘ “responsible person” means a competent person authorised by or on behalf of the owner;’.

Offshore Installations (Well Control) Regulations 1980

2. In regulation 1(2) (definitions) of the Offshore Installations (Well Control) Regulations 1980(b) there shall be substituted, for the definition of “responsible person”, the following definition—

‘ “responsible person” means a competent person authorised by or on behalf of the owner;’.

Ionising Radiations Regulations (Northern Ireland) 1985

3. After regulation 36 of the Ionising Radiations Regulations (Northern Ireland) 1985(c) there shall be inserted the following regulation—

“Application in territorial waters

36A. In any case where it is not reasonably practicable for the employer to comply with the requirements of these Regulations within United Kingdom territorial waters adjacent to Northern Ireland, in so far as they relate to functions being performed by an employment medical adviser or appointed doctor or by an approved dosimetry service, it shall be sufficient compliance with any such requirements if the employer makes arrangements affording an equivalent standard of protection for his employees and those arrangements are set out in local rules and for the purposes of this regulation “within” United Kingdom territorial waters adjacent to Northern Ireland includes on, over and under them.”.

Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

4. In regulation 2 (interpretation) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989(d) (“the 1989 Regulations”)—

(a) after the definition of “the 1974 Act” there shall be inserted the following definition—

‘ “the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;’.

(a) S.I. 1976/1019; amended by S.I. 1984/419 and S.I. 1989/1672

(b) S.I. 1980/1759; amended by S.I. 1991/308

(c) S.R. 1985 No. 273

(d) S.I. 1989/971; amended by S.R. 1993 No. 221

(b) after the definition of “appropriate languages” there shall be inserted the following definition—

‘ “duty holder” in relation to an offshore installation means the person who is the duty holder within the meaning of regulation 2(1) of the 1995 Regulations for the purpose of those Regulations;’;

(c) for the definition of “installation manager” there shall be substituted the following definition—

‘ “installation manager” has the meaning given by regulation 2(1) of the 1995 Regulations;’; and

(d) after the definition of “the prescribed period” there shall be inserted the following definition—

‘ “relevant statutory provisions” has the same meaning as in Article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978;’.

5. For regulation 3 (application) of the 1989 Regulations there shall be substituted the following regulation—

“Application

3. These Regulations shall apply to an offshore installation at a working station in controlled waters which normally has persons on board.”.

6. In regulations 11, 17, 20, 22, 24, 25 and 28 of the 1989 Regulations, for the words “installation owner” wherever they occur, there shall be substituted the words “duty holder”.

7. In regulation 19 of the 1989 Regulations, for the words “owner of” there shall be substituted the words “duty holder in relation to”.

8. In regulation 22 (safety committee — functions) of the 1989 Regulations, in paragraph (1)(c), for the word “employers” there shall be substituted the words “duty holder”.

9. For regulation 23 (duties of installation owners and installation managers) of the 1989 Regulations there shall be substituted the following regulation—

“Duties of installation operators and owners, and employers

23.—(1) The provisions of this regulation shall apply to every offshore installation served by a safety committee.

(2) It shall be the duty of the duty holder—

(a) to facilitate the exercise by the committee of its functions and by the safety representatives of their functions and powers in respect of the installation under these Regulations, and for that purpose to make available the necessary accommodation, facilities for communication and office equipment supplies;

(b) to consult safety representatives with a view to the making and maintenance of arrangements which will enable them and the workforce to co-operate effectively in promoting and developing measures to ensure the health and safety of persons working on or from the installation, and in checking the effectiveness of such arrangements; and

(c) without prejudice to sub-paragraph (b), to consult safety representatives in good time with regard to—

- (i) the preparation of a safety case relating to the installation under the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993;
 - (ii) the introduction to the installation of any measure which may substantially affect the health and safety of the workforce; and
 - (iii) the health and safety consequences for the workforce of the introduction (including the planning thereof) to the installation of new technologies.
- (3) It shall be the duty of the duty holder and any employer of members of a workforce to consult safety representatives in good time with regard to—
- (a) any health and safety information he is required to provide to members of a workforce by or under the relevant statutory provisions; and
 - (b) the planning and organisation of any health and safety training he is to provide to members of a workforce by or under the relevant statutory provisions.
- (4) It shall be the duty of every employer of members of a workforce to consult safety representatives in good time with regard to his arrangements for appointing persons in accordance with regulation 6(1) of the Management of Health and Safety at Work Regulations (Northern Ireland) 1992.”

10. For regulation 27 (training) of the 1989 Regulations there shall be substituted the following regulation—

“Training

27. It shall be the duty of the duty holder to ensure that—

- (a) a safety representative for the offshore installation is provided with such training in aspects of the functions of a safety representative as are reasonable in all the circumstances; and
- (b) any costs associated with such training, including travel and subsistence costs, are not borne by the safety representative.”

Offshore Installations (Emergency Pipe-line Valve) Regulations 1989

11. In regulation 2 (interpretation) of the Offshore Installations (Emergency Pipe-line Valve) Regulations 1989(a)—

- (a) before the definition of “associated installation” there shall be inserted the following definition—
 - “the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;”;
- (b) for the definition of “installation manager” there shall be substituted the following definition—
 - “installation manager” means, in relation to an associated installation, the person appointed for the purposes of regulation 6(1)(a) of the 1995 Regulations who is for the time being in charge of it;”;
- (c) for the definition of “offshore installation” there shall be substituted the following definition—

- “offshore installation” means an offshore installation within the meaning of regulation 3 of the 1995 Regulations other than an installation which is—
- (a) used exclusively for flaring, or
 - (b) used exclusively for the loading of substances into vessels or for their reception and storage prior to such loading and which normally has no persons on board;’; and
- (d) for the definition of “owner” there shall be substituted the following definition—
- ‘ “owner”, in relation to—
- (a) an offshore installation, means the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation; and
 - (b) a pipe-line in respect of which no person has been designated as its owner in pursuance of section 33(3) of the 1975 Act, means the person in whom the pipe-line is vested;’.

Management of Health and Safety at Work Regulations (Northern Ireland) 1992

12. After regulation 15 of the Management of Health and Safety at Work Regulations (Northern Ireland) 1992(a) there shall be inserted the following regulation—

“Extension of meaning of “at work” in territorial waters

15A. In the application of these Regulations to and in relation to premises within United Kingdom territorial waters adjacent to Northern Ireland, the meaning of “at work” shall be extended so that an employee or a self-employed person shall be treated as being at work throughout the time that he is present at those premises and for the purposes of this regulation “within” United Kingdom territorial waters adjacent to Northern Ireland includes on, over and under them.”.

Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993

13. In regulation 2 (interpretation) of the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993(b) (“the 1993 Regulations”)—

(a) in paragraph (1) (definitions)—

(i) for the definition of “the 1971 Act” there shall be substituted the following definition—

‘ “the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;’;

(ii) for the definition of “concession owner”, there shall be substituted the following definition—

‘ “concession owner” in relation to an installation has the same meaning as in regulation 2(1) of the 1995 Regulations;’;

(iii) for the definition of “installation” there shall be substituted the following definition—

“installation” means an offshore installation within the meaning of regulation 3 of the 1995 Regulations;”;

- (iv) for sub-paragraph (a) of the definition of “owner” there shall be substituted the following sub-paragraph—
 - “(a) a mobile installation, means the person who controls the operation of the installation;”;
- (b) for paragraph (5) (reference to operating an installation) there shall be substituted the following paragraph—
 - “(5) Any reference in these Regulations to operating an installation is a reference to using the installation for any of the purposes described in regulation 3(1) of the 1995 Regulations.”; and
- (c) for paragraph (8) (reference to an activity in connection with an installation) there shall be substituted the following paragraph—
 - “(8) Any reference in these Regulations to an activity in connection with an installation is a reference to any activity, including diving operations, in connection with an installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, on or from a vessel or in any other manner, other than—
 - (i) transporting, towing or navigating the installation; and
 - (ii) any activity on or from a vessel being used as a stand-by vessel.”.

14. After regulation 2 of the 1993 Regulations there shall be inserted the following regulation—

“Application

2A. Within territorial waters these Regulations shall apply to and in relation to—

- (a) any installation and any activity on or in connection with it; and
 - (b) diving operations involving the survey and preparation of the sea bed for an installation.”.
15. In regulation 13 of the 1993 Regulations (co-operation) in paragraph (2)—
- (a) after sub-paragraph (f) the word “and” shall be omitted;
 - (b) at the end of sub-paragraph (g) there shall be added the words—
 - “; and
 - (h) the manager of the first-mentioned installation”.

16. In Schedule 3 to the 1993 Regulations (particulars to be included in a safety case for a mobile installation), in paragraph 1, after the word “name” there shall be added the words “and address”.

**Offshore Installations and Pipeline Works (First-Aid) Regulations
(Northern Ireland) 1993**

17. In regulation 2 (interpretation) of the Offshore Installations and Pipeline Works (First-Aid) Regulations (Northern Ireland) 1993(a)—

- (a) the definition of the 1971 Act shall be revoked;

- (b) after the definition of “the 1978 Order” there shall be inserted the following definition—
- ‘ “the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;’;
- (c) for the definition of “offshore installation” there shall be substituted the following definition—
- ‘ “offshore installation” has the same meaning as in regulation 3 of the 1995 Regulations;’;
- (d) for sub-paragraph (a) of the definition of “person in control” there shall be substituted the following sub-paragraph—
- “(a) in relation to an offshore installation, the person who is the duty holder as defined by regulation 2(1) of the 1995 Regulations for the purposes of those Regulations;”;
- (e) for sub-paragraph (c) of the definition of “person in control” there shall be substituted the following sub-paragraph—
- “(c) in relation to an activity in connection with an offshore installation—
- (i) the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the 1995 Regulations for the purposes of those Regulations, and
- (ii) the employer of persons engaged in that activity;”;
- (f) for the definition of “pipeline” there shall be substituted the following definition—
- ‘ “pipeline” means any pipeline or part of a pipeline within the meaning of regulation 2(1) of the 1995 Regulations and any pipeline or part of a pipeline which is connected to it or to an offshore installation and which is in, under or over inland waters within Northern Ireland or tidal waters and parts of the sea in or adjacent to Northern Ireland;’; and
- (g) for the definition of “pipeline works” there shall be substituted the following definition—
- ‘ “pipeline works” means any of the works mentioned in sub-paragraphs (a) to (e) of the definition of pipeline works in regulation 2(1) of the 1995 Regulations which relate to a pipeline within the meaning of these Regulations;’.

Diving Operations at Work Regulations (Northern Ireland) 1994

18. In regulation 2 (interpretation) of the Diving Operations at Work Regulations (Northern Ireland) 1994(a) (“the 1994 Regulations”), in paragraph (1)—

- (a) after the definition of “the 1971 Act” there shall be inserted the following definition—
- ‘ “the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;’;
- (b) for the definition of “offshore installation” there shall be substituted the following definition—

“offshore installation” means—

(a) subject to sub-paragraph (b), a structure which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water—

- (i) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
- (ii) for the storage of gas in or under the shore or bed of any water or the recovery of gas so stored;
- (iii) for the conveyance of things by means of a pipe; or
- (iv) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this paragraph;

and which is not an excepted structure; and

(b) for the purposes of this definition, the excepted structures are—

- (i) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
- (ii) a well;
- (iii) a structure which has ceased to be used for any of the purposes specified in sub-paragraph (a), and has since been used for a purpose not so specified;
- (iv) a mobile structure which has been taken out of use and is not for the time being intended to be used for any of the purposes specified in sub-paragraph (a) and;
- (v) any part of a pipeline;’;

(c) after the definition of “offshore installation” there shall be inserted the following definition—

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

(d) for the definition of “pipeline” there shall be substituted the following definition—

“pipeline” has the same meaning as in regulation 2(1) of the 1995 Regulations;’;

(e) for the definition of “pipeline works” there shall be substituted the following definition—

“pipeline works” has the same meaning as in regulation 2(1) of the 1995 Regulations;’.

19. In regulation 5(4) of the 1994 Regulations for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) if there is no diving contractor by virtue of sub-paragraph (a) and the operation is carried on—

- (i) from or in connection with an offshore installation, the owner;
- (ii) in connection with a pipeline, the owner of the pipeline;
- (iii) in connection with a proposed pipeline, the person who will be the owner of the pipeline when it is laid;”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations contain requirements for the management and administration of offshore oil and gas installations, for purposes of health and safety.

2. The Regulations give effect, in relation to offshore installations in United Kingdom territorial waters adjacent to Northern Ireland—

(a) to the following provisions of Council Directive 92/91/EEC (O.J. 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:

(i) Articles 3(1)(b), (c) and (d) and 8;

(ii) in Part A of the Annex, parts 2.2, 2.6 (in part) and 2.8; and

(iii) in Part C of the Annex, section 4 (in part); and

(b) to Article 6.3(c) and, in part, to Article 11.2 of Council Directive 89/391/EEC (O.J. No. L183, 29.6.89, p. 1) on the introduction of measures to encourage improvements in the safety and health of workers at work.

3. The Regulations make detailed provisions as follows—

(a) most of the duties imposed by the Regulations are on “the duty holder” who is, by definition (see regulation 2(1)), in relation to a fixed installation, the “operator” and, in relation to a mobile installation, the “owner”;

(b) regulation 5 requires the duty holder to notify the Department of Economic Development (“the Department”) of the date of the intended entry or departure of an installation into or from relevant waters; and, where there is a change of duty holder, prohibits the operation of the installation until details have been notified to the Department;

(c) regulation 6 requires the appointment of an installation manager and contains other requirements in relation to him;

(d) regulation 7 empowers the installation manager to take reasonable measures against a person, including his restraint or putting him ashore, for certain health and safety reasons;

(e) regulation 8 requires every person to co-operate with the installation manager, and any other person on whom any duty is placed by these Regulations, so far as is necessary to enable them to comply with “the relevant statutory provisions” within the meaning of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)); and for certain express purposes with the installation manager and helicopter landing officer. Managers of installations are required to co-operate with each other for certain health and safety reasons;

- (f) regulation 9 requires a record to be kept on the installation, and ashore, of persons for the time being on, or working from, the installation;
- (g) regulation 10 requires a "permit to work" system on an installation where necessary for the health or safety of persons;
- (h) regulation 11 requires the giving of written instructions on procedures to be observed for health and safety reasons;
- (i) regulation 12 contains requirements for effective communications;
- (j) regulation 13 contains requirements in relation to helideck operations;
- (k) regulation 14 requires the keeping of information on the weather and other information;
- (l) regulation 15 requires that people on an installation, or engaged in certain specified offshore activities, have access to the address and telephone number of the Department;
- (m) regulation 16 contains a requirement for health surveillance of persons engaged in work on an offshore installation;
- (n) regulation 17 requires drinking water to be readily available on an installation;
- (o) regulation 18 requires that provisions on the installation are of adequate quality;
- (p) regulation 19 contains requirements as to the visual identification of an installation;
- (q) regulation 20 provides for the granting of certificates of exemption by the Department;
- (r) regulation 21 contains provisions relating to the application to offshore installations and associated structures, with modifications and extensions, of the Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (S.I. 1972/963 (N.I. 6));
- (s) regulation 22 and Schedule 1 repeal or modify certain provisions of the Mineral Workings (Offshore Installations) Act 1971 (1971 c. 61); and
- (t) regulation 23 and Schedule 2 revoke or modify certain statutory provisions.

4. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.