

1989 No. 1671

HEALTH AND SAFETY

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

<i>Made - - - -</i>	<i>12th September 1989</i>
<i>Laid before Parliament</i>	<i>13th September 1989</i>
<i>Coming into force</i>	
<i>For regulation 5(2)(a) to the extent specified in regulation 5(2)(b)</i>	<i>13th September 1992</i>
<i>For the remainder</i>	<i>13th September 1990</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (4)(a), (5)(b), (6)(b) and (9), 52(2) and (3), and 82(3)(a) of, and paragraphs 1(1)(c), 6, 10 and 14 of Schedule 3 to, the Health and Safety at Work etc. Act 1974^(a) ("the 1974 Act") and of all other powers enabling him in that behalf, and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989 and, subject to the provisions of regulation 5(2)(b) below, shall come into force on 13th September 1990.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"the 1971 Act" means the Mineral Workings (Offshore Installations) Act 1971^(b);

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

"the 1989 Order" means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989^(c);

"first-aid" means—

- (a) in cases where a person will need help from a medical practitioner or nurse, treatment for the purpose of preserving life and minimising the consequences of injury and illness until the appropriate help is obtained; and

^(a) 1974 c.37; as applied to and in relation to specified premises and activities outside Great Britain by S.I. 1989/840; sections 15, 30 and 52 were amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraphs 6, 16 and 17 respectively.

^(b) 1971 c.61; section 1 was substituted by section 24 of, and section 12 was amended by section 37 of, and paragraph 11 of Schedule 3 to, the Oil and Gas (Enterprise) Act 1982 (c.23).

^(c) S.I. 1989/840.

- (b) treatment of minor injuries or illnesses which would otherwise receive no treatment or which do not need treatment by a medical practitioner or nurse (in this sub-paragraph "treatment" includes redressing and other follow-up treatment);

"offshore installation" means an offshore installation within the meaning of the 1971 Act which is within—

- (a) tidal waters and parts of the sea in or adjacent to Great Britain up to the seaward limit of territorial waters;
- (b) waters in any area designated under section 1(7) of the Continental Shelf Act 1964(a);
- (c) inland waters within Great Britain;

"person in control" means—

- (a) in relation to an offshore installation—
 - (i) the installation manager, or where no such manager has been appointed, the person made responsible by the owner for health and safety on the installation,
 - (ii) the owner, and
 - (iii) every person who, in relation to the installation, is a concession owner, all as defined in section 12 of the 1971 Act;
- (b) in relation to pipeline works, the owner of the pipeline or the proposed owner of the proposed pipeline as both are defined in section 33(3) of the Petroleum and Submarine Pipe-lines Act 1975(b) or, if no person has been designated as the owner of the pipeline or proposed owner of the proposed pipeline in pursuance of the said section 33(3), the person in whom the pipeline is vested or the person for whom it is to be constructed;
- (c) in relation to any activity in connection with an offshore installation—
 - (i) the owner of the installation as defined in section 12 of the 1971 Act, and
 - (ii) the employer of persons engaged in that activity;

"pipeline" means any pipeline or part of a pipeline in relation to which sections 1 to 59 and 80 to 82 of the 1974 Act are applied by article 5 of the 1989 Order and any pipeline or part of a pipeline which is connected to it or to an offshore installation and which is in, under or over inland waters within Great Britain or tidal waters and parts of the sea in or adjacent to Great Britain;

"pipeline works" means any of the works mentioned in sub-paragraphs (a) to (d) of the definition of pipeline works in article 5 of the 1989 Order which relate to a pipeline within the meaning of these Regulations;

"sick bay" means a room for the medical treatment and care of sick and injured persons.

Application of Regulations

3. These Regulations apply to or in relation to premises and activities—

- (a) in Great Britain which are or are connected with offshore installations or pipeline works, and
- (b) outside Great Britain in circumstances in which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of articles 4 and 5 of the 1989 Order.

Extension of meaning of "work" and "at work"

4. For the purposes of these Regulations and of Part I of the 1974 Act, the meaning of "work" and "at work" shall be extended, in relation to the provision of first-aid and other medical assistance, the provision of advice in connection with health, and the provision of information in connection with all the foregoing, so that all persons employed or self-employed are treated as being at work whether or not they are on duty, if they are on—

- (a) an offshore installation;

(a) 1964 c.29.

(b) 1975 c.74.

- (b) a vessel engaged in pipeline works; or
- (c) a vessel from which any of the following activities in connection with an offshore installation are being carried on, that is to say construction, reconstruction, alteration, repair, maintenance, cleaning, demolition, dismantling and any activity immediately preparatory thereto.

Duty of Person in control

5.—(1) The person in control of an offshore installation, pipeline works or any of the following activities in connection with an offshore installation carried on from a vessel, that is to say construction, reconstruction, alteration, repair, maintenance, cleaning, demolition, dismantling and any activity immediately preparatory thereto, shall—

- (a) provide, or ensure that there are provided, such equipment, facilities and medications and such number of suitable persons as are adequate and appropriate in the circumstances for rendering first-aid to, and treating in accordance with the directions of a registered medical practitioner (who may or may not be present) persons who are injured or become ill while at work;
 - (b) provide, or ensure that there is provided, such number of suitable persons as is adequate and appropriate in the circumstances for giving simple advice in connection with the health of persons at work;
 - (c) make, or ensure that there are made, such arrangements as will enable—
 - (i) the work of the suitable persons referred to in sub-paragraphs (a) and (b) of this paragraph to be supervised by one or more suitably qualified registered medical practitioners, and
 - (ii) the advice or presence, as appropriate, of a suitably qualified registered medical practitioner to be obtained when needed;
 - (d) ensure that persons at work are informed of the provisions and arrangements that have been made under sub-paragraphs (a), (b) and (c) of this paragraph, in particular, but without prejudice to the generality of the foregoing, as to the location of equipment, facilities, medications and personnel.
- (2)(a) For the purposes of paragraph (1)(a) and (b) of this regulation, a person shall not be suitable unless he has undergone such training, or further training, and has obtained such qualifications, or further qualifications, as the Secretary of State may approve for the time being in respect of the relevant case or class of case.
- (b) Sub-paragraph (a) of this paragraph shall not apply until 13th September 1992 to a person who has been employed as a medically trained person on an offshore installation (including any time spent away from such installation on leave or training courses) throughout the two years immediately preceding the coming into force of these Regulations.
- (c) For the purposes of sub-paragraph (b) of this paragraph a “medically trained person” is a person who—
- (i) is either a registered nurse or the holder of a certificate of competency issued within the previous three years by the St John Ambulance Association of the Order of St John, the St Andrew’s Ambulance Association or the British Red Cross Society, and
 - (ii) has received some adequate training in the use of mechanical artificial respiration equipment.

(3) Nothing in this regulation shall require alteration of the siting or construction of a sick bay which at the date of the coming into force of these Regulations exists either on an offshore installation in respect of which there is a valid Certificate of Fitness issued under the Offshore Installations (Construction and Survey) Regulations 1974(a), or on a vessel if—

- (a) the sick bay is provided with interior surfaces which may easily be kept clean; and
- (b) there is provided—
 - (i) in the sick bay or in suitable accommodation in its immediate vicinity a bath accessible from three sides,

(a) S.I. 1974/289.

- (ii) in suitable accommodation in the immediate vicinity of the sick bay, a water-closet and a hand wash-basin, and
- (iii) a supply of sufficient hot and cold water for the bath and hand wash-basin and of sufficient cold water for the water-closet.

Defence in proceedings for contravening these Regulations

6. In any proceedings for an offence of contravening these Regulations it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

Power to grant exemptions

7.—(1) Subject to paragraph (2) of this regulation, the Secretary of State may, by a certificate in writing, exempt any person, class of persons, offshore installation, class of offshore installations, pipeline works, class of pipeline works, activity or class of activity from all or any of the requirements of these Regulations, and any such exemption may be granted subject to conditions and to limit of time and may be revoked by a certificate in writing at any time.

(2) The Secretary of State shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which he proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

he is satisfied that the health, safety and welfare of persons at work will not be prejudiced in consequence of it.

Amendment of the Health and Safety (First-Aid) Regulations 1981(a)

8. Regulation 7 of the Health and Safety (First-Aid) Regulations 1981 shall be amended as follows—

- (a) for paragraph (c) substitute the following paragraph—
“(c) where the Merchant Shipping (Medical Stores) Regulations 1986(b) apply;”
- (b) after paragraph (f) add the following paragraph—
“(g) where the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989 apply.”.

12th September 1989

Peter Morrison
Minister of State,
Department of Energy

(a) S.I. 1981/917.
(b) S.I. 1986/144.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to and in relation to offshore installations and pipeline works within the scope of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989 and to premises and activities connected with those installations or works (regulation 3).

Regulation 5 requires the person in control of an offshore installation, pipeline works or specified activities in connection with an offshore installation either to make adequate and appropriate arrangements for first-aid for persons at work or to ensure that such arrangements are made. These arrangements include the provision of suitably trained persons and the advice or attendance of a registered medical practitioner when needed. The person in control must also ensure that persons at work are informed of the arrangements.

The definitions of "work" and "at work" in section 52 of the Health and Safety at Work etc. Act 1974 are extended by regulation 4 in relation to first-aid and other matters specified in the regulation. All employees and self-employed persons are treated as being at work while they are on an offshore installation, a vessel engaged in pipeline works or a vessel engaged in specified activities in connection with an offshore installation.

The Regulations provide a defence in criminal proceedings (regulation 6) and enable the Secretary of State to grant exemptions (regulation 7).

Regulation 8 amends regulation 7 of the Health and Safety (First-Aid) Regulations 1981 to disapply those Regulations where the Merchant Shipping (Medical Stores) Regulations 1986 or these Regulations apply.