

2003 No. 2563

HEALTH AND SAFETY

The Pipelines Safety (Amendment) Regulations 2003

Made - - - - - *2nd October 2003*

Laid before Parliament *10th October 2003*

Coming into force - - *3rd November 2003*

The Secretary of State, in exercise of the powers conferred upon him by sections 15(1), (4)(a), (6)(a), (8) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(a) (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act, after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Pipelines Safety (Amendment) Regulations 2003 and shall come into force on 3rd November 2003.

Amendment of the Pipelines Safety Regulations 1996

2. After regulation 13 of the Pipelines Safety Regulations 1996(b) there shall be inserted the following regulation—

“Iron pipelines

13A.—(1) Subject to paragraph (3), the Executive shall approve—

- (a) with or without modification by it, a programme prepared by the operator of a pipeline; or
- (b) a programme which after approval has been modified by the operator or by itself, if it is satisfied that the programme or modified programme is suitable and sufficient for the period to which it relates.

(2) Subject to paragraph (3), the Executive may prepare and approve a programme for a period for which no suitable and sufficient programme has been prepared by the operator.

(3) The Executive shall consult the operator before it approves a programme which it has itself modified or prepared.

(4) An approval under this regulation—

- (a) shall be in writing;
- (b) shall be notified to the operator and published in such manner as the Executive may approve; and

(a) 1974 c. 37; the general purposes of Part I of the 1974 Act were extended by sections 1(1) and 2(1) of the Offshore Safety Act 1992 (c. 15).
(b) S.I. 1996/825.

- (c) may be withdrawn by the Executive by reasonable notice in writing at any time.
- (5) The operator shall so far as is practicable comply with a programme approved under this regulation.
- (6) In any proceedings for an offence for a contravention of regulation 13 it shall be a defence for the person charged to prove that at the relevant time—
 - (a) any pipe to which the contravention related was of a description, apart from its geographical location, to which a programme—
 - (i) approved by the Executive; and
 - (ii) not then due for completion, applied; and
 - (b) where the proceedings arise from an event involving a failure of a pipe, the operator did not know and could not reasonably be expected to have known that there was a risk to safety concerning the pipe which required immediate attention.
- (7) Any reference in this regulation to a programme is a reference to a programme for the decommissioning of any description of iron pipe used in a pipeline.
- (8) In paragraph (7) “iron” does not include steel.”.

Signed by authority of the Secretary of State for Work and Pensions.

2nd October 2003

Des Browne
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Pipelines Safety Regulations 1996 by inserting regulation 13A (iron pipelines) (*regulation 2*).
2. Paragraphs (1), (2), (7) and (8) of regulation 13A provide for approval by the Health and Safety Executive of a programme prepared by an operator, or by itself, for the decommissioning of any description of iron (but not steel) pipe used in a pipeline.
3. Paragraph (3) provides for consultation by the Executive before approving a programme which it has modified or prepared; paragraph (4) prescribes the manner of approval and provides for its withdrawal.
4. Paragraph (5) requires an operator to comply with an approved programme.
5. Paragraph (6) provides a defence in criminal proceedings for failing to maintain a pipeline, where the operator could not have known that a pipe, awaiting replacement under a programme, required immediate attention.
6. A regulatory impact assessment has not been conducted, as the measures impose negligible cost.

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