

1993 No. 384

HEALTH AND SAFETY

**Offshore Safety (Repeals and Modifications) Regulations
(Northern Ireland) 1993**

Made 10th September 1993

Coming into operation 1st November 1993

The Department of Economic Development, being the Department concerned(a), in exercise of the powers conferred on it by Articles 17(1) and (3)(a) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(b) and Article 3(2)(a) and (3) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992(c) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of the 1978 Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Offshore Safety (Repeals and Modifications) Regulations (Northern Ireland) 1993 and shall come into operation on 1st November 1993.

Interpretation

2. In these Regulations—

“the 1971 Act” means the Mineral Workings (Offshore Installations) Act 1971(d);

“the 1975 Act” means the Petroleum and Submarine Pipe-lines Act 1975(e);

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“the 1987 Act” means the Petroleum Act 1987(f);

“the Department” means the Department of Economic Development.

(a) See Article 2(2) S.I. 1978/1039 (N.I. 9)

(b) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by Article 3(1) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 (S.I. 1992/1728 (N.I. 17))

(c) S.I. 1992/1728 (N.I. 17)

(d) 1971 c. 61

(e) 1975 c. 74

(f) 1987 c. 12

Repeals and revocation

3.—(1) In the 1971 Act, the following are hereby repealed, namely—

- (a) section 2 (registration of offshore installations);
- (b) in section 3 (construction and survey regulations for offshore installations), subsections (1) to (3);
- (c) in section 4 (managers of offshore installations), subsection (2) and, in subsection (7), the words “in relation to any class or description of installation by regulations under this Act, or”;
- (d) in section 5 (further provisions as to managers), in subsection (9), the words “in relation to any class or description of installation by regulations under this Act, or”;
- (e) section 6 (safety regulations);
- (f) in section 7 (regulations; general provisions), subsections (1) and (2), in subsection (4), the words “in relation to any class or description of installation by the regulations, or”, in subsection (5), the words “by regulations under this Act, or” and “regulations or”, and subsections (7) and (8); and
- (g) the Schedule (subject matter of regulations).

(2) In the 1975 Act, the following are hereby repealed, namely—

- (a) section 26 (safety) except in so far as it is applied by or under any statutory provision; and
- (b) in section 27 (inspectors etc.), in subsection (2), the words from “and, without prejudice” to the end, and subsections (3) to (6).

(3) In section 11(2)(a) of the 1987 Act (regulations), the words “and safety requirements” are hereby repealed.

(4) The Offshore Installations (Public Inquiries) Regulations 1974(a) are hereby revoked.

Modifications with respect to references to the Secretary of State

4.—(1) In sections 4(1), (4) and (7), 5(9) and 7(4) and (5) of the 1971 Act, any reference to the Secretary of State shall be construed as a reference to the Department; and in section 5(8) of that Act, the reference to the Secretary of State shall be construed as including a reference to the Department.

(2) In section 32(4) of the 1975 Act, the reference to the Secretary of State shall be construed as a reference to the Department.

(3) In the 1987 Act—

- (a) in section 23(1)(b), for the words “or a consent given by the Secretary of State” there shall be substituted the words “by the Secretary of State or a consent given by the Department of Economic Development”; and
- (b) after section 24(2), there shall be inserted the following subsection—

(a) S.I. 1974/338

“(2A) It shall be the duty of the Department of Economic Development to submit from time to time to the Secretary of State such proposals as the Department considers appropriate for the making of orders under section 21 or 22.”

(4) In the Regulations specified in the Schedule any reference to the Secretary of State shall be construed as a reference to the Department.

(5) In the Submarine Pipe-lines (Inspectors etc.) Regulations 1977(a), any reference to the Secretary of State shall be construed as including a reference to the Department.

Modifications with respect to references to an inspector

5.—(1) Subject to paragraph (2), in any provision of a statutory provision or other document, any reference to an inspector appointed under—

(a) section 6(4) of the 1971 Act; or

(b) section 27(1) of the 1975 Act,

shall be construed as a reference to an inspector appointed by the Department under Article 21 of the 1978 Order who is authorised to act for the purposes of the provision in question.

(2) In the Submarine Pipe-lines (Inspectors etc.) Regulations 1977, any reference to an inspector appointed under section 27(1) of the 1975 Act shall be construed as including a reference to an inspector appointed by the Department under Article 21 of the 1978 Order who is authorised to act for the purposes of the Regulations.

(3) After section 27(2) of the 1975 Act there shall be inserted the following subsection—

“(2A) For the purpose of enforcing regulations made under subsection (2) above, an inspector appointed under subsection (1) above shall have the same powers under Article 35 of the Health and Safety at Work (Northern Ireland) Order 1978 (restriction on institution of proceedings) as he would have if he were an inspector appointed by the Department of Economic Development under Article 21 of that Order who is authorised to act for the purposes of the regulations.”

Saving provisions

6.—(1) Regulations made under any statutory provision repealed by these Regulations and in force immediately before the coming into operation of these Regulations shall, subject to regulation 3(4), continue in force notwithstanding the repeal of that provision.

(2) Any exemption, approval, authorisation or direction granted or given or other thing done for the purposes of any statutory provision modified by these Regulations shall, if in force immediately before the coming into operation of these Regulations, continue in force and have effect as if granted, given or done, as the case may be, in accordance with that provision as so modified.

2204

Health and Safety

No. 384

Sealed with the Official Seal of the Department of Economic
Development on 10th September 1993.

(L.S.)

Philip B. Strong

Assistant Secretary

SCHEDULE

Regulation 4(4)

Modification of Regulations

<i>Title of Regulations</i>	<i>Reference</i>
Offshore Installations (Registration) Regulations 1972.	S.I. 1972/702 as amended by S.I. 1991/679.
Offshore Installations (Managers) Regulations 1972.	S.I. 1972/703 as amended by S.I. 1991/679.
Offshore Installations (Logbooks and Registration of Death) Regulations 1972.	S.I. 1972/1542 as amended by S.I. 1991/679.
Offshore Installations (Inspectors and Casualties) Regulations 1973.	S.I. 1973/1842 as amended by S.I. 1991/679.
Offshore Installations (Construction and Survey) Regulations 1974.	S.I. 1974/289.
Submarine Pipe-lines (Diving Operations) Regulations 1976.	S.I. 1976/923.
Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976, except regulation 19.	S.I. 1976/1019.
Offshore Installations (Emergency Procedures) Regulations 1976.	S.I. 1976/1542.
Offshore Installations (Life-saving Appliances) Regulations 1977.	S.I. 1977/486.
Offshore Installations (Fire-fighting Equipment) Regulations 1978.	S.I. 1978/611.
Offshore Installations (Well Control) Regulations 1980.	S.I. 1980/1759 as amended by S.I. 1991/308.
Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.	S.I. 1989/971.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations contain repeals and modifications of specified provisions of the Mineral Workings (Offshore Installations) Act 1971 (the 1971 Act), the Petroleum and Submarine Pipe-lines Act 1975 (the 1975 Act), the Petroleum Act 1987 (the 1987 Act) and certain instruments made thereunder. In consequence of the coming into operation of Article 3 of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 (the 1992 Order) certain provisions of those Acts and instruments are to have effect as "existing statutory provisions" within the meaning of Part II of the Health and Safety at Work (Northern Ireland) Order 1978 (the 1978 Order). Accordingly those provisions are superseded or affected by provisions of Part II of the 1978 Order.

The Regulations—

- (a) repeal the powers conferred upon the Secretary of State to appoint inspectors under the 1971 Act and to make regulations under that Act in relation to offshore installations, the making of special reports and the holding of public inquiries;
- (b) amend various references to the Secretary of State in the 1971 Act, the 1975 Act and the 1987 Act, and instruments made thereunder, to, or to include, the Department of Economic Development and modify certain references in relation to an inspector appointed under the 1971 Act and the 1975 Act. By virtue of Article 20 of the 1978 Order the Department is the enforcing authority for the provisions which have effect as "existing statutory provisions" by virtue of the 1992 Order;
- (c) insert a provision into the 1987 Act requiring the Department of Economic Development to submit from time to time to the Secretary of State such proposals as it considers appropriate for the making of orders (relating to the establishment of safety zones around installations) under section 21 or 22 of that Act (regulations 3 to 5).

The Regulations also contain certain saving provisions (regulation 6).