

2007 No. 165

HEALTH AND SAFETY

**The Offshore Safety (Miscellaneous Amendments) Regulations
(Northern Ireland) 2007**

Made - - - - - *13th March 2007*

Coming into operation - - - - - *23rd April 2007*

The Department of Enterprise, Trade and Investment(a), being the Department concerned(b), makes the following Regulations in exercise of the powers conferred by Articles 17(1) to (6)(c) and 55(2) of, and paragraphs 1(1) and (2), 5, 7, 8, 9, 10, 11, 12(1) and (3), 13, 14(1), 15, 17 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(d) (“the 1978 Order”) and Article 3(2) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992(e). The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(f) of the 1978 Order, after the Executive had carried out consultations in accordance with Article 46(3)(g) of that Order.

Citation and commencement

1. These Regulations may be cited as the Offshore Safety (Miscellaneous Amendments) Regulations (Northern Ireland) 2007 and shall come into operation on 23rd April 2007.

Amendment of the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995

2.—(1) The Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995(h) shall be amended in accordance with paragraphs (2) to (7).

(2) Regulation 2(1) shall be amended—

(a) by inserting after the definition of “the 1972 Order” the following definition—

““activity” includes a diving project;”;

(b) by inserting after the definition of “designated area” the following definition—

““diving project” has the meaning assigned to it by regulation 2(1) of the Diving at Work Regulations (Northern Ireland) 2005(i) save that it includes an activity in which a

(a) Formerly the Department of Economic Development; see S.I. 1999/283 (N.I. 1), Article 3(5) and S.I. 1982/846 (N.I. 11), Article 3

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

(c) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)

(d) 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), Articles 3(1) and 4(1)

(e) S.I. 1992/1728 (N.I. 17)

(f) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

(g) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18(c)

(h) S.R. 1995 No. 340, amended by S.R. 1996 No. 228 and S.R. 1999 No. 150

(i) S.R. 2005 No. 45

- person takes part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;”;
- (c) in the definition of “pipeline”, for “or within territorial waters, United Kingdom territorial waters adjacent to Great Britain or a designated area” substitute “within the territorial sea adjacent to the United Kingdom, or within a designated area”;
 - (d) in the definition of “pipeline works”, for “diving operations” substitute “a diving project”;
 - (e) by inserting after the definition of “stand-by vessel” the following definition—
 - ““supplementary unit” means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation;”;
 - (f) by substituting for the definition of “territorial waters” the following definition—
 - ““territorial sea” means the territorial sea of the United Kingdom adjacent to Northern Ireland and “within the territorial sea” includes on, over and under it;”.
- (3) Regulation 3 shall be amended—
- (a) in paragraph (1), for “and which is not an excepted structure” substitute “together with any supplementary unit which is ordinarily connected to it or any part of it (including those parts described in paragraph (3)) and all of the connections”;
 - (b) in paragraph (2), for “For the purposes of paragraph (1), the excepted structures are” substitute “Any reference in paragraph (1) to a structure or unit does not include”; and
 - (c) in paragraph (2)(e), for “for the time being intended to be” substitute “yet being moved with a view to its being”.
- (4) For regulation 4(1) there shall be substituted—
- “4.—(1) Within the territorial sea these Regulations shall apply only to and in relation to the premises and activities to which paragraphs 2, 3 and 4 of Schedule 1 apply.”
- (5) In regulations 22(1) and (2), for “Schedule 1” substitute “Schedule 1A”.
- (6) Schedule 1 shall be re-numbered as Schedule 1A.
- (7) The Schedule set out in Schedule 1 to these Regulations shall be inserted before Schedule 1A.

Amendment of the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations (Northern Ireland) 1995

- 3.—**(1) The Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations (Northern Ireland) 1995(a) shall be amended in accordance with paragraphs (2) to (6).
- (2) Regulation 2(1) shall be amended—
- (a) by inserting after the definition of “acoustic signal” the following definition—
 - ““activity” has the same meaning as in regulation 2(1) of the 1995 Regulations;”;
 - (b) by inserting after the definition of “concession owner” the following definitions—
 - ““designated area” and “diving project” have the same respective meanings as in regulation 2(1) of the 1995 Regulations;”;
 - (c) in the definitions of “pipeline”, “pipeline works”, “stand-by vessel”, “territorial waters” and “vessel”—
 - (i) after “stand-by vessel” insert “supplementary unit”; and
 - (ii) for “territorial waters” substitute “territorial sea”.
- (3) For regulation 3(1) there shall be substituted—
- “3.—(1) Within the territorial sea these Regulations shall apply only to and in relation to the premises and activities to which paragraphs 2, 3 and 4 of Schedule 1 apply.”

(a) S.R. 1995 No. 345, amended by S.R. 1996 No. 228 and S.R. 1999 No. 150

(4) In regulation 25(2), for “the Schedule” where it first appears substitute “Schedule 2” and for “the Schedule” where it second appears substitute “that Schedule”.

(5) The Schedule shall be numbered Schedule 2.

(6) The Schedule set out in Schedule 2 to these Regulations shall be inserted before Schedule 2.

Amendment of the Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996

4.—(1) The Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996(a) shall be amended in accordance with paragraphs (2) to (5).

(2) Regulation 2(1) shall be amended—

(a) by inserting after the definition of “the 1995 Regulations” the following definition—

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

(b) by inserting after the definition of “concession owner” the following definition—

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

(c) by substituting for the definitions of “stand-by vessel”, “territorial waters” and “vessel” the following definitions—

““stand-by vessel”, “supplementary unit” and “territorial sea” have the same respective meanings as in regulation 2(1) of the 1995 Regulations;”;

and

(d) by inserting after the definition of “traffic route” the following definition—

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

(3) For regulation 3(1) there shall be substituted—

“3.—(1) Within the territorial sea these Regulations shall apply only to and in relation to the premises and activities to which paragraphs 2 and 3 of Schedule 1A apply.”

(4) In regulation 3(3) for “territorial waters” substitute “territorial sea”.

(5) The Schedule set out in Schedule 3 to these Regulations shall be inserted after Schedule 1.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 13th March 2007.



M. Bohill

A senior officer of the Department of Enterprise, Trade and Investment

(a) S.R. 1996 No. 228, amended by S.R. 1999 No. 150

SCHEDULE 1

Regulation 2(7)

SCHEDULE TO BE INSERTED BEFORE SCHEDULE 1A TO THE OFFSHORE INSTALLATIONS AND PIPELINE WORKS (MANAGEMENT AND ADMINISTRATION) REGULATIONS (NORTHERN IRELAND) 1995

“SCHEDULE 1

Regulation 4(1)

PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA

Interpretation

1.—(1) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(2) Any reference in this Schedule to premises and activities includes a reference to any person, article or substance on those premises or engaged in, or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

Offshore installations

2. This paragraph shall apply to and in relation to—

- (a) any offshore installation and any activity on it;
- (b) any activity 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 in or from a vessel being used as a stand-by vessel;
- (c) a diving project involving—
 - (i) the survey and preparation of the sea bed for an offshore installation;
 - (ii) the survey and restoration of the sea bed consequent on the removal of an offshore installation.

Wells

3.—(1) Subject to sub-paragraph (2), this paragraph applies to and in relation to—

- (a) a well and any activity in connection with it; and
- (b) an activity which is immediately preparatory to any activity in head (a).

(2) Sub-paragraph (1) 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.

Pipelines

4. This paragraph applies to and in relation to—

- (a) any pipeline;

- (b) any pipeline works;
- (c) 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.”

SCHEDULE 2

Regulation 3(6)

SCHEDULE TO BE INSERTED BEFORE SCHEDULE 2 TO THE OFFSHORE INSTALLATIONS (PREVENTION OF FIRE AND EXPLOSION, AND EMERGENCY RESPONSE) REGULATIONS (NORTHERN IRELAND) 1995

“SCHEDULE 1

Regulation 3(1)

PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA

Interpretation

1.—(1) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(2) Any reference in this Schedule to premises and activities includes a reference to any person, article or substance on those premises or engaged in, or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

Installations

2. This paragraph shall apply to and in relation to—

- (a) any installation and any activity on it;
- (b) any activity 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 in or from a vessel being used as a stand-by vessel;
- (c) a diving project involving—
 - (i) the survey and preparation of the sea bed for an installation;
 - (ii) the survey and restoration of the sea bed consequent on the removal of an installation.

Wells

3.—(1) Subject to sub-paragraph (2), this paragraph applies to and in relation to—

- (a) a well and any activity in connection with it; and
- (b) an activity which is immediately preparatory to any activity in head (a).

(2) Sub-paragraph (1) 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.

Pipelines

4. This paragraph applies to and in relation to—
- (a) any pipeline;
 - (b) any pipeline works;
 - (c) 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.”

SCHEDULE 3

Regulation 4(5)

SCHEDULE TO BE INSERTED AFTER SCHEDULE 1 TO THE OFFSHORE INSTALLATIONS AND WELLS (DESIGN AND CONSTRUCTION, ETC.) REGULATIONS (NORTHERN IRELAND) 1996

“SCHEDULE 1A

Regulation 3(1)

PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA

Interpretation

1.—(1) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(2) Any reference in this Schedule to premises and activities includes a reference to any person, article or substance on those premises or engaged in, or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

Installations

2. This paragraph shall apply to and in relation to—
- (a) any installation and any activity on it;
 - (b) any activity 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 in or from a vessel being used as a stand-by vessel;
 - (c) a diving project involving—
 - (i) the survey and preparation of the sea bed for an installation;

- (ii) the survey and restoration of the sea bed consequent on the removal of an installation.

Wells

3.—(1) Subject to sub-paragraph (2), this paragraph applies to and in relation to—

- (a) a well and any activity in connection with it; and
- (b) an activity which is immediately preparatory to any activity in head (a).

(2) Sub-paragraph (1) 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.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations insert definitions of “activity”, “diving project” and “supplementary unit” into regulation 2(1) of the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995 (“the 1995 Regulations”). They also amend the definitions of “pipeline” and “pipeline works” and substitute for the definition of “territorial waters” the definition of “territorial sea” (*regulation 2(2)*).

2. In regulation 3 of the 1995 Regulations the definition of “offshore installation” is amended by extending it to include a supplementary unit (as defined) and by modifying the reference in regulation 3(2) (excepted structures) to a mobile structure which has been taken out of use (*regulation 2(3)*).

3. For regulation 4(1) of the 1995 Regulations there is substituted a new regulation 4(1) and Schedule 1 to update the provisions relating to the application of those Regulations within the territorial sea (*regulation 2(4) and (7) and Schedule 1*).

4. The Regulations also amend the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations (Northern Ireland) 1995 (*regulation 3 and Schedule 2*) and the Offshore Installations and Wells (Design and Construction etc.) Regulations (Northern Ireland) 1996 (*regulation 4 and Schedule 3*) to update the provisions relating to the application of each set of Regulations within the territorial sea.

5. In Great Britain, the corresponding Regulations are the Offshore Safety (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/2175). Copies of the Regulatory Impact Assessment relating to those Regulations together with a Northern Ireland Supplement are held at the offices of the Health and Safety Executive for Northern Ireland at 83 Ladas Drive, Belfast, BT6 9FR from where copies may be obtained on request.

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