

Health and Safety Commission Paper		MISC/05/18	
Meeting Date:	6 September 2005	Open Gov. Status:	FULLY OPEN
Type of Paper:	MISC	Paper File Ref:	
Exemptions:			

HEALTH AND SAFETY COMMISSION

PROPOSALS FOR A NEW APPLICATION OUTSIDE GREAT BRITAIN ORDER (AOGBO)

A Paper by TRICIA LEE

Advisor(s):

Cleared by GRAHAM COLLINS on 24 AUGUST 2005

Issue

1. The HSW Act applies offshore only to the extent specified by the AOGBO. A new AOGBO is needed to apply the Act to the planned construction and operation of wind farms beyond territorial seas and the possible development of offshore liquefied natural gas (LNG) terminals.

Timing

2. Routine.

Recommendation

3. None. For information only.

Background

4. There are proposals to build wind farms offshore UK beyond the territorial sea. There are no firm proposals at this stage to construct LNG facilities offshore UK, but they are being built in the Gulf of Mexico and elsewhere; and we know that some companies have considered UK sites. It is therefore possible that such developments may occur offshore UK in the near future. Revising the AOGBO will ensure that the HSWA framework would apply if they materialise.

Argument

5. The HSW Act applies to wind farms within the territorial sea and it would be logical to deal with those beyond the 12-mile limit in the same way. This would complement DTI's new licensing arrangements for offshore wind farms under the Energy Act 2004.
6. If offshore off-loading and regasification facilities for LNG were to be proposed for the UK, the HSWA probably would not apply to any facilities established outside the territorial sea. The risk to personnel during the regasification process is the main, but not the only area for concern.
7. There is no accident record for wind farms or offshore LNG terminals. Though normally unattended, there are risks to workers involved in the construction and maintenance of offshore wind farms eg the use of heavy machinery; work at night; travel from the shore; diving operations undertaken in connection with the wind farm or connecting cables and the risk of fire combined with limited means of escape. These risks have justified applying the HSWA to wind farms within the territorial sea and the same justification applies to those outside the limit.
8. Offshore LNG terminals are likely to have permanent, though small, crews who would be exposed to normal workplace hazards plus those associated with living and working offshore (accommodation, travel, emergencies). There are also fire and explosion risks from LNG, stable when stored but with some added risk of explosion during and after regasification.

Next Steps

9. HSE will prepare proposals for a new AOGBO under Part IV of the HSW Act. An AOGBO is not a "health and safety regulation", so HSC has no statutory function to propose or consult on it. However, it is usual practice for HSC to consult stakeholders before proposing a new AOGBO to Ministers. HSE will bring proposals to HSC in due course to seek agreement to consult on them.

Consultation

10. Internal only so far. Proposals will be developed in consultation with all internal and external stakeholders.

Presentation

11. None.

Costs and Benefits

12. N/A.

Financial/Resource Implications for HSE

13. None at this stage. If LNG terminals are actually built, we will have to consider what detailed regulatory requirements should apply to them (eg a safety case approach may be suitable for LNG terminals, though not for wind farms). This will have resource implications.

Environmental Implications

14. None

Other Implications

15. None

Action

16. None. For information only.