



# Mineral Workings (Offshore Installations) Act 1971

## 1971 CHAPTER 61

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 .....

### Textual Amendments

- F1 [S. 1](#) repealed (E.W.S.) (20.6.1995) and (N.I.) (9.10.1995) by [S.I. 1995/738, reg. 22, Sch. 1 Pt. I](#); [S.R. 1995/340, reg. 22, Sch. 1 Pt. I](#)

F2 .....

*Status: Point in time view as at 09/10/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Mineral Workings (Offshore Installations) Act 1971. (See end of Document for details)*

#### Textual Amendments

**F2** S. 2 repealed (E.W.S.) (23.8.1993) and (N.I.) (1.11.1993) by S.I. 1993/1823, **reg. 3(1)(a)** (with **reg. 6(1)**); S.R. 1993/384, **reg 3(1)(a)** (with **reg. 6(1)**)

### 3 Construction and survey regulations for offshore installations.

- <sup>F3</sup>(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, <sup>F4</sup> . . ., 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 [<sup>F5</sup>controlled waters], the owner of the offshore installation, <sup>F4</sup> . . . shall <sup>F4</sup> . . . 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** S. 3(1)-(3) repealed (23.8.1993) (E.W.S.) and (1.11.1993) (N.I.) by S.I. 1993/1823, **reg. 3(1)(b)** (with **reg. 6(1)**); S.R. 1993/384, **reg. 3(1)(b)** (with **reg. 6(1)**)

**F4** Words in s. 3(4) repealed (E.W.S.) (20.6.1995) and (N.I.) (9.10.1995) by S.I. 1995/738, **reg. 22, Sch. 1 Pt. I**; S.R. 1995/340, **reg. 22, Sch. 1 Pt. I**

**F5** Words substituted by Oil and Gas (Enterprise) Act 1982 (c. 23, SIF 86), s. 37, **Sch. 3 para. 8**

*Status: Point in time view as at 09/10/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Mineral Workings (Offshore Installations) Act 1971. (See end of Document for details)*

**F6**4 .....

**Textual Amendments**

**F6** S. 4 repealed (E.W.S.) (20.6.1995) and (N.I.) (9.10.1995) by S.I. 1995/738, reg. 22, **Sch. 1 Pt. I**; S.R. 1995/340, reg. 22, **Sch. 1 Pt. I**

**F7**5 .....

**Textual Amendments**

**F7** S. 5 repealed (E.W.S.) (20.6.1995) and (N.I.) (9.10.1995) by S.I. 1995/738, reg. 22, **Sch. 1 Pt. I**; S.R. 1995/340, reg. 22, **Sch. 1 Pt. I**

**F8**6 .....

**Textual Amendments**

**F8** S. 6 repealed (E.W.S.) (23.8.1993) and (N.I.) (1.11.1993) by S.I. 1993/1823, **reg. 3(1)(e)** (with reg. 6(1)); S.R. 1993/384, **reg. 3(1)(e)** (with reg. 6(1))

**7 Regulations: general provisions.**

**F9**(1) .....

**F9**(2) .....

- (3) The punishment for an offence created by regulations under this Act shall be—
- (a) on summary conviction a fine not exceeding [<sup>F10</sup>level 5 on the standard scale],
  - (b) on conviction on indictment imprisonment for a term not exceeding two years, or a fine, or both,

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 <sup>F11</sup> . . . 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 <sup>F12</sup> . . . by directions of the Secretary of State under this Act, may be made subject to the imposition of conditions specified by the <sup>F12</sup> . . . 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.

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- <sup>F9</sup>(7) .....
- <sup>F9</sup>(8) .....

#### Textual Amendments

- F9** 7(1)-(2) and (7)-(8) repealed (E.W.S.) (23.8.1993) and (N.I.) (1.11.1993) by S.I. 1993/1823, **reg. 3(1)(f)** (with reg. 6(1)); S.R. 1993/384, **reg. 3(1)(f)** (with reg. 6(1))
- F10** 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**
- F11** Words in s. 7(4) repealed (E.W.S.) (23.8.1993) and (N.I.) (1.11.1993) by S.I. 1993/1823, **reg. 3(1)(f)** (with reg. 6(1)); S.R. 1993/384, **reg. 3(1)(f)** (with reg. 6(1))
- F12** Words in s. 7(5) repealed (E.W.S.) (23.8.1993) and (N.I.) (1.11.1993) by S.I. 1993/1823, **reg. 3(1)(f)** (with reg. 6(1)); S.R. 1993/384, **reg. 3(1)(f)** (with reg. 6(1))

#### Modifications etc. (not altering text)

- C5** S. 7(4) and (5) amended (E.W.S.) (23.8.1993) and (N.I.) (1.11.1993) by S.I. 1993/1823, **reg. 4(2)** (with reg. 6(2)); S.R. 1993/384, **reg. 4(1)** (with reg. 6(2))

<sup>F13</sup>8 .....

#### Textual Amendments

- F13** S. 8 repealed by **Oil and Gas (Enterprise) Act 1982** (c. 23, SIF 86), s. 37, **Sch.**

## 9 Offences: general provisions.

- (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.

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 [<sup>F14</sup>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, <sup>F15</sup>. . . 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

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- (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) ..... <sup>F16</sup>

**Textual Amendments**

**F14** Words substituted by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\)](#), s. 37, [Sch. 3 para. 8](#)

**F15** Words in s. 9(3) repealed (E.W.S.) (20.6.1995) and (N.I.) (9.10.1995) by S.I. 1995/738, reg. 22, [Sch. 1 Pt. I](#); S.R. 1995/340, reg. 22, [Sch. 1 Pt. I](#)

**F16** [S. 9\(5\)](#) repealed by [Oil and Gas \(Enterprise\) Act 1982 \(c.23, SIF 86\)](#), s. 37, [Sch. 4](#)

10 ..... <sup>F17</sup>

**Textual Amendments**

**F17** [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.**

- (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 <sup>M1</sup>Fatal Accidents Act 1846, as it applies in England and Wales, and [<sup>F18</sup>in Article 3(1) of the <sup>M2</sup>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.
- (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.
- <sup>F19</sup>(5) .....
- <sup>F19</sup>(6) .....
- (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.

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**Textual Amendments**

- F18** Words substituted by [S.I. 1977/1251 \(N.I. 18\)](#), [Sch. 1 para. 6](#)
- F19** [S. 11\(5\)\(6\)](#) repealed (E.W.S.) (20.6.1995) and (N.I.) (9.10.1995) by [S.I. 1995/738](#), [reg. 22](#), [Sch. 1 Pt. I](#); [S.R. 1995/340](#), [reg. 22](#), [Sch. 1 Pt. I](#)

**Modifications etc. (not altering text)**

- C6** [S. 11](#) applied by [S.I. 1989/1029](#), [reg. 11](#)
- C7** [S. 11](#) amended (E. W.) by [Fatal Accidents Act 1976 \(c. 30\)](#), [Sch. 1 para. 2](#)

**Marginal Citations**

- M1** [1846 c. 93](#).
- M2** [1977/1251 \(N.I. 18\)](#).

**12 Interpretation. E+W+S**

- (1) In this Act, unless the context otherwise requires—
- [<sup>F20</sup>“the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995;]
  - [<sup>F21</sup>“controlled waters” means—
    - (a) tidal waters and parts of the sea in or adjacent to Great Britain up to the seaward limits of territorial waters; and
    - (b) any area designated by order under section 1(7) of the Continental Shelf Act 1964;]
  - [<sup>F22</sup> . . .
  - [<sup>F23</sup> . . .
  - [<sup>F21</sup>“installation manager” has the meaning given by regulation 2(1) of the 1995 Regulations;]
  - “offence under this Act,” includes an offence under regulations made under this Act,
  - [<sup>F21</sup>“offshore installation” has the same meaning as in regulation 3 of the 1995 Regulations;]
  - [<sup>F21</sup>“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;]
  - “prescribed” means prescribed by regulations under this Act,
  - [<sup>F24</sup> . . . . .
- <sup>F25</sup>(2) . . . . .
- <sup>F25</sup>(3) . . . . .
- (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.

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- (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.

**Extent Information**

**E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

**Textual Amendments**

- F20** S. 12(1): Definition of “the 1995 Regulations” inserted (E.W.S.) (20.6.1995) by S.I. 1995/738, reg. 22, Sch. 1 Pt. II para. 1
- F21** S. 12(1): Definitions of “controlled waters”, “installation manager”, “offshore installation” and “owner” substituted (E.W.S.) (20.6.1995) by S.I. 1995/738, reg. 22, Sch. 1 Pt. II paras. 2-5
- F22** S. 12(1): Definition of “designated area” repealed (E.W.S.) (20.6.1995) by S.I. 1995/738, reg. 22, Sch. 1 Pt. I
- F23** S. 12(1): Definition of “foreign sector of the continental shelf” repealed (E.W.S.) (20.6.1995) by S.I. 1995/738, reg. 22, Sch. 1 Pt. I
- F24** Definitions repealed by Oil and Gas (Enterprise) Act 1982 (c. 23, SIF 86), s. 37, Sch. 3 para. 11(1)(d), Sch. 4
- F25** S. 12(2)(3) repealed (E.W.S.) (20.6.1995) by S.I. 1995/738, reg. 22, Sch. 1 Pt. I

**12 Interpretation. N.I.**

- (1) In this Act, unless the context otherwise requires—
  - [<sup>F43</sup>“the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;]
  - [<sup>F44</sup>“controlled waters” means tidal waters and parts of the sea in or adjacent to Northern Ireland up to the seaward limits of territorial waters,]
    - <sup>F45</sup> . . . .
    - <sup>F46</sup> . . . .
  - [<sup>F44</sup>“installation manager” has the meaning given by regulation 2(1) of the 1995 Regulations;]
  - “offence under this Act,” includes an offence under regulations made under this Act,
  - [<sup>F44</sup>“offshore installation” has the same meaning as in regulation 3 of the 1995 Regulations;]
  - [<sup>F44</sup>“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;]
  - “prescribed” means prescribed by regulations under this Act,
    - <sup>F47</sup> . . . . .
- <sup>F48</sup>(2) . . . . .
- <sup>F48</sup>(3) . . . . .

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*Changes to legislation: There are currently no known outstanding effects for the Mineral Workings (Offshore Installations) Act 1971. (See end of Document for details)*

- (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.

#### Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

#### Textual Amendments

- F43** S. 12(1): Definition of “the 1995 Regulations” inserted (N.I.) (9.10.1995) by [S.R. 1995/340, reg. 22, Sch. 1 Pt. II para. 1](#)
- F44** S. 12(1): Definitions of “controlled waters”, “installation manager”, “offshore installation” and “owner” substituted (N.I.) (9.10.1995) by [S.R. 1995/340, reg. 22, Sch. 1 Pt. II paras. 2-5](#)
- F45** S. 12(1): Definition of “designated area” repealed (N.I.) (9.10.1995) by [S.R. 1995/340, reg. 22, Sch. 1 Pt. I](#)
- F46** S. 12(1): Definition of “foreign sector of the continental shelf” repealed (N.I.) (9.10.1995) by [S.R. 1995/340, reg. 22, Sch. 1 Pt. I](#)
- F47** Definitions repealed by [Oil and Gas \(Enterprise\) Act 1982 \(c. 23, SIF 86\), s. 37, Sch. 3 para. 11\(1\)\(d\), Sch. 4](#)
- F48** S. 12(2)(3) repealed (N.I.) (9.10.1995) by [S.R. 1995/340, reg. 22, Sch. 1 Pt. I](#)

### 13 Financial provisions.

- (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.

- (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) . . . . . <sup>F26</sup>



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**Textual Amendments**

**F26** S. 14(3) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)

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**Modifications etc. (not altering text)**

**C8** Power of appointment conferred by s. 14(2) fully exercised

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F27 SCHEDULE

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**Textual Amendments**

**F27** Sch. repealed (E.W.S.) (23.8.1993) and (N.I.) (1.11.1993) by S.I. 1993/1823, **reg. 3(1)(g)** (with reg. 6(1)); S.R. 1993/384, **reg. 3(1)(g)** (with reg. 6(1))

**Status:**

Point in time view as at 09/10/1995.

**Changes to legislation:**

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