
STATUTORY INSTRUMENTS

1995 No. 738

HEALTH AND SAFETY

**The Offshore Installations and Pipeline Works
(Management and Administration) Regulations 1995**

<i>Made</i>	- - - -	<i>21st March 1995</i>
<i>Laid before Parliament</i>		<i>3rd April 1995</i>
<i>Coming into force</i>		
<i>All regulations except</i>		
<i>regulation 23(2)</i>		<i>20th June 1995</i>
<i>regulation 23(2)</i>		<i>20th June 1997</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (3)(a) and (5)(b), and 82(3)(a) of, and paragraphs 6, 14, 15(1) and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(1) 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 (Management and Administration) Regulations 1995 and shall come into force on 20th June 1995, except regulation 23(2), which shall come into force on 20th June 1997.

Interpretation

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

“the 1969 Act” means the Employers' Liability (Compulsory Insurance) Act 1969(2);

“the 1971 Act” means the Mineral Workings (Offshore Installations) Act 1971(3);

(1) 1974 c. 37. Sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71) Schedule 15, paragraphs 6 and 16 respectively; the general purposes of Part I referred to in section 15(1) were extended by section 1(1) of the Offshore Safety Act 1992 (1992 c. 15); and section 15 was extended by section 1(2) of the 1992 Act.

(2) 1969 c. 57.

(3) 1971 c. 61; amended by the Oil and Gas (Enterprise) Act 1982 (c. 23); certain provisions were repealed by S.I. 1993/1823.

“the 1995 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995(4);

“apparatus or works” means—

(a) apparatus or works described in paragraphs (a) to (f); and

(b) a structure described in paragraph (g),

of the definition of “pipeline” in article 6(2) of the 1995 Order;

“associated structure” means, in relation to an offshore installation, a vessel, aircraft or hovercraft attendant on the installation or any floating structure used in connection with the installation;

“concession owner” in relation to an offshore installation means the person who at any time has the right to exploit or explore mineral resources in any area, or to store gas in any area and to recover gas so stored if, at that time, the installation is, or is to be, used in the exercise of that right;

“duty holder” means—

(a) in relation to a fixed installation, the operator; and

(b) in relation to a mobile installation, the owner;

“fixed installation” means an offshore installation other than a mobile installation;

“installation manager” means, in relation to an offshore installation, the person appointed for the purposes of regulation 6(1)(a) who is for the time being in charge of it;

“mobile installation” means an offshore installation (other than a floating production platform) which can be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

“offshore installation” shall be construed in accordance with regulation 3;

“operator” in relation to a fixed installation means the person appointed by a concession owner to execute any function of organising or supervising any operation to be carried out by such installation or, where no such person has been appointed, the concession owner;

“owner” in relation to a mobile installation means the person who controls the operation of the installation;

“pipeline” means a pipeline within the meaning of article 6(2) of the 1995 Order;

“pipeline works” means pipeline works within the meaning of article 6(2) of the 1995 Order;

“relevant employee” means an employee—

(a) who is ordinarily resident in the United Kingdom, or

(b) who is not ordinarily resident in the United Kingdom but who has been present in the United Kingdom and relevant waters in the course of employment there for a continuous period of not less than 7 days;

“relevant waters” means—

(a) tidal waters and parts of the sea in or adjacent to Great Britain up to the seaward limits of territorial waters; and

(b) any area designated by order under section 1(7) of the Continental Shelf Act 1964(5); and

“vessel” includes a hovercraft and any floating structure which is capable of being staffed.

(2) Any reference in these Regulations to operating an offshore installation is a reference to using the installation for any of the purposes described in regulation 3(1).

(4) S.I. 1995/263.

(5) 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23), Schedule 3, paragraph 1.

(3) For the purpose of these Regulations any structures and devices on top of a well shall be treated as forming part of the well.

(4) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered regulation is a reference to the regulation in these Regulations so numbered;
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears; and
- (c) a numbered Schedule is a reference to the Schedule in these Regulations so numbered.

Meaning of “offshore installation”

3.—(1) Subject to the provisions of this regulation, in these Regulations the expression “offshore installation” means a structure which is, or is to be, or has been used, while standing or stationed in relevant waters, or on the foreshore or other land intermittently covered with water—

- (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
- (b) for the storage of gas in or under the shore or bed of relevant waters or the recovery of gas so stored;
- (c) for the conveyance of things by means of a pipe; or
- (d) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this paragraph,

and which is not an excepted structure.

(2) For the purposes of paragraph (1), the excepted structures are—

- (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
- (b) a well;
- (c) a structure or device which does not project above the sea at any state of the tide;
- (d) a structure which has ceased to be used for any of the purposes specified in paragraph (1), and has since been used for a purpose not so specified;
- (e) a mobile structure which has been taken out of use and is not for the time being intended to be used for any of the purposes specified in paragraph (1); and
- (f) any part of a pipeline.

(3) For the purposes of these Regulations there shall be deemed to be part of an offshore installation—

- (a) any well for the time being connected to it by pipe or cable;
- (b) such part of any pipeline connected to it as is within 500 metres of any part of its main structure;
- (c) any apparatus or works which are situated—
 - (i) on or affixed to its main structure; or
 - (ii) wholly or partly within 500 metres of any part of its main structure and associated with a pipe or system of pipes connected to any part of that installation.

(4) Where two or more structures are, or are to be, connected permanently above the sea at high tide they shall for the purposes of these Regulations be deemed to comprise a single offshore installation.

Application

4.—(1) These Regulations shall apply—

- (a) in Great Britain; and
- (b) to and in relation to offshore installations, wells, pipelines and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 apply by virtue of articles 4(1) and (2)(b), 5 and 6 of the 1995 Order.

(2) Regulations 6 to 21 shall not apply in relation to an offshore installation which is in transit to or from a location; and an offshore installation is not in transit to or from a location while it is being manoeuvred at the location.

(3) Save where otherwise expressly provided, nothing in regulations 6 to 13 or 15 to 18 shall impose a duty in relation to an offshore installation while there are no persons aboard.

Notification concerning offshore installations

5.—(1) The duty holder shall, no later than the date on which an offshore installation is due to enter or leave relevant waters, notify the Executive in writing of the date of its intended entry into or departure from such waters.

(2) Where there is a change of duty holder in relation to an offshore installation, the new duty holder shall ensure that it is not operated until the Executive has been notified in writing of—

- (a) the date of such change;
- (b) the name and address of the new duty holder; and
- (c) where the address furnished pursuant to sub-paragraph (b) is outside Great Britain, an address in Great Britain to which communications to him may be sent.

Managers

6.—(1) The duty holder shall ensure that—

- (a) the offshore installation is at all times under the charge of a competent person appointed by him to manage on his behalf the installation and the persons on it; and a reference to the installation manager is a reference to such person while he is in charge;
- (b) the installation manager is provided with appropriate resources to be able to carry out effectively his function, and the duties he may have to discharge under regulation 8; and
- (c) the identity of the installation manager is known to or readily ascertainable by every person on the installation.

(2) For the purpose of paragraph (1)(a), a person is not in charge of an offshore installation when he is not on it unless he remains in communication with it and, in a case where it might be necessary to exercise his functions, is able to reach it promptly.

Restraint and putting ashore

7.—(1) If an installation manager has reasonable cause to believe that it is necessary or expedient to do so for the purpose of securing the safety of the offshore installation or the safety or health of persons on or near it, he may take such measures against a person on the installation, including—

- (a) restraint of his person; and
- (b) putting him ashore in the United Kingdom as soon as is practicable thereafter,

as are reasonable.

(2) If it appears likely that a person will not be put ashore within twenty-four hours of being put under restraint, the installation manager shall forthwith give notice to the duty holder of his being kept under restraint and of the reason for it.

Co-operation

8.—(1) Every person shall co-operate—

- (a) with the installation manager, and any other person on whom any duty is placed by regulations 5 to 19, so far as is necessary to enable him to comply with the relevant statutory provisions, including this regulation;
- (b) with the installation manager, so far as is necessary to enable him to discharge his functions described in regulations 6 and 7; and
- (c) with the helicopter landing officer, so far as is necessary to enable him to perform his function referred to in regulation 13.

(2) In addition to the duty placed on him by paragraph (1), an installation manager shall co-operate with the manager of another offshore installation, where an activity carried out from, by means of, or on one of the installations could affect the health and safety of persons on the other installation or of persons engaged in an activity in connection with the other installation.

(3) The duty in paragraph (1) is without prejudice to any duty owed by a master, captain or person in charge of any vessel or aircraft.

Records

9.—(1) The duty holder shall ensure that there is kept on the offshore installation or at a suitable place nearby a record of the persons who are for the time being on, or working from the installation, and containing, in relation to each such person—

- (a) his full name; and
- (b) the name and address of his employer, if any,

and in this regulation such a record is referred to as “the offshore record”.

(2) The duty holder shall ensure that, as soon as possible after an entry is made in the offshore record, a like entry is made together with the following additional information—

- (a) the nationality of the person working on or from the installation;
- (b) his date of birth;
- (c) his usual residence; and
- (d) the name, address and relationship of any next of kin of his,

in another record, in this regulation referred to as “the onshore record”.

(3) The duty holder shall ensure that an entry in the onshore record relating to any person is thereafter kept readily available at an address in Great Britain until 28 days after he ceases to be on or to work from the installation.

Permits to work

10. In cases where, because of—

- (a) the kind of work which may be done on the offshore installation; or
- (b) the circumstances in which work may be done on the offshore installation,

it is necessary for the health or safety of persons to do so, the duty holder shall introduce arrangements for securing that, in such a case, a person does not do such work save in accordance

with the terms of a permit in writing, given by a competent person authorised by or on behalf of the duty holder.

Instructions

- 11.** The duty holder shall ensure that, where necessary for the health and safety of persons—
- (a) comprehensible instructions on procedures to be observed on the offshore installation are put in writing; and
 - (b) the relevant part of such instructions is brought to the attention of every person who is to do anything to which that part relates.

Communication

- 12.** The duty holder shall ensure that arrangements, which are appropriate for health and safety purposes, are in place for effective communication—
- (a) between the offshore installation and the shore, vessels, aircraft and other installations; and
 - (b) where a helicopter is to land on or take off from an offshore installation aboard which there will be no persons immediately before the landing, or after the take-off, between the helicopter and—
 - (i) a suitable offshore installation with persons on board; or
 - (ii) where there is no such installation, suitable premises ashore.

Helicopters

- 13.** The duty holder shall ensure that—
- (a) a competent person appointed to be in control of helideck operations on the offshore installation (in these Regulations referred to as “the helicopter landing officer”) is present on the installation;
 - (b) such person is in control throughout such operations; and
 - (c) such procedures are established, and plant provided, as will secure, so far as is reasonably practicable, that helideck operations, including the landing and take-off of helicopters, are without risks to health and safety.

Operational information

- 14.** The duty holder shall make arrangements for the collection and keeping of—
- (a) such meteorological and oceanographic information; and
 - (b) such information relating to the motions of the offshore installation,

as is necessary for securing, so far as is reasonably practicable, the safe operation of the installation and the safety of persons on or near it.

Information to persons

- 15.—**(1) The duty holder shall ensure that the address and telephone number of the office of the Executive for the sector in which the offshore installation is situated is known to or readily ascertainable by every person on the installation.
- (2) The employer of a person who is not on an offshore installation, and who is engaged in—
- (a) an activity in connection with an offshore installation;

- (b) an activity in connection with a well;
- (c) pipeline works; or
- (d) any of the following activities in connection with pipeline works—
 - (i) the loading, unloading, fuelling or provisioning of a vessel;
 - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel,
being in either case a vessel which is engaged in pipeline works,shall ensure that the address and telephone number of the office of the Executive for the sector in which the installation or well is situated, or the pipeline works, or activity described in sub-paragraph (d) above, is or are carried out, is known to or readily ascertainable by such person.

Health surveillance

16.—(1) An employer of a person engaged in work on an offshore installation shall ensure that he is provided with such health surveillance as is appropriate to the health and safety risks incurred in the work; and, where that person is assigned to the work after the coming into force of these Regulations (apart from regulation 23(2)), the health surveillance shall be commenced before he is so assigned.

(2) In this regulation “appropriate” means appropriate having regard to the nature and magnitude of the risks to the safety and health of the employee created by the relevant work.

Drinking water

17. The duty holder shall ensure that—

- (a) an adequate supply of clean, wholesome drinking water is available at suitable locations on the offshore installation; and
- (b) such locations are clearly marked to show that drinking water is there.

Provisions

18. The duty holder shall ensure that all provisions for consumption by persons on the offshore installation are fit for human consumption, palatable and of good quality.

Identification of the offshore installation

19. Save where the nature of the structure makes it impracticable to do so, the duty holder shall ensure that the offshore installation—

- (a) displays its name or other designation in such a manner as to make the installation readily identifiable on approach by sea or air; and
- (b) displays no name, letters or figures likely to be confused with the name or other designation of another offshore installation.

Certificates of exemption

20.—(1) Subject to paragraph (2) and to any of the provisions imposed by the Communities in respect of the encouragement of improvements in the safety and health of workers at work, the Executive may, by a certificate in writing, exempt any person, offshore installation or class of persons or offshore installations from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive 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 it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Application of the Employers' Liability (Compulsory Insurance) Act 1969

21.—(1) The 1969 Act shall apply to employers of relevant employees employed for work on or from offshore installations, or on or from associated structures in the course of activities undertaken on or in connection with such installations, subject to such modifications and extensions as are hereafter in this regulation prescribed.

(2) In section 1 of the 1969 Act applied as aforesaid—

- (a) in subsection (1) the words “carrying on any business in Great Britain” shall be omitted and, for the words from “his employees” to the end of the subsection, there shall be substituted the words “those of his relevant employees who are employed by him for work on or from an offshore installation, or on or from an associated structure in the course of an activity undertaken on or in connection with an offshore installation, and arising out of and in the course of their employment for that work”; and
- (b) at the end of paragraph (d) of subsection (3) there shall be added the following paragraph—

“(e) any expression to which a meaning is given by the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995, and to which a meaning is not given by this Act, shall have the same meaning in this Act.”

(3) Section 2(2)(b) of the 1969 Act applied as aforesaid shall have no effect.

(4) In section 4(2)(a) of the 1969 Act applied as aforesaid, after the word “insurance” there shall be inserted the words “or make arrangements to secure the maintenance of such copies on offshore installations or associated structures”.

(5) After section 5 of the 1969 Act applied as aforesaid there shall be inserted the following sections—

“Liability of owners of offshore installations

5A.—(1) In respect of any offshore installation, it shall be the duty of the owner of the installation to ensure that requirements imposed by or under this Act are complied with and where, in respect of that installation—

- (a) any employer is on any day not insured in accordance with this Act, the owner of the installation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; or
- (b) any person fails to comply with a requirement imposed by or under section 4 of this Act, the owner of the installation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) In proceedings against the owner of an installation for an offence under this section it shall be a defence for the accused to prove—

- (a) that he has used all due diligence to prevent the commission of the offence; and
- (b) that any relevant contravention was committed without his consent, connivance or wilful default.

(3) Section 37 of the Health and Safety at Work etc. Act 1974 shall apply in relation to an offence under this section as if it were an offence under that Act.

(4) In proceedings for an offence under this section an averment in any process of the fact that anything was done or situated within relevant waters shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment.

(5) Proceedings for any offence under this section may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Great Britain.

(6) References in this section to “the owner”, in relation to an offshore installation, are to the person who controls the operation of the installation.

5B. No proceedings shall be instituted in England and Wales for any offence under this Act in respect of an offshore installation except by the Secretary of State or by a person authorised in that behalf by the Secretary of State.”

Repeals and modifications of the 1971 Act

22.—(1) The provisions of the 1971 Act specified in column 1 of Part I of Schedule 1 are repealed to the extent specified in the corresponding entry in column 3 of that Part.

(2) Section 12(1) of the 1971 Act shall have effect subject to the modifications specified in Part II of Schedule 1.

Revocation and modification of instruments

23.—(1) The instruments specified in column 1 of Part I of Schedule 2 shall be revoked to the extent specified in column 3 of that Part.

(2) Regulation 29 of the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976⁽⁶⁾ shall be revoked.

(3) The instruments specified in Part II of Schedule 2 shall have effect subject to the modifications specified in that Part.

Signed by order of the Secretary of State.

21st March 1995

Phillip Oppenheim
Parliamentary Under Secretary of State,
Department of Employment

(6) S.I. 1976/1019.

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SCHEDULE 1

Regulation 22

REPEALS AND MODIFICATIONS OF THE 1971 ACT

PART I

REPEALS

Column 1 Provision	Column 2 Description	Column 3 Extent of repeal
Section 1	Application of Act	The whole section.
Section 3	Construction and survey regulations for offshore installations	In sub-section (4) the words “and of the installation manager, and of every person who, in relation to the installation, is a concession owner”; where they next occur, the words “the installation manager and every person who, in relation to the installation, is a concession owner”; and the word “each”.
Section 4	Managers of offshore installations	The whole section.
Section 5	Managers of offshore installations, further provisions	The whole section.
Section 9	Offences: general provisions	In sub-section (3) the words “section 4 or section 5”.
Section 11	Civil liability for breach of statutory duty	Sub-sections (5) and (6).
Section 12	Interpretation	In sub-section (1), the definitions of “designated area” and “foreign sector of the continental shelf”; and sub-sections (2) and (3).

PART II

AMENDMENTS TO SECTION 12(1)

1. Before the definition of “controlled waters” there shall be inserted the following definition:
“the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995;”.
2. For the definition of “controlled waters” there shall be substituted the following definition:
““controlled waters” means—

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- (a) tidal waters and parts of the sea in or adjacent to Great Britain up to the seaward limits of territorial waters; and
- (b) any area designated by order under section 1(7) of the Continental Shelf Act 1964;”.
3. For the definition of “installation manager” there shall be substituted the following definition:
““installation manager” has the meaning given by regulation 2(1) of the 1995 Regulations;”.
4. For the definition of “offshore installation” there shall be substituted the following definition:
““offshore installation” has the same meaning as in regulation 3 of the 1995 Regulations;”.
5. For the definition of “owner” there shall be substituted the following definition:
““owner”, in relation to an offshore installation, means the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation;”.

SCHEDULE 2

Regulation 23

PART I

REVOCATIONS OF INSTRUMENTS

1 Title	2 Reference	3 Extent of revocation
The Offshore Installations (Registration) Regulations 1972	S.I. 1972/702 amended by S.I. 1991/679	The whole Regulations.
The Offshore Installations (Managers) Regulations 1972	S.I. 1972/703 amended by S.I. 1991/679	The whole Regulations.
The Offshore Installations (Logbooks and Registration of Death) Regulations 1972	S.I. 1972/1542 amended by S.I. 1991/679	Regulations 1(2) and 2 to 7; in regulation 12(1) the words “2(1)” to “or”; in regulation 12(2) the words “2(1)” to “7”; and regulation 12(3) to (5).
The Offshore Installations (Inspectors and Casualties) Regulations 1973	S.I. 1973/1842 amended by S.I. 1991/679	In regulation 1(2) the definition of “manager”; in regulation 5(1) the words “or manager”; regulation 8(1); regulation 9(b); in regulation 12(2) the words in sub-paragraph (a) “excluding therefrom” to the end of that sub-paragraph; and the words “a reference” to “logbook and”.
The Offshore Installations (Application of the Employers'	S.I. 1975/1289	The whole Regulations.

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1 Title	2 Reference	3 Extent of revocation
Liability (Compulsory Insurance) Act 1969) Regulations 1975		
The Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976	S.I. 1976/1019 amended by S.I. 1984/419, 1989/1672 and 1992/2932	In regulation 1(2) the definition of “installation manager”; regulation 3; in regulation 5(3) the words “and 25(2)”; in regulation 5(4) the words “who shall read” to “logbook”; regulations 7 to 9, 16, 17(2), 18 to 26, and 30; in regulation 32(1) the words “the installation manager, and of” and “and of the concession owner,”; regulation 32(3) to (7); and in regulation 34(1) the words “the installation manager, the concession owner and” and “each”; and Schedule 2.
The Offshore Installations (Well Control) Regulations 1980	S.I. 1980/1759 amended by S.I. 1991/308	In regulation 1(2) the definition of “installation manager”; in regulation 3(1) the words “the installation manager, the concession owner and”; and the word “each”.
The Diving Operations at Work Regulations 1981	S.I. 1981/399 amended by S.I. 1990/996 and 1992/608	Regulation 4(1)(b)(ii).
The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989	S.I. 1989/971 amended by S.I. 1992/2885 and 1993/1823	In regulation 2 the definitions of “installation logbook” and “installation manager”; and in regulation 13(b) the words “the installation manager shall record those facts in the installation logbook and”.
The Offshore Installations (Included Apparatus or Works) Order 1989	S.I. 1989/978	The whole Order.
The Offshore Installations (Emergency Pipe-line Valve) Regulations 1989	S.I. 1989/1029	In regulation 2 the definitions of “controlled waters” and of “manager”.
The Offshore Installations (Amendment) Regulations 1991	S.I. 1991/679	Regulations 2 to 4.

PART II

MODIFICATIONS OF INSTRUMENTS

The Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976

1. In regulation 1(2) (definitions) of the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976(7) there shall be substituted, for the definition of “responsible person”, the following definition:

““responsible person” means a competent person authorised by or on behalf of the owner;”.

The Offshore Installations (Well Control) Regulations 1980

2. In regulation 1(2) (definitions) of the Offshore Installations (Well Control) Regulations 1980(8) there shall be substituted for the definition of “responsible person” the following definition:

““responsible person” means a competent person authorised by or on behalf of the owner;”.

The Diving Operations at Work Regulations 1981

3. In regulation 2(1) (definitions) of the Diving Operations at Work Regulations 1981(9) (“the 1981 Regulations”) there shall be added, after the definition of “offshore installation” the following definition:

““owner”, in relation to an offshore installation, means the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 in relation to that installation;”.

4. In regulation 5(4)(b) of the 1981 Regulations there shall be substituted for paragraph (i) and (ii) the following paragraph:

“(i) from or in connection with an offshore installation, the owner”.

The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

5. In regulation 2 (interpretation) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989(10) (“the 1989 Regulations”):

(a) after the definition of “the 1974 Act” there shall be inserted the following definition:

““the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995”;

(b) after the definition of “appropriate languages” there shall be inserted the following definition:

““duty holder” in relation to an offshore installation means the person who is the duty holder within the meaning of regulation 2(1) of the 1995 Regulations for the purpose of those Regulations”; and

(c) for the definition of “installation manager” there shall be substituted the following definition:

(7) S.I. 1976/1019; amended by S.I. 1984/419, 1989/1672 and 1992/2932.

(8) S.I. 1980/1759; amended by S.I. 1991/308.

(9) S.I. 1981/399; amended by S.I. 1990/996 and 1992/608.

(10) S.I. 1989/971; amended by S.I. 1992/2885.

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““installation manager” has the meaning given by regulation 2(1) of the 1995 Regulations;”.

6. For regulation 3 (application) of the 1989 Regulations there shall be substituted the following regulation:

“3. These Regulations shall apply to an offshore installation at a working station in controlled waters which normally has persons on board;”.

7. In regulations 11, 17, 20, 22, 24, 25 and 28 of the 1989 Regulations, in place of the words “installation owner” wherever they occur, there shall be substituted the words “duty holder”.

8. In regulation 19 of the 1989 Regulations, in place of the words “owner of an offshore installation” there shall be substituted the words “duty holder in relation to an offshore installation”.

9. In regulation 22 (safety committee— functions) of the 1989 Regulations, in paragraph (1)(c), in place of the word “employers” there shall be substituted the words “duty holder”.

10. For regulation 23 (duties of installation owners and installation managers) of the 1989 Regulations there shall be substituted the following regulation:

“Duties of installation operators and owners, and employers

23.—(1) The provisions of this regulation shall apply to every offshore installation served by a safety committee.

(2) It shall be the duty of the duty holder—

- (a) to facilitate the exercise by the committee of its functions and by the safety representatives of their functions and powers in respect of the installation under these Regulations, and for that purpose to make available the necessary accommodation, facilities for communication and office equipment supplies;
- (b) to consult safety representatives with a view to the making and maintenance of arrangements which will enable them and the workforce to co-operate effectively in promoting and developing measures to ensure the health and safety of persons working on or from the installation, and in checking the effectiveness of such arrangements; and
- (c) without prejudice to sub-paragraph (b) above, to consult safety representatives in good time with regard to—
 - (i) the preparation of a safety case relating to the installation under the Offshore Installations (Safety Case) Regulations 1992;
 - (ii) the introduction to the installation of any measure which may substantially affect the health and safety of the workforce; and
 - (iii) the health and safety consequences for the workforce of the introduction (including the planning thereof) to the installation of new technologies.

(3) It shall be the duty of the duty holder and any employer of members of a workforce to consult safety representatives in good time with regard to—

- (a) any health and safety information he is required to provide to members of a workforce by or under the relevant statutory provisions; and
- (b) the planning and organisation of any health and safety training he is to provide to members of a workforce by or under the relevant statutory provisions.

(4) It shall be the duty of every employer of members of a workforce to consult safety representatives in good time with regard to his arrangements for appointing persons

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in accordance with regulation 6(1) of the Management of Health and Safety at Work Regulations 1992”.

11. For regulation 27 (training) of the 1989 Regulations there shall be substituted the following regulation:

“Training

27. It shall be the duty of the duty holder to ensure that—

- (a) a safety representative for the installation is provided with such training in aspects of the functions of a safety representative as are reasonable in all the circumstances; and
- (b) any costs associated with such training, including travel and subsistence costs, are not borne by the safety representative.”

The Offshore Installations (Emergency Pipe-line Valve) Regulations 1989

12. In regulation 2 (interpretation) of the Offshore Installations (Emergency Pipe-line Valve) Regulations 1989(11)—

(a) before the definition of “associated installation” there shall be inserted the following definition:

““the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995”;

(b) for the definition of “installation manager” there shall be substituted the following definition:

““installation manager” means, in relation to an associated installation, the person appointed for the purposes of regulation 6(1)(a) of the 1995 Regulations who is for the time being in charge of it”;

(c) for the definition of “offshore installation” there shall be substituted the following definition:

““offshore installation” means an installation within the meaning of regulation 3 of the 1995 Regulations other than an installation which is—

- (a) used exclusively for flaring, or
 - (b) used exclusively for the loading of substances into vessels or for their reception and storage prior to such loading and which normally has no persons on board”;
- and

(d) for the definition of “owner” there shall be substituted the following definition:

““owner”, in relation to—

- (a) an offshore installation, means the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation; and
- (b) a pipeline in respect of which no person has been designated as its owner in pursuance of section 33(3) of the 1975 Act, means the person in whom the pipeline is vested”.

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

13. In regulation 2 (interpretation) of the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989⁽¹²⁾—

- (a) the definition of “the 1971 Act” shall be revoked;
- (b) after the definition of “the 1989 Order” there shall be inserted the following definition:
““the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995;”;
- (c) for the definition of “offshore installation” there shall be substituted the following definition:
““offshore installation” has the same meaning as in regulation 3 of the 1995 Regulations”;
- (d) for paragraph (a) of the definition of “person in control” there shall be substituted the following paragraph:
“(a) in relation to an offshore installation, the person who is the duty holder as defined by regulation 2(1) of the 1995 Regulations for the purposes of those Regulations;”;
- (e) for paragraph (c) of the definition of “person in control” there shall be substituted the following paragraph:
“(c) in relation to an activity in connection with an offshore installation—
 - (i) the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the 1995 Regulations for the purposes of those Regulations; and
 - (ii) the employer of persons engaged in that activity;”.

The Offshore Installations (Safety Case) Regulations 1992

14. In regulation 2 (interpretation) of the Offshore Installations (Safety Case) Regulations 1992⁽¹³⁾ (“the 1992 Regulations”)—

- (a) in paragraph (1) (definitions)—
 - (i) for the definition of “the 1971 Act” there shall be substituted the following definition:
““the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995;”;
 - (ii) for the definition of “the 1989 Order” there shall be substituted the following definition:
““the 1995 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995”;
 - (iii) for the definition of “concession owner” there shall be substituted the following definition:
““concession owner” in relation to an installation has the same meaning as in regulation 2(1) of the 1995 Regulations”;
 - (iv) for the definition of “installation” there shall be substituted the following definition:
““installation” means an offshore installation within the meaning of regulation 3 of the 1995 Regulations”; and

⁽¹²⁾ 1989/1671.

⁽¹³⁾ S.I. 1992/2885.

(v) for paragraph (a) of the definition of “owner” there shall be substituted the following paragraph:

“(a) a mobile installation means the person who controls the operation of the installation”;

(b) in paragraph (5) (reference to operating an installation) for the words from “carrying” to the end there shall be substituted the words—

“using the installation for any of the purposes described in regulation 3(1) of the 1995 Regulations”; and

(c) in paragraph (8) (reference to an activity in connection with an installation) for the words “article 4(1)(b) of the 1989 Order” there shall be substituted the following words:

“sub-paragraph (b) of paragraph (1) of article 4 of the 1995 Order, other than an activity specified in paragraph (i) or (ii) of that sub-paragraph”.

15. In regulation 14 of the 1992 Regulations (co-operation) in paragraph (2)—

(a) after sub-paragraph (f) the word “and” shall be omitted; and

(b) after sub-paragraph (g) there shall be added the words—

“and (h) the manager of the first-mentioned installation”.

16. In Schedule 3 to the 1992 Regulations (particulars to be included in a safety case for a mobile installation) in paragraph 1, after the word “name” there shall be added the words “and address”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations contain requirements for the management and administration of offshore oil and gas installations, for purposes of health and safety.

2. The Regulations give effect, in relation to offshore installations in territorial waters adjacent to Great Britain or in the United Kingdom sector of the continental shelf—

(a) to the following provisions of Council Directive [92/91/EEC](#) (OJNo. L348, 28.11.92, p.9), concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling:

(i) Articles 3(1)(b), (c) and (d) and 8;

(ii) in Part A of the Annex, parts 2.2, 2.6 (in part) and 2.8; and

(iii) in Part C of the Annex, section 4 (in part); and

(b) to Article 6.3(c) and, in part, to Article 11.2 of Council Directive [89/391/EEC](#) on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ No. L183, 29.6.89, p.1).

The Regulations also make other provision.

3. Most of the duties imposed by the Regulations are on “the duty holder” who is, by regulation 2(1), in relation to a fixed installation, the “operator” and, in relation to a mobile installation, the “owner”.

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4. Regulation 5 requires the duty holder to notify the Health and Safety Executive (“the Executive”) of the date of the intended entry or departure of an installation into or from relevant waters; and, where there is a change of duty holder, prohibits the operation of the installation until details have been notified to the Executive.

5. Regulation 6 requires the appointment of an installation manager and contains other requirements in relation to him.

6. Regulation 7 empowers the installation manager to take reasonable measures against a person, including his restraint or putting him ashore, for certain health and safety reasons.

7. Regulation 8 requires every person to co-operate with the installation manager, and any other person on whom any duty is placed by these Regulations, so far as is necessary to enable them to comply with “the relevant statutory provisions” within the meaning of the Health and Safety at Work etc. Act 1974 (c. 37); and for certain express purposes with the installation manager and helicopter landing officer. Managers of installations are required to co-operate with each other for certain health and safety reasons.

8. Regulation 9 requires a record to be kept on the installation, and ashore, of persons for the time being on the installation.

9. Regulation 10 requires a “permit to work” system on an installation where necessary for health or safety.

10. Regulation 11 requires the giving of written instructions on procedures to be observed for health and safety reasons.

11. Regulation 12 contains requirements for effective communications.

12. Regulation 13 contains requirements in relation to helideck operations.

13. Regulation 14 requires the keeping of information on the weather and other information.

14. Regulation 15 requires that people on an installation, or engaged in certain other offshore activities, have access to the relevant address and telephone number of the Executive.

15. Regulation 16 contains a requirement for health surveillance.

16. Regulation 17 requires drinking water to be readily available on an installation.

17. Regulation 18 requires that provisions on the installation are of adequate quality.

18. Regulation 19 contains requirements as to the visual identification of an installation.

19. Regulation 20 provides for the granting of certificates of exemption by the Executive.

20. Regulation 21 contains provisions consisting in the application to offshore installations and associated structures, with modifications and extensions, of the Employers' Liability (Compulsory Insurance) Act 1969 (c. 57).

21. Regulation 22 and Schedule 1 repeal or modify certain provisions of the Mineral Workings (Offshore Installations) Act 1971 (c. 61).

22. Regulation 23 and Schedule 2 revoke or modify certain instruments.