

SCHEDULE 2

Modification of the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993

1. In regulation 2 of the 1993 Regulations—

(a) in paragraph (1)—

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

““concession owner”, in relation to a fixed installation, or to a well or proposed well, means the person who at any time has the right to exploit or explore for mineral resources in any area, or to store gas in any area and to recover gas so stored if, at that time, the installation, or, as the case may be, the well or proposed well is, or is to be, used in the exercise of that right;”;

- (ii) after the definition of “major accident” there shall be inserted the following definition—

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

- (iii) after the definition of “safety case”, there shall be inserted the following definition—

““safety-critical elements” means such parts of an installation and such of its plant (including computer programmes), or any part thereof—

- (a) the failure of which could cause or contribute substantially to; or
 - (b) a purpose of which is to prevent, or limit the effect of, a major accident;”;
- and

- (b) after paragraph (7) there shall be inserted the following paragraphs—

“(7A) Any reference in these Regulations to a verification scheme is a reference to a suitable written scheme for ensuring, by means described in paragraph (7B), that the safety-critical elements—

- (a) are or, where they remain to be provided, will be suitable; and
- (b) where they have been provided, remain in good repair and condition.

(7B) The means referred to in paragraph (7A) are—

- (a) examination, including testing where appropriate, of the safety-critical elements by independent and competent persons;
- (b) examination of any design, specification, certificate, CE marking or other document, marking or standard relating to those elements by such persons;
- (c) examination by such persons of work in progress;
- (d) the taking of appropriate action following reports by such persons;
- (e) the taking of such other steps as may properly be provided for pursuant to regulation 14B and Schedule 9; and
- (f) the taking of any steps incidental to the means described in sub-paragraphs (a) to (e).

(7C) For the purposes of paragraph (7B) and regulations 14A and 14C a person shall be regarded as independent only where—

- (a) his function 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

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- (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.”.