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STATUTORY INSTRUMENTS

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**2015 No. 398**

**The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 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(1);

“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(2);

“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(3);

“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

(b) any area designated by order under section 1(7) of the Continental Shelf Act 1964(4);

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(1) 1995 c. 21.

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

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

(4) 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).

“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>(5)</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>(6)</sup>;

“licensee” means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015<sup>(7)</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>(8)</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>(9)</sup>;

“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;

(5) [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).

(6) Regulation 3 was amended by regulation 2(2) of [S.I. 2002/2175](#).

(7) [S.I. 2015/385](#).

(8) 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.)

(9) [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.

“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(10);

“pipeline” has the meaning given in regulation 3 of the Pipelines Safety Regulations 1996(11);

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

except for—

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

(11) S.I. 1996/825, to which there are amendments not relevant to these Regulations.

(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)(12) 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,

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—

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

- (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(13).
- (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.

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(13) 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.