
STATUTORY INSTRUMENTS

1996 No. 913

The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996

PART I

INTERPRETATION AND GENERAL

Citation and commencement

1. These Regulations may be cited as the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996 and shall come into force on 30th June 1996.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1992 Regulations” means the Offshore Installations (Safety Case) Regulations 1992(1);

“the 1995 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995(2);

“the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995(3);

“concession owner” in relation to a well, means the person who at any time 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 if, at that time, the well is, or is to be, used in the exercise of that right;

“duty holder” in relation to an installation, means the person who is the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation;

“environmental conditions” means—

- (a) meteorological and oceanological conditions; and
- (b) properties and configuration of the sea-bed and subsoil;

“the Executive” means the Health and Safety Executive;

“fixed installation” means an installation other than a mobile installation;

“installation” means an offshore installation within the meaning of regulation 3, except subparagraphs (a) and (b), and paragraph (ii) of sub-paragraph (c) of paragraph (3), of the 1995 Regulations;

“integrity” means structural soundness and strength, stability and, in the case of a floating installation, buoyancy in so far as they are relevant to the health and safety of persons;

(1) [S.I. 1992/2885](#), amended by [S.I. 1995/738](#).

(2) [S.I. 1995/263](#).

(3) [S.I. 1995/738](#).

“management system” means the organisation and arrangements established by a person for managing his undertaking;

“mobile installation” means an installation (other than a floating production platform) which can be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

“safety case” means a document described in regulation 2(2) of the 1992 Regulations which is required to be prepared pursuant to a provision of those Regulations;

“traffic route” means a route for pedestrians, vehicles or both and includes any stairs, staircase, fixed ladder, doorway, gateway, loading bay or ramp;

“well” means—

- (a) a well made by drilling; and
- (b) a borehole drilled with a view to the extraction of minerals through it or another well, and shall be deemed to include any device on it for containing the pressure in it;

“well intervention operation” means an operation in which a well is re-entered for a purpose other than to continue drilling or to maintain or repair it;

“well-operator”, in relation to a well, means the person appointed by the concession owner for a well to execute the function of organising and supervising all operations to be carried out by means of such well or, where no such person has been appointed, the concession owner;

“workover operation” means an operation in which a well is re-entered for the purpose of maintaining or repairing it; and

“workplace” means any workroom or other place on an installation used mainly for the performance of work, and does not include a traffic route.

(2) Any reference in these Regulations to operating an installation is a reference to using it for any of the purposes described in regulation 3(1) of the 1995 Regulations.

(3) Where a duty holder in relation to an installation, or a well-operator, is succeeded by a new duty holder or well-operator, anything done in compliance with these Regulations by the former duty holder or operator in relation to the installation or the well shall, for the purpose of these Regulations, be treated as having been done by his successor.

(4) Unless the context otherwise requires—

- (a) any reference in these Regulations (apart from Schedule 2) to—
 - (i) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
 - (ii) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears; and
- (b) any reference in Schedule 2 to a numbered regulation or Schedule is a reference to the regulation or Schedule in the 1992 Regulations so numbered.

Application

3.—(1) Subject to paragraphs (2) and (3), these Regulations shall apply—

- (a) in Great Britain; and
- (b) to and in relation to installations, wells and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of articles 4(1) and (2)(b) and 5 of the 1995 Order.

(2) These Regulations shall apply to a well in Great Britain, and activities in relation to it, only if—

- (a) it is drilled from an installation; or
- (b) it is drilled with a view to the extraction of petroleum.

(3) In paragraph (2) “petroleum” means any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation.

PART II

INTEGRITY OF INSTALLATIONS

General duty

4.—(1) The duty holder shall ensure that an installation at all times possesses such integrity as is reasonably practicable.

(2) The provisions contained in regulations 5 to 10 are without prejudice to the generality of the provision contained in this regulation.

Design of an installation

5.—(1) The duty holder shall ensure that the designs to which an installation is to be or in the event is constructed are such that, so far as is reasonably practicable—

- (a) it can withstand such forces acting on it as are reasonably foreseeable;
- (b) its layout and configuration, including those of its plant, will not prejudice its integrity;
- (c) fabrication, transportation, construction, commissioning, operation, modification, maintenance and repair of the installation may proceed without prejudicing its integrity;
- (d) it may be decommissioned and dismantled safely; and
- (e) in the event of reasonably foreseeable damage to the installation it will retain sufficient integrity to enable action to be taken to safeguard the health and safety of persons on or near it.

(2) The duty holder shall ensure that an installation is composed of materials which are—

- (a) suitable, having regard to the requirement in regulation 4; and
- (b) so far as is reasonably practicable, sufficiently proof against or protected from anything liable to prejudice its integrity.

Work to an installation

6. The duty holder shall ensure that work of fabrication, construction, commissioning, modification, maintenance and repair of an installation, and activity in preparation for the positioning of an installation, are carried out in such a way that, so far as is reasonably practicable, its integrity is secured.

Operation of an installation

7.—(1) The duty holder shall ensure that the installation is not operated in such a way as may prejudice its integrity.

(2) The duty holder shall ensure that the installation is not operated unless—

- (a) appropriate limits within which it is to be operated; and
- (b) the environmental conditions in which it may safely operate,

have been recorded.

(3) The duty holder shall ensure that a record of the matters described in paragraph (2) is kept on the installation, readily available to any person involved in its operation.

(4) The duty holder shall ensure that the matters described in paragraph (2) are reviewed as often as may be appropriate.

Maintenance of integrity

8.—(1) The duty holder shall ensure that suitable arrangements are in place for maintaining the integrity of the installation, including suitable arrangements for—

- (a) periodic assessment of its integrity; and
- (b) the carrying out of remedial work in the event of damage or deterioration which may prejudice its integrity.

(2) Paragraph (1) shall not apply—

- (a) to a fixed installation while its structure is not yet established at the location at which it is to be operated; or
- (b) to a mobile installation under construction which is not yet able to be moved.

Reporting of danger to an installation

9.—(1) The duty holder shall ensure that, within 10 days after the appearance of evidence of a significant threat to the integrity of an installation, a report is made to the Executive in writing identifying such threat and specifying any action taken or to be taken to avert it.

(2) Paragraph (1) shall not apply to anything of which the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995⁽⁴⁾ require a report to be made.

Decommissioning and dismantlement

10. The duty holder shall ensure that an installation is decommissioned and dismantled in such a way that, so far as is reasonably practicable, it will possess sufficient integrity to enable such decommissioning and dismantlement to be carried out safely.

PART III

FURTHER REQUIREMENTS RELATING TO INSTALLATIONS

Helicopter landing area

11. The duty holder shall ensure that every helicopter landing area forming part of an installation—

- (a) is large enough, and has sufficient clear approach and departure paths, to enable any helicopter intended to use the landing area safely to land thereon and to take off therefrom in any wind and weather conditions permitting helicopter operations; and
- (b) is otherwise of a design and construction adequate for its purpose.

(4) [S.I. 1995/3163](#).

Additional requirements

12.—(1) Subject to paragraph (3), the duty holder shall ensure that the additional requirements set out in Schedule 1 are complied with in relation to an installation, while it is in use, unless in the case of any such requirement it would not prejudice the health, safety or welfare of any person if it were not complied with.

(2) While there are persons on a fixed installation which is—

- (a) being completed at the place where it is to be operated; or
- (b) being decommissioned or dismantled,

the duty holder shall ensure that such of the requirements contained in Schedule 1 are complied with, and to such extent, as is reasonably practicable in the circumstances.

(3) In the case of an installation which was commissioned before the coming into force of these Regulations, it shall be sufficient compliance with paragraph (1) where the additional requirements are complied with in each case as soon as possible and no later than 3rd November 1999.

(4) The requirements contained in this regulation shall apply without prejudice to the requirements of the other relevant statutory provisions relating to the installation.

PART IV

WELLS

General duty

13.—(1) The well-operator shall ensure that a well is so designed, modified, commissioned, constructed, equipped, operated, maintained, suspended and abandoned that—

- (a) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and
- (b) risks to the health and safety of persons from it or anything in it, or in strata to which it is connected, are as low as is reasonably practicable.

(2) The provisions of regulations 14 to 19 and 21 are without prejudice to the generality of the requirements of paragraph (1) save that, where regulation 17(2) places a duty on the duty holder for an installation, the well-operator is not under the same duty.

Assessment of conditions below ground

14.—(1) Before the design of a well is commenced the well-operator shall cause—

- (a) the geological strata and formations, and fluids within them, through which it may pass; and
- (b) any hazards which such strata and formations may contain,

to be assessed.

(2) The well-operator shall ensure that account is taken of the assessment required by paragraph (1) when the well is being designed and constructed.

(3) The well-operator shall ensure that, while an operation (including the drilling of the well) is carried out in relation to the well, those matters described in sub-paragraphs (a) and (b) of paragraph (1) shall, so far as is reasonably practicable, be kept under review and that, if any change is observed in those matters, such modification is made, where appropriate, to—

- (a) the design and construction of the well; or

(b) any procedures,
as are necessary to ensure that the purposes described in regulation 13(1) will continue to be fulfilled.

Design with a view to suspension and abandonment

15. The well-operator shall ensure that a well is so designed and constructed that, so far as is reasonably practicable—

- (a) it can be suspended or abandoned in a safe manner; and
- (b) after its suspension or abandonment there can be no unplanned escape of fluids from it or from the reservoir to which it led.

Materials

16. The well-operator shall ensure that every part of a well is composed of material which is suitable for achieving the purposes described in regulation 13(1).

Well control

17.—(1) Before an operation in relation to a well (including the drilling of a well) is begun elsewhere than at a borehole site to which the Borehole Sites and Operations Regulations 1995(5) apply, the well-operator shall ensure that suitable well control equipment is provided for use during such operations to protect against blowouts.

- (2) In the case of an operation to which paragraph (1) applies which is begun—
 - (a) from an installation, the duty holder; and
 - (b) otherwise than from an installation, the well-operator,

shall ensure that equipment provided pursuant to paragraph (1) is deployed when the prevailing well and operational conditions so require.

Arrangements for examination

18.—(1) Before the design of a well is commenced or adopted the well-operator shall make and put into effect arrangements relating to the well of a kind described in paragraph (2) or (where such arrangements already have effect in relation to another well) apply such arrangements, with any appropriate modifications, to the well.

(2) The arrangements referred to in paragraph (1) are arrangements in writing for such examinations, by independent and competent persons, of any part of the well, or similar well, information, or work in progress, and the making of such reports and recommendations, as are suitable for ensuring (with the assistance of such other measures as the well-operator takes) that the well is so designed and constructed, and is maintained in such repair and condition, that—

- (a) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and
- (b) risks to the health and safety of persons from it or anything in it, or in strata to which it is connected, are as low as is reasonably practicable.

(3) The well-operator shall review and revise the arrangements as often as may be appropriate.

(4) The well-operator shall ensure that the arrangements, any revision of them, and reports and recommendations pursuant to them are kept at an address in Great Britain notified to the Executive, until the expiration of six months after the arrangements and any revision of them cease to be current.

(5) In the case of a well which, at the coming into force of these Regulations, is completed, the well-operator shall make and put into effect or (as the case may be) apply the arrangements described in paragraph (1) within 1 year after such coming into force.

(6) In the case of a well, the design of which was commenced or adopted before the coming into force of these Regulations, but which is not, at such coming into force, completed, the well-operator shall make and put into effect or (as the case may be) apply the arrangements described in paragraph (1)—

- (a) forthwith; or
- (b) within 1 year after such coming into force, in a case where a well consent was given not more than 1 year before such coming into force.

(7) For the purpose of this regulation a person shall be regarded as independent only where—

- (a) his examination will not involve the consideration by him of an aspect, of a thing liable to be examined, for which he bears or has borne such responsibility as might compromise his objectivity; and
- (b) he will be sufficiently independent of a management system, or of a part thereof, which bears or has borne any responsibility for an aspect, which he might consider, of a thing liable to be examined, to ensure that he will be objective in discharging his function.

(8) In this regulation “well consent” means a consent in writing of the Secretary of State for Trade and Industry to the commencement of drilling of the well required by paragraph (1) of—

- (a) clause 19 of the model clauses contained in Schedule 4 to the Petroleum (Production) (Seaward Areas) Regulations 1988(6);
- (b) clause 15 of the model clauses contained in Schedule 6 to the Petroleum (Production) (Landward Areas) Regulations 1991(7);;
- (c) clause 17 of the model clauses contained in Schedule 3 to the Petroleum (Production) (Landward Areas) Regulations 1995(8),

in a case where the clause is, pursuant to the relevant Regulations, incorporated in a licence.

Provision of drilling etc. information

19.—(1) Where an operation to which this paragraph applies is being carried out on a well the well-operator shall cause to be sent to the Executive, at such intervals as may be agreed or, failing agreement, at intervals of one week calculated from its commencement, a report comprising the following information—

- (a) the identifying number, and any slot number, of the well;
- (b) the name of any installation or vessel involved;
- (c) a summary of the activity in the course of the operation since its commencement, or the previous report;
- (d) the diameter and true vertical and measured depths of—
 - (i) any hole drilled; and
 - (ii) any casing installed;
- (e) the drilling fluid density immediately before making the report; and
- (f) in the case of an existing well, its current operational state.

(2) Paragraph (1) applies to—

(6) [S.I. 1988/1213](#), to which there are amendments not relevant to these Regulations.

(7) [S.I. 1991/981](#); amended by [S.I. 1992/1314](#).

(8) [S.I. 1995/1436](#).

- (a) a drilling operation;
- (b) a workover operation;
- (c) an abandonment operation;
- (d) an operation consisting in the completion of a well;
- (e) any other operation of a kind involving substantial risk of the unplanned escape of fluids from a well.

Co-operation

20. Every person who is, or is to be concerned (in whatever capacity) in an operation in relation to a well (including the drilling of a well) shall co-operate with the well-operator so far as is necessary to enable him to discharge his duties under regulations 13(1) and 17.

Information, instruction, training and supervision

- 21.** In the case of a drilling, well intervention or workover operation to be carried out on a well—
- (a) from an installation, the duty holder; and
 - (b) otherwise than from an installation, the well-operator,

shall ensure that the operation is not carried out, unless it is carried on in circumstances where the persons carrying out the operation have received such information, instruction and training, and are being so supervised, that the risk to health and safety from such operation is reduced to the lowest level that is reasonably practicable.

PART V

MISCELLANEOUS

Defence

22.—(1) In any proceedings for an offence for a contravention of any of the provisions of regulations 5 and 6 it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove—

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called “the other person”); and
- (b) that he took all reasonable precautions, and exercised all due diligence, to avoid the commission of the offence.

(2) The person charged shall not, without the leave of the court, be entitled to rely on the defence in paragraph (1) unless, within a period ending seven clear days—

- (a) before the hearing to determine mode of trial, where the proceedings are in England or Wales; or
- (b) before the trial, where the proceedings are in Scotland,

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the 1974 Act, a person who establishes a defence under this regulation shall nevertheless be treated for the purposes of that section as having committed the offence.

Certificates of exemption

23.—(1) Subject to paragraph (2) and to any of the provisions imposed by the Communities in respect of the encouragement of improvements in the safety and health of workers at work, the Executive may, by a certificate in writing, exempt any person, installation, well or class of persons, installations or wells from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and, in particular, to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Transitional provision

24.—(1) Where, at the coming into force of these Regulations, a Certificate of Fitness in relation to an installation is in force or such Certificate has been applied for, the provisions of the 1974 Regulations shall (notwithstanding their revocation by regulation 27 and Schedule 3) be deemed to remain in force in relation to that installation, with the modifications contained in paragraph (2), until—

- (a) the expiration of any Certificate of Fitness without its having been renewed;
- (b) the expiration of two years from the coming into force of these Regulations; or
- (c) the receipt by the Executive of a notification by the duty holder for the installation and the Certifying Authority which issued the last Certificate of Fitness relating to the installation that they no longer wish the 1974 Regulations to be deemed to be in force in relation to the installation,

whichever first occurs.

(2) The 1974 Regulations shall be deemed, for the purpose of paragraph (1), to be modified—

- (a) in regulation 11(3) of those Regulations by inserting, after the words “that regulation”, the words “not exceeding two years from the coming into force of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996”;
- (b) by substituting, for any reference to the “owner”, a reference to the person who is the duty holder within the meaning of these Regulations; and
- (c) by treating those Regulations for purposes of enforcement (but not of interpretation) as if they were set out herein.

(3) In this regulation—

“the 1974 Regulations” means the Offshore Installations (Construction and Survey) Regulations 1974⁽⁹⁾;

“Certificate of Fitness” and “Certifying Authority” have the same meaning as in the 1974 Regulations.

Repeal of section 3 of the Mineral Workings (Offshore Installations) Act 1971

25. Section 3 of the Mineral Workings (Offshore Installations) Act 1971⁽¹⁰⁾ is hereby repealed.

⁽⁹⁾ S.I. 1974/289; amended by S.I. 1993/1823.

⁽¹⁰⁾ 1971 c. 61.

Modification of the Offshore Installations (Safety Case) Regulations 1992

26. The 1992 Regulations shall have effect subject to the modifications specified in Schedule 2.

Revocation

27. The instruments specified in column 1 of Schedule 3 are hereby revoked to the extent specified in column 3 of the Schedule.

Signed by authority of the Secretary of State.

25th March 1996

Paul Beresford
Parliamentary Under Secretary of State,
Department of the Environment