



Offshore Safety Act 1992

CHAPTER 15

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Offshore Safety Act 1992

1992 CHAPTER 15

An Act to extend the application of Part I of the Health and Safety at Work etc. Act 1974; to increase the penalties for certain offences under that Part; to confer powers for preserving the security of supplies of petroleum and petroleum products; and for connected purposes. [6th March 1992]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The general purposes of Part I of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) shall include—

- (a) securing the safety, health and welfare of persons on offshore installations or engaged on pipe-line works;
- (b) securing the safety of such installations and preventing accidents on or near them;
- (c) securing the proper construction and safe operation of pipe-lines and preventing damage to them; and
- (d) securing the safe dismantling, removal and disposal of offshore installations and pipe-lines;

Application of Part I of 1974 Act for offshore purposes. 1974 c. 37.

and that Part shall have effect as if the provisions mentioned in subsection (3) below were existing statutory provisions within the meaning of that Part and, in the case of the enactments there mentioned, were specified in the third column of Schedule 1 to that Act.

(2) Without prejudice to the generality of subsection (1) of section 15 of the 1974 Act (health and safety regulations), regulations under that section may—

- (a) repeal or modify any of the provisions mentioned in subsection (3) below; and

- (b) make any provision which, but for any such repeal or modification, could be made by regulations or orders made under any enactment there mentioned.
- (3) The provisions referred to in subsections (1) and (2) above are—
- 1971 c. 61. (a) the Mineral Workings (Offshore Installations) Act 1971;
- 1975 c. 74. (b) sections 26, 27 and 32 (safety, inspectors and regulations) of the Petroleum and Submarine Pipe-lines Act 1975;
- 1987 c. 12. (c) in the Petroleum Act 1987, section 11(2)(a) (regulations) so far as relating to safety requirements and sections 21 to 24 (safety zones); and
- (d) the provisions of any regulations or orders made or having effect under any enactment mentioned in the foregoing paragraphs.

(4) In this section—

“offshore installation” means any installation which is an offshore installation within the meaning of the Mineral Workings (Offshore Installations) Act 1971, or is to be taken to be an installation for the purposes of sections 21 to 23 of the Petroleum Act 1987;

“pipe-line” and “pipe-line works” have the same meanings as in section 26(1) of the Petroleum and Submarine Pipe-lines Act 1975.

(5) The provisions mentioned in subsection (3) above and the definitions in subsection (4) above shall have effect as if any reference in—

- (a) section 1(4) of the Mineral Workings (Offshore Installations) Act 1971;
- (b) section 20(2) of the Petroleum and Submarine Pipe-lines Act 1975; or
- (c) section 16(1) or 21(7) of the Petroleum Act 1987,

to tidal waters and parts of the sea in or adjacent to the United Kingdom, or to the territorial sea adjacent to the United Kingdom, were a reference to tidal waters and parts of the sea in or adjacent to Great Britain, or to the territorial sea adjacent to Great Britain.

Application of Part I for other purposes.

2.—(1) The general purposes of Part I of the 1974 Act shall include—

- (a) securing the proper construction and safe operation of pipe-lines and preventing damage to them;
- (b) securing that, in the event of the accidental escape or ignition of anything in a pipe-line, immediate notice of the event is given to persons who will or may have to discharge duties or take steps in consequence of the happening of the event; and
- (c) protecting the public from personal injury, fire, explosions and other dangers arising from the transmission, distribution, supply or use of gas;

and that Part shall have effect as if the provisions mentioned in subsection (3) below were existing statutory provisions within the meaning of that Part and, in the case of the enactments there mentioned, were specified in the third column of Schedule 1 to that Act.

(2) Without prejudice to the generality of subsection (1) of section 15 of the 1974 Act (health and safety regulations), regulations under that section may—

- (a) repeal or modify any of the provisions mentioned in subsection (3) below; and
 - (b) make any provision which, but for any such repeal or modification, could be made by regulations made under any enactment mentioned in paragraph (b) of that subsection.
- (3) The provisions referred to in subsections (1) and (2) above are—
- (a) sections 27 to 32 and 37 (avoidance of damage to pipe-lines and notification of accidents etc.) of the Pipe-lines Act 1962; 1962 c. 58.
 - (b) in the Gas Act 1986, section 16 (standards of quality) so far as relating to standards affecting safety and section 47(3) and (4) (provision which may be made by regulations) so far as relating to regulations under section 16 so far as so relating; and 1986 c. 44.
 - (c) the provisions of any regulations made or having effect under any enactment mentioned in paragraph (b) above.
- (4) In this section—
- “gas” means any substance which is or (if it were in a gaseous state) would be gas within the meaning of Part I of the Gas Act 1986;
 - “pipe-line” has the same meaning as in the Pipe-lines Act 1962.

3.—(1) In consequence of the provision made or authorised to be made by section 1 above, the following shall cease to have effect, namely— Provisions consequential on sections 1 and 2.
1964 c. 29.

- (a) section 1(4) of the Continental Shelf Act 1964 (model clauses to include provision for the safety, health and welfare of persons employed on offshore operations);
- (b) section 84(5) of the 1974 Act (inspectors not to institute proceedings for offences under Part I committed outside Great Britain);
- (c) in the Petroleum and Submarine Pipe-lines Act 1975, section 28(2)(b) (notices with respect to unsafe works) and, so far as relating to proceedings for offences created by regulations under section 26 or 27, section 29(2) (institution of proceedings); 1975 c. 74.
- (d) in the Oil and Gas (Enterprise) Act 1982, section 27(3) (prosecutions) so far as relating to prosecutions for offences under the Mineral Workings (Offshore Installations) Act 1971 or section 23 of the Petroleum Act 1987; and 1982 c. 23.
1971 c. 61.
1987 c. 12.
- (e) in the Petroleum (Production) (Seaward Areas) Regulations 1988, clause 26 of the model clauses set out in Schedule 4 and clause 11 of the model clauses set out in Schedule 5. S.I. 1988/1213.

(2) Also in consequence of that provision—

- (a) any incorporation in a licence of a model clause specified in Schedule 1 to this Act shall cease to have effect;
- (b) any functions of the Secretary of State under a licence, or under section 2 of the Petroleum (Production) Act 1934, may be exercised without regard to safety considerations; and 1934 c. 36.

- (c) nothing done in the exercise of any such functions shall prejudice or affect the operation of the relevant statutory provisions within the meaning of Part I of the 1974 Act or any requirements imposed under those provisions.

1986 c. 44.

(3) In consequence of the provision made by section 2 above, in the Gas Act 1986—

- (a) section 18(1) (safety regulations) shall cease to have effect;
- (b) section 47(5) (restriction on institution of proceedings) shall cease to have effect so far as relating to proceedings for offences created by regulations made or having effect under section 16 so far as relating to standards affecting safety;
- (c) in sub-paragraph (2) of paragraph 6 of Schedule 8 (savings), for the words “the general purpose mentioned in section 18(1) of this Act” there shall be substituted the words “the general purpose of protecting the public from personal injury, fire, explosions and other dangers arising from the transmission or distribution of gas through pipes, or from the use of gas supplied through pipes”; and
- (d) after that sub-paragraph there shall be inserted the following sub-paragraph—

“(2A) In sub-paragraph (2) above ‘gas’ has the same meaning as in Part I of this Act.”

1934 c. 36.

(4) In this section “licence” means a licence granted under section 2 of the Petroleum (Production) Act 1934, whether before or after the commencement of this section.

Increased penalties under Part I.

4.—(1) In subsection (6) of section 15 of the 1974 Act (health and safety regulations), after paragraph (d) there shall be inserted the following paragraph—

“(e) in the case of regulations made for any purpose mentioned in section 1(1) of the Offshore Safety Act 1992, may provide that any offence consisting of a contravention of the regulations, or of any requirement or prohibition imposed by or under them, shall be punishable on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.”

(2) After subsection (1) of section 33 of that Act (offences under Part I) there shall be inserted the following subsection—

“(1A) Subject to any provision made by virtue of section 15(6)(d), a person guilty of an offence under subsection (1)(a) above consisting of failing to discharge a duty to which he is subject by virtue of sections 2 to 6 shall be liable—

- (a) on summary conviction, to a fine not exceeding £20,000;
- (b) on conviction on indictment, to a fine.”

(3) After subsection (2) of that section there shall be inserted the following subsection—

“(2A) A person guilty of an offence under subsection (1)(g) or (o) above shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding £20,000, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.”

(4) In subsection (3) of that section—

- (a) after the words “section 15(6)(d)” there shall be inserted the words “or (e)”; and
- (b) for the words “an offence under any paragraph of subsection (1) above not mentioned in the preceding subsection, or of an offence under subsection (1)(e) above not falling within the preceding subsection” there shall be substituted the words “an offence under subsection (1) above not falling within subsection (1A), (2) or (2A) above”.

(5) Subsections (4)(d) and (5) of that section shall cease to have effect.

(6) This section does not affect the punishment for any offence committed before the commencement of this section.

5.—(1) The Secretary of State may, after consultation with the Health and Safety Executive and with a person to whom this section applies, give to that person such directions of a general character as appear to the Secretary of State to be requisite or expedient for the purpose of preserving the security of any offshore installation, onshore terminal or oil refinery.

Directions for preserving security of petroleum and petroleum products.

(2) If it appears to the Secretary of State to be requisite or expedient to do so for the purpose mentioned in subsection (1) above, he may, after consultation with the Health and Safety Executive and with a person to whom this section applies, give to that person a direction requiring him (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction.

(3) A person to whom this section applies shall give effect to any direction given to him by the Secretary of State under this section notwithstanding any other duty imposed on him by or under any enactment.

(4) The Secretary of State shall lay before each House of Parliament a copy of every direction given under this section unless he is of the opinion that disclosure of the direction is against the interests of national security or the commercial interests of any person.

(5) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, anything done by virtue of this section if the Secretary of State has notified him that the Secretary of State is of the opinion that disclosure of that thing is against the interests of national security or the commercial interests of some other person.

(6) This section applies to any person who is the operator of an offshore installation, onshore terminal or oil refinery.

(7) In this section—

“offshore installation” has the same meaning as in section 1 above;

- “oil refinery” includes an installation for processing petroleum products;
- “onshore terminal” means an onshore terminal which receives petroleum directly or indirectly from an offshore installation;
- 1934 c. 36. “petroleum” has the same meaning as in the Petroleum (Production) Act 1934;
- 1976 c. 76. “petroleum products” has the same meaning as in the Energy Act 1976.

Corresponding provisions for Northern Ireland. 1974 c. 28.

6. An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is only made for purposes corresponding to the purposes of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule; but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Short title, repeals, commencement and extent.

7.—(1) This Act may be cited as the Offshore Safety Act 1992.

(2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) The following provisions of this Act, namely—

- (a) section 2(3)(b) and (c);
- (b) section 3(1)(a) and (e), (2) and (3)(b); and
- (c) subsection (2) above so far as relating to the repeal in the Continental Shelf Act 1964 and the second repeal in the Gas Act 1986,

1964 c. 29.
1986 c. 44.

shall not come into force until such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions or for different purposes.

(4) This Act, except section 6 above, does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 3(2).

MODEL CLAUSES REFERRED TO IN SECTION 3(2)

Petroleum (Production) Regulations 1935

The clause entitled "Health and safety of workers and employees" in the model clauses set out in Part I of Schedule 2 to the Petroleum (Production) Regulations 1935. S.R. & O. 1935/426.

Petroleum and Submarine Pipe-lines Act 1975

Clause 24 of the model clauses set out in Part II of Schedule 2 to the Petroleum and Submarine Pipe-lines Act 1975 (Schedule 4 to the Petroleum (Production) Regulations 1966 as amended). 1975 c. 74. S.I. 1966/898.

Clause 24 of the model clauses set out in Part II of Schedule 3 to that Act (Schedule 3 to those regulations as amended).

Petroleum (Production) Regulations 1976

Clause 24 of the model clauses set out in Schedule 4 to the Petroleum (Production) Regulations 1976. S.I. 1976/1129.

Clause 24 of the model clauses set out in Schedule 5 to those regulations.

Petroleum (Production) Regulations 1982

Clause 24 of the model clauses set out in Schedule 4 to the Petroleum (Production) Regulations 1982. S.I. 1982/1000.

Clause 23 of the model clauses set out in Schedule 5 to those regulations.

Clause 11 of the model clauses set out in Schedule 7 to those regulations.

Petroleum (Production) (Landward Areas) Regulations 1984

Clause 15 of the model clauses set out in Schedule 3 to the Petroleum (Production) (Landward Areas) Regulations 1984. S.I. 1984/1832.

Clause 21 of the model clauses set out in Schedule 4 to those regulations.

Clause 22 of the model clauses set out in Schedule 5 to those regulations.

Petroleum (Production) (Seaward Areas) Regulations 1988

Clause 26 of the model clauses set out in Schedule 4 to the Petroleum (Production) (Seaward Areas) Regulations 1988. S.I. 1988/1213.

Clause 11 of the model clauses set out in Schedule 5 to those regulations.

Section 7(2).

SCHEDULE 2

REPEALS

| Chapter | Short title | Extent of repeal |
|-------------|--|---|
| 1964 c. 29. | The Continental Shelf Act 1964. | Section 1(4). |
| 1974 c. 37. | The Health and Safety at Work etc. Act 1974. | In section 33, subsections (4)(d) and (5). Section 84(5). |
| 1975 c. 74. | The Petroleum and Submarine Pipe-lines Act 1975. | Section 28(2)(b). Section 29(2), so far as relating to proceedings for offences created by regulations under section 26 or 27 of that Act. |
| 1982 c. 23. | The Oil and Gas (Enterprise) Act 1982. | Section 27(3), so far as relating to prosecutions for offences under the Mineral Workings (Offshore Installations) Act 1971 or section 23 of the Petroleum Act 1987. |
| 1986 c. 44. | The Gas Act 1986. | Section 18(1). Section 47(5), so far as relating to proceedings for offences created by regulations made or having effect under section 16 of that Act so far as relating to standards affecting safety. |

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