



Mineral Workings (Offshore Installations) Act 1971

1971 CHAPTER 61

1 Application of Act

- (1) This Act shall apply to the underwater exploitation and underwater exploration of mineral resources—
 - (a) in or under the shore or bed of waters to which this Act applies, other than inland waters, and
 - (b) in or under the bed of such inland waters as may for the time being be specified for the purposes of this paragraph by Order in Council.
- (2) In this Act—
 - (a) " waters to which this Act applies " means the waters in or adjacent to the United Kingdom up to the seaward limits of territorial waters, and the waters in any designated area within the meaning of the Continental Shelf Act 1964,
 - (b) " inland waters " means waters within the United Kingdom, other than estuaries and tidal rivers.
- (3) For purposes of this Act " underwater exploitation " or " underwater exploration " means exploitation or exploration from or by means of any floating or other 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; and, subject to the provisions of section 12 of this Act, in this Act—
 - (a) " exploration " means exploration with a view to exploitation ; and
 - (b) " offshore installation " means any installation which is maintained, or is intended to be established, for underwater exploitation or exploration to which this Act applies.
- (4) The power of making Orders in Council under this section shall include power to vary or revoke any Order in Council made under this section.

2 Registration of offshore installations

- (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 of 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.

3 Construction and survey regulations for offshore installations

- (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 the 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 waters to which this Act applies, the owner of the offshore installation, the installation manager and the 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.

4 Masters of offshore installations

- (1) Every offshore installation, so long as it is in waters to which this Act applies, 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—
 - (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 £400.

- (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.

5 Masters of offshore installations: further provisions

- (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 subsection shall be guilty of an offence under this section, and liable on summary conviction to a fine not exceeding £400.
- (2) Except as otherwise provided by this Act, the manager of an 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 £50.
- (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.

- (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 £100.

- (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.

6 Safety regulations

- (1) The Secretary of State may make regulations for the safety, health and welfare of persons on Offshore installations in waters to which this Act applies, 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, 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 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.

7 **Regulations: general provisions**

- (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—
- (a) may provide for the creation of offences and for their punishment on summary conviction or on conviction on indictment, and
 - (b) 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—
- (a) on summary conviction a fine not exceeding £400,
 - (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 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.

8 Application of existing law to offshore installations in territorial waters and designated areas

- (1) Section 3 of the Continental Shelf Act 1964 (application of criminal and civil law to installations outside territorial waters) shall have effect as if any references in that section to an installation in a designated area included references to any offshore installation either in territorial waters of the United Kingdom or in a designated area.
- (2) So far as relates to questions arising out of acts or omissions taking place on, under or above—
 - (a) an offshore installation in territorial waters of the United Kingdom, or
 - (b) territorial waters of the United Kingdom within five hundred metres of an offshore installation,subsection (2) of the said section 3 (power to confer jurisdiction on courts in any part of the United Kingdom) shall apply as if the words " in a designated area, or in any part of such an area " were omitted.
- (3) It is hereby declared that, notwithstanding that the said section 3 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.
- (4) So far as relates to any provision of an Order in Council or regulation concerning aircraft on or in the neighbourhood of offshore installations, section 59 of the Civil Aviation Act 1949 (extra-territorial effect) shall apply to all aircraft, and not only to British aircraft registered in the United Kingdom and shall apply to the doing of anything in relation to any aircraft by any person, irrespective of nationality or, in the case of a body corporate, of the law under which it was incorporated.
- (5) This section, and the said section 3 of the Continental Shelf Act 1964, shall apply to installations notwithstanding that they are for the time being in transit.

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 waters to which this Act applies 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) A constable shall on any offshore installation in waters to which this Act applies have all the powers, protection and privileges which he has in the area for which he acts as constable.

This subsection is without prejudice to any other enactment or rule of law affording any power, protection or privilege to constables.

10 Prosecutions

- (1) Subject to the provisions of this section, this section has effect as respects—
 - (a) any offence alleged to have been committed on, under or above an offshore installation in territorial waters or in a designated area, or on, under or above any waters within five hundred metres of such an installation; or
 - (b) any offence under this Act alleged to have been committed in territorial waters or in a designated area ; or
 - (c) any offence under section 5 of the Continental Shelf Act 1964 (discharge of oil); or
 - (d) any offence committed on or as respects an aircraft which is not a British aircraft registered in the United Kingdom, being an offence created by virtue of section 8(4) of this Act.
- (2) An offence shall not be one within subsection (1) above if it is an offence under, or under any provision having effect under—
 - (a) the Merchant Shipping Acts 1894 to 1971, or any enactment to be construed as one with the Merchant Shipping Act 1894, or
 - (b) the Customs and Excise Act 1952, or any enactment to be construed as one with that Act, or
 - (c) the Oil in Navigable Waters Acts 1955 to 1971, or any enactment to be construed as one with the Oil in Navigable Waters Act 1955, or
 - (d) except where it is created by virtue of section 8(4) of this Act, the Civil Aviation Acts 1949 to 1968, or any enactment to be construed as one with the Civil Aviation Act 1949.
- (3) No proceedings shall be instituted in England and Wales for any offence within subsection (1) above except—
 - (a) in the case of an offence under this Act, by the Secretary of State or by a person authorised in that behalf by the Secretary of State, or
 - (b) in the case of any offence, by or with the consent of the Director of Public Prosecutions:

Provided that this subsection shall not apply to an offence if prosecution of that offence in England and Wales requires the consent of the Attorney General.

- (4) No proceedings shall be instituted in Northern Ireland for any offence within subsection (1) above except—

- (a) in the case of an offence under this Act, by the Secretary of State or by a person authorised in that behalf by the Secretary of State, or
 - (b) in the case of any offence, by or with the consent of the Attorney General for Northern Ireland.
- (5) Subsections (3) and (4) above shall not prevent the issue or execution of a warrant for the arrest of any person in respect of an offence, or the remanding in custody or on bail of any person charged with an offence.
- (6) Section 3 of the Territorial Waters Jurisdiction Act 1878 (consents required for prosecutions) shall not apply to any proceedings for an offence within subsection (1) above.

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 Fatal Accidents Act 1846, as it applies in England and Wales, and in Northern Ireland, 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.
- (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 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.

12 Interpretation

- (1) In this Act, unless the context otherwise requires—

" concession owner " means the person having the right to exploit or explore the mineral resources in connection with which the offshore installation is, or has been, or is to be used,

" designated area " has the same meaning as in the Continental Shelf Act 1964,

" 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,

" offshore installation " has the meaning given by section 1(3) of this Act, but subject to subsections (2) and (3) below,

" 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, 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,

" underwater exploitation " and " underwater exploration " have the meaning given by section 1(3) of this Act.

- (2) References in this Act to an offshore installation include references to any part of an offshore installation capable of being manned by one or more persons, but regulations under this Act may provide that any provision of this Act shall not apply to such a part of an installation, or shall apply subject to such modifications or exceptions as may be prescribed by the regulations.
- (3) References in this Act to an offshore installation do not include an installation which at the relevant time consists exclusively of a pipe-line, whether or not any part of it previously formed part of an offshore installation.
- (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.

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 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) Nothing in this Act shall be taken to restrict the powers of the Parliament of Northern Ireland to make laws; and any laws made by that Parliament with respect to any matter with respect to which it has that power shall have effect notwithstanding anything in this Act.