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STATUTORY INSTRUMENTS

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**2015 No. 398**

**HEALTH AND SAFETY  
ENVIRONMENTAL PROTECTION**

**The Offshore Installations (Offshore Safety  
Directive) (Safety Case etc.) Regulations 2015**

<i>Made</i>	- - - -	<i>19th March 2015</i>
<i>Laid before Parliament</i>		<i>23rd March 2015</i>
<i>Coming into force</i>	- -	<i>19th July 2015</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to measures relating to employers' obligations in respect of the health and safety of workers(2) and the environment(3).

The Secretary of State makes these Regulations in exercise of the powers conferred by—

- (a) section 2(2) of the European Communities Act 1972;
- (b) sections 15(1), (2), (3)(a), (4), (5)(b), (6)(b), (c) and (d), and 82(3)(a) of and paragraphs 1(1)(c) and (2), 8(1), 9, 14, 15(1) and 16 of Schedule 3 to the Health and Safety at Work etc. Act 1974(4);
- (c) section 23(1)(b) of the Petroleum Act 1987(5); and
- (d) section 1(2) of the Offshore Safety Act 1992(6).

The Secretary of State makes these Regulations, so far as made in exercise of the powers cited in paragraph (b) (as read with the power cited in paragraph (d)), for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Executive under

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- (1) 1972 c. 68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). The power of Ministers to make regulations in relation to matters as regards Scotland is preserved by section 57(1) of the Scotland Act 1998 (c. 46).
  - (2) S.I. 1999/2027. The Secretary of State is also designated in relation to anything supplemental or related to measures relating to employers' obligations in respect of the health and safety of workers, under article 2(2) of that Order.
  - (3) S.I. 2008/301.
  - (4) 1974 c.37. Section 15(1) was substituted by paragraph 6 of Schedule 15 to the Employment Protection Act 1975 (c.71) and amended by S.I. 2002/794. Section 15(2) was amended by paragraphs 1 and 5 of Schedule 12 to the Energy Act 2013 (c.32). Section 15(4)(a) was amended by S.I. 2008/960. Section 15(6)(d) was amended by Schedule 12 to the Criminal Law Act 1977 (c. 45). The general purposes of Part 1 of the 1974 Act are modified by section 1(1) of the Offshore Safety Act 1992.
  - (5) 1987 c. 12. Section 21 of that Act, which provides for the automatic creation of safety zones, was amended by paragraph 4 of Schedule 1 to the Energy Act 2008 (c. 32). Section 23(1) creates a prohibition on a vessel's entering or remaining in a safety zone and subsection (1)(b) of that section was amended by regulation 4(4)(a) of the Offshore Safety (Repeals and Modifications) Regulations 1993 (S.I. 1993/1823) which created an exception to the prohibition with a consent given by the Health and Safety Executive and preserved the Secretary of State's power to make regulations providing for an exception to the prohibition. Section 23(8), which defines "vessel," was amended by the Merchant Shipping Act 1995 (c. 21), Schedule 13, paragraph 78.
  - (6) 1992 c. 15. Section 1 was amended by paragraph 33(2) of Schedule 4 to the Petroleum Act 1998 (c. 17).

section 11(3)(7) of the Health and Safety at Work etc. Act 1974 after the carrying out of consultations by the Executive in accordance with section 50(3)(8) of that Act.

### Citation and commencement

1. These Regulations may be cited as the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 and come into force on 19th July 2015.

### Interpretation

2.—(1) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 1995 Act” means the Merchant Shipping Act 1995(9);

“competent authority” means the Executive and the Secretary of State acting jointly;

“corporate major accident prevention policy” has the meaning given in regulation 7(2);

“current safety case” means a safety case in respect of an installation which has been accepted by the competent authority pursuant to these Regulations and includes any revision to it which—

(a) may take effect without the acceptance of the competent authority; or

(b) has been accepted by the competent authority;

“Directive 92/91/EEC” means Council Directive 92/91/EEC concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling(10);

“Directive 2013/30/EU” means Directive 2013/30/EU of the European Parliament and of the Council on safety of offshore oil and gas operations and amending Directive 2004/35/EC(11);

“dismantling” means the dismantling or removal of the main and secondary structure of a fixed installation at the place at which it was operated, and “dismantled” is to be construed accordingly;

“diving bell” means a compression chamber which is capable of being manned and is used or designed for use under the surface of water in supporting human life, being a chamber in which any occupant is or may be subject to a pressure of more than 300 millibars above atmospheric pressure during normal operations;

“duty holder” means—

(a) in relation to a production installation, the operator; and

(b) in relation to a non-production installation, the owner;

“the Executive” means the Health and Safety Executive;

“external waters” means—

(a) the territorial sea adjacent to Great Britain; and

(7) Section 11 was substituted by article 5 of S.I. 2008/960.

(8) Section 50(3) was amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 16(3), the Health and Social Care Act 2012 (c. 7), Schedule 7, paragraphs 4 and 6, the Energy Act 2013 (c. 32), Schedule 12, paragraph 11 and S.I. 2008/960.

(9) 1995 c. 21.

(10) OJ No L 348, 28.11.92, p. 9.

(11) OJ No L 178, 28.06.13, p. 66.

(b) any area designated by order under section 1(7) of the Continental Shelf Act 1964<sup>(12)</sup>; “field development plan” means the support document for development and production consents to be submitted to the Department of Energy and Climate Change pursuant to the Guidance on the Content of Offshore Oil and Gas Field Development Plans, as published on the Department of Energy and Climate Change’s website, as revised or reissued from time to time<sup>(13)</sup>;

“fixed installation” means an installation which cannot be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

“installation” means an offshore installation within the meaning of regulation 3 of the Management Regulations<sup>(14)</sup>;

“licensee” means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015<sup>(15)</sup>;

“major accident” means—

- (a) an event involving a fire, explosion, loss of well control or the release of a dangerous substance causing, or with a significant potential to cause, death or serious personal injury to persons on the installation or engaged in an activity on or in connection with it;
- (b) an event involving major damage to the structure of the installation or plant affixed to it or any loss in the stability of the installation causing, or with a significant potential to cause, death or serious personal injury to persons on the installation or engaged in an activity on or in connection with it;
- (c) the failure of life support systems for diving operations in connection with the installation, the detachment of a diving bell used for such operations or the trapping of a diver in a diving bell or other subsea chamber used for such operations;
- (d) any other event arising from a work activity involving death or serious personal injury to five or more persons on the installation or engaged in an activity on or in connection with it; or
- (e) any major environmental incident resulting from any event referred to in paragraph (a), (b) or (d),

and for the purposes of determining whether an event constitutes a major accident under paragraph (a), (b) or (e), an installation that is normally unattended is to be treated as if it were attended;

“major environmental incident” means an incident which results, or is likely to result, in significant adverse effects on the environment in accordance with [Directive 2004/35/EC](#) of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage<sup>(16)</sup>;

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

“the Management Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995<sup>(17)</sup>;

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(12) 1964 c. 29. Section 1(7) was amended by paragraph 1 of Schedule 3 to the Oil and Gas (Enterprise) Act 1982 (c. 23) and by section 103 of the Energy Act 2011 (c. 16).

(13) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/265842/FDP\\_guidance\\_notes\\_November\\_2013\\_web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265842/FDP_guidance_notes_November_2013_web.pdf).

(14) Regulation 3 was amended by regulation 2(2) of S.I. 2002/2175.

(15) S.I. 2015/385.

(16) OJ L 143, 30.4.2004, p56, amended by [Directive 2006/21/EC](#) (OJ No L 102, 11.4.2006 p15), [Directive 2009/31/EC](#) (OJ No L 140, 5.6.2009, p114) and [Directive 2013/30/EU](#) (OJ No L 178, 28.06.13, p66.)

(17) S.I. 1995/738, amended by S.I. 2002/2175, 2005/3117. Further amendments are made by paragraphs 8 to 15 of Schedule 13 to these Regulations.

- “non-production installation” means an installation other than a production installation;
- “notified” except in regulations 29 and 33, means notified in writing, and related expressions are to be construed accordingly;
- “offshore oil and gas operations” means all activities associated with an installation relating to exploration and production of petroleum, including the design, planning, construction, operation and decommissioning of the installation, but excluding the conveyance of petroleum from one coast to another;
- “operator” means, in relation to a production installation, an “installation operator” as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;
- “owner” means the person who controls or is entitled to control the operation of a non-production installation;
- “petroleum” includes any mineral oil or relative hydrocarbon and natural gas, whether or not 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;
- “the PFEER Regulations” means the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995<sup>(18)</sup>;
- “pipeline” has the meaning given in regulation 3 of the Pipelines Safety Regulations 1996<sup>(19)</sup>;
- “production installation” means an installation which—
- (a) extracts petroleum from beneath the seabed by means of a well; or
  - (b) is used for the conveyance of petroleum by means of a pipe,
- and—
- (a) includes a—
    - (i) non-production installation converted for use as a production installation for so long as it is so converted;
    - (ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and
    - (iii) production installation which has not come into use; and
  - (b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the seabed for the purposes of well testing;
- “relevant statutory provisions” means the relevant statutory provisions (as defined in section 53(1) of the 1974 Act) which apply to or in relation to offshore oil and gas operations;
- “safety and environmental-critical elements” means such parts of an installation and such of its plant (including computer programmes), or any part of those—
- (a) the failure of which could cause or contribute substantially to a major accident; or
  - (b) a purpose of which is to prevent, or limit the effect of, a major accident;
- “specified plant” means the plant for an installation which is provided—
- (a) in compliance with regulations 11(1)(a), 13, 15 and 16 of the PFEER Regulations;
  - (b) as required to be provided by regulation 10 of the PFEER Regulations as means—
    - (i) for detecting fire; or
    - (ii) for detecting and recording accumulations of flammable gases; and

<sup>(18)</sup> S.I. 1995/743, amended by S.I. 2005/3117 and paragraphs 16 to 23 of Schedule 13 to these Regulations.

<sup>(19)</sup> S.I. 1996/825, to which there are amendments not relevant to these Regulations.

(c) pursuant to the measures required by regulation 12 of the PFEER Regulations to combat fire and explosion,

except for—

(a) plant which is part of the safety and environmental-critical elements for that installation; and

(b) aircraft or equipment to which regulation 18 of the PFEER Regulations applies.

“tripartite consultation” means a formal arrangement to enable dialogue and cooperation between the competent authority, duty holders and workers’ representatives;

“verification scheme” has the meaning given in regulation 9(1);

“vessel” includes a hovercraft and any floating structure which is capable of being manned;

“verifier” means an independent and competent person (as defined in paragraph (6)) who performs functions in relation to a verification scheme;

“well” means—

(a) a well made by drilling; and

(b) a borehole drilled with a view to the extraction of petroleum through it or another well, and includes any device on it for containing the pressure in it;

“well examination scheme” has the meaning given in regulation 11(1);

“well examiner” means an independent and competent person (as defined in paragraph (6)) who performs functions in relation to a well examination scheme;

“well operation” means—

(a) the drilling of a well, including the recommencement of drilling after a well has been completed, suspended or abandoned by plugging at the seabed; and

(b) any operation in relation to a well which may result in an accidental release of fluids from that well which could give rise to the risk of a major accident; and

“well operator”, in relation to a well or a proposed well, has the meaning given in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015.

(2) Any reference in these Regulations to a design notification, a relocation notification, a safety case, a notification of combined operations or well operations or a corporate major accident prevention policy is a reference to a document containing the particulars specified in the Schedule referred to in the provision pursuant to which it is prepared and, for a safety case, regulation 16.

(3) For the purposes of these Regulations an installation is operated if it is used for any of the purposes described in sub-paragraphs (a), (c), (ca)(20) and (d) of regulation 3(1) of the Management Regulations.

(4) For the purposes of these Regulations, an installation (other than a production installation, the operation of which has not commenced), is engaged in a combined operation with another installation or installations where—

(a) an activity carried out from, by means of or on the installation is carried out for a purpose relating to another installation or installations; and

(b) the activity could materially affect the risk to—

(i) the health or safety of persons on either installation or on any of the installations; or

(ii) the environment,

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(20) Paragraph (ca) is inserted by paragraph 10(2)(a) of Schedule 13 to these Regulations.

and the expression “combined operation” is to be construed accordingly.

(5) For the purposes of paragraph (4) and regulations 17(1) and 19(7), the operation of a production installation commences from the earlier of—

- (a) the commencement of the first well drilling operation from the installation which may involve the release of petroleum from beneath the seabed; or
- (b) the bringing onto the installation of petroleum for the first time through a pipeline or well.

(6) In these Regulations “independent and competent person” means a person who—

- (a) is independent; and
- (b) is competent, including where that person is a body of persons, having suitable personnel.

(7) For the purposes of paragraph (6)(a) and (9), a person is to be regarded as independent only where—

- (a) the person’s function will not involve the consideration by that person of an aspect of something liable to be examined under regulation 9 or 11 for which that person bears or has borne responsibility or where that person’s objectivity may be compromised; and
- (b) the person is sufficiently independent of a management system which has, or has had, any responsibility for any aspect of something liable to be examined by the person under regulation 9 or 11 so as to ensure objectivity in carrying out the person’s functions under the scheme.

(8) For the purposes of paragraph (6)(b), a person is not to be regarded as competent unless, in particular, the person has such reasonable technical competence as is sufficient for the person to carry out the functions of an independent and competent person under these Regulations, under a verification scheme or, as the case may be, a well examination scheme.

(9) For the purposes of paragraph (6)(b) “suitable personnel” means personnel in adequate numbers who are suitably qualified and experienced and who are independent.

(10) For the purposes of these Regulations a “description of the internal emergency response arrangements” means, in relation to an installation, a description of the manner of performance of the internal emergency response duties (as defined in regulation 30(14)) in relation to that installation, together with the oil pollution emergency plan produced pursuant to regulation 4(3)(a) and (c) of, and Schedule 2 to, the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998(21).

(11) Where a duty holder is succeeded by a new duty holder, anything done in compliance with these Regulations by the duty holder in relation to an installation is, for the purposes of these Regulations, to be treated as having been done by the new duty holder.

### **Communication and storage of information by electronic means**

3.—(1) Except as provided in paragraph (5), where these Regulations require or allow a person to communicate information to another, whether in writing or otherwise, that person may communicate such information by electronic means.

(2) Information communicated by electronic means is not to be treated as having been received by the recipient for the purposes of these Regulations unless the recipient—

- (a) has agreed to receive that information by electronic means by providing the sender with an address to which that information may be sent;
- (b) is able to read and print that information; and

(21) *S.I. 1998/1056*. Regulation 4(3) was amended by regulation 6(5) of the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) (Amendment) Regulations 2015 (*S.I. 2015/386*) and Schedule 2 was inserted by regulation 12(2) of those Regulations. Regulation 4(7) was amended by *S.I. 2009/229*, Schedule 2, Part 2, paragraph 11.

- (c) is able to store that information in a form with which the sender cannot interfere.
- (3) In the absence of a clear indication to the contrary, information communicated by electronic means in accordance with, and for the purposes of, these Regulations is deemed—
  - (a) to be accurately dated and timed;
  - (b) to have been sent by the person from whom it purports to originate;
  - (c) not to have been tampered with or otherwise modified; and
  - (d) where relevant, to be intended to have legal effect.
- (4) Where these Regulations require any person to record, note or store information, it may be recorded, noted or stored on film or by electronic means if it—
  - (a) can be reproduced (in the case of information recorded, noted or stored on film, at the place at which it is recorded, noted or stored) as a written copy; and
  - (b) is reasonably secure from loss or unauthorised interference.
- (5) This regulation does not apply to regulation 14(2).

#### **Application and extent**

- 4.—(1) Subject to paragraph (2), these Regulations apply—
  - (a) in Great Britain; and
  - (b) outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of articles 4(1) and (2), 5 and 6 of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013(22).
- (2) These Regulations do not apply—
  - (a) to wells to which the Borehole Sites and Operations Regulations 1995(23) apply;
  - (b) in any case where the Offshore Installations (Safety Case) Regulations 2005(24) apply.
- (3) These Regulations do not extend to Northern Ireland.

#### **Duties of licensee**

- 5.—(1) The licensee must—
  - (a) ensure that any operator appointed by the licensee is capable of satisfactorily carrying out the functions and discharging the duties of the operator under the relevant statutory provisions; and
  - (b) take all reasonable steps to ensure that any operator appointed by or in respect of the licensee carries out the functions and discharges the duties of the operator under the relevant statutory provisions.
- (2) In paragraph (1) a reference to an operator includes a reference to a well operator.

#### **Capacity of operator to meet requirements**

- 6.—(1) Where the competent authority determines that an operator no longer has the capacity to meet the requirements of the relevant statutory provisions, it must immediately inform the licensing authority (within the meaning given in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015).

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(22) S.I. 2013/240.

(23) S.I. 1995/2038, to which there are amendments not relevant to these Regulations.

(24) S.I. 2005/3117, amended by S.I. 2006/336 (now revoked), 2007/3224, 2009/229, 2013/1471 and paragraphs 33 to 40 of Schedule 13 to these Regulations.



- (2) In paragraph (1) the reference to an operator includes a reference to a well operator.

### **Corporate major accident prevention policy**

- 7.—(1) This regulation applies only to a duty holder which is a body corporate or unincorporate.
- (2) The duty holder must prepare in writing a policy (referred to in these Regulations as the “corporate major accident prevention policy”) which—
- (a) establishes the overall aims and arrangements for controlling the risk of a major accident and how those aims are to be achieved and those arrangements put into effect by the officers of the duty holder;
  - (b) covers the duty holder’s installations—
    - (i) in external waters; and
    - (ii) outside the European Union.
- (3) The corporate major accident prevention policy must address at least the particulars set out in Schedule 1 and must be prepared in accordance with the matters set out Schedule 2.
- (4) The corporate major accident prevention policy may in addition outline the commitment of the duty holder to mechanisms for effective tripartite consultation.
- (5) An operator, in preparing a corporate major accident prevention policy, must take account of the operator’s primary responsibility for, among other things, the control of risks of a major accident that are a result of the operator’s operations and for continuously improving control of those risks so as to ensure a high level of protection at all times.
- (6) A duty holder must—
- (a) implement the corporate major accident prevention policy throughout its offshore oil and gas operations; and
  - (b) set up appropriate monitoring arrangements to assure effectiveness of the policy.
- (7) In this regulation and Schedule 1, “officer of the duty holder” in relation to—
- (a) a body corporate, other than a limited liability partnership, means a director or secretary;
  - (b) a limited liability partnership, means a member;
  - (c) a partnership or a limited partnership, means a partner of that partnership or limited partnership; and
  - (d) a body unincorporate (other than a partnership or limited partnership), means a member of the body.
- (8) In paragraph (7)(a) “director” has the meaning given in section 250 of the Companies Act 2006~~(25)~~.
- (9) In this regulation (but not this paragraph) a reference to a duty holder or operator includes a reference to a well operator.
- (10) Paragraph (2)(b) does not apply to a well operator.

### **Safety and environmental management system**

- 8.—(1) The duty holder must prepare a document setting out its safety and environmental management system.
- (2) In the case of a body corporate or unincorporate, the safety and environmental management system must include the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the corporate major accident prevention policy.

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(25) 2006 c. 46, to which there are amendments not relevant to these Regulations.



(3) The safety and environmental management system is to be integrated with the overall management system of the duty holder.

(4) The safety and environmental management system must address the particulars in Schedule 3 and must be prepared in accordance with the matters set out in Schedule 2.

(5) The document setting out the safety and environmental management system must include a description of—

- (a) the organisational arrangements for the control of major hazards;
- (b) the arrangements for preparing and submitting documents under the relevant statutory provisions; and
- (c) the verification scheme (which description must comply with regulation 13(1)).

(6) This regulation applies to a well operator—

- (a) as if the reference to the duty holder in paragraph (1) were a reference to a well operator; and
- (b) as if the reference to the description of the verification scheme in paragraph (5)(c) were a reference to the description of the well examination scheme (which description must comply with regulation 13(2)).

#### **Establishment of verification scheme**

9.—(1) The duty holder must establish a scheme (a “verification scheme”) for ensuring, by the means described in paragraph (2), that the safety and environmental-critical elements and the specified plant—

- (a) are or, where they remain to be provided, will be suitable; and
- (b) where they have been provided, remain in good repair and condition.

(2) The means are—

- (a) examination, including testing where appropriate, of the safety and environmental-critical elements and the specified plant by a verifier;
- (b) examination of any design, specification, certificate, CE marking or other document, marking or standard relating to those elements or that plant by a verifier;
- (c) examination by a verifier of work in progress;
- (d) the creation of reports by a verifier on—
  - (i) the examination and testing carried out;
  - (ii) the findings; and
  - (iii) any remedial action recommended;
- (e) the taking of appropriate action by the duty holder following a report;
- (f) the making of a note of action taken by the duty holder following a report;
- (g) the reporting by a verifier to the duty holder of any instances of non-compliance of the duty holder with the standards of the scheme;
- (h) the taking of other such steps as may be provided for pursuant to regulation 10 and Part 1 of Schedule 4; and
- (i) the taking of any steps incidental to the means described in sub-paragraphs (a) to (g).

(3) The duty holder must ensure that—

- (a) the verification scheme is drawn up by or in consultation with the verifier and recorded in writing; and

- (b) a note is made of any reservation expressed by the verifier as to the content of the scheme in the course of drawing it up.
- (4) The duty holder must—
  - (a) produce a written record of the safety and environmental-critical elements and the specified plant;
  - (b) invite comment on the record by a verifier; and
  - (c) make a note of any reservation expressed by a verifier as to the contents of the record.
- (5) The duties in paragraphs (1), (3) and (4) must be completed—
  - (a) in the case of a production installation, before completion of its design; and
  - (b) in the case of a non-production installation, before it is moved into external waters with a view to its being operated there.

#### **Other provisions as to verification schemes**

- 10.**—(1) A verification scheme must provide for the matters contained in Part 1 of Schedule 4.
- (2) The duty holder must—
  - (a) ensure that where tasks under a verification scheme are allocated by the verifier to personnel of the verifier they are appropriately allocated to personnel qualified to undertake them;
  - (b) make suitable arrangements for the communication of information between the duty holder and the verifier; and
  - (c) give the verifier suitable authority to carry out the functions under the verification scheme effectively.
- (3) The duty holder must ensure that—
  - (a) the verification scheme is reviewed as often as may be appropriate and, where necessary, revised or replaced by or in consultation with the verifier; and
  - (b) a note is made of any reservation expressed by the verifier in the course of drawing up the verification scheme.
- (4) Where there is a material change to a design notification, a relocation notification, the safety case or a notification of combined operations the duty holder must refer the material change to the verifier for further comment in accordance with the verification scheme.
- (5) If the competent authority requests, the duty holder must communicate the outcome of the referral of the material change to the competent authority.
- (6) The duty holder must ensure that the verification scheme is put into effect from the time it is established and that effect continues to be given to the scheme, or any revision or replacement of the scheme, while the installation remains in existence.

#### **Establishment of well examination scheme**

- 11.**—(1) The well operator must establish a scheme (a “well examination scheme”) for ensuring, by the means described in paragraph (2), 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.

- (2) The means are—
  - (a) examination, by a well examiner of—
    - (i) any part of the well, or a similar well;
    - (ii) information, including information on the design and construction of the well and the sub-surface environment, including the geological strata and formations, the fluids within them and any hazards which the strata and formations may contain;
    - (iii) work in progress;
  - (b) the creation of reports by a well examiner on—
    - (i) the examination carried out;
    - (ii) the findings;
    - (iii) any remedial action recommended;
  - (c) the taking of appropriate action by the well operator following a report;
  - (d) the making of a note of action taken by the well operator following a report;
  - (e) the reporting by a well examiner to the well operator of any instances of non-compliance of the well operator with the standards of the scheme;
  - (f) the taking of other such steps as may be provided for pursuant to regulation 12 and Part 2 of Schedule 4; and
  - (g) the taking of any steps incidental to the means described in sub-paragraphs (a) to (e).
- (3) The well operator must record the well examination scheme in writing.
- (4) The duties in paragraphs (1) and (3) must be completed before the design of a well is adopted.

#### **Other provisions as to well examination schemes**

**12.—**(1) A well examination scheme must provide for the matters contained in Part 2 of Schedule 4.

- (2) The well operator must—
  - (a) ensure that, where tasks under a well examination scheme are allocated by the well examiner to personnel of the well examiner, they are appropriately allocated to personnel qualified to undertake them;
  - (b) make suitable arrangements for the communication of information between the well operator and the well examiner; and
  - (c) give the well examiner suitable authority to carry out the functions under the well examination scheme effectively.
- (3) The well operator must ensure that the well examination scheme is reviewed and revised as often as may be appropriate.
- (4) The well operator must ensure that the well examination scheme is put into effect from the time it is established and that effect continues to be given to the scheme, or any revision of the scheme, until the well is abandoned.

#### **Description of verification scheme and well examination scheme**

**13.—**(1) For the purposes of these Regulations, a description of the verification scheme complies with this paragraph if it includes—

- (a) a description of the criteria for selection of the verifier to carry out functions under the scheme;

- (b) a description of the means of verifying that the safety and environmental-critical elements and any specified plant remain in good repair and condition; and
  - (c) details of the arrangements to carry out the functions under the scheme including—
    - (i) the examination and testing of the safety and environmental-critical elements by the verifier;
    - (ii) the verification of the design, standard, certification or other system of conformity of the safety and environmental-critical elements;
    - (iii) the examination of work in progress;
    - (iv) the taking of remedial action by the duty holder;
    - (v) the reporting of any instances of non-compliance of the duty holder with the standards of the scheme; and
    - (vi) the review of the scheme throughout the lifecycle of the installation.
- (2) For the purpose of regulation 8(6)(b), a description of the well examination scheme complies with this paragraph if it includes—
- (a) a description of the criteria for selection of the well examiner to carry out functions under the scheme;
  - (b) a description of the means of verifying that the well is designed and constructed, and is maintained in such repair and condition, that—
    - (i) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and
    - (ii) 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; and
  - (c) details of the arrangements to carry out the functions under the scheme including—
    - (i) the examination of the well, or a similar well, by the well examiner;
    - (ii) the examination of information required under regulation 11(2)(a)(ii);
    - (iii) the examination of work in progress;
    - (iv) the taking of remedial action by the well operator;
    - (v) the reporting of any instances of non-compliance of the well operator with the standards of the scheme; and
    - (vi) the review of the scheme.

## Defence

14.—(1) In any proceedings for an offence for a contravention of any of the provisions of regulations 9 to 12 it is, subject to paragraph (2), 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 an employee of the person charged (referred to in this regulation as “the other person”); and
- (b) that the person charged took all reasonable precautions, and exercised all due diligence, to avoid committing the offence.

(2) The person charged may not, without the permission of the court, rely on the defence in paragraph (1) unless, within a period ending seven clear days—

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

(c) where the proceedings are solemn proceedings in Scotland, before the first diet, the person charged 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 the possession of the person charged.

(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 is nevertheless to be treated for the purposes of that section as having committed the offence.

### **Design and relocation notifications for production installation**

**15.**—(1) The operator of a production installation which is to be established in external waters must—

- (a) prepare a design notification containing, subject to paragraph (6), the particulars specified in Schedule 5; and
- (b) send the design notification to the competent authority.

(2) The duties in paragraph (1) must be completed at such time before the submission of a field development plan to the Department of Energy and Climate Change as will enable the operator to take account—

- (a) in the design, and
- (b) in the safety case prepared pursuant to regulation 17,

of any matters raised by the competent authority within three months (or such shorter period as the competent authority may specify) of that time.

(3) The operator of a production installation which is to be moved to a new location within external waters (whether from outside external waters or not) and operated there must—

- (a) prepare a relocation notification containing the particulars specified in Schedule 5 not contained in any current safety case for that installation; and
- (b) send the relocation notification to the competent authority

(4) The duties in paragraph (3) must be completed at such time before the submission of a field development plan to the Department of Energy and Climate Change as will enable the operator to take account of any matters raised by the competent authority within three months (or such shorter period as the competent authority may specify) of that time.

(5) The competent authority must respond to the design notification—

- (a) with comments to be taken into account by the operator in the safety case; or
- (b) where it has no such comments to make, with a statement to that effect.

(6) Paragraph (1) only requires the design notification to contain the particulars referred to in that paragraph to the extent that it is reasonable to expect the operator to address them at the time of sending the design notification to the competent authority.

(7) Where there is a material change in any of the particulars notified pursuant to—

- (a) paragraph (1) prior to the operator sending a safety case to the competent authority in accordance with regulation 17(1)(b); or
- (b) paragraph (3) prior to the operator sending—
  - (i) a safety case to the competent authority in accordance with regulation 17(1)(b); or
  - (ii) revisions to the current safety case to the competent authority in accordance with regulation 24(2),

the operator must notify the competent authority of that change as soon as practicable.

**Management and control of major accident hazards**

16.—(1) A duty holder who prepares a safety case pursuant to these Regulations must, subject to paragraph (2), include in the safety case sufficient particulars to demonstrate that—

- (a) the duty holder’s management system is adequate to ensure—
  - (i) that the relevant statutory provisions will, in respect of matters within the duty holder’s control, be complied with; and
  - (ii) that the management of arrangements with contractors and sub-contractors is satisfactory;
- (b) the duty holder has established adequate arrangements for audit and for the making of reports of the audit;
- (c) all hazards with the potential to cause a major accident have been identified;
- (d) all major accident risks have been evaluated, their likelihood and consequences assessed, including any environmental, meteorological and seabed limitations on safe operations, and that suitable measures, including the selection and deployment of associated safety and environmental-critical elements have been, or will be, taken to control those risks to ensure that the relevant statutory provisions will be complied with; and
- (e) in the case of a non-production installation, all the major hazards have been identified for all operations the installation is capable of performing.

(2) Paragraph (1) only requires the safety case to include the particulars referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the safety case to the competent authority.

(3) In this regulation, “audit” means systematic assessment of the adequacy of the management system to achieve the purpose referred to in paragraph (1)(a) carried out by a person who is sufficiently independent of the system (but who may be employed by the duty holder) to ensure that such assessment is objective.

(4) The demonstration of the matters referred to in paragraph (1)(d) must include the estimate of oil spill response effectiveness contained in the oil pollution emergency plan in respect of the installation, prepared pursuant to regulation 4(3)(a) and (c) of and Schedule 2 to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998(26).

**Safety case for production installation**

17.—(1) Subject to Schedule 14, the operator of a production installation must ensure that it is not operated in external waters unless—

- (a) the operator has prepared a safety case containing the particulars specified in regulation 16 and Schedule 6;
- (b) the operator has sent the safety case to the competent authority at least six months (or such shorter period as the competent authority may specify) before commencing operation; and
- (c) the competent authority has accepted the safety case.

(2) A safety case prepared pursuant to paragraph (1) and revisions to a current safety case prepared pursuant to regulation 19(7) may be prepared in relation to more than one production installation where the competent authority so approves in writing and, where a safety case is or revisions are to be so prepared in relation to installations with different operators, it is sufficient compliance with

(26) S.I. 1998/1056. Regulation 4(3) was amended by regulation 6(5) of the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) (Amendment) Regulations 2015 (S.I. 2015/386) and Schedule 2 was inserted by regulation 12(2) of those Regulations. Regulation 4(7) was amended by S.I. 2009/229, Schedule 2, Part 2, paragraph 11.

paragraph (1)(a) and (b) and regulation 19(7)(a) and (b) if the operators prepare and agree a safety case or revisions containing the particulars referred to in that paragraph and that regulation and one of them sends it to the competent authority in accordance with paragraph (1)(b) and regulation 19(7)(b).

(3) The operator of a production installation must include with the safety case sent to the competent authority a statement, made after considering any reports or reservations of the verifier under regulation 9(2)(d), (3)(b) and (4)(c), that the record of safety and environmental-critical elements and their scheme of maintenance are or will be suitable.

(4) Where, pursuant to paragraph (2), a safety case is to be prepared in relation to more than one production installation, each with a different operator, there must be included with the safety case—

- (a) where one is required under regulation 7, a copy of the corporate major accident prevention policy of each operator;
- (b) an adequate description of the safety and environmental management system of each operator; and
- (c) the description of the internal emergency response arrangements of each operator.

#### **Safety case for non-production installation**

**18.**—(1) Subject to Schedule 14, the owner of a non-production installation must ensure that it is not moved in external waters with a view to its being operated there unless—

- (a) the owner has prepared a safety case containing the particulars specified in regulation 16 and Schedule 7;
- (b) the owner has sent the safety case to the competent authority at least three months (or such shorter period as the competent authority may specify) before the movement of the installation in those waters with a view to its being operated there; and
- (c) the competent authority has accepted the safety case.

(2) The owner of a non-production installation must include with the safety case sent to the competent authority a statement, made after considering any reports or reservations of the verifier under regulation 9(2)(d), (3)(b) and (4)(c), that the record of safety and environmental-critical elements and their scheme of maintenance are or will be suitable.

#### **Design notification and safety case for non-production installation to be converted**

**19.**—(1) Where a non-production installation is to be converted to enable it to be operated as a production installation, the owner must—

- (a) prepare a design notification in respect of the proposed conversion containing, subject to paragraph (5), the particulars specified in Schedule 5 not contained in any current safety case for that installation; and
- (b) send the design notification to the competent authority.

(2) The duties in paragraph (1) must be completed at such time before completion of the design of the proposed conversion as will enable the owner to take account—

- (a) in the design, and
- (b) in the safety case prepared pursuant to regulation 17,

of any matters raised by the competent authority within three months (or such shorter period as the competent authority may specify) of that time.

(3) The competent authority must respond to the design notification—

- (a) with comments to be taken into account by the operator in the safety case; or
- (b) where it has no such comments to make, with a statement to that effect.



(4) For the purposes of this regulation the particulars specified in Schedule 5 have effect as if any reference to the operator were a reference to the owner of the non-production installation to be converted.

(5) Paragraph (1) only requires the design notification to contain the particulars referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the design notification to the competent authority.

(6) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to the operator sending—

- (a) a safety case to the competent authority in accordance with regulation 17(1); or
- (b) revisions to the current safety case to the competent authority in accordance with paragraph (7),

the operator must notify the competent authority of that change as soon as practicable.

(7) Where a non-production installation operated pursuant to a current safety case is converted to a production installation, the operator of that production installation must ensure that it is not operated as a production installation in external waters unless—

- (a) the operator has prepared revisions to the current safety case for that installation containing the particulars specified in regulation 16 and Schedule 6 not contained in that current safety case;
- (b) the operator has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least three months (or such shorter period as the competent authority may specify) before commencing the operation; and
- (c) the competent authority has accepted those revisions to the current safety case.

### **Safety case for dismantling fixed installation**

**20.**—(1) The operator of a fixed installation in external waters must ensure that it is not dismantled unless—

- (a) the operator has prepared revisions to the current safety case containing, subject to paragraph (2), the particulars specified in regulation 16 and Schedule 8 not contained in the current safety case for that installation;
- (b) the operator has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least three months (or such shorter period as the competent authority may specify) before the commencement of the dismantling; and
- (c) the competent authority has accepted those revisions to the current safety case.

(2) Paragraph (1) only requires the proposed revisions to the current safety case to contain the particulars referred to in that paragraph to the extent that it is reasonable to expect the operator to address them at the time of sending the proposed revisions to the competent authority.

(3) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to the competent authority deciding whether to accept the proposed revisions to the current safety case, the operator must notify the competent authority of that change as soon as practicable.

### **Notification of well operations**

**21.**—(1) The well operator must ensure that no well operation is commenced from a production installation in external waters unless—

- (a) in the case of a well operation that does not involve drilling, but involves—

- (i) insertion of a hollow pipe in a well; or
- (ii) altering the construction of a well,

the well operator has sent a notification containing the particulars specified in Schedule 9 to the competent authority at least ten days (or such shorter period as the competent authority may specify) before commencing that operation; or

- (b) in any other case, the well operator has sent a notification containing the particulars specified in Schedule 9 to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before commencing that operation.

(2) The well operator must ensure that no well operation is commenced in external waters (other than a well operation falling within paragraph (1)) unless the well operator has sent a notification containing the particulars specified in Schedule 9 to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before commencing that operation.

(3) The well operator must include with the notification sent to the competent authority a statement, made after considering reports by the well examiner under regulation 11(2)(b), that the risk management relating to well design and its barriers to loss of control are suitable for all anticipated conditions and circumstances.

(4) Where the well operator plans or prepares a material change to any of the particulars notified pursuant to paragraph (1) or (2), the well operator must consult the well examiner under the well examination scheme about the planned or prepared material change.

(5) Where there is a material change in any of the particulars notified pursuant to paragraph (1) or (2) prior to completion of the relevant well operation, the well operator must notify the competent authority of that change as soon as practicable.

(6) A notification of a material change under paragraph (5) must contain sufficient details fully to update the previously submitted notification and be accompanied by the report of the well examiner following the consultation under paragraph (4), addressing in particular the matters in paragraph 6(c) to (e) of Schedule 9.

(7) The well operator must not commence a well operation (of any description) where the competent authority expresses objections to the content of the notification sent in respect of the well operation or to any change to that content notified to the competent authority pursuant to paragraph (5).

(8) Subject to paragraph (9), the well operator must include a copy of the corporate major accident prevention policy with a notification sent to the competent authority pursuant to paragraph (1) or (2).

(9) Paragraph (8) does not apply where the well operator has previously sent its corporate major accident prevention policy to the competent authority or where it is not required to have one.

### **Notification of combined operations**

**22.**—(1) A duty holder for an installation which is to be involved in a combined operation in external waters must ensure that that installation does not engage in a combined operation unless a notification containing the particulars specified in Schedule 10 (other than those already notified to the competent authority pursuant to regulation 21) in respect of that combined operation is sent to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before it is due to commence.

(2) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to completion of the relevant combined operation, the duty holder must notify the competent authority of that change as soon as practicable.

(3) Where there is a change in the duty holder or of the installation, the duty holder must send a notification pursuant to paragraph (1).

(4) A duty holder for an installation which is or is to be involved in a combined operation must not commence the combined operation where the competent authority expresses objections to the content of the notification.

- (5) The requirement in paragraph (1), (2) or (3) (as the case may be) will be satisfied if—
- (a) the duty holders for every installation involved in the combined operation prepare and agree the notification required under the relevant paragraph; and
  - (b) one of them sends it to the competent authority by the deadline applicable to the notification in question.

### **Review of safety case**

**23.**—(1) A duty holder must thoroughly review a current safety case—

- (a) no more than five years after the date on which the safety case was first accepted by the competent authority under regulation 17 or 18; and
- (b) at suitable intervals not exceeding five years following the first review mentioned in subparagraph (a).

(2) In addition to the thorough review under paragraph (1), a duty holder must thoroughly review the current safety case if directed to do so by the competent authority.

(3) The duty holder must send a summary, including the results, of each such review to the competent authority—

- (a) where the review is conducted at the direction of the competent authority, within the period specified by the competent authority in that direction; or
- (b) in all other cases, within 28 days of its conclusion.

(4) The period specified by the competent authority for the purposes of paragraph (3)(a) must be a period of at least 28 days starting on the date of the direction.

### **Revision of safety case**

**24.**—(1) In addition to the other occasions on which a duty holder must revise a current safety case pursuant to these Regulations, a duty holder must revise a current safety case—

- (a) when appropriate; and
- (b) when directed to do so by the competent authority pursuant to regulation 25(1).

(2) Revisions made under paragraph (1)(a) which make a material change to the current safety case are not effective unless—

- (a) the duty holder has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority—
  - (i) at least three months, or such shorter period as the competent authority may specify; or
  - (ii) where the revisions relate to a combined operation, at least six weeks, or such shorter period as the competent authority may specify,
 before the revisions are to be made; and
- (b) the competent authority has accepted the revisions.

(3) Without prejudice to the generality of paragraph (2)—

- (a) no well operation constitutes a material change;

- (b) the movement of a production installation to a new location to be operated there constitutes a material change; and
- (c) the conversion of a production installation to enable it to be operated as a non-production installation constitutes a material change,

to the current safety case for the purposes of paragraph (2).

(4) For the purposes of paragraph (1), it is to be regarded as appropriate to revise a safety case in respect of a material change to an installation.

### **Power of competent authority in relation to safety cases and related documents**

**25.**—(1) The competent authority may direct a duty holder to prepare revisions to a current safety case in relation to such matters as the competent authority may notify to the duty holder.

(2) When making a direction for the purposes of paragraph (1), the competent authority must explain why it believes that each revision is necessary and must specify a period, not being less than 28 days, within which the duty holder must submit such revisions to the competent authority.

(3) Revisions submitted pursuant to paragraph (2) are not effective unless—

- (a) the duty holder has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority; and
- (b) the competent authority has accepted the revisions.

(4) Paragraph (5) applies where—

- (a) a design notification has been submitted under regulation 15 or 19; but
- (b) a safety case has not been submitted in respect of the production installation.

(5) Where this paragraph applies, the duty holder for the installation must, on demand by the competent authority, provide the competent authority with a copy of any document which the competent authority considers may be directly or indirectly relevant to the duty holder's preparation of the safety case for that installation.

(6) The duty in paragraph (5) must be completed within such reasonable time of the demand, being a period of not less than 14 days, as may be specified by the competent authority.

(7) The competent authority may suspend any current safety case where it does not accept any proposed revision to it submitted pursuant to paragraph (2).

(8) When suspending a current safety case under paragraph (7), the competent authority must explain why it believes that a suspension is necessary.

(9) During any period for which the current safety case for an installation is suspended, the duty holder for that installation must ensure that it is not operated.

(10) The competent authority may lift a suspension in respect of a current safety case when it is satisfied that the health and safety of persons who are likely to be affected by the lifting of any suspension will not be prejudiced in consequence of it.

(11) Where further information is necessary before a safety case or revisions to a safety case can be accepted, or a decision can be made to lift a suspension, the duty holder must provide, at the request of the competent authority, such information and make any necessary changes to the submitted safety case.

### **Power of the competent authority to prohibit operations**

**26.**—(1) Paragraph (2) applies where—

- (a) the competent authority is of the opinion that the measures for preventing or limiting the consequences of a major accident proposed in a safety case are insufficient to fulfil the requirements set out in the relevant statutory provisions; and
  - (b) the competent authority notifies the duty holder who sent the safety case that it is of the opinion described in sub-paragraph (a).
- (2) Where this paragraph applies, the duty holder must not operate or commence operation of the installation to which the safety case relates.
- (3) The prohibition in paragraph (2) ceases to apply if the competent authority notifies the relevant duty holder that it is no longer of the opinion described in paragraph (1)(a).
- (4) Paragraph (5) applies where—
- (a) the competent authority is of the opinion that the measures for preventing or limiting the consequences of a major accident proposed in a notification of combined operations are insufficient to fulfil the requirements set out in the relevant statutory provisions; and
  - (b) the competent authority notifies the duty holder who sent the notification of combined operations that it is of the opinion described in sub-paragraph (a).
- (5) Where this paragraph applies, no duty holder for an installation which is or is to be involved in the combined operation may operate or commence operation of the duty holder’s installation.
- (6) The prohibition in paragraph (5) ceases to apply if the competent authority notifies the duty holder who sent the notification of combined operations that it is no longer of the opinion described in paragraph (4)(a).
- (7) Paragraph (8) applies where—
- (a) the competent authority is of the opinion that the measures for preventing or limiting the consequences of a major accident proposed in a notification of well operations are insufficient to fulfil the requirements set out in the relevant statutory provisions; and
  - (b) the competent authority notifies the well operator who sent the notification of well operations that it is of the opinion described in sub-paragraph (a).
- (8) Where this paragraph applies the well operator must not continue or commence the operation to which the notification relates.
- (9) The prohibition in paragraph (8) ceases to apply if the competent authority notifies the well operator that it is no longer of the opinion described in paragraph (7)(a).

### **Keeping of documents**

- 27.—(1) A duty holder must—
- (a) ensure that, when the duty holder sends—
    - (i) the design notification, in the case of a production installation; or
    - (ii) the safety case, in the case of a non-production installation,
 to the competent authority, the competent authority is notified of an address in Great Britain for the purposes of sub-paragraphs (b) and (e) below;
  - (b) keep copies of the following documents relating to the installation at the address referred to in sub-paragraph (a) and on the installation—
    - (i) the current safety case;
    - (ii) any summary of any review of the current safety case prepared pursuant to regulation 23(1); and
    - (iii) each audit report;
  - (c) keep copies on the installation of the following documents relating to the installation—

- (i) any relocation notification and any material changes to such a notification;
  - (ii) any notification of combined operations and any material changes to such a notification; and
  - (iii) any notification of well operations and any material changes to such a notification;
- (d) ensure that, in respect of each audit report, a written statement is made recording—
- (i) the main findings of the report;
  - (ii) the recommendations in the report; and
  - (iii) the action proposed to implement those recommendations, including the timescales involved,
- and that a copy of that statement is kept on the installation; and
- (e) ensure that a record is made of any action taken in consequence of an audit report, and a copy of that record is kept at the address referred to in sub-paragraph (a) and on the installation.
- (2) The copy of the current safety case referred to in paragraph (1)(b)(i) and any other relevant documents must be kept for so long as they are current, and the copy of the audit report, the written statement and the record referred to in paragraphs (1)(b)(iii), (1)(d) and (1)(e), respectively, must be kept for a period of three years after being made.
- (3) The duty holder for an installation must ensure that—
- (a) (i) the written record of the verification scheme;
  - (ii) any revision of that scheme;
  - (iii) any note made pursuant to regulation 9(3)(b), (4)(c) or regulation 10(3)(b);
  - (iv) any report of the verifier pursuant to regulation 9(2)(d); and
  - (v) any note of action taken by the duty holder following such a report, pursuant to regulation 9(2)(f),
- are kept at the address notified to the competent authority pursuant to paragraph (1)(a) until the expiration of six months after such scheme or, as the case may be, modification of that scheme, has ceased to be current; and
- (b) records, sufficient to show the matters described in paragraph 4 of Part 1 of Schedule 4, are kept at the address notified to the competent authority pursuant to paragraph (1)(a) until the expiration of six months after completion of the offshore oil and gas operations to which they relate.
- (4) A well operator must ensure that—
- (a) the written record of the well examination scheme;
  - (b) any revision of that scheme;
  - (c) any report of the well examiner pursuant to regulation 11(2)(b); and
  - (d) any note of action taken by the well operator following such a report, pursuant to regulation 11(2)(d),
- are kept at an address in Great Britain notified to the competent authority, until the expiration of six months after completion of the offshore oil and gas operations to which they relate.
- (5) In this regulation, “audit report” means a report made pursuant to the arrangements referred to in regulation 16(1)(b).
- (6) A well operator must provide the duty holder with the documents mentioned in paragraph (1)(c)(iii).

**Duty to conform with safety case and notifications of operation**

**28.**—(1) The duty holder must ensure that the procedures and arrangements described in the current safety case which may affect the health and safety of persons or the environment are followed.

(2) In criminal proceedings for a contravention of paragraph (1), it is a defence for the accused to prove that—

- (a) in the particular circumstances of the case, it was not in the best interests of the health and safety of persons to follow the procedures or arrangements concerned and there was insufficient time to revise the safety case pursuant to regulation 24; or
- (b) the commission of the offence was due to a contravention by another person of regulation 8 of the Management Regulations and the accused had taken all reasonable precautions and exercised all due diligence to ensure that the procedures or arrangements were followed.

(3) The duty holder must ensure that a combined operation is conducted in pursuance of the plans stated in the notification of combined operations sent to the competent authority pursuant to regulation 22(1).

(4) The well operator must ensure that a well operation is conducted in pursuance of the plans stated in the notification of well operations sent to the competent authority pursuant to regulation 21(1).

**Duty to control risk**

**29.**—(1) Where an activity carried out by a duty holder significantly increases the risk of a major accident the duty holder must take suitable measures to ensure that the risk is reduced as low as is reasonably practicable.

(2) The measures referred to in paragraph (1) include, where necessary, suspending the relevant activity until the risk is adequately controlled.

(3) The duty holder must notify the competent authority where it has taken measures under paragraph (1).

(4) The duty holder must comply with paragraph (3) immediately after, and in any event no later than 24 hours after, adopting the measures.

(5) In this regulation (but not this paragraph) a reference to a duty holder includes a reference to a well operator.

**Internal emergency response**

**30.**—(1) The duty holder must perform the internal emergency response duties—

- (a) consistently with the external emergency response plan; and
- (b) taking into account the risk assessment undertaken during preparation of the current safety case for the installation.

(2) Where the duty holder has adopted other measures, the duty holder must perform the internal emergency response duties so as to secure a good prospect of personal safety and survival, taking into account the adoption of those other measures.

(3) In paragraph (2) “other measures” means measures relating to protection and rescue of personnel from a stricken installation, apart from any measures adopted in performance of the internal emergency response duties.

(4) Where an installation is to engage in a combined operation the duty holder for the installation must make arrangements, in advance of the installation’s engagement in the combined operation, for coordinating escape, evacuation and rescue between the installations concerned, to secure a good prospect of survival for persons on the installations during a major accident.



(5) Where a non-production installation is to engage in a combined operation and the description of the internal emergency response arrangements is revised, the owner must send a revised description of the internal emergency response arrangements to the competent authority.

(6) Where a mobile non-production installation is to be used for carrying out a well operation the owner must perform the internal emergency response duties taking into account the risk assessment undertaken during the preparation of the notification of well operations.

(7) Where a mobile non-production installation is to be used for carrying out a well operation and the description of the internal emergency response arrangements is revised as a result of the particular nature or location of a well, the owner must send a revised description of the internal emergency response arrangements to the competent authority.

(8) Paragraphs (5) and (7) do not apply where a revised description of the internal emergency response arrangements has been sent to the competent authority as a revision which makes a material change to the current safety case that is required to be sent to the competent authority under regulation 24(2) in connection with the same operation.

(9) Subject to paragraph (10), the duty holder must send the revised description of the internal emergency response arrangements to the Maritime and Coastguard Agency(27) as soon as is practicable.

(10) Where—

- (a) the description of the internal emergency response arrangements is revised because there is a material change to any of the particulars contained in a design notification, relocation notification, notification of well operations or notification of combined operations; but
- (b) that revision makes any change to the current safety case which must be accepted by the competent authority under regulation 19(7)(c), 20(1)(c), 24(2)(b) or 25(3)(b),

the duty holder must not send the revised description of those arrangements to the Maritime and Coastguard Agency before the competent authority has accepted the relevant revisions.

(11) In any case falling within paragraph (10), the duty holder must send the revised description of the internal emergency response arrangements as soon as practicable after the competent authority has accepted the revisions.

(12) The duty holder must maintain expertise relevant to the internal emergency response duties in order for that expertise to be available at all times and to be made available as necessary to the Maritime and Coastguard Agency.

(13) In this regulation “external emergency response plan” means the national plan setting out arrangements for responding to incidents which cause or may cause marine pollution prepared by the Secretary of State pursuant to section 293(2)(za) of the 1995 Act, as revised or re-issued from time to time(28), and the Search and Rescue Framework for the United Kingdom of Great Britain and Northern Ireland as published by the Secretary of State, as revised or re-issued from time to time(29).

(14) In this regulation and regulation 2(10) “the internal emergency response duties” means the duties in the following regulations of the PFEER Regulations(30)—

- (a) 5 (assessment);
- (b) 6 (preparation for emergencies);
- (c) 7 (equipment for helicopter emergencies);
- (d) 8(1), (2), and (3) (emergency response plan);

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(27) The Maritime and Coastguard Agency is an executive agency of the Department for Transport.

(28) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408385/140829-NCP-Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408385/140829-NCP-Final.pdf).

(29) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/291770/mca\\_uksar.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291770/mca_uksar.pdf). A hard copy of the Search and Rescue Framework may be obtained by application to the EC Group, Europa Park, Magnet Road, Grays, Essex, RM20 4DN.

(30) Regulations 22B and 22C are inserted by paragraph 23 of Schedule 13 to these Regulations.

- (e) 9(1) (prevention of fire and explosion);
- (f) 10 (detection of incidents);
- (g) 11 (communication);
- (h) 12 (control of emergencies);
- (i) 13 (mitigation of fire and explosion);
- (j) 14 (muster areas etc.);
- (k) 15 (arrangements for evacuation);
- (l) 16 (means of escape);
- (m) 17 (arrangements for recovery and rescue);
- (n) 22B (initiation and direction of emergency response, and liaison with external response authorities); and
- (o) 22C (arrangements for early warning of major accidents).

#### **Communication of national arrangements for confidential reporting of safety concerns etc.**

**31.**—(1) A duty holder must communicate to the persons specified in paragraph (2) the details of arrangements made by the competent authority for—

- (a) the confidential reporting of safety and environmental concerns from any source relating to offshore oil and gas operations; and
- (b) the investigation of such concerns while maintaining the anonymity of individuals in connection with the confidential reporting of those concerns.

(2) The persons are—

- (a) employees of the duty holder;
- (b) persons contracted by the duty holder to carry out offshore oil and gas operations; and
- (c) employees of the persons referred to in sub-paragraph (b).

(3) A duty holder must make reference to the confidential reporting mentioned in paragraph (1)(a) in relevant training and notices.

(4) In this regulation (but not this paragraph) a reference to a duty holder includes a reference to a well operator.

#### **Standards and guidance on best practice**

**32.**—(1) Every duty holder must cooperate with the competent authority to establish and implement a priority plan for the development of standards, guidance and rules which will give effect to best practice in major accident prevention, and limitation of consequences of major accidents should they nonetheless occur.

(2) Every duty holder must participate in the preparation and revision of standards and guidance on best practice in relation to the control of major hazards throughout the design and operational lifecycle of offshore oil and gas operations.

(3) The duty in paragraph (2) must be carried out in consultation with the competent authority and making use of the exchanges of knowledge, information and experience of the competent authority with authorities in other member States, among other things, through the European Union Offshore Oil and Gas Authorities Group (EUOAG) under Article 27(1) of Directive 2013/30/EU.

(4) In performing the duty in paragraph (2), every duty holder must consider the matters in Schedule 11 with a view to establishing priorities for the development of standards and guidance and giving practical effect to the prevention of major accidents and limitation of their consequences.

(5) In this regulation (but not this paragraph) a reference to a duty holder includes a reference to a well operator.

#### **Notification of major accident etc.**

**33.**—(1) The operator, well operator or, if appropriate, the owner must notify the competent authority without delay of—

- (a) a major accident; or
- (b) a situation where there is an immediate risk of a major accident.

(2) The notification must describe the circumstances, including, where possible, the origin, the potential impacts on the environment and the potential major consequences.

#### **Information on operations conducted outside of the European Union**

**34.**—(1) A UK-registered company conducting, itself or through a subsidiary, offshore oil and gas operations outside the European Union as a licensee, operator or well operator must report to the competent authority, on request, the circumstances of any major accident in which it or its subsidiary has been involved.

(2) The details of the information to go in the report must be specified by the competent authority in the request.

(3) In paragraph (1)—

“subsidiary” has the meaning given in section 1159 of the Companies Act 2006<sup>(31)</sup>;

“UK-registered company” has the meaning given in section 1158 of the Companies Act 2006.

#### **Exemptions**

**35.**—(1) Subject to paragraph (3), the competent authority may, by a certificate in writing, exempt any person, installation or well, or class of persons, installations or wells, from any requirement or prohibition imposed by these Regulations.

(2) 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.

(3) The competent authority must 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, and that the exemption will be compatible with Article 3(2) of [Directive 92/91/EEC](#) and with [Directive 2013/30/EU](#).

#### **Enforcement**

**36.**—(1) To the extent they would not otherwise do so, the following provisions of the 1974 Act apply to these Regulations as if they were health and safety regulations for the purposes of that Act and any function of the Executive under any other provision of the 1974 Act under or in respect of health and safety regulations (including their enforcement) is exercisable as if these Regulations were, to the extent they would not otherwise be so, health and safety regulations for the purposes of that Act—

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(31) [2006 c. 46](#), to which there are amendments not relevant to these Regulations..

- (a) sections 16 to 22 (approval of codes of practice and enforcement);
  - (b) section 23 (provisions supplementary to sections 21 and 22) and section 24 (appeal against improvement or prohibition notice);
  - (c) section 26 (power to indemnify inspectors); and
  - (d) subject to regulation 40, sections 33 to 42 (provisions as to offences).
- (2) A failure to discharge a duty placed on the competent authority by these Regulations is not an offence and section 33(1)(c) of the 1974 Act has effect accordingly.
- (3) Section 18(1) of the 1974 Act (duty to make adequate arrangements for enforcement) applies in relation to enforcement of these Regulations as if the reference to the Executive included a reference to the Secretary of State, but nothing in this paragraph has the effect of making the Secretary of State an enforcing authority for the purposes of the 1974 Act.
- (4) Without prejudice to the provisions of the 1974 Act referred to in paragraph (1)—
- (a) section 256 of the 1995 Act (appointment of inspectors and surveyors) has effect as if the reference in subsection (1)(b) of that section to any requirements, restrictions or prohibitions imposed by or under that Act included a reference to any requirements, restrictions or prohibitions imposed by or under these Regulations or the PFEER Regulations;
  - (b) section 259 of the 1995 Act (powers of inspectors in relation to premises and ships) has effect in relation to a Departmental inspector—
    - (i) as if the reference in subsection (1)(a) of that section to any premises in the United Kingdom included a reference to any premises 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), 5 and 6 of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013 (other than premises which come within subsection (1)(b) of section 259 of the 1995 Act);
    - (ii) as if the reference to any instrument made under the 1995 Act in subsection (2)(h)(iii) of that section included a reference to these Regulations and the PFEER Regulations; and
    - (iii) as if the reference in subsection (2)(j)(i) of that section to any books or documents which by virtue of any provision of the 1995 Act are required to be kept included a reference to any books or documents which by virtue of any provision of these Regulations are required to be kept.
- (5) Paragraph (4)(b)(i) has effect only in relation to the requirements, restrictions, prohibitions and functions imposed or conferred by or under these Regulations or the PFEER Regulations.
- (6) Without prejudice to the functions of an inspector appointed under section 19 of the 1974 Act, a Departmental inspector may, even though that person is not an inspector appointed under that section, serve—
- (a) an improvement notice under section 21 of that Act in respect of a contravention of these Regulations or the PFEER Regulations; or
  - (b) a prohibition notice under section 22 of that Act, as modified in relation to such an inspector in accordance with paragraph (7),
- and the reference to an inspector in section 23(4) and (5) of that Act has effect accordingly.
- (7) Section 22 of the 1974 Act applies in relation to a Departmental inspector as if—
- (a) any reference to the relevant statutory provisions were a reference to these Regulations or the PFEER regulations; and

(b) in subsection (2) the reference to a risk of serious personal injury were a reference to the risk of serious pollution from an installation in external waters.

(8) The following provisions of the 1974 Act apply to the EU Reporting Regulation as if it were health and safety regulations for the purposes of that Act and any function of the Executive under any other provision of that Act under or in respect of health and safety regulations (including their enforcement) is exercisable as if the EU Reporting Regulation were health and safety regulations for the purposes of that Act—

- (a) sections 18 to 21 (enforcement),
- (b) section 23 (provisions supplementary to sections 21 and 22) and 24 (appeal against improvement or prohibition notice), so far as they relate to an improvement notice;
- (c) section 26 (power to indemnify inspectors); and
- (d) sections 33 to 42 (provisions as to offences).

(9) Section 18(1) of the 1974 Act (duty to make adequate arrangements for enforcement) applies in relation to enforcement of the EU Reporting Regulation and as if the reference in that section to the Executive included a reference to the Secretary of State, but nothing in this paragraph has the effect of making the Secretary of State an enforcing authority for the purposes of the 1974 Act.

(10) Without prejudice to the provisions of the 1974 Act referred to in paragraph (8) section 256 of the 1995 Act (appointment of inspectors and surveyors) has effect as if the reference in subsection (1) (b) of that section to any requirements, restrictions or prohibitions imposed by or under that Act included a reference to any requirements, restrictions or prohibitions imposed by or under the EU Reporting Regulation.

(11) Without prejudice to the functions of an inspector appointed under section 19 of the 1974 Act, a Departmental inspector may, even though that person is not an inspector appointed under that section, serve an improvement notice under section 21 of that Act in respect of a contravention of the EU Reporting Regulation and the reference to an inspector in section 23(4) and (5) of that Act has effect accordingly;

(12) In regulation 40 the reference to a requirement or prohibition imposed by or under these Regulations includes a reference to a requirement imposed by the EU Reporting Regulation.

(13) A failure to discharge a duty placed on the competent authority or the member State by the EU Reporting Regulation is not an offence and section 33(1)(c) of the 1974 Act has effect accordingly.

(14) In this regulation—

“Departmental inspector” has the meaning given in section 256(9)(a) of the 1995 Act; and

“EU Reporting Regulation” means Commission Implementing Regulation (EU) No 1112/2014 of 13 October 2014 determining a common format for sharing of information on major hazard indicators by the operators and owners of offshore oil and gas installations and a common format for the publication of the information on major hazard indicators by the Member States<sup>(32)</sup>.

## Appeals

37.—(1) Any person who is aggrieved by a decision of the competent authority—

- (a) as to a finding of fact made by the competent authority for the purposes of these Regulations which affects the person as a duty holder or licensee or any installation for which the person is or may be responsible;

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(32) OJ No. L 302, 22.10.14, p. 1.

- (b) to determine that the person no longer has the capacity to meet the requirements of the relevant statutory provisions pursuant to regulation 6;
- (c) not to accept a safety case prepared by the person and submitted to the competent authority pursuant to regulation 17(1) or 18(1);
- (d) to express objections to the content of the notification sent by the person in respect of a well operation (or any change of that content notified to the competent authority) pursuant to regulation 21(7);
- (e) to direct the person to prepare revisions to a current safety case in accordance with regulation 25(1);
- (f) not to accept a revision to a current safety case prepared by the person and sent to the competent authority in accordance with regulation 19(6), 20(1)(b), 24(2)(a), 25(3)(a) or Schedule 14;
- (g) to suspend pursuant to regulation 25(7) a current safety case held by the person;
- (h) not to lift a suspension pursuant to regulation 25(10) in respect of a current safety case held by the person;
- (i) to notify the person that the competent authority has formed the opinion that measures for the prevention or limiting the consequences of a major accident proposed in the cases referred to in regulation 26(1), (4) or (7) are insufficient to fulfil the requirements set out in the relevant statutory provisions;
- (j) to grant the person an exemption certificate subject to a condition or a limit of time pursuant to regulation 35(2); or
- (k) to revoke an exemption certificate granted to the person pursuant to regulation 35(2), may appeal to the Secretary of State.

(2) The provisions of Schedule 12 apply where an aggrieved person appeals to the Secretary of State.

(3) Any decision of the competent authority which is the subject of an appeal under this regulation is not suspended pending final determination of the appeal.

#### **Amendments and revocations**

**38.**—(1) The instruments referred to in Part 1 of Schedule 13 are amended in accordance with that Part.

(2) The instruments specified in column 1 of Part 2 of Schedule 13 are revoked to the extent specified in the corresponding entry in column 3 of that Part.

#### **Transitional provisions and savings**

**39.** Schedule 14 (which makes transitional provisions and savings) has effect.

#### **Penalties**

**40.** The maximum penalty for an offence consisting of a contravention of a requirement or prohibition imposed by or under these Regulations is—

- (a) on summary conviction—
  - (i) in England and Wales, imprisonment for a term not exceeding three months or a fine, or both;
  - (ii) in Scotland, imprisonment for a term not exceeding twelve months or a fine not exceeding the statutory maximum, or both; and

- (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine or both.

## **Review**

**41.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how [Directive 92/91/EEC](#) and Directive 2013/30/EU (which are implemented by means of these Regulations) are implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

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

19th March 2015

*Freud*  
Parliamentary Under Secretary of State,  
Department for Work and Pensions



SCHEDULE 1

Regulation 7(3)

PARTICULARS TO BE ADDRESSED IN A CORPORATE  
MAJOR ACCIDENT PREVENTION POLICY

1. The responsibility of officers of the duty holder for ensuring, on a continuous basis, that the corporate major accident prevention policy is suitable, implemented, and operating as intended.
2. Formal command and control systems that include officers and senior management of the duty holder.
3. Measures for building and maintaining a strong safety culture with a high likelihood of continuous safe operation.
4. The approach to competency at all levels of the duty holder's organisation.
5. Measures for rewarding and recognising desired behaviours.
6. The evaluation of the duty holder's capabilities and goals.
7. The extent and intensity of process auditing.
8. Measures for maintenance of safety and environmental protection standards as an organisational core value.
9. The extent to which the particulars in paragraphs 1 to 8 are applied in the duty holder's offshore oil and gas operations conducted outside the European Union.

SCHEDULE 2

Regulations 7(3) and 8(4)

MATTERS IN ACCORDANCE WITH WHICH THE CORPORATE  
MAJOR ACCIDENT PREVENTION POLICY AND SAFETY AND  
ENVIRONMENTAL MANAGEMENT SYSTEM MUST BE PREPARED

1. The need to take appropriate measures to ensure as far as reasonably practicable that there is no unplanned escape of hazardous substances from pipelines, vessels and systems intended for their safe confinement. In addition, the need to ensure that no single failure of a containment barrier can lead to a major accident.
2. The need to pay particular attention to evaluation of the reliability and integrity requirements of all safety and environmental-critical systems and base inspection and maintenance systems on achieving the required level of safety and environmental integrity.
3. The need to adopt suitable measures to use suitable technical means or procedures in order to promote the reliability of the collection and recording of relevant data and to prevent possible manipulation of that data.
4. The need to ensure there is a suitable framework for monitoring compliance with all relevant statutory provisions by incorporating statutory duties in respect of major hazards control and environmental protection into standard operating procedures.
5. The need to pay particular attention to building and maintaining a strong safety culture with a high likelihood of continuous safe operation, including with regard to securing cooperation of employees and contractors through, among other things—
  - (a) visible commitment to tripartite consultations and actions arising from them;
  - (b) encouraging and rewarding reporting of accidents and near-misses;
  - (c) working effectively with elected safety representatives; and

- (d) protecting whistleblowers.

### SCHEDULE 3

Regulation 8(4)

#### PARTICULARS TO BE ADDRESSED IN A SAFETY AND ENVIRONMENTAL MANAGEMENT SYSTEM

1. Organisational structure and personnel roles and responsibilities.
2. Identification and evaluation of major hazards as well as their likelihood and potential consequences.
3. Integration of environmental impact into major accident risk assessments in the safety case.
4. Controls of the major hazards during normal operations.
5. Emergency planning and response.
6. Limitation of damage to the environment.
7. Management of change.
8. Monitoring of performance.
9. Audit and review arrangements.
10. The measures in place for participating in tripartite consultations and how actions resulting from those consultations are put into effect.

### SCHEDULE 4

Regulation 10(1) and 12(1)

#### MATTERS TO BE PROVIDED FOR IN A VERIFICATION SCHEME AND A WELL EXAMINATION SCHEME

### PART 1

#### Matters to be provided for in a verification scheme

1. The principles to be applied by the duty holder—
  - (a) in selecting a verifier to perform functions under the scheme; and
  - (b) in keeping the scheme under review.
2. The arrangements for the communication to the verifier of information necessary for the proper implementation, or revision, of the scheme.
3. The nature and frequency of examination and testing.
4. The arrangements for the making and preservation of records showing—
  - (a) the examination and testing carried out;
  - (b) the findings of the examination and testing;
  - (c) any remedial action recommended; and
  - (d) the remedial action performed.

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5. The arrangements for communicating the matters specified in paragraph 4 to an appropriate level in the management system of the duty holder for the installation.
6. The arrangements for review and revision of the scheme.

## PART 2

### Matters to be provided for in a well examination scheme

1. The principles to be applied by the well operator—
  - (a) in selecting a well examiner to perform functions under the scheme; and
  - (b) in keeping the scheme under review.
2. The arrangements for the communication to the well examiner of information necessary for the proper implementation of the scheme.
3. The nature and frequency of examination.
4. The arrangements for the making and preservation of records showing—
  - (a) the examination carried out;
  - (b) the findings of the examination;
  - (c) any remedial action recommended; and
  - (d) the remedial action performed.
5. The arrangements for communicating the matters specified in paragraph 4 to an appropriate level in the management system of the well operator.
6. The arrangements for review of the scheme.

## SCHEDULE 5

Regulations 15(1) and (3) and 19(1)

### PARTICULARS TO BE INCLUDED IN A DESIGN NOTIFICATION OR A RELOCATION NOTIFICATION FOR A PRODUCTION INSTALLATION

1. The name and address of the operator of the installation.
2. A general description of the means by which the management system of the operator will ensure that the structure and plant of the installation will be designed, selected, constructed and commissioned in a way which will control major accident risks to comply with the relevant statutory provisions.
3. A description of the design process from an initial concept to the submitted design or selection of an existing installation, the relevant standards used and the design philosophy used to guide the process.
4. A description of—
  - (a) the chosen design concept in relation to the major hazard scenarios for the particular installation and its intended location, and the primary risk control features, including suitable diagrams, and a summary of the other design options which were considered;
  - (b) how the chosen design concept is intended to ensure—
    - (i) compliance with the requirements set out in regulations 5 (requirements as to operational integrity and composition) and 10 (integrity in dismantlement) of

- the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996(33); and
- (ii) that risks with the potential to cause a major accident are reduced to the lowest level that is reasonably practicable; and
- (c) the criteria used to select the chosen design concept and the process by which the selection was made.
5. A suitable plan of the intended location of the installation and of anything which may be connected to it, and particulars of—
- (a) the meteorological and oceanographic conditions to which the installation may foreseeably be subject; and
- (b) the properties of the seabed and subsoil at its intended location.
6. A description of any environmental, meteorological and seabed limitations on safe operations, and the arrangements for identifying risks from seabed and marine hazards such as pipelines and the moorings of adjacent installations.
7. Particulars of the types of operation, and activities in connection with an operation, which the installation is capable of performing.
8. A description of—
- (a) the principal systems on the installation;
- (b) the installation layout;
- (c) the process technology to be used;
- (d) the principal features of any pipeline;
- (e) any petroleum-bearing reservoir intended to be exploited using the installation; and
- (f) the basis of design for any well to be connected to the installation.
9. A description of the verification scheme which complies with regulation 13(1) and an initial list of the safety and environmental-critical elements and their required performance.
10. A general description of the safety and environmental management system by which the intended major accident risk control measures are to be maintained in good effect.
11. Where a non-production installation is to be converted for use as a production installation, a justification demonstrating that the installation is suitable for such conversion.
12. Where a production installation is to be moved to a new location to serve a different production operation, a demonstration that the installation is suitable for the proposed production operation.

## SCHEDULE 6

Regulations 17(1)(a) and 19(7)(a)

### PARTICULARS TO BE INCLUDED IN A SAFETY CASE FOR THE OPERATION OF A PRODUCTION INSTALLATION

1. The name and address of the operator of the installation.
2. The maximum number of persons—
  - (a) expected to be on the installation at any time;

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(33) S.I. 1996/913, to which there is an amendment not relevant to these Regulations.

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- (b) that may, in normal operating conditions and within design constraints, be on the installation at any time; and
  - (c) for whom accommodation is to be provided.
3. A copy of the operator’s corporate major accident prevention policy, where the operator is required to have one.
4. A summary of any worker involvement in the preparation of the safety case, including how any safety representatives for that installation were consulted with regard to the revision, review or preparation of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989<sup>(34)</sup>.
5. An adequate description of the operator’s safety and environmental management system, including information from it that is relevant to the production installation.
6. A description of the verification scheme which complies with regulation 13(1).
7. A description of the extent to which the operator has taken into account any matters raised by the competent authority pursuant to regulations 15(2) or 19(2).
8. A description of the main requirements in the specification for the design of the installation and its plant, which must include—
- (a) any limits for safe operation or use specified therein;
  - (b) a description of how the operator has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996;
  - (c) a description of how the duty holder has ensured, or will ensure, the suitability of the safety and environmental-critical elements;
  - (d) a description of how the duty holder—
    - (i) where the duty holder is also the pipeline operator, has ensured, or will ensure, compliance with regulation 11 of the Pipelines Safety Regulations 1996<sup>(35)</sup>; or
    - (ii) where the duty holder is not also the pipeline operator, has co-operated or will cooperate with the operator in relation to a pipeline to ensure compliance with regulation 11 of the Pipelines Safety Regulations 1996; and
  - (e) any relevant codes, standards and guidance used in the construction and commissioning of the installation.
9. In paragraph 8(d) “pipeline operator”, in relation to a pipeline, means—
- (a) the person who is to have or (once fluid or any mixture of fluids is conveyed) has control over the conveyance of fluid or any mixture of fluids in the pipeline;
  - (b) until that person is known (should there be a case where at a material time that person is not yet known) the person who is to commission or (where commissioning has started) commissions the design and construction of the pipeline; or
  - (c) when a pipeline is no longer used or is not for the time being used, the person last having control over the conveyance of fluid or any mixture of fluids in it.
10. A suitable plan of the location of the installation and of anything connected to it, and particulars of—
- (a) the meteorological and oceanographic conditions to which the installation may foreseeably be subjected; and

<sup>(34)</sup> S.I. 1989/971, amended by paragraph 10, Part 2 of Schedule 2 to S.I. 1995/738 and paragraph (1)(d) of Schedule 9 to S.I. 2005/3117.

<sup>(35)</sup> S.I. 1996/825, to which there are amendments not relevant to these Regulations.

- (b) the properties of the seabed and subsoil at its location.
- 11.** A description, with suitable diagrams, of the installation, including a description of—
- (a) the main and secondary structure of the installation and its materials;
  - (b) its plant;
  - (c) the layout and configuration of its plant;
  - (d) any connections to any pipeline or other installation; and
  - (e) any well connected or to be connected to the installation.
- 12.** Particulars of the types of operation, and activities in connection with an operation, including both those—
- (a) which the installation is capable of performing; and
  - (b) which are to be carried out.
- 13.** Particulars of the plant and arrangements for—
- (a) the control of any well operations, including those—
    - (i) to control pressure in a well;
    - (ii) to prevent the uncontrolled release of hazardous substances; and
    - (iii) to minimise the effects of damage to subsea equipment by drilling equipment;
  - (b) process safety;
  - (c) the containment of hazardous substances (not already addressed under subparagraph (a) (ii));
  - (d) the prevention of fire and explosion; and
  - (e) the protection of the environment from a major accident.
- 14.** A description of any pipeline with the potential to cause a major accident, including—
- (a) the fluid which it conveys;
  - (b) its dimensions and layout;
  - (c) its contained volume at declared maximum allowable operating pressure; and
  - (d) any apparatus and works intended to secure safety,
- together with a summary of the document prepared under regulation 23 of the Pipelines Safety Regulations 1996.
- 15.** A description of how the operator has ensured, or will ensure, compliance with regulation 4(1) of the PFEER Regulations.
- 16.** Particulars of information obtained pursuant to the PFEER Regulations and the Management Regulations, so far as—
- (a) relevant to the prevention of a major accident, and
  - (b) not otherwise required to be provided pursuant to this Schedule.
- 17.** In respect of operations to be conducted from the installation, any information relating to the prevention of major accidents resulting in significant or serious damage to the environment relevant to other requirements under the relevant statutory provisions, obtained pursuant to Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment<sup>(36)</sup>.

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(36) OJ L 26, 28.1.2012, p1.

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**18.** A description of the plant used and arrangements made for protecting persons on the installation from hazardous substances, including toxic gas, at all times.

**19.** A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards, including explosion, fire, heat, smoke, toxic gas or fumes in particular during any period while they may need to remain on the installation following an incident which is beyond immediate control and for enabling such persons to be evacuated or rescued from the installation where necessary, including provision for—

- (a) temporary refuge;
- (b) routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;
- (c) means of evacuation at those points; and
- (d) facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.

**20.** Arrangements for the maintenance of control systems to prevent damage to the installation and the environment in the event that all personnel are evacuated.

**21.** The description of the internal emergency response arrangements.

**22.** The assessment produced pursuant to paragraph 2(j) of Schedule 2 to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998<sup>(37)</sup>.

**23.** Particulars of any combined operations which may involve the installation, including—

- (a) a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;
- (b) a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which must include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;
- (c) the plant likely to be used during any such combined operation; and
- (d) the likely impact any such combined operation may have on the installations involved.

**24.** Any other relevant details.

## SCHEDULE 7

Regulation 18(1)(a)

### PARTICULARS TO BE INCLUDED IN A SAFETY CASE FOR A NON-PRODUCTION INSTALLATION

1. The name and address of the owner of the installation.
2. The maximum number of persons—
  - (a) expected to be on the installation at any time;
  - (b) that may, in normal operating conditions and within design constraints, be on the installation at any time; and
  - (c) for whom accommodation is to be provided.

<sup>(37)</sup> [S.I. 1998/1056](#). Schedule 2 was inserted by the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) (Amendment) Regulations 2015 ([S.I. 2015/386](#)).



**3.** A copy of the owner's corporate major accident prevention policy, where the operator is required to have one.

**4.** A summary of any worker involvement in the preparation of the safety case, including how any safety representatives for that installation were consulted with regard to the revision, review or preparation of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.

**5.** An adequate description of the owner's safety and environmental management system, including information from it that is relevant to the non-production installation.

**6.** A description of the verification scheme which complies with regulation 13(1).

**7.** A description of the main requirements in the specification for the design of the installation and its plant, which must include—

- (a) any limits for safe operation or use specified therein;
- (b) a description of how the owner has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996;
- (c) a description of how the owner has ensured, or will ensure, the suitability of the safety and environmental-critical elements; and
- (d) any relevant codes, standards and guidance used in the construction and commissioning of the installation.

**8.** Particulars of—

- (a) the limits of the environmental and meteorological conditions beyond which the installation cannot safely be stationed or operated;
- (b) the properties of the seabed and subsoil which are necessary for the safe stationing and operation of the installation; and
- (c) the locations in which the installation may be stationed and operated safely.

**9.** A description of the arrangements for—

- (a) identifying the risks from seabed and marine hazards, including the routes and locations of pipelines, moorings of adjacent installations, wells and other subsea equipment; and
- (b) assessing the risks that they pose to the installation.

**10.** A description, with suitable diagrams, of the installation, including a description of—

- (a) the main and secondary structure of the installation and its materials;
- (b) its plant;
- (c) the layout and configuration of its plant; and
- (d) in the case of a mobile installation, its means of transfer between locations and its stationing system.

**11.** Particulars of the types of operation, and activities in connection with an operation, which the installation is capable of performing.

**12.** Particulars of the plant and arrangements for the control of—

- (a) any well operations, including those—
  - (i) to control pressure in a well;
  - (ii) to prevent the uncontrolled release of hazardous substances; and
  - (iii) to minimise the effects of damage to subsea equipment by drilling equipment;
- (b) process safety;

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- (c) the containment of hazardous substances (not already addressed under subparagraph (a) (ii));
  - (d) the prevention of fire and explosion; and
  - (e) the protection of the environment from a major accident.
- 13.** A description of how the duty holder has ensured, or will ensure, compliance with regulation 4(1) of the PFEER Regulations.
- 14.** In respect of operations to be conducted from the installation, any information relating to the prevention of major accidents resulting in significant or serious damage to the environment relevant to other requirements under the relevant statutory provisions, obtained pursuant to Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment.
- 15.** A description of the plant used and arrangements made for protecting persons on the installation from hazardous substances including toxic gas at all times.
- 16.** A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards, including explosion, fire, heat, smoke, toxic gas or fumes in particular during any period while they may need to remain on the installation following an incident which is beyond immediate control and for enabling such persons to be evacuated or rescued from the installation where necessary, including provision for—
- (a) temporary refuge;
  - (b) routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;
  - (c) means of evacuation at those points; and
  - (d) facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.
- 17.** The description of the internal emergency response arrangements.
- 18.** The assessment produced pursuant to paragraph 2(j) of Schedule 2 to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998.
- 19.** Particulars of any combined operations which may involve the installation, including—
- (a) a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;
  - (b) a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which must include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;
  - (c) the plant likely to be used during any such combined operation; and
  - (d) the likely impact any such combined operation may have on the installations involved.
- 20.** Any other relevant details.

SCHEDULE 8

Regulation 20(1)(a)

PARTICULARS TO BE INCLUDED IN A CURRENT SAFETY CASE  
IN RESPECT OF THE DISMANTLING OF A FIXED INSTALLATION

- 1.** The name and address of the operator of the installation.

2. The maximum number of persons expected to be on the installation at any time during its dismantling.
3. A summary of any worker involvement in the revised safety case, including how any safety representatives for that installation were consulted with regard to the revision of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.
4. The dates on which dismantling is expected to commence and finish.
5. A description of how the proposed arrangements, methods and procedures for dismantling the installation and connected pipelines take adequate account of the design and method of construction of the installation and its plant.
6. In the case of the dismantling of a fixed production installation—
  - (a) information on the means of isolating all hazardous substances and, in the case of any well connected to the installation, the permanent sealing of the well from the installation and the environment;
  - (b) a description of the risks of a major accident associated with the decommissioning of the installation to workers and the environment, the total exposed population, and the risk control measures;
  - (c) information on the emergency response arrangements to secure safe evacuation and rescue of personnel and to maintain control systems for preventing a major accident to the environment.
7. A description of how the operator will comply with regulation 4(1) of the PFEER Regulations with regard to the dismantling of the installation.
8. A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.
9. Sufficient details to update the description of the internal emergency response arrangements—
  - (a) in the case of a production installation, under paragraph 21 of Schedule 6; or
  - (b) in the case of a non-production installation, paragraph 17 of Schedule 7.

## SCHEDULE 9

Regulation 21(1) and (2)

### PARTICULARS TO BE INCLUDED IN A NOTIFICATION OF WELL OPERATIONS

1. The name and address of the well operator.
2. Where the well operation is to be carried out—
  - (a) from an installation, the name of the installation and the name and address of the duty holder for that installation; or
  - (b) by means of a vessel (not being an installation), the name of that vessel.
3. Particulars of the fluids to be used to control the pressure of the well.
4. Particulars of any plant, not described in the current safety case for the installation, which is to be used in connection with the well operation.
5. Particulars of the type of well, its number, and slot number, association with installations, and the name of any field development of which it may be part.

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6. A description of the well operation and a programme of works which includes—
  - (a) the date on which the well operation is expected to commence and finish;
  - (b) the intended operational state of the well at the end of the well operation, including whether it is intended to be permanently or temporarily abandoned and whether production equipment is to be placed into the well for future use;
  - (c) details of barriers against loss of well control (including the equipment, drilling fluids and cement);
  - (d) directional control of the well path; and
  - (e) limitations on safe operations in keeping with the risk management.
7. A description of—
  - (a) any activities on or in connection with an installation or a vessel (not being an installation) during the well operation described pursuant to paragraph 6 which may involve any hazards with the potential to cause a major accident; and
  - (b) such hazards.
8. In the case of a well which is to be drilled—
  - (a) particulars, with suitable diagrams, of—
    - (i) the location of the top of the well;
    - (ii) the directional path of the well-bore;
    - (iii) its terminal depth and location; and
    - (iv) its position, and that of nearby wells, relative to each other;
  - (b) particulars of the geological strata and formations, and of fluids within them, through which it will pass, and of any hazards with the potential to cause a major accident which they may contain;
  - (c) the procedures for effectively monitoring the direction of the well-bore, and for minimising the likelihood and effects of intersecting nearby wells; and
  - (d) a description of the design of the well, including the limits on its safe operation and use.
9. In the case of an existing well—
  - (a) a diagram of the well;
  - (b) a summary of earlier operations in relation to it;
  - (c) the purposes for which it has been used;
  - (d) its current operational state;
  - (e) its state of repair;
  - (f) the physical conditions within it; and
  - (g) its production capacity.
10. Where a well operation is to be carried out from a non-production installation or a vessel (not being an installation)—
  - (a) particulars of—
    - (i) the meteorological and oceanographic conditions to which that installation or, as the case may be, vessel may foreseeably be subjected;
    - (ii) the depth of water; and
    - (iii) the properties of the seabed and subsoil at the location at which the well operation will be carried out; and

(b) a description of how the well operator and—

- (i) the owner of the installation; or
- (ii) the operator and owner of the vessel,

involved in the well operation will co-ordinate their management systems so as to reduce the risks from a major accident to comply with the relevant statutory provisions.

**11.** The report made under regulation 11(2)(b) in relation to the well operation, addressing in particular the matters in paragraph 6(c) to (e), together with a description of the actions of the well operator in response to the report.

**12.** A risk assessment incorporating a description of—

- (a) the particular hazards associated with the well operation including any environmental, meteorological and seabed limitations on safe operations;
- (b) the subsurface hazards;
- (c) any surface or subsea operations which introduce simultaneous major hazard potential; and
- (d) suitable control measures.

**13.** Where a well is to be constructed, modified or maintained by means of a non-production installation, additional information as follows—

- (a) a description of any environmental, meteorological and seabed limitations on safe operations, and arrangements for identifying risks from seabed and marine hazards such as pipelines and the moorings of adjacent installations;
- (b) a description of environmental conditions that have been taken into account within the internal emergency response arrangements for the installation;
- (c) the description of the internal emergency response arrangements and a description of arrangements for responding in cases of major environmental incidents that are not described in the safety case; and
- (d) a description of how the management systems of the well operator and the owner are to be coordinated to ensure effective control of major hazards at all times.

**14.** Particulars of information obtained pursuant to the PFEER Regulations and the Management Regulations, so far as—

- (a) relevant to the prevention of a major accident, and
- (b) not otherwise required to be provided pursuant to this Schedule.

**15.** In respect of a well operation to be conducted, particulars of information relevant to the relevant statutory provisions obtained pursuant to Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment (38).

**16.** An adequate description of the well operator's safety and environmental management system (unless such a description has already been submitted by the well operator under another provision of these Regulations).

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(38) OJ L 26, 28.1.2012, p1.

## SCHEDULE 10

Regulation 22(1)

### PARTICULARS TO BE INCLUDED IN A NOTIFICATION OF COMBINED OPERATIONS

1. The name and address of the duty holder submitting the notification.
2. The name and address of each duty holder preparing the notification and a confirmation that every such duty holder has agreed to the contents of the notification.
3. A description of the combined operation and a programme of work, which must include the dates on which the combined operation is expected to commence and finish.
4. Particulars of any plant to be used in connection with the combined operation but which is not described in the current safety case for any of the installations involved in the combined operation.
5. A summary of the joint review referred to in paragraph 23(b) of Schedule 6 or paragraph 19(b) of Schedule 7, which must include—
  - (a) a description of any activities during the combined operation which may involve hazards with the potential to cause a major accident on or in connection with an installation; and
  - (b) a description of any risk control measures introduced as a result of that review.
6. A description, by reference to a bridging document authorised by all parties to the document, of how the management systems for the installations involved in the combined operation will be co-ordinated so as to reduce the risks from a major accident to comply with the relevant statutory provisions.

## SCHEDULE 11

Regulation 32(4)

### MATTERS TO BE CONSIDERED IN PREPARING AND REVISING STANDARDS AND GUIDANCE ON BEST PRACTICE IN RELATION TO THE CONTROL OF MAJOR HAZARDS

1. Effective risk management.
2. Management and supervision of major hazard operations.
3. Competency of key post holders.
4. Reliable decision making.
5. Effectively integrating safety and environmental management systems between operators and owners and other entities involved in oil and gas operations.
6. Key performance indicators.
7. Improving well integrity, well control equipment and barriers and monitoring their effectiveness.
8. Improving primary containment.
9. Improving secondary containment that restricts escalation of an incipient major accident, including well blow-outs.
10. Reliability assessment for safety and environmental-critical systems.

## SCHEDULE 12

Regulation 37(2)

### APPEALS

#### PART 1

##### General

1. In this Schedule—
  - “appeal” means an appeal under regulation 37;
  - “appellant” means a person who has brought an appeal;
  - “appointed person” means a person appointed in accordance with paragraph 2;
  - “hearing” means a hearing to which Part 2 of this Schedule applies; and
  - “the parties” means the appellant and the competent authority.
2. The Secretary of State must direct that an appeal be determined by a person whom the Secretary of State appoints for the purpose and the Secretary of State must notify the parties in writing of the name of the appointed person.
3. Before the determination of an appeal, the appointed person must ask the parties whether they wish to appear and be heard on the appeal and—
  - (a) the appeal may be determined without a hearing of the parties if both of them express a wish not to be heard; or
  - (b) the appointed person must, if either party expresses a wish to appear and be heard, afford both of them an opportunity of so doing, in which case the provisions of Part 2 of this Schedule apply.
4. An appointed person may give such directions as the appointed person considers are appropriate to give effect to the determination.
5. The Secretary of State may pay to an appointed person such remuneration and allowances as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.

#### PART 2

##### Hearing

- 6.—(1) Subject to the following sub-paragraphs of this paragraph, a date, time and place for the holding of the hearing must be fixed by the appointed person, who must give not less than 28 days’ notice in writing of such date, time and place to the parties.
  - (2) With the consent of the parties, the appointed person may give such lesser period of notice as is agreed with the parties and in that event the appointed person may specify a date for service of the statement referred to in paragraph 7(1) later than the date determined in accordance with that paragraph.
  - (3) Where it becomes necessary or advisable to vary the date, time or place fixed for the hearing, the appointed person must give such notice of the variation as may appear to the appointed person to be reasonable in the circumstances.
- 7.—(1) Not later than 21 days before the date of the hearing, or such later date as the appointed person may specify in accordance with paragraph 6(2), the competent authority must serve on the



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appellant a written statement of any submission which the competent authority proposes to put forward at the hearing and supply a copy of the statement to the appointed person.

(2) Where the competent authority intends to refer to or put in evidence documents (including photographs and plans) at the hearing—

- (a) the statement of the competent authority must be accompanied by a list of those documents together with a written notice stating the times and place at which the documents may be inspected by the appellant; and
- (b) the competent authority must afford the appellant a reasonable opportunity to inspect and, where practicable, to take copies of those documents.

(3) If so required by the appointed person, the appellant must—

- (a) serve on the competent authority and on the appointed person, within such time before the hearing as the appointed person may specify, a written statement of the submissions which the appellant proposes to put forward at the hearing accompanied by a list of any documents (including photographs and plans) which the appellant intends to refer to or put in evidence at the hearing; and
- (b) afford the competent authority a reasonable opportunity to inspect and, where practicable, to take copies of those documents.

**8.—**(1) The parties are entitled to appear at the hearing.

(2) Any other person may appear at the discretion of the appointed person provided that the person has, not later than seven days before the date of the hearing, served on the competent authority a statement of the person's proposed submissions.

(3) The competent authority must send a copy of every statement served on it in accordance with subparagraph (2) to the appointed person and to the appellant.

(4) A body corporate may appear by its clerk or secretary or by any other officer appointed for the purpose by that body, or by counsel or a solicitor.

(5) A person may appear in person or be represented by counsel, a solicitor or any other person.

(6) Where there are two or more persons having a similar interest in the subject matter of the hearing, the appointed person may allow one or more persons to appear for the benefit of some or all persons so interested.

**9.—**(1) All hearings must be held in private.

(2) Except as otherwise provided in this Part, the procedure of the hearing is to be such as the appointed person determines and the appointed person must state at the commencement of the hearing the procedure which, subject to consideration of any submission by the parties, it is proposed to adopt.

(3) Unless in a particular case the appointed person, with the consent of the appellant, otherwise determines, the appellant must be heard first and must have the right of final reply.

(4) The parties must be entitled to make an opening statement, call evidence and cross-examine persons giving evidence but any other person appearing at the hearing may only do so to the extent permitted by the appointed person.

(5) Subject to sub-paragraph (6), any evidence may be admitted at the discretion of the appointed person, who may direct that documents tendered in evidence may be inspected by any person entitled or permitted to appear at the hearing and that facilities be afforded to take or obtain copies of those documents.

(6) The appointed person may not require or permit the giving or production of any evidence, whether written or oral, which would be contrary to the public interest.

(7) The appointed person may allow the parties to alter or add to the submissions contained in any statement served under paragraph 7(1) or (3), or to any list of documents which accompanied such statement, so far as may be necessary for the purpose of determining the questions in controversy between them, but must (if necessary, by adjourning the hearing) give the other party an adequate opportunity of considering any such fresh submission or document.

(8) If any person entitled to appear at the hearing fails to appear, the appointed person may proceed with the hearing.

(9) The appointed person is entitled to take into account any written representations or statements received by the appointed person before the hearing from any person, subject to disclosure of such representations or statements at the hearing.

(10) The appointed person may from time to time adjourn the hearing, and where this occurs, must give reasonable notice to every person entitled or permitted to appear at the hearing of the date, time and place of the adjourned hearing.

**10.**—(1) Where, after the hearing, the appointed person proposes to take into consideration—

- (a) any new evidence, including expert opinion on a matter of fact; or
- (b) any new issue of fact, not being a matter of government policy or a matter affecting the safety of the State,

which was not raised at the hearing and which the appointed person considers to be material to a decision, the appointed person must not come to a decision without first notifying the parties of the substance of the new evidence or of the new issue of fact and affording them an opportunity of making representations on the new evidence or new issue of fact in writing within 21 days or of asking within that time for the re-opening of the hearing.

(2) If the appointed person thinks fit, the appointed person may cause the hearing to be re-opened and must cause it to be re-opened if asked to do so in accordance with sub-paragraph (1).

(3) Where a hearing is re-opened, paragraph 6(1) applies as it applied to the original hearing.

**11.** The appointed person must notify the decision on the appeal, and the reasons for the decision, in writing to the parties and to any person who, having appeared at the hearing, has asked to be notified of the decision.

## SCHEDULE 13

Regulation 38

### AMENDMENTS AND REVOCATIONS

## PART 1

### Amendments

#### **Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989**

**1.** The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989<sup>(39)</sup> are amended as follows.

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<sup>(39)</sup> *S.I. 1989/971*. In regulation 2, the definition of the “the 2005 Regulations” was inserted by *S.I. 2005/3117*, Schedule 9, paragraph 1(a)(i) and the definition of “current safety case” was inserted by *S.I. 2005/3117*, Schedule 9, paragraph 1(a)(ii). Regulation 18A was inserted by *S.I. 1992/2885*, Schedule 8, paragraph 2 (which is now revoked) and amended by *S.I. 2005/3117*, Schedule 9, paragraph 1(c)(i) and (ii). *S.I. 1992/2885* was revoked by *S.I. 2005/3117*, its being implicit that the revocation was not intended to remove the effect of the insertion of regulation 18A by *S.I. 1992/2885*, given the amendment

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2. In regulation 2 (interpretation)—
  - (a) after the definition of “the 2005 Regulations” insert—
 

““the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;”;
  - (b) at the end of the definition of “current safety case” insert “or regulation 2(1) of the 2015 Regulations;”.
3. In regulation 18A(1)(a) (safety representative entitlement to summary of current safety case), after “the 2005 Regulations” insert “or the 2015 Regulations”.
4. In regulation 23(2)(c)(i) (duties of installation operators and owners, and employers) for “the Offshore Installations (Safety Case) Regulations 1992” substitute “the 2005 Regulations or the 2015 Regulations”.

### **Offshore Installations and Pipeline Works (First-Aid) Regulations 1989**

5. The Offshore Installations and Pipeline Works (First-Aid) Regulations 1989(40) are amended as follows.
6. In regulation 2 (interpretation)—
  - (a) omit the definition of “the 1989 Order”;
  - (b) after the definition of “the 1995 Regulations” insert—
 

““the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013;”;
  - (c) in paragraph (b) of the definition of “person in control”—
    - (i) for “section 33(3) of the Petroleum and Submarine Pipe-lines Act 1975” substitute “section 27(1) of the Petroleum Act 1998”; and
    - (ii) for “the said section 33(3)” substitute “that section”;
  - (d) in the definition of “pipeline” for “article 5 of the 1989 Order” substitute “article 6 of the 2013 Order”; and
  - (e) in the definition of “pipeline works”—
    - (i) for “(d)” substitute “(e)”; and
    - (ii) for “article 5 of the 1989 Order” substitute “article 6 of the 2013 Order”.
7. In regulation 3(b) (application of Regulations) for “articles 4 and 5 of the 1989 Order” substitute “articles 4 and 6 of the 2013 Order”.

### **Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995**

8. The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995(41) are amended as follows.
9. In regulation 2(1) (interpretation)—
  - (a) omit the definition of “the 1995 Order”;

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made to regulation 18A by [S.I. 2005/3117](#). Regulation 23(2)(c)(i) was amended by [S.I. 2005/3117](#), Schedule 9, paragraph 1(d). There are other amending instruments but none is relevant.

(40) [S.I. 1989/1671](#). The definition of “the 1995 Regulations” was inserted in regulation 2 by [S.I. 1995/738](#), Schedule 2, Part 2, paragraph 13(b). The definition of “person in control” in regulation 2 was amended by [S.I. 1995/738](#), Schedule 2, Part 2, paragraph 13(d) and (e). There are other amending instruments but none is relevant.

(41) [S.I. 1995/738](#), amended by [S.I. 2002/2175](#) and [2005/3117](#).

- (b) before the definition of “apparatus or works” insert—
  - ““the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005;
  - “the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013;
  - “the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety case etc.) Regulations 2015;”;
- (c) in the definition of “apparatus or works” for “1995” substitute “2013”;
- (d) after the definition of “duty holder” insert—
  - ““external waters” means the territorial sea adjacent to Great Britain and any area designated by order under section 1(7) of the Continental Shelf Act 1964;”;
- (e) after the definition of “installation manager” insert—
  - ““internal waters” means tidal waters and parts of the sea in, or adjacent to, Great Britain up to the landward limits of the territorial sea;”;
- (f) for the definition of “licensee” substitute—
  - ““licensee”—
  - (a) in relation to internal waters, means any person to whom a licence to search and bore for and get petroleum in respect of any area within internal waters is granted pursuant to section 2 of the Petroleum (Production) Act 1934 or section 3 of the Petroleum Act 1998; and
  - (b) in relation to external waters, means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”;
- (g) for the definition of “operator” substitute—
  - ““operator”—
  - (a) in relation to internal waters—
    - (i) in relation to the dismantling of a fixed installation (within the meaning given in the 2005 Regulations), has the meaning given in regulation 11(4) of the 2005 Regulations; and
    - (ii) otherwise, has the meaning given in regulation 2(1) of the 2005 Regulations in relation to a production installation;
  - (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;
- (h) in the definition of “owner”, after “controls” insert “or is entitled to control”;
- (i) in the definitions of “pipeline” and “pipeline works” for “2001” substitute “2013”;
- (j) for the definition of “production installation” substitute—
  - ““production installation”—
  - (a) in relation to internal waters, has the meaning given in regulation 2(1) of the 2005 Regulations; and
  - (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;
- (k) for the definition of “relevant waters” substitute—
  - ““relevant waters” means internal waters and external waters;”.

**10.**—(1) Regulation 3 (meaning of “offshore installation”) is amended as follows.

(2) In paragraph (1)—

(a) after sub-paragraph (c) (but before the “or” immediately following it) insert—

“(ca) for undertaking activities that involve mechanically entering the pressure containment boundary of a well;”;

(b) in sub-paragraph (d) for “mainly” substitute “primarily”.

(3) For paragraph (2)(d) substitute—

“(d) a mobile structure which has ceased to be used for any of the purposes specified in paragraph (1), and has since been used for a purpose not so specified;

(da) a fixed structure which has ceased to be used for any of the purposes specified in paragraph (1), for so long as it is used for a purpose not so specified;”.

**11.**—(1) Regulation 4 (application) is amended as follows.

(2) At the start of paragraph (1) insert “Except for regulations 21F and 21G (which provide for their own application),”.

(3) In paragraph (1)(b)—

(a) for “and (2)(b)” substitute “and (2)”; and

(b) for “1995” substitute “2013”.

(4) After paragraph (3) insert—

“(4) Regulations 21A to 21E do not apply to an offshore installation—

(a) registered as a vessel (whether registered in the United Kingdom or elsewhere); or

(b) which is in transit to or from a station; or

(c) which is unmanned.”.

**12.** In regulation 5(1) (notification concerning offshore installations) for “no later than” substitute “before”.

**13.** In regulation 20(1) (certificates of exemption) after “workers at work” insert “, and in particular, of Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending [Directive 2004/35/EC](#)”.

**14.** After regulation 21 insert—

**“Obligation to notify death or loss of person**

**21A.**—(1) Where any person—

(a) dies on an offshore installation or is lost from such an installation; or

(b) dies in or on a lifeboat, liferaft or other emergency survival craft belonging to an offshore installation or is lost from any of those places; or

(c) otherwise dies or is lost in the neighbourhood of an offshore installation while engaged in any operation connected with the installation,

and the death or loss is not required to be registered under any regulations made under section 108 of the Merchant Shipping Act 1995 (which relates to returns of births and deaths in ships), a return of death in the form set out in Schedule 3 must be made in accordance with regulation 21B.

(2) In this regulation and regulations 21B and 21C ‘lost’ means lost in circumstances such that it is reasonable to believe that the person has died and ‘loss’ is to be construed accordingly.

### **Notification of death or loss to the Registrar General of Shipping and Seamen**

**21B.**—(1) Where an obligation to make a return of death arises under regulation 21A, the manager of the relevant offshore installation must—

- (a) complete and sign Part 1 of a form of return of death (see Schedule 3); and
- (b) despatch the form to the duty holder as soon as is practicable and in any event within ten days of becoming aware of the death or loss to which the return relates.

(2) Where a duty holder receives a form of return of death from a manager, the duty holder must within ten days of receipt complete Part 2 of the form and send the form duly signed (whether by or on behalf of the duty holder) to the Registrar General of Shipping and Seamen<sup>(42)</sup>.

(3) Without prejudice to the preceding provisions of this regulation or to regulation 21E, a return of death which is not made within the periods specified in this regulation for making it is not invalid by reason only that it is not made within those periods.

### **Notification of death or loss to other persons**

**21C.** When a person dies or is lost in circumstances in which an obligation to make a return of death arises under regulation 21A, the duty holder of the relevant installation must as soon as is practicable and in any event within 48 hours of first becoming aware of the death or loss—

- (a) if the duty holder was the employer of the dead or lost person, notify any person known to the duty holder to be, or nominated to the duty holder as, the next-of-kin of the dead or lost person; or
- (b) if the duty holder was not the employer of the dead or lost person, notify any person known to the duty holder to have been the employer of the dead or lost person at the time of death or loss.

### **Registration of death or loss**

**21D.**—(1) When the Registrar General of Shipping and Seamen receives a return made pursuant to regulation 21B, the Registrar must send a copy of that return, certified as being a true copy of that return (whether by the Registrar or a person authorised by the Registrar)—

- (a) where the deceased was immediately before death ordinarily resident in Scotland or Northern Ireland, to the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland, as the case may be; and
- (b) in any other case, to the Registrar General for England and Wales.

(2) If the Registrar General of Shipping and Seamen is satisfied that there is an error or omission in any return received pursuant to regulation 21B, the Registrar may, in accordance with evidence of the true state of affairs relating to the return, send corrected or supplementary particulars in respect of that evidence to the appropriate Registrar General.

(3) A Registrar General who receives a certified copy under paragraph (1) must record the information contained in it in the marine register kept by that Registrar General, together

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<sup>(42)</sup> The Registrar General of Shipping and Seamen is the officer so known who continues in existence under section 295(1) of the Merchant Shipping Act 1995.

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with such additional information as appears to that Registrar General desirable for the purpose of ensuring the completeness and correctness of that register.

**Mode of trial and penalties in relation to registration of death or loss**

**21E.**—(1) In relation to an offence consisting of a contravention of the requirement imposed by regulation 21B(1)—

- (a) proceedings on indictment are excluded; and
- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.

(2) In relation to an offence consisting of a contravention of a requirement imposed by regulation 21B(2) or 21C—

- (a) proceedings on indictment are excluded; and
- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.

(3) It is a defence in any proceedings for an offence consisting of a contravention of a requirement imposed by regulation 21B(1) or (2) or 21C for the person charged to prove—

- (a) that the person exercised all due diligence to prevent the commission of the offence; and
- (b) that the relevant contravention was committed without the person's consent, connivance or wilful default.

**Power of inspectors of offshore installations; duty to provide accommodation and subsistence for inspectors**

**21F.**—(1) An inspector may exercise the powers in paragraph (2) for the purpose of carrying into effect the relevant statutory provisions within the field of responsibility of the enforcing authority that appointed the inspector.

(2) The powers are—

- (a) to require a duty holder, at any reasonable time, to convey to and from an offshore installation or vessel associated with offshore oil and gas operations—
  - (i) the inspector;
  - (ii) the equipment or materials of the inspector; and
  - (iii) any article or substance of which the inspector has taken possession pursuant to section 20 of the Health and Safety at Work etc. Act 1974;
- (b) to inspect any operation or work in or on the bed of relevant waters and subsoil under or near an offshore installation; and
- (c) to require the duty holder or manager of an offshore installation or the licensee concerned to assist the inspector in carrying out an inspection of the bed of relevant waters or subsoil under or near the offshore installation.

(3) The duty holder must provide an inspector with reasonable accommodation and means of subsistence while on an offshore installation for the purpose stated in paragraph (1).

(4) In paragraphs (2)(a)(i) and (ii), and (3) a reference to an inspector includes a reference to a person acting under the direction of the competent authority who is not an inspector.

(5) In relation to an offence consisting of a contravention of the requirement under paragraph (3)—



- (a) proceedings on indictment are excluded; and
- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.

(6) In paragraph (2)(a) “offshore oil and gas operations” means all activities associated with an installation relating to exploration and production of petroleum, including the design, planning, construction, operation and decommissioning of the installation, but excluding the conveyance of petroleum from one coast to another.

- (7) This regulation applies—
  - (a) in Great Britain;
  - (b) to the territorial sea adjacent to Great Britain up to the seaward limits of the territorial sea and to the waters in any area designated by order under section 1(7) of the Continental Shelf Act 1964; and
  - (c) to places above and below the territorial sea and waters in any area so designated.

### **Powers of inspectors in relation to pipelines**

**21G.**—(1) Subject to paragraph (3), an inspector may exercise the powers in paragraph (2) for the purpose of—

- (a) securing the safety, health and welfare of persons engaged on pipeline works; and
- (b) securing the proper construction and safe operation of pipelines and preventing damage to them.

(2) The powers are—

- (a) to require the owner of a pipeline or the proposed owner of a proposed pipeline, at any reasonable time, to convey to and from premises in relevant waters used or intended to be used in connection with the pipeline or with pipeline works relating to a pipeline or proposed pipeline—
  - (i) the inspector;
  - (ii) the equipment and materials of the inspector; and
  - (iii) any article or substance of which the inspector has taken possession pursuant to section 20 of the Health and Safety at Work etc. Act 1974;
- (b) to require the owner of a pipeline or the proposed owner of a proposed pipeline to provide the inspector with reasonable accommodation and means of subsistence while on, or in transit to or from, premises in relevant waters used or intended to be used in connection with the pipeline or pipeline works relating to the pipeline or proposed pipeline.

(3) Nothing in this regulation imposes, or confers power on an inspector to impose, any obligation on any person on a vessel registered outside the United Kingdom as a ship, aircraft or hovercraft when it is not engaged in operations for the purpose of laying or maintaining a pipeline.

(4) In any proceedings for an offence consisting of a contravention of a requirement imposed under this regulation, it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(5) In relation to an offence consisting of a contravention of a requirement imposed under paragraph (2) by an inspector—

- (a) proceedings on indictment are excluded; and

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- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.
- (6) In this regulation—
  - “owner”, in relation to a pipeline, means—
    - (a) the person for the time being designated as the owner of the pipeline by an order made under section 27(1) of the Petroleum Act 1998; or
    - (b) where no person has been so designated, the person by whom the pipeline is, or is to be, used;
  - “pipeline” and “pipeline works” have the meanings given in section 1(4) of the Offshore Safety Act 1992; and
  - “proposed owner”, in relation to a proposed pipeline, means—
    - (a) the person for the time being designated as the proposed owner of the proposed pipeline by an order made under section 27(1) of the Petroleum Act 1998; or
    - (b) where no person has been so designated, the person for whom the pipeline is to be constructed.
- (7) This regulation applies—
  - (a) in Great Britain;
  - (b) to the territorial sea adjacent to Great Britain up to the seaward limits of the territorial sea and to the waters in any area designated by order under section 1(7) of the Continental Shelf Act 1964; and
  - (c) to places above and below the territorial sea and waters in any area so designated.

### Safety Zones

**21H.** The prohibition under section 23(1) of the Petroleum Act 1987 on a vessel entering or remaining in a safety zone established around an installation by virtue of that Act<sup>(43)</sup> does not apply to a vessel entering or remaining in the safety zone—

- (a) in connection with the laying, inspection, testing, repair, maintenance, alteration, renewal or removal of any submarine cable or pipe-line in or near that safety zone;
- (b) to provide services for, to transport persons or goods to or from, or under the authority of a government department to inspect, any installation in that safety zone;
- (c) if it is a vessel belonging to a general lighthouse authority (within the meaning given in section 193 of the Merchant Shipping Act 1995) performing duties relating to the safety of navigation<sup>(44)</sup>;
- (d) in connection with the saving or attempted saving of life or property;
- (e) owing to stress of weather;
- (f) when in distress; or
- (g) if there is consent from the duty holder.”

15. After Schedule 2 insert—

<sup>(43)</sup> See sections 21 and 22 of the Petroleum Act 1987 (c. 12).

<sup>(44)</sup> See section 193 of the Merchant Shipping Act 1995 for definition of general lighthouse authority for the purposes of Part 8 of that Act.

“SCHEDULE 3

Regulation 21B

Form to notify the death or loss of a person pursuant to regulation 21B

**Form to be completed in respect of the death or loss of a person pursuant to regulation 21B of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995**

**Part 1**

1. Name or other designation of offshore installation .....

2. Date of death or loss .....

3. Place of death or loss(a) .....

4. Full name of deceased or person lost(b) .....

5. Sex of deceased or person lost .....

6. Capacity in which person deceased or lost was engaged or other reason for presence at the installation .....

7. Cause of death or loss(c) .....

I certify that the particulars entered above are true to the best of my knowledge and belief:  
 Signature of installation manager providing information .....

Name of installation manager furnishing information(b)  
 .....

Status of signatory .....

Date of signing .....

**Part 2(d)**

8. Date of birth of deceased or person lost .....

9. Usual place of residence of deceased or person lost .....

10. Nationality of deceased or person lost .....

11. Name and address of next-of-kin .....

12. Relationship of next-of-kin .....

I certify that the particulars entered above are true to the best of my knowledge and belief:  
 Signature of duty holder furnishing information or person acting on behalf of duty holder .....

Name of duty holder furnishing information/on whose behalf information is furnished ...  
 Status of signatory .....

Date of signing .....

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### Notes

- (a) To be given by geographical co-ordinates.
- (b) Forename(s) in full, followed by surname, all in block capitals.
- (c) To be accompanied by the certificate of a registered medical practitioner who holds a licence to practise as to the cause of death or a statement of the reason why such a certificate is not available.
- (d) This part of the form to be completed so far as the information available to the duty holder permits.

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

16. The Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995<sup>(45)</sup> are amended as follows.

17. In regulation 2(1) (interpretation)—

- (a) in the definition of the “2001 Order” replace the words “2001” with “2013” in both places in which they occur;
- (b) after the definition of “the 1995 Regulations” insert—
  - “the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005;
  - “the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;”;
- (c) after the definition of “acoustic signal” insert—
  - ““competent authority” means the Executive and the Secretary of State acting jointly;”;
- (d) after the definition of “explosion” insert—
  - ““external emergency response plan” means the Search and Rescue Framework for the United Kingdom of Great Britain and Northern Ireland as published by the Secretary of State, as revised or re-issued from time to time;
  - “external waters” means the territorial sea adjacent to Great Britain and any area designated by order under section 1(7) of the Continental Shelf Act 1964;”;
- (e) after the definition of “installation” insert—
  - ““internal waters” means tidal waters and parts of the sea in or adjacent to Great Britain up to the landward limits of the territorial sea;”

<sup>(45)</sup> [S.I. 1995/743](#). The definition of “the 2001 Order” was amended by [S.I. 2005/3117](#), Schedule 9, paragraph 3(a)(i). The definition of “licensee” was inserted by [S.I. 2005/3117](#), Schedule 9, paragraph 3(a)(v). The definition of “major accident” was amended by [S.I. 2005/3117](#), Schedule 9, paragraph 3(a)(vi). The definition of “owner” was substituted by [S.I. 2005/3117](#), Schedule 9, paragraph 3(a)(x). The definition of “production installation” was inserted by [S.I. 2005/3117](#), Schedule 9, paragraph 3(a)(xi). Regulation 3(1)(b) was amended by [S.I. 2005/3117](#), Schedule 9, paragraph 3(b).

- (f) for the definition of “licensee” substitute—
  - ““licensee”—
  - (a) in relation to internal waters, means any person to whom a licence to search and bore for and get petroleum in respect of any area within internal waters is granted pursuant to section 2 of the Petroleum (Production) Act 1934 or section 3 of the Petroleum Act 1998; and
  - (b) in relation to external waters, means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”;
- (g) for the definition of “major accident” substitute—
  - ““major accident”—
  - (a) in relation to internal waters, has the meaning given in regulation 2(1) of the 2005 Regulations; and
  - (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;
- (h) for the definition of “operator” substitute—
  - ““operator”—
  - (a) in relation to internal waters—
    - (i) in relation to the dismantling of a fixed installation (as a fixed installation is defined in the 2005 Regulations), has the meaning given in regulation 11(4) of the 2005 Regulations; and
    - (ii) otherwise, has the meaning given in regulation 2(1) of the 2005 Regulations in relation to a production installation; and
  - (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;
- (i) in the definition of “owner” after “controls” insert “or is entitled to control”;
- (j) for the definition of “production installation” substitute—
  - ““production installation”—
  - (a) in relation to internal waters, has the meaning given in regulation 2(1) of the 2005 Regulations; and
  - (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”.

**18.**—(1) Regulation 3 (application) is amended as follows.

(2) In paragraph (1)(a), before “in Great Britain” insert “apart from regulations 22A to 22C,”.

(3) In paragraph (1)(b)—

(a) for “and (2)(b)” substitute “and (2)”;

(b) for “2001” substitute “2013”.

(4) In paragraph (2) after “4 to 22” insert “and 22A to 22C”.

**19.** In regulation 4(2) (general duty) after “regulations 6 to 21” insert “and 22A to 22C”.

**20.** For regulation 5(3)(c) (assessment) substitute—

“(c) notify—

(i) in the case of an installation in internal waters, the Executive;

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(ii) in the case of an installation in external waters, the competent authority, of such address.”

**21.**—(1) Regulation 6 (preparation for emergencies) is amended as follows.

(2) In paragraph (1)—

(i) at the end of sub-paragraph (d) insert “and”;

(ii) after that sub-paragraph insert—

“(e) in relation to external waters only, for coordinating the emergency response with the response planned pursuant to the external emergency response plan.”

(3) In paragraph (2)(a) after “emergency” insert “, including how to co-ordinate with persons responding to an emergency who are not on the installation when the emergency begins”.

**22.** In regulation 22(1) (certificates of exemption) after “workers at work” insert “or by Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending [Directive 2004/35/EC](#)”.

**23.** After regulation 22 insert—

**“Inventory of equipment etc.**

**22A.**—(1) This regulation applies only in relation to external waters.

(2) The duty holder must prepare an inventory of available equipment, its ownership, location, transport to and mode of deployment at the installation and any person relevant to the performance of the duties in these Regulations (except the duties in regulations 5, 9, 10, 12, 13, 14, 18, 19 and 20).

(3) The inventory prepared under paragraph (2) must identify measures in place to ensure equipment and procedures are maintained in operable condition.

(4) The duty holder must ensure all equipment on the installation provided in compliance with paragraph (1) is made available at all times and made available as necessary to the Maritime and Coastguard Agency<sup>(46)</sup>.

**Initiation and direction of emergency response and liaison with external response authority**

**22B.**—(1) This regulation applies only in relation to external waters.

(2) The duty holder must authorise one or more persons—

(a) to initiate an emergency response;

(b) to direct an emergency response; and

(c) to liaise with the Maritime and Coastguard Agency.

**Arrangements for early warning of major accidents**

**22C.**—(1) This regulation applies only in relation to external waters.

(2) The duty holder must make arrangements—

(a) for providing early warning of a major accident to the Maritime and Coastguard Agency; and

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(46) The Maritime and Coastguard Agency is an executive agency of the Department for Transport.

- (b) for providing more detailed information about such an accident as soon as it becomes available,

but nothing in this paragraph is to be taken as imposing a requirement which is imposed by regulation 4(3)(c) and paragraph 2(k) of Schedule 2 to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (arrangements for early warning of major environmental incidents).”

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

24. The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996(47) are amended as follows.

25.—(1) Regulation 2(1) (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) omit the definition of “the 1995 Order”;

(b) after the definition of “the 1995 Regulations” insert—

““the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013;

“the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;”;

(c) after the definition of “the Executive” insert—

““external waters” means the territorial sea adjacent to Great Britain and any area designated by order under section 1(7) of the Continental Shelf Act 1964;”;

(d) for the definition of “licensee” substitute—

““licensee”—

(a) in relation to a well in Great Britain and any activity in relation to that well, means any person to whom a licence to search and bore for and get petroleum is granted pursuant to section 2 of the Petroleum (Production) Act 1934 or section 3 of the Petroleum Act 1998; and

(b) in relation to a well in external waters and any activity in relation to that well, means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”;

(e) in the definition of “safety case” after “the 2005 Regulations” insert “or regulation 2(2) of the 2015 Regulations”;

(f) for the definition of “well operator” substitute—

““well operator”—

(a) in relation to a well in Great Britain, means the person appointed by the licensee for the 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 licensee; and

(b) in relation to a well in external waters, has the meaning given in regulation 2 of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”.

(3) In paragraph (4) omit—

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(47) *S.I. 1996/913*. The definition of “licensee” was inserted in regulation 2 by *S.I. 2005/3117*, Schedule 9, paragraph 5(a)(i)(cc). The definition of “safety case” was amended by *S.I. 2005/3117*, Schedule 9, paragraph 5(a)(i)(ee). There are other amending instruments but none is relevant.



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- (a) the “and” immediately following sub-paragraph (a)(ii); and
  - (b) sub-paragraph (b).
- 26.** In regulation 3(1)(b) (application)—
- (a) before “to and in relation to installations” insert “except for regulation 18,” and
  - (b) for “articles 4(1) and (2)(b) and 5 of the 1995 Order” substitute “articles 4(1) and (2) and 5 of the 2013 Order”.
- 27.** In regulation 9 (reporting of danger to an installation)—
- (a) in paragraph (1) omit “within 10 days”; and
  - (b) after paragraph (2) insert—
    - “(3) The report must be made—
      - (a) where the installation is in external waters, within 10 working days after the appearance of evidence of the significant threat; and
      - (b) in any other case, within 10 days after the appearance of that evidence.
    - (4) In paragraph (3) “working days” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>(48)</sup> in any part of Great Britain.”
- 28.** In regulation 12 (additional requirements)—
- (a) in paragraph (1) omit “Subject to paragraph (3),”; and
  - (b) omit paragraph (3).
- 29.** In regulation 13(2) (general duty) after “regulations 14 to 19 and 21,” insert “and regulations 11 and 12 of the 2015 Regulations (examination of wells in external waters)”.
- 30.** In regulation 18 (arrangements for examination) omit paragraphs (5), (6) and (8).
- 31.** In regulation 23(1) (certificates of exemption) after “safety and health of workers at work” insert “or under Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending [Directive 2004/35/EC](#)”.
- 32.** Omit regulation 24 (transitional provisions).

### **Offshore Installations (Safety Case) Regulations 2005**

- 33.** The Offshore Installations (Safety Case) Regulations 2005<sup>(49)</sup> are amended as follows.
- 34.**—(1) Subject to paragraph (2), for “relevant waters” substitute “internal waters” in each place occurring.
- (2) Paragraph (1) does not apply to—
    - (a) the definition of “relevant waters” in regulation 2(1);
    - (b) Schedule 9.
  - (3) Subject to paragraph (4), for “sea-bed” substitute “bed of internal waters” in each place occurring.
  - (4) Paragraph (3) does not apply to Schedule 9.
- 35.**—(1) Regulation 2 (interpretation) is amended as follows.

<sup>(48)</sup> 1971 c.80. A relevant amendment was made by the St. Andrew’s Day Bank Holiday (Scotland) Act 2007 (2007 asp 2), section 1.

<sup>(49)</sup> S.I. 2005/3117, amended by S.I. 2006/336 (now revoked), 2007/3224, 2009/229, 2013/1471.

- (2) In paragraph (1)—
  - (a) after the definition of “installation” insert—
    - ““internal waters” means tidal waters and parts of the sea in or adjacent to Great Britain up to the landward limits of the territorial sea;”;
  - (b) in the definition of “licensee” after “pursuant to” insert “section 2 of the Petroleum (Production) Act 1934 or”;
  - (c) in the definition of “relevant statutory provisions” after “them” insert “, within internal waters”;
  - (d) omit the definition of “relevant waters”.
- 36.** In regulation 4 (application) omit paragraph (1).
- 37.** In regulation 6(2) (design and relocation notifications for production installation) after “new location” insert “within internal waters”.
- 38.** In regulation 7(1) (safety case for production installation) in the opening words after “operated” insert “within internal waters”.
- 39.** In regulation 14(3)(c) (revision of safety case) after “location” insert “within internal waters”.
- 40.** In paragraph 10 of Schedule 1 (particulars to be included in a design notification etc.) after “location” insert “within internal waters”.

### **Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013**

**41.—**(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013(**50**) are amended as follows.

- (2) For regulation 15(3)(c) (restriction on parallel requirements) substitute—
  - “(c) where the requirements have different time limits—
    - (i) in any case where any of those requirements is a requirement to make a report in relation to a reportable incident falling within paragraph 1(3) of Part 1 of Schedule 1, the time limit in relation to that incident is complied with;
    - (ii) in any other case, the shortest time limit is complied with; and”.
- (3) In paragraph 1 of Schedule 1 (reporting and recording procedures)—
  - (a) in sub-paragraph (1)(b) after “incident”, in the second place in which it occurs, insert “or, in the case of an incident falling within sub-paragraph (3), within 10 working days of the incident”;
  - (b) after sub-paragraph (2) insert—
    - “(3) A reportable incident falls within this sub-paragraph if it relates to a dangerous occurrence of a class specified in—
      - (a) paragraph 20 of Part 1 of Schedule 2 in relation to an offshore workplace; or
      - (b) Part 6 of that Schedule.
  - (4) For the purposes of—
    - (a) sub-paragraph (1)(b), “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of Great Britain; and
    - (b) sub-paragraph (3), “offshore workplace” has the meaning given in regulation 2(1), but as if the words in parenthesis in that definition had no effect.”

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(50) [S.I. 2013/1471](#), to which there are amendments not relevant to these Regulations.

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**Health and Safety and Nuclear (Fees) Regulations 2015**

42.—(1) The Health and Safety and Nuclear (Fees) Regulations 2015(51) are amended as follows.

(2) In regulation 14 (fees payable in respect of offshore installations)—

(a) in paragraph (2) after “2005 Regulations” insert “or the 2015 Regulations”.

(b) in paragraph (3)—

(i) after the definition of “the 2005 Regulations” insert—

““the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;”;

(ii) in the definition of “installation”, “current safety case”, “safety case” and “owner”—

(aa) after “owner” insert “, in a case concerning the 2005 Regulations”; and

(bb) after “those Regulations” omit “and” and insert “or, in a case concerning the 2015 Regulations, have the same meanings as in the 2015 Regulations”;

(iii) for the definition of “operator” substitute—

““operator”—

(a) in a case concerning the 2005 Regulations has the meaning—

(i) in the case of the dismantling of a fixed installation under regulation 11 of those Regulations, given in regulation 11(4) of those Regulations;

(ii) in any other case, given in regulation 2(1) of those Regulations in relation to a production installation;

(b) in a case concerning the 2015 Regulations, has the meaning given in those Regulations; and”

(iv) after the definition of “operator” insert—

““competent authority” has the meaning given in the 2015 Regulations.”

(3) In Schedule 10 (fees payable in respect of offshore installations) after the final entry in the Table insert—

“Assessing a design notification (sent to the competent authority pursuant to regulation 15(1) or 19(1) of the 2015 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters The operator or owner who sent the design notification to the competent authority pursuant to that provision

Assessing a relocation notification (sent to the competent authority pursuant to regulation 15(3) of the 2015 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters The operator who sent the relocation notification to the competent authority pursuant to that provision

Assessing a safety case or a revision to a current safety case (sent to the competent pursuant to any provision of the 2015 Regulations) for the purpose of deciding whether to accept that safety case or revision and accepting any such safety case or revision The operator or owner who sent the safety case or revision to the competent authority pursuant to that provision

(51) S.I. 2015/363.

Providing advice with respect to the preparation of a safety case or a revision to a current safety case which is proposed to be sent to the competent authority pursuant to any provision of the 2015 Regulations

The operator or owner who has requested that advice

Assessing whether to grant an exemption pursuant to regulation 35 of the 2015 Regulations and granting any such exemption

The operator or owner who has requested the exemption”

## PART 2

### Revocations of Instruments

(1)	(2)	(3)
Regulations revoked	References	Extent of revocation
The Offshore Installations (Logbooks and Registration of Death) Regulations 1972	<a href="#">S.I. 1972/1542</a>	The whole Regulations
The Offshore Installations (Inspectors and Casualties) Regulations 1973	<a href="#">S.I. 1973/1842</a>	The whole Regulations
The Submarine Pipe-lines (Inspectors etc.) Regulations 1977	<a href="#">S.I. 1977/835</a>	The whole Regulations
The Submarine Pipe-lines Safety Regulations 1982	<a href="#">S.I. 1982/1513</a>	The whole Regulations
The Offshore Installations (Safety Zones) Regulations 1987	<a href="#">S.I. 1987/1331</a>	The whole Regulations
The Offshore Installations and Pipeline Works (First-Aid) Regulations 1989	<a href="#">S.I. 1989/1671</a>	In regulation 2, the definition of “the 1989 Order”; regulation 5(2)(b) and (c)
The Offshore Safety (Repeals and Modifications) Regulations 1993	<a href="#">S.I. 1993/1823</a>	Regulation 4(6); regulation 5(2);  in the Schedule, all entries except those relating to the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 and the Offshore Installations and Pipeline Works (First Aid) Regulations 1989
The Offshore Installations and Pipeline Works (Management	<a href="#">S.I. 1995/738</a>	In regulation 2, the definition of “the 1995 Order”;

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(1) Regulations revoked and Administration) Regulations 1995	(2) References	(3) Extent of revocation
The Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995	<a href="#">S.I. 1995/743</a>	Part 2 of Schedule 2, paragraphs 1, 2, 3, 4 and 12  In regulation 6(1)(c) the word “and”
The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996	<a href="#">S.I. 1996/913</a>	In regulation 2(1) the definition of “the 1995 Order”;  in regulation 2(4)(a)(ii) the word “and”;  regulation 2(4)(b);  regulation 12(3);  regulation 18(5), (6) and (8);  regulation 24
The Offshore Safety (Miscellaneous Amendments) Regulations 2002	<a href="#">S.I. 2002/2175</a>	Regulation 3(a)(i)
The Offshore Installations (Safety Case) Regulations 2005	<a href="#">S.I. 2005/3117</a>	In regulation 2 the definition of “relevant waters”; regulation 4(1);  Schedule 9, paragraph (2)(a) (iv) and (vii), paragraph 3(a) (i), (vi), (ix); paragraph 5(a)(i) (ff); regulation 27
The Health and Safety and Nuclear (Fees) Regulations 2015	<a href="#">S.I. 2015/363</a>	In regulation 14, in the definition of “installation”, “current safety case”, “safety case” and “owner”, after the words “those regulations” the word “and”

SCHEDULE 14

Regulation 39

TRANSITIONAL PROVISIONS AND SAVINGS

PART 1

Interpretation

**Interpretation**

1.—(1) In this Schedule—

“the 2005 regime” means—

- (a) the legislation modified by Schedule 13 to these Regulations; and
- (b) the 1974 Act as it applied in relation to the legislation mentioned in paragraph (a), to the extent that that Act and that legislation had effect in relation to external waters immediately before the commencement date;

“the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005<sup>(52)</sup> as they had effect immediately before the commencement date;

“the commencement date” means 19th July 2015;

“corresponding provision” means any provision of these Regulations—

- (a) as it has effect on or after the commencement date; and
- (b) so far as it corresponds (with or without modification) to a provision of the 2005 Regulations in relation to external waters;

“current safety case,” unless the context otherwise provides, has the meaning given in the 2005 Regulations;

“the date of thorough review” means the date immediately before the fifth anniversary of—

- (a) the date on which the Executive first accepted the current safety case pursuant to the 2005 Regulations; or
- (b) where there has been at least one review of that safety case under regulation 13 of the 2005 Regulations immediately before the commencement date, the date—
  - (i) of that review, or
  - (ii) if there has been more than one review, the last of those reviews;

“design notification”, unless the context otherwise provides, has the meaning given in the 2005 Regulations;

“duty holder”, except in paragraph 8, has the meaning given in the 2005 Regulations;

“field development programme” means a field development programme within the meaning given in the 2005 Regulations;

“existing non-production installation” means a non-production installation for which there was a current safety case immediately before 18 July 2013;

“existing production installation” means a production installation for which there was a current safety case immediately before 18 July 2013;

“operator”, has the meaning given in the 2005 Regulations;

“owner” has the meaning given in the 2005 Regulations;

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(52) S.I. 2005/3117, amended by S.I. 2006/336, 2007/3224, 2009/229, 2013/1471.

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“transitional period” means, in relation to an owner, operator or well-operator (as the case may be) the period for which the 2005 regime continues to apply in relation to that person.

(2) For the purposes of this Schedule—

- (a) “notification” means a notification under a provision of the 2005 Regulations specified in the first column of the Table below; and
- (b) a notification is completed if the event specified in the second column of the Table corresponding to the entry for that notification in the first column of the Table has occurred.

### Notifications and completion

<i>Notification under the 2005 Regulations</i>	<i>Event on which notification is completed</i>
Regulation 6(1) ( <i>design</i> )	Submission of the field development programme
Regulation 6(2) ( <i>relocation of a production installation</i> )	Submission of the field development programme
Regulation 9 ( <i>conversion of non-production installation to operate as a production installation</i> )	Completion of the design
Regulation 10 ( <i>combined operation</i> )	Engagement in the combined operation
Regulation 17(1) ( <i>general well operation</i> )	Commencement of well operation
Regulation 17(2) ( <i>specific well operation</i> )	Commencement of well operation

## PART 2

### Continued application of the 2005 regime in relation to external waters during the transitional period

#### General saving of the 2005 regime

2. Despite the coming into force of these Regulations, the 2005 regime continues to apply in relation to external waters during the transitional period as provided for in this Part of this Schedule.

#### Continued application of the 2005 regime to existing and proposed non-production installations

3. The 2005 regime continues to apply in relation to the owner of a non-production installation, in respect of that installation, for the period which starts on the commencement date and ends—

- (a) where the installation is an existing non-production installation—
  - (i) immediately before 19th July 2016; or
  - (ii) if earlier, on the date of thorough review provided that that date falls on or after the commencement date;
- (b) where the installation is not an existing non-production installation and is established on or after the commencement date but before 19th July 2016, immediately before 19th July 2016.



#### **Continued application of the 2005 regime to existing and proposed production installations**

4. The 2005 regime continues to apply in relation to the operator of a production installation, in respect of that installation, for the period which starts on the commencement date and ends—

- (a) where the production installation is an existing production installation—
  - (i) immediately before 19th July 2018; or
  - (ii) if earlier, on the date of thorough review provided that that date falls on or after the commencement date;
- (b) where the production installation is not an existing production installation and is established on or after the commencement date but before 19th July 2016, immediately before 19th July 2016.

#### **Continued application of the 2005 regime to well operations**

5.—(1) The 2005 regime continues to apply to the submission of a well notification by a well operator in respect of, or execution by such an operator of a well operation from—

- (a) a non-production installation to which paragraph 3 applies, for the period that it applies to the owner of that installation in accordance with that paragraph;
- (b) from a production installation to which paragraph 4 applies, for the period that it applies to the operator of that installation in accordance with that paragraph; and
- (c) a vessel that is not an installation, for the period which starts on the commencement date and ends immediately before 19th July 2016.

(2) Despite sub-paragraph (1)(b) the 2005 regime ceases to apply to—

- (a) the submission of a well notification in respect of a production installation; or
- (b) the execution of a well operation from such an installation,

on 19th July 2016.

(3) Nothing in sub-paragraph (2) affects the application of paragraph 4 to the operator of the relevant production installation.

#### **Design notification for production installations to be established during transitional period**

6. Where a production installation is to be established on or after the commencement date but before 19th July 2016, the 2005 regime applies to the preparation and sending to the Executive of the design notification for that installation.

#### **Design notification: election to prepare notification under these Regulations**

7.—(1) Despite paragraph 6, the operator of a production installation which is to be established on or after the commencement date but before 19th July 2016 may elect to prepare and send a design notification to the competent authority under these Regulations.

(2) Where an operator elects to prepare and send a design notification under these Regulations, the 2005 regime ceases to apply to that operator in relation to that installation on the date on which that notification is sent to the competent authority.

#### **Election to prepare a safety case under these Regulations**

8.—(1) Subject to sub-paragraph (2), nothing in paragraph 3(b), 4(b) or 5(1) prevents a duty holder who would otherwise be or continue to be subject to the 2005 regime as a consequence of any of those provisions from preparing and sending a safety case to the competent authority under these Regulations.

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- (2) Sub-paragraph (1) does not apply if there is a current safety case for the installation.
- (3) Where a duty holder elects in accordance with sub-paragraph (1) to prepare and send a safety case to the competent authority under these Regulations—
  - (a) the 2005 regime ceases to apply to that operator in relation to that installation on the date on which the operator sends the safety case to the competent authority; and
  - (b) these Regulations apply to that operator in relation to that installation on and after that date.

#### **Treatment of current safety cases for installations continuing under the 2005 regime**

**9.—(1)** Sub-paragraph (2) applies to the duty holder of an installation, in respect of that installation, where—

- (a) paragraph 3 or 4 continues to apply to the duty holder in respect of that installation;
- (b) there is a period of no more than four months, or such longer period as the competent authority may specify, remaining until the end of the transitional period;
- (c) there is a current safety case; and
- (d) there is an intention, after the transitional period ends—
  - (i) in the case of a non-production installation, to operate it in external waters or move it in external waters with a view to its being operated there; or
  - (ii) in the case of a production installation, to operate it in external waters.

(2) Where this sub-paragraph applies the duty holder may make revisions to the current safety case—

- (a) containing particulars, not required pursuant to the 2005 Regulations, but specified in—
  - (i) regulation 16 of and Schedule 7 to these Regulations, in the case of a non-production installation; or
  - (ii) in regulation 16 of and Schedule 6 to these Regulations in relation to a production installation; and
- (b) which are otherwise appropriate in consequence of any revision made under paragraph (a).

(3) Revisions made under sub-paragraph (2) which make a material change to the current safety case are not effective unless—

- (a) the duty holder sends a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least three months, or such shorter period as the competent authority may specify, before the revisions are to be made; and
- (b) the competent authority accepts the revisions.

**10.** Where revisions to current safety case under paragraph 9(2) may take effect without the acceptance of the competent authority or are accepted by the competent authority, the current safety case together with those revisions has effect—

- (a) as a current safety case until the end of the relevant transitional period; and
- (b) subject to paragraph 11, on and after the end of that transitional period for the purposes of these Regulations as a current safety case within the meaning of regulation 2(1).

**11.** Where paragraph 10(b) applies to a safety case, paragraph (1)(a) of regulation 23 has effect as if the reference in that paragraph to the date on which the current safety case was first accepted by the competent authority were a reference to the date on which the Executive first accepted that safety case under the 2005 Regulations.

## PART 3

### Transition from the 2005 regime

#### **Improvement notices issued before the end of the transitional period**

**12.**—(1) An improvement notice to which this paragraph applies has effect on and after the relevant date as an improvement notice issued in respect of a contravention of a corresponding provision of these Regulations.

- (2) This paragraph applies to an improvement notice if—
- (a) it was in force or effective immediately before the relevant date; and
  - (b) it was served on an owner, operator or well operator by an inspector under the 2005 regime.
- (3) In this paragraph “relevant date” means the date on which the transitional period ends.

#### **Prohibition notices issued before the end of the transitional period**

**13.**—(1) Where—

- (a) a prohibition notice—
    - (i) is served on an owner, operator or well operator by an inspector as regards activities to which the 2005 regime applied or would have applied;
    - (ii) is in force or effective immediately before the relevant date; and
  - (b) the activities mentioned in paragraph (i) are activities to which a corresponding provision of these Regulations applies, or will, if carried on, apply on and after the relevant date,
- that notice continues to have effect on and after the relevant date as if served as regards activities to which these Regulations apply or will apply.

(2) In this paragraph “relevant date” means the date on which the transitional period ends.

#### **Design etc. notifications**

**14.** A notification under the 2005 regime which is completed immediately before the date on which the transitional period ends has effect on and after that date as a notification made under the corresponding provision of these Regulations.

**15.** Where a notification under the 2005 regime is not completed before the date on which the transitional period ends (“the relevant date”), but particulars of it have been notified before the relevant date in accordance with the 2005 regime—

- (a) the particulars notified have effect on and after the relevant date as particulars notified pursuant to the corresponding provision of these Regulations;
- (b) the absence from particulars falling within paragraph (a) of any particulars required pursuant to a corresponding provision of these Regulations but not required pursuant to the 2005 regime is to take effect as a material change in those particulars on the relevant date.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations replace, in relation to British external waters, the Offshore Installations (Safety Case) Regulations 2005 to provide for the preparation of safety cases for offshore installations and the notification of specified activities to the competent authority. The “competent authority,” for the purposes of these Regulations is the Health and Safety Executive (the “Executive”) and the Secretary of State acting jointly. The competent authority is appointed to carry out the functions imposed on such an authority by Directive 2013/30/EU on safety of offshore oil and gas operations and amending Directive 2004/35/EC (“the Offshore Safety Directive”) (OJ No L 178, 28.06.13, p.66). A “safety case” is defined in the Regulations as a document containing specified information relating to the management of health and safety and the control of major accident hazards and containing the relevant particulars specified in Schedule 6 or 7 to the Regulations.

These Regulations:

- (a) together with the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015 (S.I. 2015/385) and the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) (Amendment) Regulations 2015 (S.I. 2015/386) implement the Offshore Safety Directive in relation to the territorial sea adjacent to Great Britain and any area designated by order under section 1(7) of the Continental Shelf Act 1964 (“British external waters”);
- (b) implement Article 3(2) of Council Directive 92/91/EEC (OJ No L 348, 28.11.92, p.9) concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling. That Directive applies to internal waters and external waters. That Directive was implemented in relation to internal waters and GB external waters by the Offshore Installations (Safety Case) Regulations 2005 (S.I. 2005/3117) (“the 2005 Regulations”). These Regulations replace the provisions of the 2005 Regulations as they implemented Article 3(2) of that Directive in British external waters. The 2005 Regulations, as amended by these Regulations, continue to implement Directive 92/91/EEC in internal waters in Great Britain. For these purposes “internal waters” are tidal waters and parts of the sea in, or adjacent to, Great Britain up to the landward limits of the territorial sea.

The Regulations:

require a licensee to ensure that any operator or well operator appointed by the licensee is capable of carrying out the functions and discharging the duties of an operator satisfactorily (*regulation 5*);

require the competent authority to inform the licensing authority (which is established in the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015) where it determines that an operator or well operator no longer has the capacity to meet the requirements of the relevant statutory provisions (as defined in *regulation 2(1)*) (*regulation 6*);

require any operator or owner (which is a body corporate or unincorporate) to prepare and implement a corporate major accident prevention policy (*regulation 7 and Schedules 1 and 2*);

require an operator and owner to prepare a document setting out its safety and environmental management system and to integrate that system with its overall management system (*regulation 8 and Schedules 2 and 3*);

impose requirements with respect to the creation, revision and continuing effect of a verification scheme in respect of an installation and provide a defence for contravention of the requirements (*regulations 9, 10 and 14 and Part 1 of Schedule 4*);

impose requirements with respect to the creation, revision and continuing effect of a well examination scheme in respect of a well and provide a defence for contravention of the requirements (*regulations 11, 12 and 14 and Part 2 of Schedule 4*);

require an operator to prepare and send to the competent authority a design notification for a production installation which is to be established (*regulation 15(1) and Schedule 5*) and a relocation notification for a production installation that is to be moved to a new location (*regulation 15(3) and Schedule 5*);

prohibit the operation of a production installation unless a safety case has been sent to and accepted by the competent authority (*regulations 16 and 17 and Schedule 6*);

prohibit the movement of a non-production installation in external waters with a view to its being operated there unless a safety case has been sent to and accepted by the competent authority (*regulations 16 and 18 and Schedule 7*);

require a design notification to be sent to the competent authority in respect of the conversion of a non-production installation to a production installation (*regulation 19(1)*) and prohibit the operation of a converted installation unless a safety case has been sent to and accepted by the competent authority (*regulation 19(7)*);

prohibit the dismantling of a fixed installation unless a revised safety case has been sent to and accepted by the competent authority (*regulation 20 and Schedule 8*);

prohibit the commencement of a well operation unless a notification has been sent to the competent authority (*regulation 21(1) and Schedule 9*) or where the competent authority objects to the notification (*regulation 21(7)*);

prohibit the engagement of an installation in a combined operation with another installation or installations unless a notification has been sent to the competent authority (*regulation 22 and Schedule 10*);

require an owner or operator to review their safety case at intervals of five years and at such other times as the competent authority may direct (*regulation 23*);

require a safety case to be revised when appropriate and when directed by the competent authority (*regulation 24*);

grant to the competent authority powers in respect of safety cases and related documents (*regulation 25*);

grant to the competent authority a power to prohibit operations where measures for preventing or limiting the consequences of a major accident proposed in a safety case or in a notification of well operations or combined operations are insufficient (*regulation 26*);

impose requirements with respect to the making and keeping of documents (*regulation 27*);

require any procedures or arrangements in safety cases and plans stated in a notification of well operations or a notification of combined operations to be followed, and provide for specified defences for contravention of the requirement as regards safety cases (*regulation 28*);

require an operator, owner and well operator to take suitable measures to reduce risk, including where necessary suspending operations, where an activity carried out significantly increases the risk of a major accident (*regulation 29(1) and (2)*) and to report to the competent authority when such measures have been taken (*regulation 29(3)*);

require the operator or owner to perform certain duties under the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 (the duties are set out in *regulation 30(14)*) consistently with the external emergency response plan (as defined in

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*regulation 30(13)) and taking into account the risk assessment undertaken during the preparation of the safety case (regulation 30(1));*

*require the operator, owner and well operator to communicate to their employees, contractors and contractors' employees the arrangements for confidential reporting of safety concerns (regulation 31);*

*require duty holders to cooperate with the competent authority in developing, preparing and revising standards and guidance on major accident prevention (regulation 32);*

*require the operator, well operator or owner to notify the competent authority of any major accident or situations where there is an immediate risk of such an accident (regulation 33);*

*require UK-registered companies to provide the competent authority with information about accidents outside the European Union in which they or their subsidiaries are involved as licensees, operators or well operators (regulation 34);*

*provide for the granting of exemptions from the Regulations by the competent authority (regulation 35);*

*make specific provision for enforcement of the Regulations and penalties for offences (regulations 36 and 40);*

*provide for an appeal to the Secretary of State against certain decisions of the competent authority (regulation 37 and Schedule 12);*

*make amendments to existing legislation (regulation 38 and Schedule 13); and*

*contain savings and transitional provisions in respect of activities in existence or proposed within a specified time of the coming into force of the Regulations (regulation 39).*

A full impact assessment of the effect that these Regulations would have on the costs of business and the voluntary sector is published with the Explanatory Memorandum which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk). The Transposition Note in relation to the implementation of the Offshore Safety Directive is published with the Explanatory Memorandum and available on that website. Copies of these documents are available in the libraries of both Houses of Parliament.