
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations impose requirements and prohibitions with respect to persons at work who “dive” as defined in regulation 2(2).

2. The Regulations apply to a “diving project” as defined in regulation 2(1) subject to specified exceptions (Regulation 3).

3. The Regulations—

- (a) impose a duty on every person who is responsible for, has control over or is engaged in a diving project or whose acts or omissions could adversely affect the health and safety of persons engaged in a diving project to take reasonable measures to ensure compliance with the Regulations (regulation 4);
- (b) require that there should be a single diving contractor for every diving project (regulation 5);
- (c) require the diving contractor to ensure, so far as is reasonably practicable, that the diving project is planned, managed and conducted so as to protect health and safety (regulation 6(1));
- (d) require that before the commencement of any diving project the diving contractor ensures that a diving project plan is prepared and that before the commencement of any diving operation as defined in regulation 2(1) the diving contractor appoints a person to supervise that operation, makes a record of that appointment and provides the person appointed with a copy of the relevant part of the diving project plan and a written record of his appointment. (regulation 6(2));
- (e) require the diving contractor to ensure that there are sufficient, suitably competent people to carry out the diving project safely, that suitable and sufficient plant is available to carry out the diving project safely, that such plant is maintained, that any person taking part in the diving project complies with the relevant statutory provisions and observes the provisions of the diving project plan, and that a record of each diving operation is kept (regulation 6(3));
- (f) require each diving contractor to supply specified particulars to the Executive (regulation 7 and Schedule 1);
- (g) require the diving project plan to be based on an assessment of risks and impose requirements with respect to the contents of the plan (regulation 8);
- (h) require that one supervisor only is appointed to supervise a diving operation and require supervisors to be competent and, where appropriate, suitably qualified (regulation 9);
- (i) specify the duties of the supervisor who is required to ensure that the diving operation is carried out without risk to health and safety and in accordance with any relevant statutory provisions and the diving project plan. The supervisor is required to ensure that persons taking part in the diving operation are aware of the relevant contents of the diving project plan and to make entries in the diving operation record. The supervisor is prohibited from diving during the diving operation which he is supervising except in specified circumstances (regulation 10);
- (j) confer power upon the supervisor to give reasonable directions (regulation 11);

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (k) impose requirements concerning approved qualifications, certificates of medical fitness to dive and daily diving records on divers who dive in diving projects. Specified classes of diver are excepted from specified requirements (regulation 12);
- (l) prohibit any person from diving in a diving project unless he is competent or if he knows of anything which makes him unfit to dive and require every person engaged in a diving project to comply with directions given to him by a supervisor and with relevant instructions in the diving project plan (regulation 13);
- (m) provide that the Executive may approve such diving qualifications as it considers suitable for ensuring the adequate competence of divers. Any such approval may be subject to limitations or conditions (regulation 14);
- (n) contain requirements with respect to certificates of medical fitness to dive including provisions for appeal to the Executive against decisions to refuse, grant subject to limitation or condition, or revoke such a certificate (regulation 15);
- (o) provide that the Executive may grant exemptions from any requirement or prohibition of the Regulations in specified circumstances (regulation 16);
- (p) contain transitional provisions regarding certificates of training, certificates of medical fitness to dive, diving operation log books and diver's log books (regulation 17);
- (q) revoke the Diving Operations at Work Regulations 1981 and certain other instruments which amended them (regulation 18);
- (r) provide for consequential amendments to specified instruments (regulation 19 and Schedule (2)).

A copy of the compliance cost assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Safety Policy Division, Branch C2, Room 4SW, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the library of each House of Parliament.