

1973 No. 1842

OFFSHORE INSTALLATIONS**The Offshore Installations (Inspectors and Casualties)
Regulations 1973**

<i>Made</i> - - - -	<i>2nd November 1973</i>
<i>Laid before Parliament</i>	<i>9th November 1973</i>
<i>Coming into Operation</i>	<i>1st December 1973</i>

Whereas the Secretary of State has consulted pursuant to section 7(1) of the Mineral Workings (Offshore Installations) Act 1971^(a) (hereinafter referred to as "the Act") with organisations in the United Kingdom appearing to him to be representative of those persons who will be affected by the following Regulations:

Now, therefore, the Secretary of State in exercise of his powers under sections 6, 7 and 12(2) of, and paragraphs 8(1), 9, 10(1)(a), 11 and 12 of the Schedule to, the Act and all other powers enabling him in that behalf, hereby makes the following Regulations:-

Citation, commencement and interpretation

1.--(1) These Regulations may be cited as the Offshore Installations (Inspectors and Casualties) Regulations 1973 and shall come into operation on 1st December 1973.

(2) In these Regulations unless the context otherwise requires—

"casualty" means a casualty or other accident involving loss of life or danger to life suffered by a person--

(a) employed on, on or working from an offshore installation; or

(b) on or working from an attendant vessel, in the course of any operation undertaken on or in connection with an offshore installation;

"disease" includes any ailment or adverse condition, whether of body or mind;

"equipment" means any plant, machinery, apparatus or system used, formerly used or intended to be used (whether on or from an offshore installation or on or from an attendant vessel) in the assembly, reconstruction, repair, dismantlement, operation, movement or inspection of an offshore installation or the inspection of the sea bed under or near an offshore installation;

"inspector" means a person appointed as an inspector under section 6(4) of the Act;

"manager" includes, where no manager is appointed pursuant to section 4 of the Act, any person made responsible by the owner for safety, health and welfare on board an offshore installation;

"offshore installation" includes any part of an offshore installation whether or not capable of being manned by one or more persons; and

“vessel” includes an aircraft, a hovercraft and any floating structure other than an offshore installation.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

PART I

INSPECTION OF OFFSHORE INSTALLATIONS

Functions and powers of inspectors

2.—(1) For the purpose of ensuring that the provisions of the Act and of regulations thereunder are complied with, of investigating a casualty and generally assisting the Secretary of State in the execution of the Act, an inspector, at any time—

- (a) may board an offshore installation and obtain access to all parts of it;
- (b) may inspect an offshore installation and any equipment;
- (c) may inspect the sea bed and subsoil under or near an offshore installation;
- (d) may inspect and take copies from any certificate of insurance issued under regulations made under paragraph 4(2)(b) or (3) of the Schedule to the Act or any copy thereof so required to be maintained on an offshore installation, from any installation logbook or other record required to be maintained under regulations(b) made under paragraph 11 of that Schedule or from any other document relating to the operation or safety of an offshore installation or of any equipment;
- (e) may test any equipment;
- (f) where a casualty has occurred or is apprehended, may dismantle any equipment or test to destruction or take possession of any equipment;
- (g) may require the owner or manager or any person on board or near to an offshore installation to do or to refrain from doing any act as appears to the inspector to be necessary or expedient for the purpose of averting a casualty (whether the danger is immediate or not), or minimising the consequences of a casualty.

(2) An inspector shall permit the owner or manager or any person nominated by the owner or manager to be present when any inspection, test or dismantlement is carried out under this Regulation.

(3) A requirement under paragraph (1)(g) above shall cease to have effect at the expiration of 3 days after the date on which it is given, unless the Secretary of State by notice given to the owner of the offshore installation extends its operation (with or without variation) for a further period or periods:

Provided that, before giving notice extending the operation of the requirement, the Secretary of State shall consult with the owner of the installation and shall consider any representations made by him.

3.—(1) In connection with any of his functions under Regulation 2 an inspector—

- (a) may make such requirements of any person (including the owner and manager of the installation) as appear to the inspector to be required for the performance of those functions whether by himself or any other person acting at the direction of the Secretary of State:

(a) 1889 c.63.

(b) See S.I. 1972/1542 (1972 III, p. 4532).

Provided that before making a requirement in connection with any of paragraphs (1)(e), (f) or (g) of that Regulation, the inspector shall consult with the owner or manager with a view to maintaining safety and to minimising interference with the operation of the installation;

- (b) may require any person to produce to the inspector any article to which this Regulation applies and which is in his possession or custody;
- (c) may make notes, take measurements, make drawings and take photographs of an offshore installation and of any article to which this Regulation applies;
- (d) may require the owner or manager of the installation to furnish to him any article to which this Regulation applies (other than a document) or, in the case of any article on any vessel, may so require the master, captain or person in charge of the vessel;
- (e) may require the owner or manager of an offshore installation or any person employed on or in connection with the installation or equipment to carry out or to assist in carrying out any inspection, test or dismantlement of the offshore installation or of any equipment;
- (f) may require the owner or manager of an offshore installation or the concession owner concerned to assist him in carrying out an inspection of the sea bed or subsoil under or near the installation; and
- (g) may require the owner or manager to provide at any reasonable time conveyance to or from the installation of the inspector, any other person acting at the direction of the Secretary of State, any equipment required by the inspector for testing and any article of which he has taken possession pursuant to these Regulations.

(2) This Regulation applies to articles of the following descriptions, that is to say, any equipment or part thereof, a specimen of any material or substance (including a natural substance) on or near an offshore installation and any document of a description referred to in Regulation 2(1)(d).

4.—(1) An inspector may require an owner or a manager of an offshore installation or any other person to furnish to him or to a person acting at the direction of the Secretary of State such information as he may reasonably demand in exercise of the inspector's functions under Regulation 2.

(2) Information required to be furnished under paragraph (1) may, and if so required by the inspector shall, be furnished in writing, and if furnished orally may be so furnished in the presence of any person whom the person furnishing the information reasonably desires to be present and, if practicable and that person so wishes, in the presence of the manager of the installation.

Duties of owners of offshore installations and others

5.—(1) The owner or manager of an offshore installation shall provide an inspector and any other person acting at the direction of the Secretary of State with reasonable accommodation and means of subsistence while on board an offshore installation for the purposes of these Regulations.

(2) The owner or manager of an offshore installation and any other person, in relation to any offshore installation in any area in respect of which he is the concession owner, shall afford generally or so cause to be afforded to an inspector and any other person acting at the direction of the Secretary of State all such

facilities and assistance (including the carrying out of any procedures by way of demonstration) as an inspector or such other person may reasonably require in performing the functions of an inspector under these Regulations; and an inspector or such other person may require accordingly.

Disclosure of information

6. A person acting at the direction of the Secretary of State (not being a person holding office under Her Majesty) shall not disclose to any other person any information obtained or received by him while acting at such direction—

- (a) by virtue of these Regulations other than Regulation 4(1), without the consent of the owner; or
- (b) by virtue of Regulation 4(1), without the consent of the person who furnished the information; or
- (c) under any provision of these Regulations, without the consent of the Secretary of State.

Offences under Part I

7.—(1) Any person—

- (a) who fails to comply with any requirement made of him under this Part of these Regulations; or
- (b) who obstructs any other person in the performance of his functions, powers or duties under, or in complying with any requirement made of that person under, this Part of these Regulations; or
- (c) who, without permission granted by an inspector or other person acting at the direction of the Secretary of State, removes, conceals or tampers with any article of which possession has been taken by an inspector or such a person;

shall be guilty of an offence.

(2) An owner or manager who fails to provide accommodation and means of subsistence pursuant to Regulation 5(1) shall be guilty of an offence.

(3) An owner, manager or concession owner who fails to afford or cause to be afforded facilities and assistance pursuant to Regulation 5(2) shall be guilty of an offence.

(4) A person acting at the direction of the Secretary of State who discloses any information in contravention of Regulation 6 shall be guilty of an offence.

8.—(1) It shall be a defence to a charge—

- (a) under Regulation 7(1)(a) relating to failure to comply with a requirement made under Regulation 5(2); or
- (b) under Regulation 7(3) relating to failure to afford facilities or assistance under Regulation 5(2);

to show that the person charged, being the manager of the offshore installation to which the charge relates, was acting, in respect of the facts alleged, under and in accordance with the provisions of subsections (4) or (6) of section 5 of the Act (which confers powers on the manager of an offshore installation).

(2) The fine which may be imposed under Regulation 7(2) shall not exceed £100 and proceedings on indictment thereunder shall be excluded.

(3) The variation or revocation of any requirement given or made under any provision of these Regulations shall not affect liability for any offence committed before the variation or revocation takes effect.

PART II

CASUALTIES

Reports of casualties

9. Where a casualty has occurred, the manager of the offshore installation on or near to which it occurred—

- (a) shall, in the most expeditious manner practicable, immediately inform the owner of the installation of its occurrence with brief particulars of the casualty, including the position of the installation, the time of the casualty and the identity of any person killed, lost or seriously injured;
- (b) shall sign an entry in the installation logbook maintained on the installation in accordance with regulations^(a) made under paragraph 11 of the Schedule to the Act containing particulars of the matters specified in the Schedule to these Regulations; and
- (c) shall, as soon as practicable and in any event within 3 days after the occurrence of the casualty, deliver to the installation owner particulars in writing of the matters specified in the Schedule to these Regulations.

10. An owner of an installation—

- (a) upon being informed of the occurrence of a casualty shall, in the most expeditious manner practicable give to the Secretary of State for Trade and Industry all information relating to it in his possession; and
- (b) as soon as practicable and in any event within 3 days after receipt by him of written particulars pursuant to Regulation 9(c), shall deliver to the Secretary of State for Trade and Industry a copy of those particulars together with—
 - (i) the name or other designation of the offshore installation;
 - (ii) the owner's name and address; and
 - (iii) the name and address of the manager of the installation at the time of the casualty; and
- (c) so soon as it comes to his knowledge that any person injured in a casualty has died, give notice of the death to the Secretary of State for Trade and Industry notwithstanding, if such be the case, that he is required to send a return of the death to the Registrar General of Shipping and Seamen.

Disturbance of site of casualty

11. No person shall disturb the place where a casualty has occurred or tamper with anything thereat before—

- (a) the expiration of 3 clear days after the owner of the installation has, pursuant to Regulation 10(a), given to the Secretary of State information relating to the casualty; or
 - (b) an inspector has concluded an investigation of the casualty;
- whichever first occurs:

^(a)See S.I. 1972/1542 (1972 III, p. 4532).

Provided that nothing in this Regulation shall prohibit the doing of anything by or with the consent of an inspector.

Returns of injuries, etc.

12.—(1) The owner of an offshore installation shall make a return of every accident, injury or disease (other than an injury required to be notified under Regulation 9) suffered by any person on or working from the installation and by any person on or working from an attendant vessel who is injured in the course of any operation undertaken on or in connection with the installation by reason of which such person is disabled from work for a continuous period of 3 days.

(2) A return under this Regulation—

(a) shall relate to a period of 3 months ending on the last day of March, June, September or December excluding therefrom any period during which there is no obligation to maintain an installation logbook under regulations(a) made under paragraph 11 of the Schedule to the Act;

(b) shall be made to the Secretary of State for Trade and Industry within 10 days after the end of the period to which it relates; and

(c) shall contain particulars of the following—

(i) the name or other designation of the offshore installation;

(ii) the name and address of the owner of the installation;

(iii) the name of each person injured or suffering from a disease and the name and address of his employer; and

(iv) the date and time of any injury and the date when the symptoms of any disease were first observed;

together with a reference to any relevant entry in an installation logbook and brief particulars of the accident or of the injury or disease.

Special reports of casualties

13. Where a casualty occurs, the Secretary of State may, at any time, direct an inspector to make a special report with respect thereto, and the Secretary of State may cause any such report to be made public at such time and in such manner as he thinks fit.

Offences under Part II

14.—(1) Any person who fails to comply with an obligation imposed on him under Regulations 9, 10, 11 or 12 shall be guilty of an offence.

(2) In any proceedings taken in respect of a contravention of Regulation 11, it shall be a defence to show—

(a) that the doing of the act in question was necessary for securing the safety of the offshore installation or of any person on it or near it; or

(b) that the doing of the act in question was necessary to secure that the normal movement or operation of the offshore installation or the normal operation of any equipment on it should not be unreasonably impeded:

Provided that—

(i) an investigation by an inspector was not thereby prejudiced; and

(ii) the installation manager or the installation owner had informed the Secretary of State for Trade and Industry or an inspector at least

(a) See S.I. 1972/1542 (1972 III, p. 4532).

- 24 hours before the doing of the act that the act was to be done; and
(iii) an adequate plan or other record made by some responsible person is produced showing any part of the installation and any article affected by the doing of the act in the state in which it was immediately before the doing of the act.

2nd November 1973.

Tom Boardman,
Minister for Industry,
Department of Trade and Industry.

(Regulations 9 and 10)

THE SCHEDULE

Particulars of casualty on or near to an Offshore Installation

1. The date and time of the casualty.
 2. The place where, or the position of the offshore installation when, the casualty occurred.
 3. The place on the installation or elsewhere where the casualty occurred.
 4. A description of the casualty, including any operation being carried out, and any any equipment being used.
 5. A description of any damage sustained by the offshore installation, any equipment or any vessel and the name and port or place of registry of any vessel involved.
 6. The name of any person killed, lost or seriously injured in the casualty and the name and address of his employer and a description of any injury, including an injury resulting in death.
 7. The name and address of any witness to the casualty and the name and address of his employer.
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EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for the inspection of offshore installations by inspectors appointed by the Secretary of State for Trade and Industry and for the reporting to him of casualties and other accidents.

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