

SCHEDULE 9

Regulation 25

AMENDMENTS

**1. In the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989(1)—**

- (a) in regulation 2(1) (interpretation)—
  - (i) after the definition of “the 1995 Regulations” insert—

““the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005(2);”;
  - (ii) after the definition of “appropriate languages” insert—

““current safety case” means a current safety case within the meaning of regulation 2(1) of the 2005 Regulations;”;
- (b) in regulation 18 (documents) for the words “safety case or revision” substitute “current safety case”;
- (c) in regulation 18A—
  - (i) in each place in which they occur for the words “safety case or revision” substitute “current safety case”; and
  - (ii) in paragraph (1)(a) for the words “the Offshore Installations (Safety Case) Regulations 1992” substitute “the 2005 Regulations”; and
- (d) in regulation 23(2)(c)(i) (duties of installation operators and owners, and employers) before the word “preparation” insert “revision, review or”.

**2. In the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995(3)—**

- (a) in regulation 2(1) (interpretation)—
  - (i) omit the definition of “concession owner”;
  - (ii) for the definition of “duty holder”, substitute—

““duty holder” means—

    - (a) in relation to a production installation, the operator; and
    - (b) in relation to a non-production installation, the owner;”;
  - (iii) omit the definition of “fixed installation”;
  - (iv) after the definition of “installation manager”, insert—

““licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998;”;
  - (v) omit the definition of “mobile installation”;
  - (vi) before the definition of “offshore installation”, insert—

““non-production installation” means an installation other than a production installation;”;
  - (vii) for the definition of “operator”, substitute—

““operator” means—

(1) S.I. 1989/971, as amended by S.I. 1992/2885, 1995/738 and 1999/3242 and to which there are other amendments not relevant to these Regulations .

(2) S.I. 2005/3117.

(3) S.I. 1995/738, to which there are amendments not relevant to these Regulations.

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- (a) the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or
  - (b) the licensee, where—
    - (i) it is not clear to the Executive that one person has been appointed to perform the functions described in paragraph (a); or
    - (ii) in the opinion of the Executive, any person appointed to perform the functions described in paragraph (a) is incapable of performing those functions satisfactorily;”;
- (viii) for the definition of “owner”, substitute—  
““owner” means the person who controls the operation of a non-production installation;”;
- (ix) before the definition of “pipeline”, insert—  
““petroleum”—
  - (a) includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata; and
  - (b) does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;”;
- (x) in the definitions of “pipeline” and “pipeline works”, replace the words “1995” with “2001”; and
- (xi) after the definition of “pipeline works”, insert—  
““production installation” means an installation which—
  - (a) extracts petroleum from beneath the sea-bed by means of a well;
  - (b) stores gas in or under the shore or bed of relevant waters and recovers gas so stored; or
  - (c) is used for the conveyance of petroleum by means of a pipe,and—
  - (a) includes a—
    - (i) non-production installation converted for use as a production installation for so long as it is so converted;
    - (ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and
    - (iii) production installation which has not come into use; and
  - (b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the sea-bed for the purposes of well testing;”;
- (b) omit paragraphs 14, 15 and 16 of Part II of Schedule 2 (modifications of instruments).
- 3. In the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995(4)—**
- (a) in regulation 2(1) (interpretation)—
    - (i) in the definition of “the 1995 Order”, replace the words “1995” with “2001” in both places in which they occur;

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(4) [S.I. 1995/743](#), to which there are amendments not relevant to these Regulations.

- (ii) omit the definition of “concession owner”;
- (iii) for the definition of “duty holder”, substitute—
  - ““duty holder” means—
  - (a) in relation to a production installation, the operator; and
  - (b) in relation to a non-production installation, the owner;”;
- (iv) omit the definition of “fixed installation”;
- (v) after the definition of “installation”, insert—
  - ““licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998;”;
- (vi) in the definition of “major accident”, replace the words “1992” with “2005”;
- (vii) omit the definition of “mobile installation”;
- (viii) after the definition of “muster areas”, insert—
  - ““non-production installation” means an installation other than a production installation;”;
- (ix) for the definition of “operator”, substitute—
  - ““operator” means
  - (a) the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or
  - (b) the licensee, where—
    - (i) it is not clear to the Executive that one person has been appointed to perform the functions described in paragraph (a); or
    - (ii) in the opinion of the Executive, any person appointed to perform the functions described in paragraph (a) is incapable of performing those functions satisfactorily;”;
- (x) for the definition of “owner”, substitute—
  - ““owner” means the person who controls the operation of a non-production installation;”;
- (xi) after the definition of “personal protective equipment”, insert—
  - ““petroleum”—
  - (a) includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata; and
  - (b) does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation; and
  - “production installation” means an installation which—
    - (a) extracts petroleum from beneath the sea-bed by means of a well;
    - (b) stores gas in or under the shore or bed of relevant waters and recovers gas so stored; or
    - (c) is used for the conveyance of petroleum by means of a pipe,
  - and—
    - (a) includes a—

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- (i) non-production installation converted for use as a production installation for so long as it is so converted;
  - (ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and
  - (iii) production installation which has not come into use; and
- (b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the sea-bed for the purposes of well testing;”;
- (b) in regulation 3(1)(b) (application) for the words “1995” substitute “2001”;
- (c) in regulation 17 (arrangements for recovery and rescue) before the word “include” insert “shall”;
- (d) omit paragraphs (2) to (8) of regulation 19 (suitability and condition of plant); and
- (e) omit regulation 24 (amendment of the Offshore Installations (Safety Case) Regulations 1992).
- 4.** In regulation 2(1) (interpretation) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(**5**), for sub-paragraph (a)(vi) of the definition of “responsible person”, substitute—
- “(vi) a dangerous occurrence at a well, the person appointed by a licensee to execute the function of organising and supervising the drilling of, and all operations to be carried out by means of, that well or, where no such person has been appointed, the licensee (and, for this purpose, “licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998);”.
- 5.** In the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996(**6**)—
- (a) in regulation 2 (interpretation)—
- (i) in paragraph (1)—
    - (aa) in the definition of “the 1992 Regulations” for the words “1992” substitute “2005”;
    - (bb) omit the definition of “concession owner”;
    - (cc) after the definition of “integrity” insert—
      - ““licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998;”
    - (dd) in the definition of “mobile installation” omit the words “(other than a floating production platform)”;
    - (ee) in the definition of “safety cases” for the words “1992” substitute “2005”;
    - (ff) in the definition of “well-operator” in each place in which they occur for the words “concession owner” substitute “licensee”; and  - in paragraph (4)(b) for the words “1992” substitute “2005”.
- (b) omit regulation 26 and Schedule 2 (modification of the Offshore Installations (Safety Case) Regulations 1992).

(5) S.I. 1995/3163, to which there are amendments not relevant to these Regulations.

(6) S.I. 1996/913, to which there is an amendment not relevant to these Regulations.

6. In the Diving at Work Regulations 1997(7) omit paragraph 4 of Schedule 2.
7. In the Health and Safety (Fees) Regulations 2005(8)—
  - (a) in regulation 16 (fees payable in respect of offshore installations)—
    - (i) in paragraph (2), replace the words “who has prepared” with “with regard to”; and
    - (ii) in paragraphs (2) and (3) in each place in which they occur for the words—
      - (aa) “1992” substitute “2005”; and
      - (bb) “safety case” substitute “current safety case”.
  - (b) in Schedule 15 (fees payable in respect of offshore installations)—
    - (i) for the first line of the table substitute—

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“Assessing a design notification (sent to the Executive pursuant to regulation 6(1) or 9(1) of the 2005 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The operator or owner who sent the design notification to the Executive pursuant to that provision
Assessing a relocation notification (sent to the Executive pursuant to regulation 6(2) of the 2005 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The operator who sent the relocation notification to the Executive pursuant to that provision”;

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- (ii) in the fourth line in column 1 for the word “17” substitute “23”; and
- (iii) in each place in which they occur for the words—
  - (aa) “1992” substitute “2005”; and
  - (bb) “safety case” substitute “current safety case”.

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(7) S.I. 1997/2776.

(8) S.I. 2005/676, to which there are amendments not relevant to these Regulations.