



Mineral Workings (Offshore Installations) Act 1971

1971 CHAPTER 61

U.K.

An Act to provide for the safety, health and welfare of persons on installations concerned with the underwater exploitation and exploration of mineral resources in the waters in or surrounding the United Kingdom, and generally for the safety of such installations and the prevention of accidents on or near them. [27th July 1971]

Modifications etc. (not altering text)

- C1** Act restricted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), [s. 27\(3\)\(4\)](#)
- C2** Power to repeal or modify Act conferred (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c.15\)](#), [ss.1, 3\(1\)\(d\)](#)
- C3** Act modified (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c. 15\)](#), [s. 1\(5\)\(a\)](#)
- C4** Power to repeal or modify Act conferred (15.9.1992) by [S.I. 1992/1728 \(N.I. 17\)](#), [arts. 1\(1\), 3\(3\)\(a\)](#)

Commencement Information

- I1** Act not in force at Royal Assent see [s. 14\(2\)](#); Act wholly in force at 31.8.1972

[^{F1}1] Application of Act. **U.K.**

- (1) This Act shall apply to any activity mentioned in subsection (2) below which is carried on from, by means of or on an installation which is maintained in the water, or on the foreshore or other land intermittently covered with water, and is not connected with dry land by a permanent structure providing access at all times and for all purposes.
- (2) The activities referred to in subsection (1) above are—
 - (a) the exploitation or exploration of mineral resources in or under the shore or bed of controlled waters;
 - (b) the storage of gas in or under the shore or bed of controlled waters or the recovery of gas so stored;

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- (c) the conveyance of things by means of a pipe, or system of pipes, constructed or placed on, in or under the shore or bed of controlled waters; and
 - (d) the provision of accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, for the carrying on of an activity falling within paragraph (a), (b) or (c) above or this paragraph.
- (3) Her Majesty may by Order in Council provide that, in such cases and subject to such exceptions and modifications as may be prescribed by the Order, this Act shall have effect as if—
- (a) any reference to controlled waters included a reference to waters in any area specified under section 22(5) of the Oil and Gas (Enterprise) Act 1982; and
 - (b) in relation to installations which are or have been maintained, or are intended to be established, in controlled waters, any reference in subsection (2) above to controlled waters included a reference to waters in a foreign sector of the continental shelf which are adjacent to such waters.
- (4) In this Act—
- “controlled waters” means—
- (a) tidal waters and parts of the sea in or adjacent to the United Kingdom up to the seaward limits of territorial waters;
 - (b) waters in any area designated under section 1(7) of the Continental Shelf Act ^{M1}1964; and
 - (c) such inland waters as may for the time being be specified for the purposes of this paragraph by Order in Council;
- [^{F2}“foreign sector of the Continental shelf” means an area within which rights are exercisable with respect to the sea bed and subsoil and their natural resources by a country or territory outside the United Kingdom;]
- “offshore installation” means any installation which is or has been maintained, or is intended to be established, for the carrying on of any activity to which this Act applies.
- (5) In this section—
- “exploration” means exploration with a view to exploitation;
- “inland waters” means waters within the United Kingdom other than tidal waters and parts of the sea;
- “installation” includes—
- (a) any floating structure or device maintained on a station by whatever means; and
 - (b) in such cases and subject to such exceptions as may be prescribed by Order in Council, any apparatus or works which are by virtue of section 33 of the Petroleum and Submarine Pipe-lines Act ^{M2}1975 to be treated as associated with a pipe or system of pipes for the purposes of Part III of that Act,
- but, subject to paragraph (b) above, does not include any part of a pipe-line within the meaning of that section;
- “modifications” includes additions, omissions and alterations.
- (6) The fact that an installation has been maintained for the carrying on of an activity falling within subsection (2) above shall be disregarded for the purposes of this section if, since it was so maintained, the installation—

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- (a) has been outside controlled waters or, where it was so maintained in a part of a foreign sector of the continental shelf adjacent to those waters, the area consisting of those waters and that part; or
 - (b) has been maintained for the carrying on of an activity not falling within that subsection.
- (7) Orders in Council made under this section may be varied or revoked by a subsequent Order so made; and any statutory instrument containing an Order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F1** S. 1 substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), **s. 24** and, as amended as indicated
- F2** Words substituted by [Territorial Sea Act 1987 \(c. 49, SIF 29:1\)](#), s. 3(1)(2), **Sch. 1 para. 2**

Modifications etc. (not altering text)

- C5** S. 1(4) modified (E.W.S.) (6.3.1992) by [Offshore Safety Act 1992 \(c.15\)](#), **s. 1(5)(a)**
S. 1(4) modified (15.9.92) by [S.I. 1992/1728 \(N.I. 17\)](#), **arts. 1(1), 3(5)**.

Marginal Citations

- M1** [1964 c.29](#). (86).
- M2** [1975 c.74](#). (86).

2 Registration of offshore installations. **U.K.**

- (1) The Secretary of State may make regulations for the registration of offshore installations.
- (2) Regulations under this section may make provision—
- (a) for all matters relevant to the maintenance of a register of offshore installations,
 - (b) without prejudice to paragraph (a) above, for the cases in which an installation is to be or may be exempted from registration, for the period for which any registration or exemption is to remain effective without renewal, the alteration or cancellation in any prescribed circumstances of registration or exemptions or of any conditions attached thereto, the persons by whom and manner in which applications in connection with any registration or exemption are to be made, and the information and evidence to be furnished in connection with any such application,
 - (c) for the marking or other means of identification of any installation, whether registerable or exempted from registration,
 - (d) for the issue of certificates of registration or exemption, and the custody, surrender, production or display of the certificates or copies of them,
 - (e) for requiring the payment of fees in connection with the making of applications under the regulations, the issue of certificates or other matters,
 - (f) for matters arising out of the termination of any registration or exemption, or any conditions attached thereto,
 - (g) for any other incidental matters.

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3 Construction and survey regulations for offshore installations. **U.K.**

- (1) The Secretary of State may make regulations—
- (a) requiring offshore installations or parts of offshore installations to be certified by such persons and in such manner as may be provided by the regulations to be, in respect of such matters affecting safety as may be so provided, fit for the purpose or purposes specified by the regulations,
 - (b) imposing requirements as to the survey, testing and inspection of installations or parts of installations in respect of matters covered or required to be covered by a certificate of fitness,
 - (c) imposing any prohibition or restriction as respects installations or parts of installations which, in any respect, fail to comply with any provisions of the regulations.
- (2) Regulations under this section may make provision—
- (a) for the issue of certificates of fitness, and the custody, surrender, production or display of the certificates or copies of them,
 - (b) for requiring the payment of fees in connection with the making of applications under the regulations, the carrying out of surveys or tests, the issue of certificates or other matters,
 - (c) for matters arising out of the termination or modification of any certificate of fitness,
 - (d) for any other incidental matters.
- (3) The regulations may provide for exempting, or authorising the Secretary of State to exempt, any installation or part of an installation from all or any of the provisions of the regulations, either in a particular case, or in a specified class or description of cases.
- (4) It shall be the duty of the owner of the offshore installation, and of the installation manager and of [^{F3}every person who, in relation to the installation, is a concession owner], to ensure that the provisions of regulations under this section are complied with, and, if regulations under this section are contravened in any respect in relation to an offshore installation when it is within [^{F4}controlled waters], the owner of the offshore installation, the installation manager and [^{F3}every person who, in relation to the installation, is a concession owner] shall each be guilty of an offence under this section, and shall be liable—
- (a) on summary conviction to a fine not exceeding £400,
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or both.

Textual Amendments

- F3** Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, [Sch. 3 para. 7](#)
- F4** Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, [Sch. 3 para. 8](#)

4 Managers of offshore installations. **U.K.**

- (1) Every offshore installation, so long as it is in [^{F5}controlled waters], shall be under the charge of a person appointed to be or act as manager of the installation, and the owner of the installation shall appoint to be installation manager—

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- (a) a person who, to the best of the knowledge and belief of the owner, has the skills and competence suitable for the appointment, and
 - (b) another or others to act where necessary in place of the installation manager, and shall inform the Secretary of State of any appointment under this subsection by giving notice in the prescribed form and containing the prescribed particulars.
- (2) The Secretary of State may, if he thinks fit, make regulations prescribing requirements to be fulfilled as respects an installation manager appointed under paragraph (a) or paragraph (b) of subsection (1) above, including requirements as to qualifications, experience, health or age; and the regulations may make different provision for managers of different types of installations or managers whose responsibilities differ in other respects, and different provision for managers appointed under the said paragraphs (a) and (b) respectively.
- (3) The owner may, under subsection (1)(a) above, appoint two or more persons to be managers in rotation, and the persons appointed under subsection (1)(b) above shall act where necessary in place of any of them.
- (4) If at any time the owner is satisfied that an installation manager appointed in pursuance of subsection (1) above does not have the requisite skills and competence, he shall terminate the appointment as soon as practicable, and shall give the Secretary of State notice in the prescribed form of the action taken by him.
- (5) It shall be the duty of the owner, in order to ensure that an installation manager appointed under subsection (1)(a) above is on the installation when it is manned, from time to time to place a person so appointed on the installation, and to ensure that he remains there until relieved, or so long as it is manned.
- (6) If the owner fails to comply, or to ensure compliance with the provisions of this section, he shall be guilty of an offence under this section, and liable on summary conviction to a fine not exceeding [^{F6}level 5 on the standard scale].
- (7) The operation of this section may be excluded in whole or in part in relation to any class or description of installation by regulations under this Act, or in relation to any particular installation by directions of the Secretary of State given in such manner and to such persons as he thinks appropriate.
- (8) In this Act references to the manager of an offshore installation or to an installation manager are to be taken, except in so far as the context otherwise requires, as references to the person for the time being in charge of the installation and appointed as required by paragraph (a) or (b) of subsection (1) above.

Textual Amendments

- F5** Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, [Sch. 3 para. 8](#)
- F6** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

5 Managers of offshore installations, further provisions. **U.K.**

- (1) The manager of an offshore installation shall not be absent from the installation at any time when it is manned, except in case of sudden sickness or other cause beyond his control, or for other sufficient reason, and a person failing to comply with this

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subsection shall be guilty of an offence under this section, and liable on summary conviction to a fine not exceeding [^{F7}level 5 on the standard scale].

- (2) Except as otherwise provided by this Act, the manager of [^{F8}an offshore installation] shall have in relation to it general responsibility for matters affecting safety, health or welfare or, where connected with safety, health or welfare, the maintenance of order and discipline, and for the discharge of that responsibility shall exercise authority over all persons in or about the installation:

Provided that this subsection shall not extend to any matters for which another person is responsible as master, captain or person in charge of any vessel, aircraft or hovercraft.

- (3) If a person subject to the authority of the manager of an offshore installation wilfully disobeys a lawful command given him by the manager in exercise of that authority, he shall be liable on summary conviction to a fine not exceeding [^{F9}level 3 on the standard scale].
- (4) The manager of an offshore installation shall not permit the installation to be used in any manner, or permit any operation to be carried out on or from the installation, if the seaworthiness or stability of the installation is likely to be endangered by its use in that manner, or by the carrying out of that operation or by its being carried out in the manner proposed, and it shall be the duty of the owner of the installation to ensure that the provisions of this subsection are complied with by the installation manager.

If an installation manager or owner fails to comply, or ensure compliance, with this subsection he shall be guilty of an offence under this section, and liable—

- (a) on summary conviction, to a fine not exceeding £400,
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or both.
- (5) Where at an offshore installation there is an emergency or apprehended emergency endangering the seaworthiness or stability of the installation or otherwise involving a risk of death or serious personal injury, the installation manager may take or require to be taken any such measures as are necessary or expedient to meet or avoid the emergency; and no regulation or condition having effect by virtue of this Act shall apply to prohibit or restrict the taking of any such measures by virtue of this subsection.
- (6) If the installation manager has reasonable cause to believe that it is necessary or expedient for the purpose of securing the safety of an offshore installation or persons in or about it, or maintaining order and discipline among those persons, the installation manager may cause any of those persons to be put ashore in the United Kingdom; and where any of those persons has done or is about to do any act endangering or likely to endanger the safety of the installation or persons in or about it or the maintenance of order and discipline among those persons, or the installation manager with reasonable cause suspects him of having done or being about to do any such act, the installation manager may take or cause to be taken such other reasonable measures against him, by restraint of his person or otherwise, as the installation manager thinks necessary or expedient:

Provided that this subsection shall not extend to any matters for which another person is responsible as master, captain or person in charge of any vessel, aircraft or hovercraft.

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- (7) A person shall not be kept under restraint by virtue of subsection (6) above for longer than twenty-four hours unless—
- (a) the intention is that he shall be put ashore in the United Kingdom in accordance with that subsection at the earliest opportunity; and
 - (b) within those twenty-four hours or as soon as practicable afterwards notice of his being kept under restraint and of the reason for it is sent to the prescribed authority in the United Kingdom.
- (8) The manager of an offshore installation shall notify the owner as soon as practicable of any event which occurs at the installation and which the owner is by any regulation or condition having effect by virtue of this Act required to notify to the Secretary of State.
- If a person fails to comply with the provisions of this subsection he shall be guilty of an offence under this section, and liable on summary conviction to a fine not exceeding [F10]level 3 on the standard scale].
- (9) The operation of this section may be excluded in whole or in part in relation to any class or description of installation by regulations under this Act, or in relation to any particular installation by directions of the Secretary of State given in such manner and to such persons as he thinks appropriate.

Textual Amendments

- F7** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**
- F8** Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, **Sch. 3 para. 9**
- F9** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**
- F10** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

6 Safety regulations. **U.K.**

- (1) The Secretary of State may make regulations for the safety, health and welfare of persons on offshore installations in [F11]controlled waters], and generally, and whether or not by way of supplementing the preceding sections of this Act, for the safety of such installations and the prevention of accidents on or near them.
- (2) The regulations may have effect as respects—
- (a) persons whether or not present in the course of their employment,
 - (b) the transport of persons and things to or from an installation,
 - (c) vessels, aircraft or hovercraft in the neighbourhood of an installation, . . . F12
 - [F12](cc) vessels on which accommodation is provided for persons who work on or from installations, and]
 - (d) any operation or work whether on or near an installation, or in the water, or on or below the shore or bed of the sea or other waters.
- (3) Without prejudice to the generality of the preceding provisions of this section, the regulations may provide for any of the matters set out in the Schedule to this Act, and

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may contain such supplemental or incidental provisions as appear to the Secretary of State to be expedient.

- (4) The Secretary of State may appoint as inspectors to discharge the functions conferred by the regulations, and generally to assist the Secretary of State in the execution of this Act, such number of persons appearing to him to be qualified for the purpose as he may from time to time consider necessary or expedient, and may make to or in respect of any person so appointed such payments by way of remuneration, allowance or other payments as the Secretary of State may with the approval of the Minister for the Civil Service determine.
- [^{F13}(5) If an inquiry is held in pursuance of regulations under this Act into an accident which causes the death of any person, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the ^{M3}Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.]

Subordinate Legislation Made

- P1** S. 6 for exercises of this power see Index to Government Orders
P2 S. 6(1)(3)(with para. 5(2) of the Schedule) power exercised by S.I. 1991/308

Textual Amendments

- F11** Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, [Sch. 3 para. 8](#)
F12 S. 6(2) the word “and” immediately following sub-para. (c) is repealed and after that para. there is inserted para. (cc) by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, [Sch. 3 para. 10](#), [Sch. 4](#)
F13 S. 6(5) added by [Fatal Accidents and Sudden Deaths Inquiry \(Scotland\) Act 1976 \(c. 14\)](#), [Sch. 1 para. 3](#)

Modifications etc. (not altering text)

- C6** S. 6 explained by [Petroleum and Submarine Pipe-lines Act 1975 \(c. 74\)](#), s. 44(5)

Marginal Citations

- M3** 1976 c. 14.

7 Regulations: general provisions. **U.K.**

- (1) Before making regulations under this Act the Secretary of State shall consult with organisations in the United Kingdom appearing to him to be representative of those persons who will be affected by the regulations.
- (2) Subject to subsection (3) below, regulations under this Act—
- may provide for the creation of offences and for their punishment on summary conviction or on conviction on indictment, and
 - may afford, in respect of any description of offence created by the regulations, such defence, if any, as may be specified in the regulations.
- (3) The punishment for an offence created by regulations under this Act shall be—
- on summary conviction a fine not exceeding [^{F14}level 5 on the standard scale],
 - on conviction on indictment imprisonment for a term not exceeding two years, or a fine, or both,

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but without prejudice to any further restriction on the punishments which can be awarded contained in the regulations, and without prejudice to the exclusion of proceedings on indictment by the regulations.

- (4) The operation of any regulations made under this Act may be excluded in whole or in part in relation to any class or description of installation by the regulations, or in relation to any particular installation by directions of the Secretary of State given in such manner and to such persons as he thinks appropriate.
- (5) Any exemption or exclusion by regulations under this Act, or by directions of the Secretary of State under this Act, may be made subject to the imposition of conditions specified by the regulations or directions.
- (6) Where in pursuance of this section a person is exempted or excluded from the requirements of any provision of this Act, or of regulations under this Act, but subject to a condition, and the condition is not observed, the exemption or exclusion shall not have effect, and proceedings may be brought in respect of any breach of duty as if the exemption or exclusion had not had effect.
- (7) Regulations made under this Act may make different provision for different circumstances, and in particular—
 - (a) may make provision as respects installations which are registered vessels which is different from that made for other installations, and
 - (b) may make provision for installations in transit which is different from provision made for installations on station.
- (8) Regulations made under this Act shall be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F14** S. 7(3) a reference to level 5 on the standard scale is substituted as regards any summary offence for the reference to £400 (E.W.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 40, 46**, (S.), [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

F15 **U.K.**

Textual Amendments

- F15** S. 8 repealed by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, **Sch.**

9 Offences: general provisions. **U.K.**

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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In this subsection “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

- (2) In proceedings for an offence under this Act an averment in any process of the fact that anything was done or situated within [^{F16}controlled waters] shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment.
- (3) In proceedings for an offence under section 3, section 4 or section 5 of this Act, it shall be a defence for the accused to prove—
 - (a) that he has used all due diligence to enforce the execution of this Act, and of any relevant regulation made under this Act, and
 - (b) that any relevant contravention was committed without his consent, connivance or wilful default.
- (4) Proceedings for any offence under this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (5) ^{F17}

Textual Amendments
F16 Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, **Sch. 3 para. 8**
F17 [S. 9\(5\)](#) repealed by [Oil and Gas \(Enterprise\) Act 1982 \(c.23, SIF 86\)](#), s. 37, **Sch. 4**

10 ^{F18} **U.K.**

Textual Amendments
F18 [S. 10](#) repealed and superseded by [Oil and Gas \(Enterprise\) Act 1982 \(c.23, SIF 86\)](#), ss. 27(7), 37, **Sch. 4**

11 Civil liability for breach of statutory duty. U.K.

- (1) This section has effect as respects—
 - (a) a duty imposed on any person by any provision of this Act, or
 - (b) a duty imposed on any person by any provision of regulations made under this Act which expressly applies the provisions of this section.
- (2) Breach of any such duty shall be actionable so far, and only so far, as it causes personal injury, and references in section 1 of the ^{M4}Fatal Accidents Act 1846, as it applies in England and Wales, and [^{F19}in Article 3(1) of the ^{M5}Fatal Accidents (Northern Ireland) Order 1977], to a wrongful act, neglect or default shall include references to any breach of a duty which is so actionable.
- (3) Subsection (2) above is without prejudice to any action which lies apart from the provisions of this Act.

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- (4) Neither section 9(3) of this Act, nor any defences afforded by regulations made in pursuance of section 7(2)(b) of this Act, shall afford a defence in any civil proceedings, whether brought by virtue of this section or not.
- (5) So far as the provisions of this section impose a liability on a concession owner, those provisions and the other provisions of this Act to which they relate shall bind the Crown, and accordingly, for the purposes of those provisions, and of any regulations or conditions having effect under any of those provisions, persons in the service of the Crown shall be taken to be employed whether or not they would be so taken apart from this subsection:
- Provided that this subsection shall not give any right of action to a person as being a member of the armed forces of the Crown.
- (6) Nothing in the last preceding subsection shall authorise proceedings to be brought against Her Majesty in her private capacity, and this subsection shall be construed as if section 38(3) of the ^{M6}Crown Proceedings Act 1947 (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.
- (7) In this section “personal injury” includes any disease and any impairment of a person’s physical or mental condition and includes any fatal injury.

Textual Amendments

F19 Words substituted by [S.I. 1977/1251 \(N.I. 18\)](#), [Sch. 1 para. 6](#)

Modifications etc. (not altering text)

C7 [S. 11](#) applied by [S.I. 1989/1029](#), [reg. 11](#)

C8 [S. 11](#) amended (E. W.) by [Fatal Accidents Act 1976 \(c. 30\)](#), [Sch. 1 para. 2](#)

Marginal Citations

M4 [1846 c. 93](#).

M5 [1977/1251 \(N.I. 18\)](#).

M6 [1947 c. 44](#).

12 Interpretation. **U.K.**

- (1) In this Act, unless the context otherwise requires—
- [^{F20}“controlled waters”has the meaning given by section 1(4) of this Act,]
“designated area” has the same meaning as in the ^{M7}Continental Shelf Act 1964,
[^{F21}“foreign sector of the continental shelf”has the meaning given by section 1(4) of this Act,]
“installation manager” has the meaning given by section 4(8) of this Act,
“offence under this Act,” includes an offence under regulations made under this Act,
[^{F22}“offshore installation”has the meaning given by section 1(4) of this Act,]
“owner”, in relation to an offshore installation, means the person who has registered the installation pursuant to regulations under section 2 of this Act or,

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if there is no such person, the person for the time being having the management of the installation, or of its main structure,

“prescribed” means prescribed by regulations under this Act,

F23

[^{F24}(2) A person who 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, shall be a concession owner for the purposes of this Act in relation to any offshore installation at any time if, at that time, there is carried on from, by means of or on the installation any of the following activities, namely—

- (a) the exploitation or exploration of mineral resources, or the storage or recovery of gas, in the exercise of that right;
- (b) the conveyance in that area by means of a pipe or system of pipes, of minerals gotten, or gas being stored or recovered, in the exercise of that right; and
- (c) the provision of accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, for the carrying on of an activity falling within paragraph (a) or (b) above or this paragraph.

(3) The fact that an installation has been maintained for the carrying on of an activity falling within subsection (2) above shall be disregarded for the purposes of paragraph (c) of that subsection if, since it was so maintained, the installation—

- (a) has been outside controlled waters or, where it was so maintained in a part of a foreign sector of the continental shelf adjacent to those waters, the area consisting of those waters and that part; or
- (b) has been maintained for the carrying on of an activity not falling within that subsection.”].

(4) It is hereby declared that, notwithstanding that this Act may affect individuals or bodies corporate outside the United Kingdom, it applies to any individual whether or not he is a British subject, and to any body corporate whether or not incorporated under the law of any part of the United Kingdom.

(5) Any reference in this Act to a contravention of a provision of this Act or of regulations made under this Act includes a reference to a failure to comply with such a provision.

(6) Any reference in this Act to any enactment or Act of Parliament includes a reference to an enactment or Act of the Parliament of Northern Ireland.

(7) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

Textual Amendments

F20 Definition substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, [Sch. 3 para. 11\(1\)\(a\)](#)

F21 Definition inserted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, [Sch. 3 para. 11\(1\)\(b\)](#)

F22 Definition substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, [Sch. 3 para. 11\(1\)\(c\)](#)

F23 Definitions repealed by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, [Sch. 3 para. 11\(1\)\(d\)](#), Sch. 4

F24 [S. 12\(2\), \(3\)](#) substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, [Sch. 3 para. 11\(2\)](#)

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Marginal Citations

M7 1964 c. 29.

13 Financial provisions. U.K.

- (1) There shall be paid out of money provided by Parliament—
 - (a) any expenses incurred by the Secretary of State under this Act, and
 - (b) any increase in money so payable under any other Act which is an increase attributable to this Act.
- (2) Any receipts of the Secretary of State under this Act shall be paid into the Consolidated Fund.

14 Short title, commencement and saving. U.K.

- (1) This Act may be cited as the Mineral Workings (Offshore Installations) Act 1971.
- (2) This act shall come into force on such date as the Secretary of State may by order in a statutory instrument appoint, and an order under this subsection may appoint different dates for different provisions of this Act, or for different purposes.
- (3)^{F25}

Textual Amendments

F25 S. 14(3) repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

Modifications etc. (not altering text)

C9 Power of appointment conferred by s. 14(2) fully exercised

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SCHEDULE **U.K.**

Section 6.

SUBJECT MATTER OF REGULATIONS

- 1
 - (1) Measures to ensure the safety of the installation, and of any other structures associated with the operations carried out from the installation.
 - (2) Measures to ensure safety when an installation or any part of an installation is being assembled or dismantled in the sea or other waters.
- 2 The movement of, and precautions to be taken by, vessels, aircraft and hovercraft in the neighbourhood of offshore installations.
- 3 Provisions as to the manner in which or occasions on which any operation or work is to be or may be carried out, or as to the safety or suitability of any place where it is carried out.
- 4
 - (1) Provisions as to the equipment, facilities or materials which are to be or may be supplied or used, whether the provision has reference to sufficiency, to suitability, to safety during use or while not in use, or to any other matter.
 - (2) The application of—
 - (a) the ^{M8}Anchors and Chain Cables Act 1967,
 - (b) the ^{M9}Employers' Liability (Compulsory Insurance) Act 1969, or any corresponding enactment in force in Northern Ireland,
 subject to such modifications or extensions as may be prescribed by the regulations.
 - (3) Any provision corresponding to anything in the Acts mentioned in sub-paragraph (2) above.

Marginal Citations

M8 1967 c. 64.

M9 1969 c. 57.

- 5
 - (1) Limits on hours of employment in any special operation or in any specified circumstances.
 - (2) The employment at installations of persons who are under the age of eighteen, or who have not received the prescribed instruction or training.

Subordinate Legislation Made

P3 For exercises of this power see Index to Government Orders

P4 [S. 6\(1\)\(3\)](#)(with para. 5(2) of the Schedule) power exercised by [S.I.1991/308](#)

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- 6 Training.
- 7 Emergency equipment and emergency procedures.
- 8 (1) Accidents, injuries and disease.
(2) Medical treatment and medical stores.
(3) Accommodation, provisioning and water.

Inspectors and inquiries

- 9 Powers and duties to be exercised by, and facilities to be accorded to, inspectors appointed by the Secretary of State under this Act, and other persons acting at the direction of the Secretary of State, and in particular—
 - (a) powers to board, and to obtain access to all parts of, any offshore installation, to obtain information and to inspect and take copies from any log book or other document,
 - (b) powers to test equipment and, in special circumstances, to dismantle, test to destruction or take possession of any article of equipment.
 - (c) powers to require, in connection with the survey or inspection of any installation, part of an installation or equipment, the carrying out of procedures and the conduct of tests by such person as may be prescribed by the regulations,
 - (d) rights to require conveyance to and from any offshore installation, including conveyance of any equipment required by an inspector for testing, or any equipment of which he has taken possession in special circumstances,
 - (e) duties to provide inspectors and others with reasonable accommodation and means of subsistence while on any offshore installation,
 - (f) any powers exercisable in case of immediate or apprehended danger.
- 10 (1) Casualties or other accidents involving loss of life or danger to life, and in particular—
 - (a) the making of special reports by inspectors, and
 - (b) the holding of public inquiries.
- (2) In the case of any public inquiry held in pursuance of regulations under this Act, provision—
 - (a) conferring on the person holding the inquiry, and any person assisting him in the inquiry, powers of entry and inspection,
 - (b) conferring on any such person powers of summoning witnesses to give evidence or produce documents,
 - (c) powers to take evidence on oath and administer oaths or require the making of declarations,

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- (d) authorising the Secretary of State to make payments to the person holding the inquiry, to any assessor appointed to assist him and to witnesses summoned to the inquiry,
 - (e) as to the persons by whom, and the manner in which, costs of any such inquiry, including the remuneration of the person or persons holding the inquiry, are to be defrayed.
- (3) The provision as respects costs under sub-paragraph (2)(e) above may include—
- (a) provision for the treatment of any such costs as expenses of the Secretary of State under this Act,
 - (b) provision requiring any such costs to be defrayed by any person who appears to the person or persons holding the inquiry to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the occurrence of the accident.

Supplemental

- 11 (1) The keeping of an official log book, and of other records.
- (2) The creation of any right to inspect, or take extracts from, any such records, and the admissibility in evidence of, or of certified extracts of, any such records.
- 12 The making of returns and the giving of information, and in particular the making of returns to the Registrar General of Shipping and Seamen of deaths, including presumed deaths; and the duties of the Registrar General as respects such returns.
- 13 The display and posting of copies of, or of digests of, this Act and of regulations made under this Act.
- 14 The punishment of forgery or falsification of documents, and of other offences as respects forged or falsified documents, where the documents are, or purport to be, made under or for the purposes of the regulations.
- 15 The regulations may, in prescribing standards of safety, or in imposing other requirements, refer to, and make obligations depend on, the provisions of any recognised industrial code of practice as for the time being in force.

Status:

Point in time view as at 21/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Mineral Workings (Offshore Installations) Act 1971.