

2015 No. ****

OFFSHORE INSTALLATIONS

Offshore Installations (Offshore Safety Directive) (Safety Case
etc.) Regulations 2015

Version 1.8

<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force</i> - -	19th July 2015

The Secretary of State, being the designated Minister for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to employers' obligations in respect of the health and safety of workers(b) and the environment(c), in exercise of the powers conferred on him by that provision, and in exercise of the powers conferred upon him by sections 15(1), (2), (3)(a), (4)(a), (5)(b), (6)(b), (c) and (d), and 82(3)(a) of, and paragraphs 1(1)(c) and (2), 8(1), 9, 14, 15(1) and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(d) ("the 1974 Act") and section 1(1) and (2) of the Offshore Safety Act 1992(e) and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Executive under section 11(3) of the 1974 Act after the carrying out of consultations by the Executive in accordance with section 50(3) of that Act, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 and come into force on 19th July 2015.

Interpretation

2.—(1) In these Regulations—

“the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005(f);

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- (a) 1972 c. 68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). The power of Ministers to make regulations in relation to matters in or regards Scotland is preserved by section 57(1) of the Scotland Act 1998 (c. 46).
- (b) S.I. 1999/2027. The Secretary of State is also designated in relation to anything supplemental or related to measures relating to employers' obligations in respect of the health and safety of workers, under article 2(2) of that Order.
- (c) S.I. 2008/301.
- (d) 1974 c. 37; sections 15(1) and 50(3) were amended by the Employment Protection Act 1975 (c. 71), Schedule 16, paragraphs 6 and 16(3) respectively.
- (e) 1992 c. 15.
- (f) 2005 c. 3117; regulations 2 and 6 were amended by the Secretary of State for Energy and Climate Change Order 2009 (S.I. 2009/229), Schedule 2, Part 2, paragraph 18.

“competent authority” means the Health and Safety Executive and the Secretary of State acting jointly;

“corporate major accident prevention policy” means a policy which establishes the overall aims and arrangements for controlling the risk of a major accident and how those aims are to be achieved and those arrangements put into effect at a senior level in the organisation of the person whose policy it is;

“current safety case” means a safety case in respect of an installation which has been accepted by the competent authority pursuant to these Regulations and includes any revision to it which—

- (a) may take effect without the acceptance of the competent authority; or
- (b) has been accepted by the competent authority;

“dismantling” means the dismantling or removal of the main and secondary structure of a fixed installation at the place at which it was operated, and “dismantled” is to be construed accordingly;

“diving bell” means a compression chamber which is capable of being manned and is used or designed for use under the surface of water in supporting human life, being a chamber in which any occupant is or may be subject to a pressure of more than 300 millibars above atmospheric pressure during normal operations;

“duty holder” means—

- (a) in relation to a production installation, the operator; and
- (b) in relation to a non-production installation, the owner;

“the Executive” means the Health and Safety Executive;

“external emergency response plan” means the national plan for pollution emergencies prepared by the Secretary of State pursuant to section 293(2)(za) of the Merchant Shipping Act 1995 and the Search and Rescue Framework for the United Kingdom of Great Britain and Northern Ireland as published by the Secretary of State from time to time;

“field development programme” means the support document for development and production authorisations to be submitted to [the Department of Energy and Climate Change] pursuant to the Guidance Notes on Procedures for Regulating Offshore Oil and Gas Field Developments, as published on [the Department of Energy and Climate Change’s] website, and revised or reissued from time to time(a);

“fixed installation” means an installation which cannot be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

“installation” means an offshore installation within the meaning of regulation 3 of the Management Regulations;

“licensee” has the meaning given by the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015(b);

“major accident” means—

- (a) an event involving a fire, explosion, loss of well control or the release of a dangerous substance causing, or with a significant potential to cause, death or serious personal injury to persons on the installation or engaged in an activity on or in connection with it;
- (b) an event involving major damage to the structure of the installation or plant affixed thereto or any loss in the stability of the installation;
- (c) the collision of a helicopter with the installation;
- (d) the failure of life support systems for diving operations in connection with the installation, the detachment of a diving bell used for such operations or the trapping of a diver in a diving bell or other subsea chamber used for such operations;

(a) http://www.og.dti.gov.uk/regulation/guidance/reg_offshore/index.htm.

(b) [Working title of regulations on licensing and appointment of operators.]

- (e) any other event arising from a work activity involving death or serious personal injury to five or more persons on the installation or engaged in an activity in connection with it; or
- (f) any major environmental incident resulting from the events referred to in paragraphs (a), (b) and (e),

and for the purposes of determining whether an event constitutes a major accident under paragraphs (a), (b) or (f), an installation that is normally unattended is to be treated as if it were attended;

“major environmental incident” means an incident which results, or is likely to result, in environmental damage as defined in Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage**(a)**;

“management system” means the organisation and arrangements established by a person for managing that person’s undertaking;

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

“non-production installation” means an installation other than a production installation;

“notified” means notified in writing, and related expressions are to be construed accordingly;

“offshore oil and gas operations” means all activities associated with an installation relating to exploration and production of petroleum, including the design, planning, construction, operation and decommissioning of the installation, but excluding the conveyance of petroleum from one coast to another;

“operator”, in relation to a production installation, means an “installation operator” as defined in [regulation • of] the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;

“owner” means the person who controls or is entitled to control the operation of a non-production installation;

“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;

“the PFEER Regulations” means the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995**(c)**;

“pipeline” is construed in accordance with regulation 3 of the Pipelines Safety Regulations 1996**(d)**;

“production installation” means an installation which—

- (a) extracts petroleum from beneath the sea-bed by means of a well; or
- (b) 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

(a) O.J. L143, 30.4.2004, p. 56-75.

(b) S.I. 1995/738, as amended by S.I. 2002/2175.

(c) S.I. 1995/743, [reference to relevant amendments, including those made by these Regulations].

(d) S.I. 1996/825, to which there are amendments not relevant to these Regulations.

- (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;

“relevant statutory provisions” means the relevant statutory provisions (as defined in section 53(1) of the 1974 Act) which apply to or in relation to offshore oil and gas operations;

“relevant waters” means—

- (a) the territorial sea adjacent to Great Britain; and
- (b) any area designated by order under section 1(7) of the Continental Shelf Act 1964(a);

“safety and environmental-critical elements” means such parts of an installation and such of its plant (including computer programmes), or any part thereof—

- (a) the failure of which could cause or contribute substantially to; or
- (b) a purpose of which is to prevent, or limit the effect of, a major accident;

“specified plant” means the plant for an installation which is provided—

- (a) in compliance with regulations 11(1)(a), 13, 15 and 16 of the PFEER Regulations;
- (b) as means required to be provided by regulation 10 of the PFEER Regulations—
 - (i) for detecting fire; and
 - (ii) for detecting and recording accumulations of flammable gases; and
- (c) pursuant to the measures required by regulation 12 of the PFEER Regulations to combat fire and explosion,

except for—

- (a) plant which is part of the safety and environmental-critical elements for that installation; and
- (b) aircraft or equipment to which regulation 18 of the PFEER Regulations applies.

“verification scheme” has the meaning given by regulation 19(1);

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

“well” means—

- (a) a well made by drilling; and
- (b) a borehole drilled with a view to the extraction of petroleum through it or another well, and is deemed to include any device on it for containing the pressure in it;

“well examination scheme” has the meaning given by regulation 21(1);

“well operation” means—

- (a) the drilling of a well, including the recommencement of drilling after a well has been completed, suspended or abandoned by plugging at the sea-bed; and
- (b) any operation in relation to a well during which there may be an accidental release of fluids from that well which could give rise to the risk of a major accident; and

“well operator”, in relation to a well or proposed well, has the meaning given by [regulation • of] the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015.

(2) Any reference in these Regulations to a design notification, a relocation notification, a safety case, a notification of combined operations or well operations, a safety managements system, or a corporate major accident prevention policy is a reference to a document containing the particulars specified in the Schedule referred to in the provision pursuant to which it is prepared and, for a safety case, regulation 12.

(a) 1964 c. 29; section 1(7) was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23), Schedule 3, paragraph 1.

(3) Any reference in these Regulations to operating an installation is a reference to using the installation for any of the purposes described in sub-paragraphs (a), (c) and (d) of regulation 3(1) of the Management Regulations.

(4) For the purposes of these regulations, an installation is treated as engaged in a combined operation with another installation or installations where—

- (a) an activity carried out from, by means of or on the installation is carried out for a purpose relating to another installation or installations; and
- (b) the activity could materially affect the risk to—
 - (i) the health or safety of persons on either installation or any of the installations, or
 - (ii) the environment,

and the expression “combined operation” is to be construed accordingly.

(5) In these Regulations “verifier” means a person who—

- (a) is independent;
- (b) is competent; and
- (c) where that person is a body of persons, has suitably qualified and experienced personnel in adequate numbers who are independent.

(6) For the purposes of paragraph (5)(a), a person is regarded as independent only where—

- (a) the person’s function will not involve the consideration by that person of an aspect of something liable to be examined under regulation 19 or 21 for which that person bears or has borne responsibility or where that person’s objectivity may be compromised; and
- (b) the person is sufficiently independent of a management system which has, or has had, any responsibility for any aspect of something liable to be examined by the person under regulation 19 or 21.

(7) A reference to a person in paragraph (6) includes a reference to a person who is part of the personnel of a body of persons mentioned in paragraph (5)(c).

(8) For the purposes of paragraph (5)(b), a person is not to be regarded as competent unless, in particular, the person has reasonable technical competence.

(9) Any reference in these Regulations to an activity in connection with an installation is a reference to any activity in connection with an installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, in or from a vessel or in any other manner, other than—

- (a) transporting, towing or navigating the installation; and
- (b) any activity in or from a vessel which is ready to give assistance in the event of an emergency on or near the installation.

(10) Where a duty holder is succeeded by a new duty holder, anything done in compliance with these Regulations by the duty holder in relation to an installation is, for the purposes of these Regulations, to be treated as having been done by the new duty holder.

Communication and storage of information by electronic means

3.—(1) Except as provided in paragraph (5), where these Regulations require or allow a person to communicate information to another, whether in writing or otherwise, that person may communicate such information by electronic means.

(2) Information communicated by electronic means is not to be treated as having been received by the recipient for the purposes of these Regulations unless the recipient—

- (a) has agreed to receive that information by electronic means by providing the sender with an address to which that information may be sent;
- (b) is able to read and print that information; and
- (c) is able to store that information in a form with which the sender cannot interfere.

(3) In the absence of a clear indication to the contrary, information communicated by electronic means in accordance with, and for the purposes of, these Regulations is deemed—

- (a) to be accurately dated and timed;
- (b) to have been sent by the person from whom it purports to originate;
- (c) not to have been tampered with or otherwise modified; and
- (d) where relevant, to be intended to have legal effect.

(4) Where these Regulations require any person to record, note or store information, it may be recorded, noted or stored on film or by electronic means if it—

- (a) can be reproduced (in the case of information recorded, noted or stored on film, at the place at which it is recorded, noted or stored) as a written copy; and
- (b) is reasonably secure from loss or unauthorised interference.

(5) This regulation does not apply to regulation 23(2).

Application

4.—(1) Subject to paragraph (2), these Regulations apply—

- (a) in Great Britain; and
- (b) outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of articles 4(1) and (2), 5 and 6 of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013(a).

(2) These Regulations do not apply to wells to which the Borehole Sites and Operations Regulations 1995(b) apply.

[Duties of licensee

5.—(1) The licensee must—

- (a) ensure that any operator the licensee appoints is capable of satisfactorily carrying out the functions and discharging the duties of the operator under the relevant statutory provisions; and
- (b) take all reasonable steps to ensure that any operator the licensee appoints carries out the functions and discharges the duties of the operator under the relevant statutory provisions.]

(2) In paragraph (1) a reference to an operator includes a reference to a well operator.

Design and relocation notifications for production installation

6.—(1) The operator of a production installation which is to be established in relevant waters must—

- (a) prepare a design notification containing the particulars specified in Schedule 1; and
- (b) send the design notification to the competent authority,

at such time before the submission of a field development programme to [the Department of Energy and Climate Change] as will enable the operator to take account—

- (a) in the design, and
- (b) in the safety case prepared pursuant to regulation 7,

of any matters raised by the competent authority within 3 months (or such shorter period as the competent authority may specify) of that time.

(a) S.I. 2013/240.

(b) S.I. 1995/2038, to which there are amendments not relevant to these Regulations.

(2) The operator of a production installation which is to be moved to a new location within relevant waters (whether from outside relevant waters or not) and operated there must—

- (a) prepare a relocation notification containing the particulars specified in Schedule 1 not contained in any current safety case for that installation; and
- (b) send the relocation notification to the competent authority,

at such time before the submission of a field development programme to [the Department of Energy and Climate Change] as will enable the operator to take account of any matters raised by the competent authority within 3 months (or such shorter period as the Executive may specify) of that time.

(3) The competent authority must respond to the design notification—

- (a) with comments to be taken into account by the operator in the safety case; or
- (b) where it has no such comments to make, with a statement to that effect.

(4) Paragraph (1) only requires the particulars in the design notification to describe the matters referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the design notification to the competent authority.

(5) Where there is a material change in any of the particulars notified pursuant to

- (a) paragraph (1) prior to the duty holder sending a safety case to the competent authority in accordance with regulation 7(1)(b); or
- (b) paragraph (2) prior to the duty holder sending—
 - (i) a safety case to the competent authority in accordance with regulation 7(1)(b); or
 - (ii) revisions to the current safety case to the competent authority in accordance with regulation 14(2),

the duty holder must notify the competent authority of that change as soon as practicable.

Safety case for production installation

7.—(1) Subject to regulation 28, the operator of a production installation must ensure that it is not operated in relevant waters unless—

- (a) he has prepared a safety case containing the particulars specified in regulation 12 and Schedule 2;
- (b) he has sent the safety case to the competent authority at least six months (or such shorter period as the competent authority may specify) before commencing the operation; and
- (c) the competent authority has accepted the safety case.

(2) For the purposes of paragraph (1), the operation of a production installation is treated as commenced—

- (a) on the commencement of the first well drilling operation from the installation which may involve the release of petroleum from beneath the sea-bed; or
- (b) when petroleum is brought onto the installation for the first time through a pipeline or well,

whichever is earlier.

(3) A safety case prepared pursuant to paragraph (1) and revisions to a current safety case prepared pursuant to regulation 9(5) may be prepared in relation to more than one production installation where the competent authority so approves in writing and, where a safety case is or revisions are to be so prepared in relation to installations with different operators, it is sufficient compliance with paragraph (1)(a) and (b) and regulation 9(5)(a) and (b) if the operators prepare and agree a safety case or revisions containing the particulars referred to in that paragraph and that regulation and one of them sends it to the competent authority in accordance with paragraph (1)(b) and regulation 9(5)(b).

(4) The operator of a production installation must include with the safety case sent to the competent authority a statement, made after considering the report by the verifier under regulation

19(2)(d), that the record of safety and environmental-critical elements and their scheme of maintenance are or will be suitable.

(5) Where, pursuant to paragraph (3), a safety case is to be prepared in relation to more than one production installation with different operators, there must be included with the safety case—

- (a) a copy of the corporate major accident prevention policy of each operator;
- (b) an adequate description of the safety and environmental management system of each operator; and
- (c) the description of the internal emergency response arrangements of each operator.

Safety case for non-production installation

8.—(1) Subject to regulation 28, the owner of a non-production installation must ensure that it is not moved in relevant waters with a view to its being operated there unless—

- (a) he has prepared a safety case containing the particulars specified in regulation 12 and Schedule 3;
- (b) he has sent the safety case to the competent authority at least 3 months (or such shorter period as the competent authority may specify) before the movement of the installation in those waters with a view to its being operated there; and
- (c) the competent authority has accepted the safety case.

(2) The owner of a non-production installation must include with the safety case sent to the competent authority a statement, made after considering the report by the verifier under regulation 19(2)(d), that the record of safety and environmental-critical elements and their scheme of maintenance are or will be suitable.

Design notification and safety case for non-production installation to be converted

9.—(1) Where a non-production installation is to be converted to enable it to be operated as a production installation, the owner must—

- (a) prepare a design notification in respect of the proposed conversion containing, subject to paragraph (3), the particulars specified in Schedule 1 not contained in any current safety case for that installation; and
- (b) send the design notification to the competent authority,

at such time before completion of the design of the proposed conversion as will enable the owner to take account—

- (a) in the design, and
- (b) the safety case prepared pursuant to regulation 7,

of any matters raised by the competent authority within 3 months (or such shorter period as the competent authority may specify) of that time.

(2) The competent authority must respond to the design notification—

- (a) with comments to be taken into account by the operator in the safety case; or
- (b) where it has no such comments to make, with a statement to that effect.

(3) The particulars specified in Schedule 1 which must be provided in respect of a design notification under paragraph (1) are to be construed as if all references to “operator” were references to the owner of the non-production installation to be converted.

(4) Paragraph (1) only requires the particulars in the design notification to address the matters referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the design notification to the competent authority.

(5) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to the duty holder sending—

- (a) a safety case to the competent authority in accordance with regulation 7(1); or

- (b) revisions to the current safety case to the competent authority in accordance with paragraph (6),

the duty holder must notify the competent authority of that change as soon as practicable.

(6) Where a non-production installation operated pursuant to a current safety case is converted to a production installation, the operator of that production installation must ensure that it is not operated as a production installation in relevant waters unless—

- (a) he has prepared revisions to the current safety case for that installation containing the particulars specified in regulation 12 and Schedule 2 not contained in that current safety case;
- (b) he has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least 3 months (or such shorter period as the competent authority may specify) before commencing the operation in accordance with regulation 7(2); and
- (c) the competent authority has accepted those revisions to the current safety case.

(7) For the purposes of regulation 2(4) and paragraph (6), the operation of that production installation is treated as commenced—

- (a) on the commencement of the first well drilling operation from the installation which may involve the release of petroleum from beneath the sea-bed; or
- (b) when petroleum is brought onto the installation for the first time through a pipeline or well,

whichever is earlier.

Notification of combined operations

10.—(1) A duty holder for an installation which is to be involved in a combined operation in relevant waters must ensure that that installation does not engage in a combined operation unless a notification containing the particulars specified in Schedule 4 (other than those already notified to the competent authority pursuant to regulation 17) in respect of that combined operation is sent to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before it is due to commence.

(2) The requirements of paragraph (1) will be satisfied if—

- (a) the duty holders for every installation involved in the combined operation prepare and agree a notification containing the particulars specified in that paragraph; and
- (b) one of them sends it to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before it is due to commence.

(3) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to completion of the relevant combined operation, the duty holder must notify the competent authority of that change as soon as is practicable.

(4) Where there is a change in the duty holder or of the installation, the duty holder must send a notification pursuant to paragraph (1).

(5) A duty holder for an installation which is or is to be involved in a combined operation must not commence the combined operation where the competent authority expresses objections to the content of the notification.

Safety case for dismantling fixed installation

11.—(1) The operator of a fixed installation in relevant waters must ensure that it is not dismantled unless—

- (a) he has prepared revisions to the current safety case containing, subject to paragraph (2), the particulars specified in regulation 12 and Schedule 5 not contained in the current safety case for that installation;

(b) he has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least 3 months (or such shorter period as the competent authority may specify) before the commencement of the dismantling; and

(c) the competent authority has accepted those revisions to the current safety case.

(2) Paragraph (1) only requires the particulars in the proposed revisions to the current safety case to describe the matters referred to in that paragraph to the extent that it is reasonable to expect the operator to address them at the time of sending the proposed revisions to the competent authority.

(3) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to the competent authority deciding whether to accept the proposed revisions to the current safety case, the operator must notify the competent authority of that change as soon as practicable.

Management system and control of major accident hazards

12.—(1) The duty holder who prepares a safety case pursuant to these Regulations must, subject to paragraphs (2) and (3), include in the safety case sufficient particulars to demonstrate that—

(a) The duty holder’s management system is adequate to ensure—

(i) that the relevant statutory provisions will, in respect of matters within the duty holder’s control, be complied with; and

(ii) the satisfactory management of arrangements with contractors and sub-contractors;

(b) he has established adequate arrangements for audit and for the making of reports thereof;

(c) all hazards with the potential to cause a major accident have been identified;

(d) all major accident risks have been evaluated, their likelihood and consequences assessed, including any environmental, meteorological and seabed limitations on safe operations, and that suitable measures, including the selection and deployment of associated safety and environmental-critical elements have been, or will be, taken to control those risks to ensure that the relevant statutory provisions will be complied with; and

(e) in the case of a non-production installation, that all the major hazards have been identified for all operations the installation is capable of performing.

(2) Paragraph (1) only requires the particulars in the safety case to demonstrate the matters referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the safety case to the competent authority.

(3) In this regulation, “audit” means systematic assessment of the adequacy of the management system to achieve the purpose referred to in paragraph (1)(a) carried out by persons who are sufficiently independent of the system (but who may be employed by the duty holder) to ensure that such assessment is objective.

(4) The demonstration in paragraph (1)(d) must include the estimate of the effectiveness of oil spill response effectiveness contained in the oil pollution emergency plan in respect of the installation, prepared pursuant to regulation [4(1)(c)] of the [*Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998*].

Review of safety case

13.—(1) A duty holder must thoroughly review a current safety case when directed to do so by the competent authority.

(2) In the absence of a direction under paragraph (1), a duty holder must thoroughly review a current safety case within 5 years of—

(a) the date on which the competent authority accepted that current safety case; and

(b) the date of the previous review.

(3) A duty holder must send a summary, including the results, of each such review to the competent authority—

- (a) where the review is conducted at the direction of the competent authority, within such reasonable time, being a period of not less than 28 days of the direction, as may be specified by the competent authority; or
- (b) in all other cases, within 28 days of its conclusion.

Revision of safety case

14.—(1) In addition to the other occasions on which a duty holder must revise a current safety case pursuant to these Regulations, a duty holder must revise a current safety case—

- (a) when appropriate; and
- (b) when directed to do so by the competent authority pursuant to regulation 15(1).

(2) Revisions made under paragraph (1)(a) which make a material change to the current safety case are not effective unless

- (a) the duty holder has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority—
 - (i) at least 3 months, or such shorter period as the competent authority may specify; or
 - (ii) where the revisions relate to a combined operation, at least 6 weeks, or such shorter period as the competent authority may specify, before the revisions are to be made; and
- (b) the competent authority has accepted the revisions.

(3) Without prejudice to the generality of paragraph (2)—

- (a) no well operation constitutes a material change;
- (b) no revision prepared or made pursuant to regulation 28 constitutes a material change;
- (c) the movement of a production installation to a new location to be operated there constitutes a material change; and
- (d) the conversion of a production installation to enable it to be operated as a non-production installation constitutes a material change,

to the current safety case for the purposes of paragraph (2).

(4) For the purposes of paragraph (1), it is to be regarded as appropriate to revise a safety case in respect of material changes to an installation.

(5) Where appropriate the duty holder must include in the version of the current safety case incorporating the proposed revisions pursuant to paragraph (2)(a), sufficient details to update the description of the internal emergency response arrangements (see regulation 42)—

- (a) in the case of a production installation, under paragraph 17 of Schedule 2; or
- (b) in the case of a non-production installation, paragraph 15 of Schedule 3.

(6) A revised safety case for a production installation must contain the particulars specified in regulation 12 and Schedule 2.

(7) A revised safety case for a non-production installation must contain the particulars specified in regulation 12 and Schedule 3.

Power of competent authority in relation to safety cases and related documents

15.—(1) The competent authority may direct a duty holder to prepare revisions to a current safety case in relation to such matters as the competent authority may notify to the duty holder.

(2) When making a direction for the purposes of paragraph (1), the competent authority must explain why it believes that each revision is necessary and must specify a period, not being less than 28 days, within which the duty holder must submit such revisions to the competent authority.

(3) Revisions submitted pursuant to paragraph (1) are not effective unless—

- (a) the duty holder has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority; and
- (b) the competent authority has accepted the revisions.

(4) After the submission of a design notification required under regulation 6 or 9 and prior to the submission of a safety case in respect of a production installation, the duty holder for that installation must provide the competent authority with a copy of any document which, in the opinion of the competent authority, may be directly or indirectly relevant to the duty holder's preparation of the safety case for that installation within such reasonable time of the demand, being a period of not less than 14 days, as may be specified by the competent authority.

(5) The competent authority may suspend any current safety case where it does not accept any proposed revision thereto submitted to it pursuant to regulation 15(3) or 28(12).

(6) When suspending a current safety case in accordance with paragraph (5), the competent authority must explain why it believes that a suspension is necessary.

(7) During any period in which the current safety case for an installation is suspended, the duty holder for that installation must ensure that it is not operated.

(8) The competent authority may lift any suspension in respect of a current safety case when it is satisfied that the health and safety of persons who are likely to be affected by the lifting of any suspension will not be prejudiced in consequence of it.

(9) Where further information is necessary before a safety case or revisions to a safety case can be accepted, the duty holder must provide, at the request of the competent authority, such information and make any necessary changes to the submitted safety case.

Duty to conform with safety case and notifications of operation

16.—(1) The duty holder must ensure that the procedures and arrangements described in the current safety case which may affect health, safety or the environment are followed.

(2) In criminal proceedings for a contravention of paragraph (1), it is a defence for the accused to prove that—

- (a) in the particular circumstances of the case, it was not in the best interests of the health and safety of persons to follow the procedures or arrangements concerned and there was insufficient time to revise the safety case pursuant to regulation 14; or
- (b) the commission of the offence was due to a contravention by another person of regulation 8 of the Management Regulations and the accused had taken all reasonable precautions and exercised all due diligence to ensure that the procedures or arrangements were followed.

(3) The duty holder must ensure that a combined operation is conducted in pursuance of the plans stated in the notification of combined operations sent pursuant to regulation 10(1).

(4) The well operator must ensure that a well operation is conducted in pursuance of the plans stated in the notification of well operations sent pursuant to regulation 17(1).

Notification of well operations

17.—(1) Subject to paragraph (2), a well operator must ensure that no well operation is commenced in relevant waters unless the well operator has sent a notification containing the particulars specified in Schedule 6 to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before commencing that operation.

(2) In the case of a production installation a well operator must ensure that —

- (a) no well operation which involves—
 - (i) insertion of a hollow pipe in the well; or
 - (ii) altering the construction of the well,

is commenced unless the well operator has sent a notification containing the particulars specified in Schedule 6 to the competent authority at least 10 days (or such shorter period as the competent authority may specify) before commencing that operation; and

- (b) no well operation which involves drilling is commenced unless the well operator has sent a notification containing the particulars specified in Schedule 6 to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before commencing that operation.

(3) Where the well operator plans or prepares a material change to any of the particulars notified pursuant to paragraph (1) or (2), the well operator must consult the verifier under the well examination scheme about the planned or prepared material change.

(4) Where there is a material change in any of the particulars notified pursuant to paragraph (1) or (2) prior to completion of the relevant well operation, the well operator must notify the competent authority of that change as soon as practicable.

(5) [A [modification] to a previously submitted notification of well operations must contain sufficient details fully to update the previously submitted notification.]

(6) The well operator must not commence a well operation (of any description) where the competent authority expresses objections to the content of the notification sent in respect of the well operation or any change to that content notified to the competent authority pursuant to paragraph (4).

(7) Subject to paragraph (8), the well operator must include a copy of the corporate major accident prevention policy with a notification sent to the competent authority pursuant to paragraph (1) or (2).

(8) Paragraph (7) does not apply where the well operator has previously sent its corporate major accident prevention policy to the competent authority.

Keeping of documents

18.—(1) A duty holder must—

- (a) ensure that, when the duty holder sends—
 - (i) the design notification, in the case of a production installation; or
 - (ii) the safety case, in the case of a non-production installation,to the competent authority, it is notified of an address in Great Britain for the purposes of sub-paragraphs (b) and (e) below;
- (b) keep copies, at the address referred to in sub-paragraph (a) and on the installation, of the following documents relating to the installation—
 - (i) the current safety case;
 - (ii) any summary of any review of the current safety case prepared pursuant to regulation 13(2); and
 - (iii) each audit report;
- (c) keep copies on the installation of the following documents relating to the installation—
 - (i) any relocation notification and any material changes thereto;
 - (ii) any notification of combined operations and any material changes thereto; and
 - (iii) any notification of well operations and any material changes thereto;
- (d) ensure that, in respect of each audit report, a written statement is made, recording—
 - (i) the main findings of the report;
 - (ii) the recommendations in the report; and
 - (iii) the action proposed to implement those recommendations, including the timescales involved, and a copy of that statement kept on the installation; and

- (e) ensure that a record is made of any action taken in consequence of an audit report, and a copy of that record kept at the address referred to in sub-paragraph (a) and on the installation.

(2) The copy of the current safety case referred to in paragraph (1) and any other relevant documents must be kept for so long as they are current, and the copy of the audit report, the written statement and the record referred to in that paragraph must be kept for a period of 3 years after being made.

(3) The duty holder for an installation must ensure that—

- (a) (i) the written record of the verification scheme;
- (ii) any revision of that scheme;
- (iii) any note made pursuant to regulation 19(3)(b), 19(4)(c) or 20(3)(b);
- (iv) any report of the verifier pursuant to regulation 19(2)(d); and
- (v) any note of action taken by the duty holder following such reports, pursuant to regulation 19(2)(f),

is kept at the address notified to the competent authority pursuant to paragraph (1)(a) until the expiration of six months after such scheme or, as the case may be, modification of that scheme, has ceased to be current; and

- (b) records, sufficient to show the matters described in paragraph 5 of Schedule 7, are kept at the address notified to the competent authority pursuant to paragraph (1)(a) until the expiration of six months after completion of the offshore oil and gas operations to which they relate.

(4) A well operator must ensure that—

- (a) the written record of the well examination scheme;
- (b) any revision of that scheme;
- (c) any report of the verifier pursuant to regulation 21(2)(b); and
- (d) any note of action taken by the well operator following such reports, pursuant to regulation 21(2)(d),

is kept at an address in Great Britain notified to the competent authority, until the expiration of six months after completion of the offshore oil and gas operations to which they relate.

(5) In this regulation, “audit report” means a report made pursuant to the arrangements referred to in regulation 12(1)(b).

Establishment of verification scheme

19.—(1) The duty holder must establish a scheme (a “verification scheme”) for ensuring, by the means described in paragraph (2), that the safety and environmental-critical elements and the specified plant—

- (a) are or, where they remain to be provided, will be suitable; and
- (b) where they have been provided, remain in good repair and condition.

(2) The means are—

- (a) examination, including testing where appropriate, of the safety-critical elements and the specified plant by a verifier;
- (b) examination of any design, specification, certificate, CE marking or other document, marking or standard relating to those elements or that plant by a verifier;
- (c) examination by a verifier of work in progress;
- (d) the creation of reports by a verifier on—
 - (i) the examination and testing carried out;
 - (ii) the findings; and
 - (iii) the remedial action recommended;

- (e) the taking of appropriate action by the duty holder following such reports;
 - (f) the making of a note of action taken by the duty holder following such reports;
 - (g) the reporting by a verifier to the duty holder of any instances of non-compliance of the duty holder with the standards of the scheme;
 - (h) the taking of other such steps as may be properly provided for pursuant to regulation 20 and Schedule 7; and
 - (i) the taking of any steps incidental to the means described in sub-paragraphs (a) to (g) of this paragraph.
- (3) The duty holder must ensure that—
- (a) the verification scheme is drawn up by or in consultation with a verifier and recorded in writing; and
 - (b) a note is made of any reservation expressed by the verifier as to the content of the scheme in the course of drawing it up.
- (4) The duty holder must—
- (a) produce a written record of the safety-critical elements and the specified plant;
 - (b) invite comment on the record by a verifier; and
 - (c) make a note of any reservation expressed by a verifier as to the contents of the record.
- (5) The duties in paragraphs (3) and (4) must be completed—
- (a) in the case of a production installation, before completion of its design; and
 - (b) in the case of a non-production installation, before it is moved into relevant waters with a view to its being operated there.

Other provisions as to verification schemes

20.—(1) A verification scheme must provide for the matters contained in Schedule 7.

- (2) The duty holder must—
- (a) ensure that where tasks under a verification scheme are allocated by the verifier to personnel of the verifier they are appropriately allocated to personnel qualified to undertake them;
 - (b) make suitable arrangements for the communication of information between the duty holder and the verifier; and
 - (c) give the verifier suitable authority to carry out the functions of the verification scheme effectively.
- (3) The duty holder must ensure that—
- (a) the verification scheme is reviewed as often as may be appropriate and, where necessary, revised or replaced by or in consultation with a verifier; and
 - (b) a note is made of any reservation expressed by the verifier in the course of drawing it up.
- (4) Where there is a material change to a design notification, a relocation notification, the safety case or a notification of combined operations the duty holder must refer the material change to the verifier for further comment in accordance with the verification scheme.
- (5) If the competent authority requests, the duty holder must communicate the outcome of the referral of the material change to the competent authority.
- (6) The duty holder must ensure that effect continues to be given to the verification scheme for the installation, or any revision or replacement of the scheme, while the installation remains in being.

Establishment of well examination scheme

21.—(1) The well operator must establish a scheme (a “well examination scheme”) for ensuring, by the means described in paragraph (2), that the well is so designed and constructed, and is maintained in such repair and condition, that—

- (a) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and
- (b) risks to the health and safety of persons from it or anything in it, or in strata to which it is connected, are as low as is reasonably practicable.

(2) The means are—

- (a) examination, by a verifier of—
 - (i) any part of a well, or similar well;
 - (ii) information, including information on the design and construction of the well and the sub-surface environment, including the geological strata and formations, the fluids within them and any hazards which the strata and formations may contain;
 - (iii) work in progress;
- (b) the creation of reports by a verifier on—
 - (i) the examination carried out;
 - (ii) the findings;
 - (iii) the remedial action recommended;
- (c) the taking of appropriate action by the well operator following a report;
- (d) the making of a note of action taken by the well operator following such reports;
- (e) the reporting by a verifier to the well operator of any instances of non-compliance of the well operator with the standards of the scheme;
- (f) the taking of other such steps as may be properly provided for pursuant to regulation 22 and Schedule 7; and
- (g) the taking of any steps incidental to the means described in sub-paragraphs (a) to (e) of this paragraph.

(3) The well operator must record the well examination scheme in writing.

(4) The duties in paragraphs (1) and (3) must be completed before the design of a well is commenced or adopted.

Other provisions as to well examination schemes

22.—(1) A well examination scheme must provide for the matters contained in Schedule 7.

(2) The well operator must—

- (a) ensure that where tasks under a well examination scheme are allocated by the verifier to personnel of the verifier they are appropriately allocated to personnel qualified to undertake them;
- (b) make suitable arrangements for the communication of information between the well operator and the verifier; and
- (c) give the verifier suitable authority to carry out the functions of the well examination scheme effectively.

(3) The well operator must ensure that the well examination scheme is reviewed and revised as often as may be appropriate.

(4) Where there is a material change to a notification of well operations, the well operator must refer the material change to the verifier for further comment in accordance with the well examination scheme.

(5) If the competent authority requests, the well operator must communicate the outcome of the referral of the material change to the competent authority.

Defence

23.—(1) In any proceedings for an offence for a contravention of any of the provisions of regulations 19 to 22 it is, subject to paragraphs (2) and (3), a defence for the person charged to prove—

- (a) that the commission of the offence was due to the act or default of another person not being an employee of the person charged (hereinafter called “the other person”); and
- (b) that the person charged took all reasonable precautions, and exercised all due diligence, to avoid the commission of the offence.

(2) The person charged may not, without the leave of the court, be entitled to rely on the defence in paragraph (1) unless, within a period ending 7 clear days—

- (a) before the hearing to determine mode of trial, where the proceedings are in England and Wales; or
- (b) before the intermediate diet, where the proceedings are summary proceedings in Scotland; or
- (c) before the first diet, where the proceedings are solemn proceedings in Scotland,

the person charged has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in the possession of the person charged.

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the 1974 Act, a person who establishes a defence under this regulation is nevertheless to be treated for the purposes of that section as having committed the offence.

Exemptions

24.—(1) Subject to paragraph (2), the competent authority may, by a certificate in writing, exempt any person, installation or well or class of persons, installations or wells 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 competent authority must 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, and that the exemption will be compatible with Article 3(2) of Council Directive 92/91/EEC concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling^(a) and with Directive 2013/30/EU on safety of offshore oil and gas operations and amending Directive 2004/35/EC^(b).

Appeals

25.—(1) Any person who is aggrieved by a decision of the competent authority—

(a) O.J. No. L348, 28.11.92, p.9.
(b) O.J. No. L178, 28.06.13, p.66.

- (a) as to a finding of fact made by the competent authority for the purposes of these Regulations which affects the person as a duty holder or licensee or any installation for which the person is or may be responsible;
- (b) not to accept a safety case prepared by the person and submitted to the competent authority pursuant to regulation 7(1) or 8;
- (c) to direct the person to prepare revisions to a current safety case in accordance with regulation 15(1);
- (d) not to accept a revision to a current safety case prepared by the person and submitted to the competent authority in accordance with regulation 9(5), 11(1), 14(2), 15(3) or 28(12) or (12);
- (e) to suspend pursuant to regulation 15(5) a current safety case held by the person;
- (f) not to lift a suspension pursuant to regulation 15(8) in respect of a current safety case held by the person;
- (g) to revoke an exemption certificate granted to the person pursuant to regulation 24(1);
- (h) to grant to the person an exemption certificate subject to a condition or a limit of time pursuant to regulation 24(1);
- (i) to express objections to the content of the notification sent by the person in respect of a well operation (or any change of that content notified to the competent authority) pursuant to regulation 17(6);
- (j) to determine that the person no longer has the capacity to meet the requirements of the relevant statutory provisions pursuant to regulation 33 as an operator (or well operator); or
- (k) to notify the person that the competent authority has formed the opinion that measures for the prevention or limiting the consequences of a major accident proposed in the cases referred to in regulation 34(1) and (3) are insufficient to fulfil the requirements set out in the relevant statutory provisions,

may appeal to the Secretary of State.

(2) The provisions of Schedule 8 apply where an aggrieved person appeals to the Secretary of State.

(3) Any decision of the competent authority which is the subject of an appeal under this regulation is not suspended pending final determination of the appeal.

Amendments

26. The instruments referred to in Schedule 9 are amended in accordance with that Schedule.

Revocations

27.—(1) The following regulations are revoked—

- (a) the Offshore Installations (Logbooks and Registration of Death) Regulations 1972(**a**);
- (b) the Offshore Installations (Inspectors and Casualties) Regulations 1973(**b**);
- (c) the Submarine Pipe-lines (Inspectors etc.) Regulations 1977(**c**);
- (d) the Submarine Pipe-lines Safety Regulations 1982(**d**);
- (e) the Offshore Installations (Safety Zones) Regulations 1987(**e**);
- (f) the Offshore Safety (Miscellaneous Amendments) Regulations 2002(**a**); and

(a) S.I. 1972/1542.
 (b) S.I. 1973/1842.
 (c) S.I. 1977/835.
 (d) S.I. 1982/1513.
 (e) S.I. 1987/1331.

(g) the 2005 Regulations.

(2) In consequence of the revocation in paragraph (1)(a), in column 1 of the table in Part I of the Management Regulations omit the entry “The Offshore Installations (Logbooks and Registration of Death) Regulations 1972” and the corresponding entries in columns 2 and 3 of that table.

(3) Despite the revocation of the Offshore Safety (Miscellaneous Amendments) Regulations 2002 pursuant to paragraph (1)(f), the amendments by those regulations continue to have effect.

(4) Despite the revocation of the 2005 Regulations, pursuant to paragraph (1)(g), the amendments by those regulations continue to have effect (and see regulation 28).

Transitional provisions

28.—(1) Despite their revocation by regulation 27(1)(g), the 2005 Regulations continue to apply as provided for by this regulation.

(2) The 2005 Regulations continue to apply in relation to the owner of a non-production installation, in respect of that non-production installation—

(a) where the non-production installation is an existing non-production installation, until—

(i) 19 July 2016; or

(ii) if earlier (but after 18 July 2015), the date of thorough review;

(b) where the non-production installation is not an existing non-production installation and is established before 19 July 2016, until that date.

(3) The 2005 Regulations continue to apply in relation to the operator of a production installation, in respect of that production installation—

(a) subject to paragraph (6), where the production installation is an existing production installation, until—

(i) 19 July 2018; or

(ii) if earlier (but after 18 July 2015), the date of thorough review;

(b) where the production installation is not an existing production installation and is established before 19 July 2016, until that date.

(4) The 2005 Regulations continue to apply to the preparation and sending to the Executive of a design notification for a production installation which is to be established, until 19 July 2016.

(5) Where the 2005 Regulations continue to apply these Regulations do not apply, apart from—

(a) regulations 1, 2, 4, 25 and this regulation; and

(b) as provided for by this regulation.

(6) In the case of an existing production installation, where the transitional period provided for by paragraph (3)(a) continues until after 19 July 2016, these Regulations (and not the 2005 Regulations) apply to an operator planning or executing a well operation from that installation, but without prejudice to the continued application of the 2005 Regulations otherwise to the installation pursuant to that paragraph.

(7) Nothing in paragraph (4) prevents an operator of a production installation which is to be established to prepare and send a design notification pursuant to these Regulations, but where this paragraph is relied on paragraphs (2) to (4) do not apply.

(8) Nothing in paragraphs (2)(b), (3)(b) or (4) prevents a duty holder who would otherwise be subject to the 2005 Regulations pursuant to those paragraphs from preparing and sending a safety case to the competent authority pursuant to these Regulations, but this paragraph does not apply where there is a current safety case for the installation.

(a) S.I. 2002/2175.

(9) Where in reliance on paragraph (8) a duty holder prepares and sends a safety case to the competent authority pursuant to these Regulations, paragraph (2)(b), (3)(b) or (4) (as the case may be) ceases to apply (and these Regulations apply).

(10) Paragraph (11) applies to the duty holder of an installation, in respect of that installation, where—

- (a) paragraph (2) or (3) applies to the installation;
- (b) there is a period of no more than four months remaining until the end of the transitional period;
- (c) there is a current safety case; and
- (d) there is an intention, after the transitional period ends—
 - (i) in the case of a non-production installation, to operate it in relevant waters or move it in relevant waters with a view to its being operated there; or
 - (ii) in the case of a production installation, to operate it in relevant waters.

(11) Where this paragraph applies the duty holder may make revisions to the current safety case—

- (a) containing the particulars, not required pursuant to the 2005 Regulations, specified in—
 - (i) regulation 12 and Schedule 3 of these Regulations, in the case of a non-production installation; and
 - (ii) in regulation 12 and Schedule 2 of these Regulations in relation to a production installation; and
- (b) in consequence, as are appropriate.

(12) Revisions made under paragraph (11) which make a material change to the current safety case are not effective unless—

- (a) the duty holder sends a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least three months, or such shorter period as the competent authority may specify, before the revisions are to be made; and
- (b) the competent authority accepts the revisions.

(13) Where revisions to current safety case under paragraph (11)—

- (a) may take effect without the acceptance of the competent authority; or
- (b) are accepted by the competent authority;

the current safety case together with those revisions is to be treated—

- (a) as a current safety case until the end of the transitional period; and
- (b) as a current safety case within the meaning of these Regulations after the end of the transitional period.

(14) A notification which is completed by the end of the transitional period is to be treated as a notification made under the corresponding provision of these Regulations when the transitional period ends.

(15) Where a notification is not completed by the end of the transitional period, but particulars of it have been notified within the transitional period pursuant to the 2005 Regulations—

- (a) the particulars notified are to be treated as particulars notified pursuant to the corresponding provision of these Regulations;
- (b) the absence of particulars not required pursuant to the 2005 Regulations, but required pursuant to the corresponding provision of these Regulations, is to be treated as a material change in the particulars notified pursuant to the corresponding provision of these Regulations; and
- (c) the corresponding provision of these Regulations (and such other provision of these Regulations as is required to give it effect) applies.

(16) Nothing in this regulation permits a person who is not a duty holder for the purposes of these Regulations to act in that capacity.

(17) In this regulation—

“corresponding provision of these Regulations” means, in relation to a provision of the 2005 Regulations, the provision of these Regulations which re-enacts it;

“current safety case,” unless the context otherwise provides, has the meaning given by the 2005 Regulations;

“date of thorough review” means the date immediately before the fifth anniversary of—

(a) the date on which the Executive accepted the current safety case; or

(b) where there has been a review under regulation 13 of the 2005 Regulations, the date—

(i) of that review, or

(ii) if there has been more than one review, the last of those reviews.

“design notification,” unless the context otherwise provides, has the meaning given by the 2005 Regulations;

“duty holder,” except in paragraphs (8), (9) and (16), has the meaning given by the 2005 Regulations;

“existing non-production installation” means a non-production installation for which there was a current safety case immediately before 18 July 2013;

“existing production installation” means a production installation for which there was a current safety case immediately before 18 July 2013;

“non-production installation” has the meaning given by the 2005 Regulations;

“notification” means a notification under the provisions of the 2005 Regulations specified in the first column of Table 1;

“operator,” except in paragraph (6) and (7), has the meaning given by the 2005 Regulations;

“owner” has the meaning given by the 2005 Regulations;

“production installation” has the meaning given by the 2005 Regulations;

“transitional period” means the period for which the 2005 Regulations continue to apply in a case in paragraphs (2) and (3).

(18) In this regulation a notification is “completed” where in the case of a notification specified in the first column of Table 1 the corresponding event specified in the second column of that table has occurred in relation to the notification.

Table 1

Notifications and completion

<i>Notification under 2005 Regulations</i>	<i>Notification complete</i>
Regulation 6(1) (design)	Submission of the field development programme
Regulation 6(2) (relocation of a production installation)	Submission of the field development programme
Regulation 9 (conversion of non-production installation to operate as a production installation)	Completion of the design
Regulation 10 (combined operation)	Engagement in the combined operation
Regulation 17(1) (general well operation)	Commencement of well operation
Regulation 17(2) (specific well operation)	Commencement of well operation

Safety zones

29. The prohibition under section 23(1) of the Petroleum Act 1987 on a vessel entering or remaining in a safety zone established around an installation by virtue of that Act do not apply to a vessel entering or remaining in the safety zone—

- (a) in connection with the laying, inspection, testing, repair, maintenance, alteration, renewal or removal of any submarine cable or pipe-line in or near that safety zone;
- (b) to provide services for, to transport persons or goods to or from, or under the authority of a government department to inspect, any installation in that safety zone;
- (c) if it is a vessel belonging to a general lighthouse authority performing duties relating to the safety of navigation^(a);
- (d) in connection with the saving or attempted saving of life or property;
- (e) owing to stress of weather;
- (f) when in distress;
- (g) if there is consent from the duty holder.

Major accident prevention policy

30.—(1) The duty holder must prepare in writing a corporate major accident prevention policy, including in respect of installations of the duty holder outside of the European Union.

(2) The corporate major accident prevention policy must address at least the particulars set out in Schedule [10] and must be prepared in accordance with Schedule [11].

(3) The corporate major accident prevention policy may in addition outline the commitment of the duty holder to mechanisms for effective tripartite consultation established between the competent authority, duty holders and workers' representatives.

(4) In preparing a corporate major accident prevention policy an operator must take account of the operators' primary responsibility for, among other things, the control of risks of a major accident that are a result of its operations and for continuously improving control of those risks so as to ensure a high level of protection at all times.

(5) A duty holder must—

- (a) implement the corporate major accident prevention policy throughout its offshore oil and gas operations; and
- (b) set up appropriate monitoring arrangements to assure effectiveness of the policy.

(6) In this regulation (but not this paragraph) a reference to a duty holder or operator includes a reference to a well operator.

Safety and environmental management system

31.—(1) The duty holder must prepare a document setting out its safety and environmental management system.

(2) The safety and environmental management system is to include organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the corporate major accident prevention policy.

(3) The safety and environmental management system is to be integrated with the overall management system of the duty holder.

(4) The safety and environmental management system must address the particulars in Schedule [12] and must be prepared in accordance with Schedule [11].

(a) See section 193 of the Merchant Shipping Act 1995 for definition of general lighthouse authority for the purposes of Part VIII of that Act.

(5) The document setting out the safety and environmental management system must include a description of—

- (a) the organisational arrangements for the control of major hazards;
- (b) the arrangements for preparing and submitting documents under the relevant statutory provisions; and
- (c) (i) the verification scheme (which description must comply with regulation 32(1)); and
(ii) the well examination scheme (which description must comply with regulation 32(2)).

(6) Paragraphs (1) to (5) apply also to a well operator—

- (a) as if a reference to a duty holder in paragraph (1) were a reference to a well operator; but
- (b) as if paragraph (5)(c)(i) were omitted.

Description of verification scheme

32.—(1) For the purposes of regulation 7(1)(a) and paragraph 18 of Schedule 2, regulation 8(1)(a) and paragraph 16 of Schedule 3, and regulation 31(5)(c)(i), a description of the verification scheme complies with this regulation if it includes—

- (a) a description of the criteria for selection of the verifier to carry out functions under the scheme;
- (b) a description of the means of verifying that the safety and environmental-critical elements and any specified plant remain in good repair and condition; and
- (c) details of the arrangements to carry out the functions under the scheme and to keep the scheme under review throughout the lifecycle of the installation including—
 - (i) the examination and testing of the safety and environmental-critical elements by a verifier;
 - (ii) verification of the design, standard, certification or other system of conformity of the safety and environmental-critical elements;
 - (iii) examination of work in progress;
 - (iv) the reporting of any instances of non-compliance of the duty holder with the standards of the scheme; and
 - (v) remedial actions taken by the duty holder.

(2) For the purpose of regulation 31(5)(c)(ii), a description of the well examination scheme complies with this regulation if it includes—

- (a) a description of the criteria for selection of the verifier to carry out functions under the scheme;
- (b) a description of the means of verifying that the well is so designed and constructed, and is maintained in such repair and condition, that—
 - (i) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and
 - (ii) risks to the health and safety of persons from it or anything in it, or in strata to which it is connected, are as low as is reasonably practicable; and
- (c) details of the arrangements to carry out the functions under the scheme and to keep the scheme under review including—
 - (i) the examination of the well, or similar well, by a verifier;
 - (ii) examination of information required under regulation 21(2)(a)(ii);
 - (iii) examination of work in progress;
 - (iv) the reporting of any instances of non-compliance of the well operator with the standards of the scheme; and
 - (v) remedial actions taken by the well operator.

Capacity of operator to meet requirements

33.—(1) Where the competent authority determines that the operator no longer has the capacity to meet the requirements of the relevant statutory provisions, it must immediately inform the licensing authority (within the meaning given by regulation [2] of [Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015])(a).

(2) In paragraph (1) the reference to the operator includes a reference to the well operator.

Power of the competent authority to prohibit operations

34.—(1) Paragraph (2) applies where the competent authority is of the opinion that the measures for preventing or limiting the consequences of a major accident proposed in—

- (a) a safety case; or
- (b) a notification of combined operations,

are insufficient to fulfil the requirements set out in the relevant statutory provisions.

(2) Where this paragraph applies—

- (a) the competent authority must notify the duty holder who sent the document referred to in paragraph (1)(a) or (b) that it is of the opinion described in paragraph (1), and
- (b) the duty holder must not operate or commence operation of the installation to which the document relates.

(3) Paragraph (4) applies where the competent authority is of the opinion that the measures for preventing or limiting the consequences of a major accident proposed in a notification of well operations are insufficient to fulfil the requirements set out in the relevant statutory provisions.

(4) Where this paragraph applies the competent authority must notify the well operator who sent the a notification of well operations that it is of the opinion described in paragraph (3) and the well operator must not continue or commence the operation to which the document relates.

Duty to control risk

35.—(1) Where an activity carried out by a duty holder—

- (a) poses an immediate danger to human health; or
- (b) significantly increases the risk of a major accident,

the duty holder must take suitable measures to ensure that the danger or risk is reduced as low as is reasonably practicable.

(2) The measures referred to in paragraph (1) include, where necessary, suspending the relevant activity until the danger or risk is adequately controlled.

(3) The duty holder must notify the competent authority where it has taken measures under paragraph (1).

(4) The duty holder must comply with paragraph (3) immediately after and in any event no later than 24 hours after adopting the measures.

(5) In this regulation (but not this paragraph) a reference to a duty holder includes a reference to a well operator.

Information on operations conducted outside of the European Union

36.—(1) A UK-registered company conducting, itself or through a subsidiary, offshore oil and gas operations outside the European Union as a licensee, operator or well operator must report to the competent authority, on request, the circumstances of any major accident in which it or its subsidiary has been involved.

(a) Those regulations state that the licensing authority is the Oil and Gas Authority, an executive agency of the Department of Energy and Climate Change.

(2) The details of the information to go in the report must be specified by the competent authority in the request.

(3) In paragraph (1)—

“subsidiary” has the meaning given by section 1159 of the Companies Act 2006;

“UK-registered company” has the meaning given by section 1158 of the Companies Act 2006.

Standards and guidance on best practice

37.—(1) Duty holders must cooperate with the competent authority to establish and implement a priority plan for the development of standards, guidance and rules which will give effect to best practice in major accident prevention, and limitation of consequences of major accidents should they nonetheless occur.

(2) Duty holders must participate in the preparation and revision of standards and guidance on best practice in relation to the control of major hazards throughout the design and operational lifecycle of offshore oil and gas operations.

(3) The duty in paragraph (2) must be carried out in consultation with the competent authority and making use of the exchanges of knowledge, information and experience provided for by [*provisions implementing Article 27(1) of the Directive on co-operation between Member States*].

(4) In performing the duty in paragraph (2), duty holders must consider the matters in Schedule [12] with a view to establishing priorities for the development of standards and guidance and giving practical effect to the prevention of major accidents and limitation of their consequences.

(5) In this regulation (but not this paragraph) a reference to duty holders includes a reference to well operators.

Communication of national arrangements for confidential reporting of safety concerns etc.

38.—(1) A duty holder must communicate to the persons specified in paragraph (2) the details of arrangements made by the competent authority for—

- (a) the confidential reporting of safety and environmental concerns relating to offshore oil and gas operations from any source; and
- (b) the investigation of such concerns while maintaining the anonymity of individuals in connection with the confidential reporting of those concerns.

(2) The persons are—

- (a) employees of the duty holder;
- (b) persons contracted by the duty holder to conduct offshore oil and gas operations; and
- (c) employees of the persons referred to in sub-paragraph (b).

(3) A duty holder must make reference to the confidential reporting mentioned in paragraph (1)(a) in relevant training and notices.

(4) In this regulation (but not this paragraph) a reference to a duty holder includes a reference to a well operator.

Notification of major accident etc.

39.—(1) The operator, well operator or, if appropriate, the owner must notify the competent authority without delay of—

- (a) a major accident; or
- (b) a situation where there is an immediate risk of a major accident.

(2) The notification must describe the circumstances, including, where possible, the origin, the potential impacts on the environment and the potential major consequences.

Enforcement

40.—(1) To the extent they would not otherwise do so, the following provisions of the 1974 Act apply to these Regulations as if they were health and safety regulations for the purposes of that Act and any function of the Executive under any other provision of the 1974 Act under or in respect of health and safety regulations (including their enforcement) is exercisable as if these Regulations were, to the extent they would not otherwise be so, health and safety regulations for the purposes of that Act—

- (a) sections 16 to 22 (approval of codes of practice and enforcement);
- (b) section 23 (provisions supplementary to sections 21 and 22) and section 24 (appeal against improvement or prohibition notice);
- (c) section 26 (power to indemnify inspectors); and
- (d) subject to regulation 45, sections 33 to 42 (provisions as to offences).

(2) Section 18(1) of the 1974 Act (duty to make adequate arrangements for enforcement) applies in relation to enforcement of these Regulations as if the reference to the Executive included a reference to environmental inspector, but nothing in this paragraph has the effect of making the Secretary of State or such an inspector appointed by the Secretary of State an enforcing authority for the purposes of the 1974 Act.

(3) Without prejudice to the provisions of the 1974 Act referred to in paragraph (1), regulation [8] of the [*Offshore Petroleum Activities (Offshore Safety Directive) (Environmental Functions) Regulations 2015*] has effect in relation to an environmental inspector as if the reference in that regulation to regulations 5 and 7 of the [*Offshore Petroleum Activities (Offshore Safety Directive) (Environmental Functions) Regulations 2015*] included a reference to these Regulations and as if the function of inspecting an installation to which the said regulations 5 and 7 apply with a view to assessing compliance with any of the obligations in those regulations included a reference to any function conferred or imposed on the Secretary of State by or under these Regulations.

(4) Without prejudice to the functions of an inspector appointed under section 19 of the 1974 Act, an environmental inspector may, notwithstanding that the person is not an inspector so appointed, serve an improvement notice under section 21 of that Act or a prohibition notice under section 22 of that Act in respect of a contravention of these Regulations, and the reference to an inspector in section 23(4) of that Act is to have effect accordingly.

(5) A failure to discharge a duty placed on the competent authority by these Regulations is not an offence, and section 33(1)(c) of the 1974 Act has effect accordingly.

(6) In this regulation “environmental inspector” means an inspector appointed by the Secretary of State under regulation [8] of the [*Offshore Petroleum Activities (Offshore Safety Directive) (Environmental Functions) Regulations 2015*].

(7) The following provisions of the 1974 Act apply to the [EU Reporting Regulation] as if it were health and safety regulations for the purposes of that Act and any function of the [Executive] under any other provision of the 1974 Act under or in respect of health and safety regulations (including their enforcement) is exercisable as if the [EU Reporting Regulation] were health and safety regulations for the purposes of that Act—

- (a) sections 18 to 21 (enforcement),
- (b) 23 (provisions supplementary to sections 21 and 22) and 24 (appeal against improvement or prohibition notice), so far as they relate to an improvement notice;
- (c) section 26 (power to indemnify inspectors); and
- (d) subject to regulation 45, sections 33 to 42 (provisions as to offences).

(8) The provisions of the 1974 Act referred to in paragraph (7) do not apply to duties placed by the [EU Reporting Regulation] on the competent authority or Member State.

(9) In paragraphs (7) and (8) “EU Reporting Regulation” means Commission Implementing Regulation (EU) No 1112/2014 of 13 October 2014 determining a common format for sharing of information on major hazard indicators by the operators and owners of offshore oil and gas

installations and a common format for the publication of the information on major hazard indicators by the Member States.^(a)

Internal emergency response

41.—(1) The duty holder must perform the internal emergency response duties consistently with the external emergency response plan;

(2) The duty holder must perform the internal emergency response duties, taking into account the risk assessment undertaken during preparation of the most recent safety case for the installation;

(3) Where the duty holder has adopted other measures, the duty holder must perform the internal emergency response duties so as to secure a good prospect of personal safety and survival, taking into account the adoption of those other measures.

(4) Where the duty holder performs the internal emergency response duties in relation to an installation engaged in a combined operation—

(a) the duty holder must make arrangements for coordinating escape, evacuation and rescue between the installations concerned, to secure a good prospect of survival for persons on the installations during a major accident; and

(b) where the installation is a non-production installation—

(i) the internal emergency response duties must be performed taking into account the combined operation; and

(ii) a revised description of the internal emergency response arrangements must be sent to the competent authority (unless a revised description has been sent to the competent authority pursuant to regulation 14(5)(b) in connection with the same operation).

(5) Where a mobile non-production installation is to be used for carrying out a well operation—

(a) the duty holder must perform the internal emergency response duties taking into account the risk assessment undertaken during the preparation of the notification of well operations; and

(b) where the particular nature or location of a well calls for the internal emergency response duties to be performed in a manner different from the manner of performance in the absence of such circumstances (but for this provision) then the duty holder must perform them in that manner and the owner must send a revised description of the internal emergency response arrangements to the competent authority (unless a revised description has been sent to the competent authority pursuant to regulation 14(5)(b) in connection with the same operation).

(6) Where revisions which make a material change to a current safety case are accepted pursuant to regulation 14(2)(b)—

(a) the duty holder must perform the internal emergency response duties in the light of the revisions; and

(b) send a revised description of the internal emergency response arrangements to *[the authorities responsible for executing the external emergency response plan]*.

(7) Paragraph (8) applies where there is a material change to the particulars notified pursuant to—

(a) regulation 6(1), (2) and (5);

(b) regulation 9(1);

(c) regulation 10(1); and

(d) regulation 17(1).

(a) OJ No. L 302, 22.10.14, p. 1.

(8) Where this paragraph applies the duty holder must—

- (a) perform the internal emergency response duties in the light of the material change; and
- (b) send a revised description of the internal emergency response arrangements to [*the authorities responsible for executing the external emergency response plan*].

(9) The duty holder must maintain expertise relevant to the internal emergency response duties in order for that expertise to be available at all times and to be made available as necessary to [*the authorities responsible for the execution of the external emergency response plan*].

(10) In this regulation and regulation 42—

“the internal emergency response duties” means the duties in the following regulations of the PFEER Regulations—

- (a) 5 (assessment);
- (b) 6 (preparation for emergencies);
- (c) 7 (equipment for helicopter emergencies);
- (d) 8(1), (2), and (3) (emergency response plan);
- (e) 9(1) (prevention of fire and explosion);
- (f) 10 (detection of incidents);
- (g) 11 (communication);
- (h) 12 (control of emergencies);
- (i) 13 (mitigation of fire and explosion);
- (j) 14 (muster areas etc.);
- (k) 15 (arrangements for evacuation);
- (l) 16 (means of escape);
- (m) 17 (arrangements for recovery and rescue);
- (n) 25 (initiation and direction of emergency response, and liaison with external response authorities); and
- (o) 26 (arrangements for early warning of major accidents).

“other measures” means measures relating to protection and rescue of personnel from a stricken installation, apart from any adopted in performance of the internal emergency response duties;

Description of internal emergency response arrangements

42. For the purposes of these Regulations a “description of the internal emergency response arrangements” in relation to an installation means a description of the manner of performance of the internal emergency response duties in relation to that installation, together with the oil pollution emergency plan produced pursuant to regulation [4(3)(a) and (c) of, and Schedule 2 to, the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998].

Review clause

43.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 92/91/EEC and Directive 2013/30/EU (which are implemented by means of these regulations) are implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Extent

44. These Regulations do not extend to Northern Ireland.

Penalties

45. The maximum penalty for an offence consisting of a contravention of a requirement or prohibition imposed by or under these Regulations is—

- (a) on summary conviction—
 - (i) in England and Wales, imprisonment for a term not exceeding three months or a fine [not exceeding the statutory maximum][DN: *italic provision required if appropriate provisions of LASPOA 2012 are not brought into force by the time the regulations are made*], or both;
 - (ii) in Scotland, imprisonment for a term not exceeding twelve months or a fine not exceeding the statutory maximum, or both; and
- (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine or both.

Signed by authority of the Secretary of State for Work and Pensions.

[Date] [Name]
Parliamentary Under Secretary of State
Department for Work and Pensions

SCHEDULE 1 Regulations 6(1) and (2) and 9(1)
**PARTICULARS TO BE INCLUDED IN A DESIGN NOTIFICATION
OR A RELOCATION NOTIFICATION**

1. The name and address of the operator of the installation.
2. A description of the design process from an initial concept to the submitted design or selection of an existing installation, the relevant standards used and the design philosophy used to guide the process.
3. A description of—
 - (a) the chosen design concept in relation to the major hazard scenarios for the particular installation and its intended location, and the primary risk control features, including suitable diagrams, and a summary of the other design options which were considered;
 - (b) how the chosen design concept is intended to ensure—
 - (i) compliance with the requirements set out in regulations 5 (requirements as to operational integrity and composition) and 10 (integrity in dismantlement) of the

Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996(a); and

- (ii) that risks with the potential to cause a major accident are reduced to the lowest level that is reasonably practicable; and
- (c) the criteria used to select the chosen design concept and the process by which the selection was made.

4. A description of

- (a) the principal systems on the installation;
- (b) the installation layout;
- (c) the process technology to be used;
- (d) the principal features of any pipeline;
- (e) any petroleum-bearing reservoir intended to be exploited using the installation; and
- (f) the basis of design for any wells to be connected to the installation.

5. A suitable plan of the intended location of the installation and of anything which may be connected to it, and particulars of

- (a) the meteorological and oceanographic conditions to which the installation may foreseeably be subject; and
- (b) the properties of the sea-bed and subsoil at its location.

6. Particulars of the types of operation, and activities in connection with an operation, which the installation may perform.

7. A general description of the means by which the management system of the operator will ensure that the structure and plant of the installation will be designed, selected, constructed and commissioned in a way which will control major accident risks to comply with the relevant statutory provisions.

8. A description of the verification scheme prepared pursuant to sub-paragraph (b) of paragraph (2) of regulation 19 and an initial list of the safety and environmental-critical elements and their required performance.

9. Where a non-production installation is to be converted for use as a production installation, a justification demonstrating that the installation is suitable for such conversion.

10. Where a production installation is to be moved to a new location to serve a different production operation, a demonstration that the installation is suitable for the proposed production operation.

11. A description of any environmental, meteorological and seabed limitations on safe operations, and the arrangements for identifying risks from seabed and marine hazards such as pipelines and the moorings of adjacent installations.

12. A general description of the safety and environmental management system by which the intended major accident risk control measures are to be maintained in good effect.

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

**PARTICULARS TO BE INCLUDED IN A SAFETY CASE FOR THE
OPERATION OF A PRODUCTION INSTALLATION**

- 1.** The name and address of the operator of the installation.
- 2.** A description of the extent to which the duty holder has taken into account any matters raised by the competent authority pursuant to regulations 6(1) and (5)(a) and 9(1) and (4).
- 3.** A summary of any worker involvement in the preparation of the safety case, including how any safety representatives for that installation were consulted with regard to the revision, review or preparation of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989(a).
- 4.** A description, with suitable diagrams, of the installation, including a description of—
 - (a) the main and secondary structure of the installation and its materials;
 - (b) its plant;
 - (c) the layout and configuration of its plant;
 - (d) the connections to any pipeline or installation; and
 - (e) any wells connected or to be connected to the installation.
- 5.** A suitable plan of the location of the installation and of anything connected to it, and particulars of—
 - (a) the meteorological and oceanographic conditions to which the installation may foreseeably be subjected; and
 - (b) the properties of the sea-bed and subsoil at its location.
- 6.** Particulars of the types of operation, and activities in connection with an operation, including both those—
 - (a) which the installation is capable of performing; and
 - (b) which are to be carried out.
- 7.** The maximum number of persons—
 - (a) expected to be on the installation at any time;
 - (b) that may be on the installation at any time; and
 - (c) for whom accommodation is to be provided.
- 8.** Particulars of the plant and arrangements for—
 - (a) the control of well operations, including those—
 - (i) to control pressure in a well;
 - (ii) to prevent the uncontrolled release of hazardous substances; and
 - (iii) to minimise the effects of damage to subsea equipment by drilling equipment
 - (b) process safety;
 - (c) containment of hazardous substances (not already addressed under subparagraph (1)(b));
 - (d) prevention of fire and explosion; and
 - (e) protection of the environment from a major accident.
- 9.** A description of any pipeline with the potential to cause a major accident, including—

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

- (a) the fluid which it conveys;
- (b) its dimensions and layout;
- (c) its contained volume at declared maximum allowable operating pressure; and
- (d) any apparatus and works intended to secure safety,

together with a summary of the document prepared under regulation 23 of the Pipelines Safety Regulations 1996^(a).

10. A description of how the duty holder has ensured, or will ensure, compliance with regulation 4(1) of the PFEER Regulations.

11. A description of the plant used and arrangements made for protecting persons on the installation from hazardous substances, including toxic gas, at all times.

12. A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards, including explosion, fire, heat, smoke, toxic gas or fumes and for enabling such persons to be evacuated or rescued from the installation where necessary, including provision for—

- (a) temporary refuge;
- (b) routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;
- (c) means of evacuation at those points; and
- (d) facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.

13. A description of the main requirements in the specification for the design of the installation and its plant, which must include—

- (a) any limits for safe operation or use specified therein;
- (b) a description of how the duty holder has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996;
- (c) a description of how the duty holder has ensured, or will ensure, the suitability of the safety and environmental-critical elements;
- (d) a description of how the duty holder—
 - (i) where the duty holder is also the operator in relation to a pipeline (see paragraph 24), has ensured, or will ensure, compliance with regulation 11 of the Pipelines Safety Regulations 1996; or
 - (ii) where the duty holder is not also the operator in relation to a pipeline, has co-operated or will cooperate with the operator in relation to a pipeline to ensure compliance with regulation 11 of the Pipelines Safety Regulations 1996; and
- (e) relevant codes, standards and guidance used in the construction and commissioning of the installation.

14. Particulars of any combined operations which may involve the installation, including

- (a) a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;
- (b) a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which must include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;
- (c) the plant likely to be used during any such combined operation; and

(a) S.I. 1996/825, to which there are amendments not relevant to these Regulations.

- (d) the likely impact any such combined operation may have on the installations involved.
- 15.** Arrangements for the maintenance of control systems to prevent damage to the installation and the environment in the event that all personnel are evacuated.
- 16.** An adequate description of the operator's safety and environmental management system, including information from it that is relevant to the production installation.
- 17.** A description of the internal emergency response arrangements.
- 18.** A description of the verification scheme [pursuant to regulation 32].
- 19.** Particulars of information obtained pursuant to the PFEER Regulations and the Management Regulations, so far as—
- (a) relevant to the prevention of a major accident, and
 - (b) not otherwise already required to be provided pursuant to this Schedule.
- 20.** In respect of operations to be conducted from the installation, any information relating to the prevention of major accidents resulting in significant or serious damage to the environment relevant to other requirements under the relevant statutory provisions, obtained pursuant to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment^(a).
- 21.** The assessment produced pursuant to paragraph 2(9) of Schedule 2 to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998.
- 22.** A copy of the operator's corporate major accident prevention policy.
- 23.** Any other relevant details.
- 24.** In paragraph 13(d) "operator", in relation to a pipeline, means—
- (a) the person who is to have or (once fluid or any mixture of fluids is conveyed) has control over the conveyance of fluid or any mixture of fluids in the pipeline;
 - (b) until that person is known (should there be a case where at a material time that person is not yet known) the person who is to commission or (where commissioning has started) commissions the design and construction of the pipeline; or
 - (c) when a pipeline is no longer used or is not for the time being used, the person last having control over the conveyance of fluid or any mixture of fluids in it.

SCHEDULE 3 Regulations 8(1)(a), 14(5)(b) and (7)

PARTICULARS TO BE INCLUDED IN A SAFETY CASE FOR A NON-PRODUCTION INSTALLATION

- 1.** The name and address of the owner of the installation.
- 2.** A summary of any worker involvement in the preparation of the safety case, including how any safety representatives for that installation were consulted with regard to the revision, review or preparation of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.
- 3.** A description, with suitable diagrams, of the installation, including a description of—
 - (a) the main and secondary structure of the installation and its materials;
 - (b) its plant;

(a) O.J. L26, 28.1.2012, p. 1-21.

- (c) the layout and configuration of its plant, and
 - (d) in the case of a mobile installation, its means of transfer between locations and its stationing system.
- 4.** Particulars of the types of operation, and activities in connection with an operation, which the installation is capable of performing.
- 5.** The maximum number of persons—
- (a) expected to be on the installation at any time;
 - (b) that may be on the installation at any time; and
 - (c) for whom accommodation is to be provided.
- 6.** Particulars of the plant and arrangements for the control of—
- (1) well operations, including those—
 - (a) to control pressure in a well;
 - (b) to prevent the uncontrolled release of hazardous substances; and
 - (c) to minimise the effects of damage to subsea equipment by drilling equipment;
 - (2) process safety;
 - (3) containment of hazardous substances (not already addressed under subparagraph (1)(b));
 - (4) prevention of fire and explosion; and
 - (5) protection of the environment from a major accident.
- 7.** A description of how the duty holder has ensured, or will ensure, compliance with regulation 4(1) of the PFEER Regulations.
- 8.** A description of the plant used and arrangements made for protecting persons on the installation from hazardous substances including toxic gas.
- 9.** A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards, including explosion, fire, heat, smoke, toxic gas or fumes from the installation where necessary, including provision for—
- (a) temporary refuge;
 - (b) routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;
 - (c) means of evacuation at those points; and
 - (d) facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.
- 10.** A description of the main requirements in the specification for the design of the installation and its plant, which must include—
- (a) any limits for safe operation or use specified therein;
 - (b) a description of how the duty holder has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996;
 - (c) a description of how the duty holder has ensured, or will ensure, the suitability of the safety and environmental-critical elements; and
 - (d) relevant codes, standards and guidance used in the construction and commissioning of the installation.
- 11.** Particulars of—
- (a) the limits of the environmental and meteorological conditions beyond which the installation cannot safely be stationed or operated;

- (b) the properties of the sea-bed and subsoil which are necessary for the safe stationing and operation of the installation; and
 - (c) the locations in which the installation may be stationed and operated safely.
- 12.** A description of the arrangements for—
- (a) identifying the risks from seabed and marine hazards, including the routes and locations of pipelines, moorings of adjacent installations, wells and other subsea equipment; and
 - (b) assessing the risks that they pose to the installation.
- 13.** Particulars of any combined operations which may involve the installation, including
- (a) a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;
 - (b) a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which must include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;
 - (c) the plant likely to be used during any such combined operation; and
 - (d) the likely impact any such combined operation may have on the installations involved.
- 14.** An adequate description of the owner’s safety and environmental management system, including information from it that is relevant to the non-production installation.
- 15.** A description of the internal emergency response arrangements;
- 16.** A description of the verification scheme [pursuant to regulation 32].
- 17.** In respect of operations to be conducted from the installation, any information relating to the prevention of major accidents resulting in significant or serious damage to the environment relevant to other requirements under the relevant statutory provisions, obtained pursuant to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment^(a);
- 18.** The assessment produced pursuant to paragraph 2(9) of Schedule 2 to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998.
- 19.** A copy of the owner’s corporate major accident prevention policy.
- 20.** Any other relevant details.

SCHEDULE 4

Regulation 10(1)

PARTICULARS TO BE INCLUDED IN A NOTIFICATION OF COMBINED OPERATIONS

- 1.** The name and address of each duty holder preparing the notification and a confirmation that every such duty holder has agreed to the contents of the notification.
- 2.** A description, by reference to a bridging document authorised by all parties to the document, of how the management systems for the installations involved in the combined operation will be co-ordinated so as to reduce the risks from a major accident to comply with the relevant statutory provisions.
- 3.** Particulars of any plant to be used in connection with the combined operation but which is not described in the current safety case for any of the installations involved in the combined operation.

^(a) O.J. L26, 28.1.2012, p. 1-21.

4. A summary of the joint review referred to in paragraph 14(b) of Schedule 2 or paragraph 13(b) of Schedule 3, which must include
 - (a) a description of any activities during the combined operation which may involve hazards with the potential to cause a major accident on or in connection with an installation; and
 - (b) a description of any risk control measures introduced as a result of that review.
5. A description of the combined operation and a programme of work, which must include the dates on which the combined operation is expected to commence and finish.
6. The name and address of the duty holder submitting the notification.

SCHEDULE 5

Regulation 11(1)(a)

PARTICULARS TO BE INCLUDED IN A CURRENT SAFETY CASE IN RESPECT OF THE DISMANTLING OF A FIXED INSTALLATION

1. The name and address of the operator of the installation.
2. The dates on which dismantling is expected to commence and finish.
3. A summary of any worker involvement in the revised safety case, including how any safety representatives for that installation were consulted with regard to the revision of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.
4. The maximum number of persons expected to be on the installation at any time during its dismantling.
5. A description of how the duty holder will comply with regulation 4(1) of the PFEER Regulations with regard to the dismantling of the installation.
6. A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.
7. A description of how the proposed arrangements, methods and procedures for dismantling the installation and connected pipelines take adequate account of the design and method of construction of the installation and its plant.
8. Sufficient details to update the description of the internal emergency response arrangements—
 - (a) in the case of a production installation, under paragraph 17 of Schedule 2; or
 - (b) in the case of a non-production installation, paragraph 15 of Schedule 3.
9. In the case of the dismantling of a fixed production installation—
 - (a) information on the means of isolating all hazardous substances and, in the case of wells connected to the installation, the permanent sealing of the wells from the installation and the environment;
 - (b) a description of the risks of a major accident associated with the decommissioning of the installation to workers and the environment, the total exposed population, and the risk control measures;
 - (c) information on the emergency response arrangements to secure safe evacuation and rescue of personnel and to maintain control systems for preventing a major accident to the environment.

PARTICULARS TO BE INCLUDED IN A NOTIFICATION OF WELL OPERATIONS

1. The name and address of the well operator.
2. Where the well operation is to be carried out—
 - (a) from an installation, the name of the installation and the name and address of the duty holder for that installation; or
 - (b) by means of a vessel, the name of that vessel.
3. Particulars of the fluids to be used to control the pressure of the well.
4. Particulars of any plant, not described in the current safety case for the installation, which is to be used in connection with the well operation.
5. Particulars of the type of well, its number, and slot number, association with installations, and the name of any field development of which it may be part.
6. A description of the well operation and a programme of works which includes—
 - (a) the date on which each well operation is expected to commence and finish;
 - (b) the intended operational state of the well at the end of each well operation, including whether it is intended to be permanently or temporarily abandoned and whether production equipment is to be placed into the well for future use;
 - (c) details of barriers against loss of well control (including the equipment, drilling fluids and cement);
 - (d) directional control of the well path; and
 - (e) limitations on safe operations in keeping with the risk management.
7. A description of—
 - (a) any activities on or in connection with an installation or a vessel during the well operation described pursuant to paragraph 6 which may involve any hazards with the potential to cause a major accident; and
 - (b) such hazards.
8. In the case of a well which is to be drilled—
 - (a) particulars, with suitable diagrams, of—
 - (i) the location of the top of the well;
 - (ii) the directional path of the well-bore;
 - (iii) its terminal depth and location; and
 - (iv) its position, and that of nearby wells, relative to each other;
 - (b) particulars of the geological strata and formations, and of fluids within them, through which it will pass, and of any hazards with the potential to cause a major accident which they may contain;
 - (c) the procedures for effectively monitoring the direction of the well-bore, and for minimising the likelihood and effects of intersecting nearby wells; and
 - (d) a description of the design of the well, including the limits on its safe operation and use.
9. In the case of an existing well—
 - (a) a diagram of the well;
 - (b) a summary of earlier operations in relation to it;
 - (c) the purposes for which it has been used;

- (d) its current operational state;
- (e) its state of repair;
- (f) the physical conditions within it; and
- (g) its production capacity.

10. Where a well operation is to be carried out by means of a non-production installation or a vessel—

- (a) particulars of—
 - (i) the meteorological and oceanographic conditions to which that installation or, as the case may be, vessel may foreseeably be subjected;
 - (ii) the depth of water; and
 - (iii) the properties of the sea-bed and subsoil at the location at which the well operation will be carried out; and
- (b) a description of how the well operator and—
 - (i) the owner of the installation; or
 - (ii) the operator and owner of the vessel involved in the well operation will co-ordinate their management systems so as to reduce the risks from a major accident to comply with the relevant statutory provisions.

11. The report made under regulation 21(2)(b) in relation to the well operation, addressing in particular the matters in paragraph 6(c) to (e), together with a description of the actions of the well operator in response to the report.

12. In the case of an existing well, information regarding its history and condition.

13. A risk assessment incorporating a description of—

- (a) the particular hazards associated with the well operation including any environmental, meteorological and seabed limitations on safe operations;
- (b) the subsurface hazards;
- (c) any surface or subsea operations which introduce simultaneous major hazard potential;
- (d) suitable control measures;

14. [In the case of a modification to a previously submitted notification of well operations, sufficient details fully to update the notification.]

15. Where a well is to be constructed, modified or maintained by means of a non-production installation, additional information as follows—

- (a) a description of any environmental, meteorological and seabed limitations on safe operations, and arrangements for identifying risks from seabed and marine hazards such as pipelines and the moorings of adjacent installations;
- (b) a description of environmental conditions that have been taken into account within the internal emergency response arrangements for the installation;
- (c) a description of the internal emergency response arrangements and a description of arrangements for responding in cases of major environmental incidents that are not described in the safety case; and
- (d) a description of how the management systems of the operator of the well and the owner are to be coordinated to ensure effective control of major hazards at all times.

16. Where the operator plans or prepares a material change, the report of the verifier following the consultation pursuant to regulation 17(3), addressing in particular the matters in paragraph 6(c) to (e).

17. A statement by the operator of the well, after considering the report referred to in paragraph 11—

- (a) that the risk management relating to well design and its barriers to loss of control are suitable for all anticipated conditions and circumstances;
- (b) the proposed actions in response to the report referred to in paragraph 11.

18. Particulars of information obtained pursuant to the PFEER Regulations and the Management Regulations 1995, so far as—

- (a) relevant to the prevention of a major accident, and
- (b) not otherwise already required to be provided pursuant to this Schedule.

19. In respect of the well operations to be conducted, particulars of information relevant to the relevant statutory provisions obtained pursuant to Directive 2011/92/EU relating to the prevention of major accidents resulting in significant or serious damage to the environment.

SCHEDULE 7

Regulation 19(2)(b)

MATTERS TO BE PROVIDED FOR IN A VERIFICATION SCHEME

1. The principles to be applied by the duty holder for the installation or, in the case of a well, the well operator in selecting a verifier—

- (a) to perform functions under the scheme; and
- (b) to keep the scheme under review.

2. Arrangements for the communication of information necessary for the proper implementation and, in the case of a verification scheme, revision, of the scheme to a verifier.

3. The nature and frequency of examination and, in the case of a verification scheme, testing.

4. Arrangements for review and revision of the scheme.

5. The arrangements for the making and preservation of records showing—

- (a) the examination and, in the case of a verification scheme, testing carried out;
- (b) the findings;
- (c) remedial action recommended; and
- (d) remedial action performed.

6. Arrangements for communicating the matters specified in paragraph 5 to an appropriate level in the management system of the duty holder for the installation or, in the case of a well, the well operator.

SCHEDULE 8

Regulation 24(2)

APPEALS

PART 1

1. In this Schedule—

- “appeal” means an appeal under regulation 24;
- “appellant” means a person who has brought an appeal;
- “appointed person” means a person appointed in accordance with paragraph 2;
- “hearing” means a hearing to which Part 2 of this Schedule applies; and
- “the parties” means the appellant and the Executive.

2. The Secretary of State must direct that an appeal be determined by a person whom the Secretary of State appoints for the purpose and the Secretary of State must notify the parties in writing of the name of the appointed person.

3. Before the determination of an appeal, the appointed person must ask the parties whether they wish to appear and be heard on the appeal and—

- (a) the appeal may be determined without a hearing of the parties if both of them express a wish not to be heard as aforesaid; or
- (b) the appointed person must, if either party expresses a wish to appear and be heard, afford both of them an opportunity of so doing, in which case the provisions of Part 2 of this Schedule apply.

4. An appointed person may give such directions as thought appropriate to give effect to the determination.

5. The Secretary of State may pay to an appointed person such remuneration and allowances as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.

PART 2

6.—(1) Subject to the following sub-paragraphs of this paragraph, a date, time and place for the holding of the hearing must be fixed by the appointed person, who must give not less than 28 days' notice in writing of such date, time and place to the parties.

(2) With the consent of the parties, the appointed person may give such lesser period of notice as is agreed with the parties and in that event the appointed person may specify a date for service of the statement referred to in paragraph 7(1) later than the date determined in accordance with that paragraph.

(3) Where it becomes necessary or advisable to vary the date, time or place fixed for the hearing, the appointed person must give such notice of the variation as may appear to the appointed person to be reasonable in the circumstances.

7.—(1) Not later than 21 days before the date of the hearing, or such later date as the appointed person may specify in accordance with paragraph 6(2), the competent authority must serve on the appellant a written statement of any submission which the competent authority proposes to put forward at the hearing and supply a copy of the statement to the appointed person.

(2) Where the competent authority intends to refer to or put in evidence documents (including photographs and plans) at the hearing—

- (a) the statement of the competent authority must be accompanied by a list of those documents together with a written notice stating the times and place at which the documents may be inspected by the appellant; and
- (b) the competent authority must afford the appellant a reasonable opportunity to inspect and, where practicable, to take copies of those documents.

(3) If so required by the appointed person, the appellant must—

- (a) serve on the competent authority and on the appointed person, within such time before the hearing as the appointed person may specify, a written statement of the submissions which the appellant proposes to put forward at the hearing accompanied by a list of any documents (including photographs and plans) which the appellant intends to refer to or put in evidence at the hearing; and
- (b) afford the competent authority a reasonable opportunity to inspect and, where practicable, to take copies of those documents.

8.—(1) The parties are entitled to appear at the hearing.

(2) Any other person may appear at the discretion of the appointed person provided that the person has, not later than 7 days before the date of the hearing, served on the competent authority a statement of the person's proposed submissions.

(3) The competent authority must send a copy of every statement served on it in accordance with subparagraph (2) to the appointed person and to the appellant.

(4) A body corporate may appear by its clerk or secretary or by any other officer appointed for the purpose by that body, or by counsel or a solicitor.

(5) A person may appear in person or be represented by counsel, a solicitor or any other person.

(6) Where there are two or more persons having a similar interest in the subject matter of the hearing, the appointed person may allow one or more persons to appear for the benefit of some or all persons so interested.

9.—(1) All hearings must be held in private.

(2) Except as otherwise provided in this Part of the Schedule, the procedure of the hearing is to be such as the appointed person determines and the appointed person must state at the commencement of the hearing the procedure which, subject to consideration of any submission by the parties, it is proposed to adopt.

(3) Unless in a particular case the appointed person, with the consent of the appellant, otherwise determines, the appellant must be heard first and must have the right of final reply.

(4) The parties must be entitled to make an opening statement, call evidence and cross-examine persons giving evidence but any other person appearing at the hearing may only do so to the extent permitted by the appointed person.

(5) Subject to sub-paragraph (6), any evidence may be admitted at the discretion of the appointed person, who may direct that documents tendered in evidence may be inspected by any person entitled or permitted to appear at the hearing and that facilities be afforded to take or obtain copies thereof.

(6) The appointed person may not require or permit the giving or production of any evidence, whether written or oral, which would be contrary to the public interest.

(7) The appointed person may allow the parties to alter or add to the submissions contained in any statement served under paragraph 7(1) or (3), or to any list of documents which accompanied such statement, so far as may be necessary for the purpose of determining the questions in controversy between them, but must (if necessary, by adjourning the hearing) give the other party an adequate opportunity of considering any such fresh submission or document.

(8) If any person entitled to appear at the hearing fails to appear, the appointed person may proceed with the hearing.

(9) The appointed person is entitled (subject to disclosure thereof at the hearing) to take into account any written representations or statements received before the hearing from any person.

(10) The appointed person may from time to time adjourn the hearing, and where this occurs, must give reasonable notice to every person entitled or permitted to appear at the hearing of the date, time and place of the adjourned hearing.

10.—(1) Where, after the hearing, the appointed person proposes to take into consideration—

(a) any new evidence, including expert opinion on a matter of fact; or

(b) any new issue of fact, not being a matter of government policy or a matter affecting the safety of the State, which was not raised at the hearing and which the appointed person considers to be material to a decision, the appointed person must not come to a decision without first notifying the parties of the substance of the new evidence or of the new issue of fact and affording them an opportunity of making representations thereon in writing within 21 days or of asking within that time for the re-opening of the hearing.

(2) If the appointed person thinks fit, the appointed person may cause the hearing to be re-opened and must cause it to be re-opened if asked to do so in accordance with sub-paragraph (1).

(3) Where a hearing is re-opened, paragraph 6(1) applies as it applied to the original hearing.

11. The appointed person must notify the decision on the appeal, and the reasons therefor, in writing to the parties and to any person who, having appeared at the hearing, has asked to be notified of the decision.

SCHEDULE 9 AMENDMENTS

Regulation 25

[Drafting note: consideration is being given to how to regulate operations in internal waters. Depending on the final policy, adaptations will be made to the existing principal relevant statutory provisions, including PFEER, DCR, and MAR. For this reason proposed amendments (or savings of past amendments) are not stated here. A copy of the proposed significant amendments to MAR is provided as part of the consultation in an 'as amended' format. Amendments to DCR are likely to entail minor amendments to well report content, but verification for wells offshore may be treated as part of verification generally under these Regulations rather than under those regulations.]

SCHEDULE 10

Regulation 30

PARTICULARS TO BE ADDRESSED IN A CORPORATE MAJOR ACCIDENT PREVENTION POLICY

1. The responsibility at corporate board level (or in the absence of a board, at a senior level in the organisation) for ensuring, on a continuous basis, that the corporate major accident prevention policy is suitable, implemented, and operating as intended.
2. Measures for building and maintaining a strong safety culture with a high likelihood of continuous safe operation.
3. The extent and intensity of process auditing.
4. Measures for rewarding and recognising desired behaviours.
5. The evaluation of the organisation's capabilities and goals.
6. Measures for maintenance of safety and environmental protection standards as an organisational core value.
7. Formal command and control systems that include board members and senior management of the organisation.
8. The approach to competency at all levels of the organisation.
9. The extent to which the particulars in paragraphs 1 to 8 of this Schedule are applied in the company's offshore oil and gas operations conducted outside the European Union.

SCHEDULE 11

Regulations 30(2) and 31(4)

MATTERS IN ACCORDANCE WITH WHICH THE CORPORATE MAJOR ACCIDENT PREVENTION POLICY AND SAFETY AND ENVIRONMENTAL MANAGEMENT SYSTEM MUST BE PREPARED

1. The need to pay particular attention to evaluation of the reliability and integrity requirements of all safety and environmental-critical systems and base inspection and maintenance systems on achieving the required level of safety and environmental integrity.

2. The need to take appropriate measures to ensure as far as reasonably practicable that there is no unplanned escape of hazardous substances from pipelines, vessels and systems intended for their safe confinement. In addition, the need to ensure that no single failure of a containment barrier can lead to a major accident.

3. The need to ensure there is a suitable framework for monitoring compliance with all relevant statutory provisions by incorporating statutory duties in respect of major hazards control and environmental protection into standard operating procedures; and

4. The need to pay particular attention to building and maintaining a strong safety culture with a high likelihood of continuous safe operation, including with regard to securing cooperation of employees and contractors through, inter alia:

- (a) visible commitment to tripartite consultations and actions arising from them;
- (b) encouraging and rewarding reporting of accidents and near-misses;
- (c) working effectively with elected safety representatives;
- (d) protecting whistleblowers.

5. The need to adopt suitable measures to use suitable technical means or procedures in order to promote the reliability of the collection and recording of relevant data and to prevent possible manipulation of that data.

SCHEDULE 12

Regulation 31(4)

PARTICULARS TO BE ADDRESSED IN A SAFETY AND ENVIRONMENTAL MANAGEMENT SYSTEM

1. Organisational structure and personnel roles and responsibilities.
2. Identification and evaluation of major hazards as well as their likelihood and potential consequences.
3. Integration of environmental impact into major accident risk assessments in the safety case.
4. Controls of the major hazards during normal operations.
5. Management of change.
6. Emergency planning and response.
7. Limitation of damage to the environment.
8. Monitoring of performance.
9. Audit and review arrangements.
10. The measures in place for participating in tripartite consultations and how actions resulting from those consultations are put into effect.

SCHEDULE 13

Regulation 37(4)

MATTERS TO BE CONSIDERED IN PREPARING AND REVISING STANDARDS AND GUIDANCE ON BEST PRACTICE IN RELATION TO THE CONTROL OF MAJOR HAZARDS

1. Improving well integrity, well control equipment and barriers and monitoring their effectiveness.
2. Improving primary containment.

3. Improving secondary containment that restricts escalation of an incipient major accident, including well blow-outs.

4. Reliable decision making.

5. Management and supervision of major hazard operations.

6. Competency of key post holders.

7. Effective risk management.

8. Reliability assessment for safety and environmental-critical systems.

9. Key performance indicators.

10. Effectively integrating safety and environmental management systems between operators and owners and other entities involved in oil and gas operations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

[The explanatory note will be added at a later date.]