
STATUTORY INSTRUMENTS

1995 No. 743

**The Offshore Installations (Prevention of Fire and
Explosion, and Emergency Response) Regulations 1995**

Suitability and condition of plant

19.—(1) The duty holder shall ensure that all plant on the installation provided in compliance with these Regulations (other than aircraft, or equipment to which regulation 18 applies)—

- (a) is so constructed or adapted as to be suitable for the purpose for which it is used or provided; and
- (b) is maintained in an efficient state, in efficient working order and in good repair.

(2) Without prejudice to the generality of paragraph (1) and subject to paragraph (3), the duty holder shall ensure that there is prepared and operated a suitable written scheme for the systematic examination, by a competent and independent person, of plant (other than aircraft, or equipment to which regulation 18 applies), provided—

- (a) in compliance with regulations 11(1)(a), 13, 15 and 16;
- (b) as means required to be provided by regulation 10—
 - (i) for detecting fire; and
 - (ii) for detecting and recording accumulations of flammable gases; and
- (c) pursuant to the measures required by regulation 12 to combat fire and explosion, and for recording results thereof.

(3) A scheme prepared pursuant to paragraph (2) shall—

- (a) specify the nature and frequency of examination;
- (b) provide for an examination to be carried out, where appropriate, before plant is—
 - (i) first used on the installation; and
 - (ii) first used on the installation after modification or repairs (other than running repairs);and it may make different provision for different plant or categories of plant.

(4) In this regulation, reference to examination is reference to careful and critical scrutiny of plant, in or out of service as appropriate, using suitable techniques, including testing where appropriate—

- (a) to assess its suitability for the purpose for which it is used or provided;
- (b) to assess its actual condition; and
- (c) to determine any remedial measures that should be taken.

(5) Subject to paragraph (6), reference in paragraph (2) to the suitability of the scheme is reference to its suitability for the purpose of discharging the duties specified in paragraph (1).

(6) The scheme referred to in paragraph (2) need not provide for the examination, while a Certificate of Fitness is in force in relation to the installation, of any equipment, which was attached to or formed part of the installation at the time of a survey, if—

- (a) the equipment was included in the survey;

(b) the survey found that the installation complied with Schedule 2 of the 1974 Regulations;
and

(c) a declaration of such survey was considered before the Certificate of Fitness was issued.

(7) For the purpose of paragraph (2) a person is independent where, even though he may be employed by the duty holder, he is sufficiently independent of any other persons accountable to the duty holder for the discharge of his duties under these Regulations in respect of the installation to ensure that the discharge of his duty under the scheme will not be prejudiced.

(8) In paragraph (6) “Certificate of Fitness”, “equipment” and “survey” have the same meaning as in regulation 2(1) of the 1974 Regulations.