

INTRODUCTION

1 This document contains proposals to amend the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 (MAR).

2 The views of all interested parties are sought on the proposed changes. The draft 'Offshore Safety (Miscellaneous Amendments) Regulations 2002' to effect the amendments to MAR is attached at **Annex A**. After consideration of all comments received the Commission will seek the consent of the Secretary of State to implement a final version of the Regulations.

3 Comments on these proposals should be sent to:

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to arrive no later than 28 February 2002 to:

BACKGROUND

4 The Health and Safety at Work etc. Act 1974 (HSWA) places general duties on employers and others, and provides powers under which health and safety regulations can be made. HSE is responsible for enforcing the Act and regulations made under it. The HSWA applies outside Great Britain to certain premises and activities by virtue of the Health and Safety at Work etc Act 1974 (Application Outside Great Britain) Order 2001/2127 (The Order). The latest Order came into effect in July 2001 and among other things it extended the definition of 'offshore installation' to include supplementary units providing support services to offshore installations on the UK Continental Shelf. These units may be wind, wave, tide, current or conventionally powered. The definition of offshore installation contained in MAR now needs to be amended to bring it into line with the Order and to apply relevant specific offshore health and safety law to these type of units.

5 The guidance to MAR was first published in 1995. We wish to use the opportunity to update the guidance to reflect other changes made since then. These include: defining when well service vessels (WSVs) become offshore installations and clarifying the position of specialist support vessels which provide accommodation as offshore installations.

PROPOSED AMENDMENTS TO MAR

- 6 The proposed amendments to Regulation 2 and 3 of the Management Regulations are shown at **Appendix A**

PROPOSED CHANGES TO GUIDANCE

7 The draft guidance to MAR has been revised to reflect the new definition of offshore installation and to incorporate clarification already set out in HSE Operations Notices 43 and 50 regarding the status of specialist support vessels which provide accommodation, and the circumstances under which WSVs are defined as offshore installations. The Operations Notices were prepared in consultation with main industry bodies. The full text of the revised guidance is at **Annex B**.

8 **Specialist support vessels providing accommodation** - the current MAR guidance indicates that in most cases, vessels providing specialist support are not offshore installations, because accommodation is not the main use. HSE has provided further clarification on the meaning of the phrase 'mainly for the use of accommodation' in Operations Notice 43. This information has now been incorporated in the revised guidance at paragraphs 15 -17.

9 **Well service vessels as offshore installations** - the current MAR guidance indicates that in many instances, WSVs are not offshore installations while undertaking their specialist activities, because they are not standing or stationed. However developments in the range of operations that WSVs undertook meant that this guidance became incorrect. HSE's solicitor advised that WSVs should be classed as an offshore installation when carrying out intervention activities lasting three days or more, as this would indicate a degree of permanence. This was detailed in Operations Notice 50, issued in October 2001, and has now been incorporated in the revised guidance at paragraphs 22 - 28.

10. **Supplementary Units** – the new guidance relating to the revised definition of 'offshore installation' is given in paragraph 15.

OPEN GOVERNMENT

11 The Commission tries to make its consultation procedure as thorough and open as possible. Responses to this consultative document will be lodged in the Health and Safety Executive's Information Centre after the close of the consultation period, where they can be inspected by members of the public or copied to the on payment of the appropriate fees to cover costs.

12 Responses to this consultative document are invited on the basis that those submitting them agree to their being dealt with in this way. Responses, or parts of them will be withheld from the Information Centre only at the express request of the person making them. In such cases a note will be put in the index to the responses identifying those who have commented and have asked that their views, or part of them to be treated as confidential. Many business e-mail systems now automatically append a paragraph stating the message is confidential. If you are responding to this CD/DD by e-

mail and you are content for your responses to be made publicly available, please make clear in the body of your response that you do not wish any standard confidentiality statement to apply

COSTS AND BENEFITS

13 The proposed changes have been discussed with the HSE's Economic Advisers Unit which has advised that the costs will be minimal. The benefits from the change will be to ensure consistency with the Order and the provision of clear guidance to the industry. The Regulatory Impact Assessment is attached at **Annex C**.

CONCLUSION

14 The Commission would welcome comments on any aspect of the proposed amendments to MAR and the associated guidance.

15 The Commission would also welcome feedback on the consultation itself and would be grateful if you would respond to the questions below.

1 In your view how well does the consultation letter on the proposed amendment to the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 represent the different policy issues involved in this matter (**Tick one box**)

Very Well

Well

Not Well

Poorly

2 If you answered 'not well' or 'poorly' how do you suggest things might be improved for the future [**Please add extra sheets if you wish**]

Proposed Amendments to MAR

(The amendments are highlighted)

It is proposed that Regulation 2(1) of MAR is amended as follows:

Regulation 2 Interpretation

(1) *In these regulations, unless the context otherwise requires –*

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

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

“the 1995 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain Order 1995¹

“apparatus or works” means –

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

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

“relevant waters” means –

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

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

“supplementary unit” means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation; and

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

It is proposed that Regulation 3 (1) and 3(2) of MAR is amended as follows:

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

(a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;

(b) for the storage of gas in or under the shore or bed of relevant waters or the recovery of gas so stored;

(c) for the conveyance of things by means of a pipe; or

(d) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this paragraph, together

¹ SI 1995/263: revoked and re-enacted by the Health and Safety at Work etc. 1974 (Application outside Great Britain) Order 2001 SI 2001/2127

with any supplementary unit which is ordinarily connected to it or any part of it (including those parts described in paragraph (3) below) and all of the connections.

(2) Any reference in paragraph (1) to a structure or unit does not include:

(a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;

(b) a well;

(c) a structure or device which does not project above the sea at any state of the tide;

(d) a structure which has ceased to be used for any of the purposes specified in paragraph (1), and has since been used for a purpose not so specified;

(e) a mobile structure which has been taken out of use and is not yet being moved with a view to its being used for any of the purposes specified in paragraph (1); and

(f) any part of a pipeline.

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STATUTORY INSTRUMENTS

2002 No.

HEALTH AND SAFETY

The Offshore Safety (Miscellaneous Amendments) Regulations 2002

<i>Made- - - -</i>	2002
<i>Laid before Parliament</i>	2002
<i>Coming into force</i>	2002

The Secretary of State, in exercise of the powers conferred on him by sections 15(1) and (3)(a) and 82(3)(a) of the Health and Safety at Work etc. Act 1974^(a) and section 1(2)(a) of the Offshore Safety Act 1992^(b) and of all other powers enabling him in that behalf, and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the said Act of 1974 after the carrying out by the Health and Safety Commission of consultations in accordance with section 50(3) of the said Act of 1974, hereby makes the following Regulations:

Citation, commencement and interpretation

1.— (1) These Regulations may be cited as the Offshore Safety (Miscellaneous Amendments) Regulations 2002 and shall come into force on 2002.

(2) References in these Regulations to the "Management Regulations" are to the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995^(c).

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

(b) 1992 c.15.

(c) S.I. 1995/738.

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Amendment of the Management Regulations

2.— (1) Regulation 2(1) of the Management Regulations shall be amended—

(a) by deleting the word "and" at the end of sub-paragraph (b) of the definition of "relevant waters"; and

(b) by inserting after the definition of "relevant waters" the following definition—

"supplementary unit" means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation; and'

(2) Regulation 3 of the Management Regulations shall be amended—

(a) in paragraph (1), by substituting the words "together with any supplementary unit which is ordinarily connected to it or any part of it (including those parts described in paragraph (3) below) and all of the connections" for the words "and which is not an excepted structure";

(b) in paragraph (2), by substituting the words "Any reference in paragraph (1) to a structure or unit does not include" for the words "For the purposes of paragraph (1), the excepted structures are"; and

(c) in sub-paragraph (e) of paragraph (2), by substituting the words "yet being moved with a view to its being" for the words "for the time being intended to be".

Amendment of other enactments

3. The reference to regulation 3 of the Management Regulations in—

(a) the definition of "installation" in—

(i) paragraph (1) of regulation 2 of the Offshore Installations (Safety Case) Regulations 1992(a);

(a) S.I. 1992/2885; the relevant amending instrument is S.I. 1995/738.

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(ii) paragraph (1) of regulation 2 of the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995**(a)**; and

(iii) paragraph (1) of regulation 2 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996**(b)**; and

(b) the definition of "offshore installation" in—

(i) section 12(1) of the Mineral Workings (Offshore Installations) Act 1971**(c)**;

(ii) regulation 2 of the Offshore Installations (Emergency Pipe-line Valve) Regulations 1989**(d)**; and

(iii) regulation 2 of the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989**(e)**,

shall be construed as a reference to regulation 3 of the Management Regulations as amended by these Regulations.

Signed by authority of the Secretary of State

2002

Parliamentary Under Secretary of State,
Department for Transport, Local
Government and the Regions

(a) S.I. 1995/743.

(b) S.I. 1996/913.

(c) 1971 c.61; section 12(1) was amended by S.I 1995/738.

(d) S.I. 1989/1029; the relevant amending instrument is S.I. 1995/738.

(e) S.I. 1989/1671; the relevant amending instrument is S.I. 1995/738.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the definition of "offshore installation" in regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 by extending it to include a supplementary unit (as defined) and by modifying the reference in regulation 3(2) (excepted structures) to a mobile structure which has been taken out of use (*regulation 2*).
2. Regulation 3 makes consequential amendments to referential definitions in other enactments.

A guide to the Offshore Installations and Pipelines Works (Management and Administration) Regulations 1995 Guidance on Regulations *Revised*

Preface

This guide to the Offshore Installations and Pipeline Works (Management and Administration) Regulations (SI 1995/738) as amended by the Offshore Safety (Miscellaneous Amendments) Regulations 2002 (SI 2002/) together with revised guidance, is intended to help people who may be affected by the Regulations to understand what the Regulations require. It is a simple explanation of the main provisions of the Regulations to assist installation operators, installation owners, employers, managers, safety representatives, safety committee members and others involved with offshore activities. The main changes have been made to the definitions of “supplementary unit” in Regulation 2 and “offshore installation” in Regulation 3 and the associated guidance.

Introduction

1 This booklet gives guidance on the Offshore Installations and Pipeline Works (Management and Administration) Regulations (SI 1995/738) (*MAR*), which came into force on 20 June 1995. For convenience, the text of the Regulations is included in *italics*, with the appropriate guidance immediately below. Where the Regulations are self-explanatory no comment is offered. The guidance has been revised to reflect a new definition of offshore installation. The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 (SI 2001/2127)^(a) (AOGBO) came into force in July 2001 (replacing the 1995 Order of the same name) and extended the definition of 'offshore installation' to include supplementary units which would provide support services to offshore installations on the UK Continental Shelf. As a result, the definition of offshore installation contained in MAR also needed to be amended. This was effected by the Offshore Safety (Miscellaneous Amendments) Regulations 2002 (SI 2002/)

2 The Management and Administration Regulations (referred to as 'the Regulations' in this guidance) replace earlier prescriptive legislation on the management of offshore installations with more broadly based requirements setting out the objectives to be achieved. They revoke various requirements which had become outdated and unnecessary. The Regulations complement other regulations dealing with the safe management of offshore installations including the Offshore Installations (Safety Case) Regulations 1992 (SI 1992/2885) (SCR) and the Management of Health and Safety at Work Regulations ~~1992~~ 1999 (SI 1992/2051)(MHSWR). They cover:

(a) the notification to the Health and Safety Executive (HSE) of changes of owner, in the case of mobile installations, or of operator, in the case of fixed installations; and of the movement of installations into or out of UK waters;

(b) the appointment, functions, duties and powers of offshore installation managers;

(c) permit to work systems and the provision of written instructions;

(d) the keeping of records of persons on board;

(e) various operational matters (including communications, meteorological information, identification by sea and air, and providing information to workers on the location of the relevant HSE office);

(f) the provision of health surveillance;

(g) the provision of food and water supplies;

(h) the need for co-operation among duty holders;

(i) arrangements for helideck operations;

^(a) Where AOGBO 1995 is referred to in italics it should be read as if it referred to AOGBO 2001

(j) amendments to the Offshore Installations (Safety Representatives and Safety Committees) Regulations (SI 1989/971);

(k) consequential amendments to other regulations (eg the Offshore Installations and Pipeline Works (First-Aid) Regulations (SI 1989/1671)) to ensure consistency.

Scope of the Regulations

3 The amended Regulations apply to fixed and mobile offshore installations, ~~but not to~~ including subsea installations where connected to a surface unit. More guidance on application to installations is given in paragraphs 34-40. Regulation 15(2) applies to activities carried out in connection with an installation such as construction and loading/unloading; to activities carried out in connection with a well, such as well servicing; and to pipeline works (eg pipelaying, repairs etc).

Relationship between these Regulations and other health and safety law

4 These Regulations complement various other health and safety requirements which also apply to offshore operations. Specific interfaces are described under each regulation. This section describes how the Regulations fit in with general health and safety legislation and with the Safety Case Regulations.

General health and safety legislation

5 The Health and Safety At Work etc Act 1974 (HSW Act) places general duties on all employers to ensure, so far as is reasonably practicable, the health and safety of their employees and of others who might be affected by their undertaking (HSW Act, sections 2, 3 and 4). These general duties are supplemented by MHSWR which contains requirements on risk assessments, health and safety arrangements, health surveillance, providing competent persons and the co-operation and co-ordination of health and safety activities between different employers and the self-employed.

6 The Management and Administration Regulations add to this legislation some more detailed requirements (summarised in paragraph 2) necessary for the management of offshore operations. In particular, they identify cases where it is necessary to put duties on a single duty holder in control of an offshore installation (the owner or operator), supported by a general duty of cooperation, rather than on the generality of employers. However, the HSW Act and MHSWR duties continue to apply to all offshore employers.

Safety Case Regulations

7 The Offshore Installations (Safety Case) Regulations 1992 (SCR) require a safety case to be submitted for acceptance by HSE for every offshore installation. Regulation 8(1)(a) of SCR requires a demonstration of the adequacy of the safety management system (SMS) to ensure compliance with health and safety requirements.

The requirements of these Regulations to appoint an installation manager and to operate permit to work systems will form key elements of the SMS. Communication arrangements, the collection of meteorological and oceanographic information, persons on board records etc will also form part of the safety management arrangements.

8 Regulation 14 of SCR requires various people to co-operate both in the preparation of a safety case and to ensure activities are conducted in conformity with the safety case. MAR broadens the duty of co-operation (regulation 8) to cover all persons with a contribution to make to health and safety, whether or not mentioned in SCR regulation 14, and in relation to all health and safety law.

9 The Regulations also require the provision of information which supplements the safety case to assist HSE in monitoring offshore safety standards (eg notification of changes in duty holder).

10 *A guide to the Offshore Installations (Safety Case) Regulations 1992* (see Appendix) includes guidance (pages 51-78) on particular matters which HSE will look for when considering safety cases for acceptance. This guidance on MAR can usefully be read in conjunction with the SCR guidance.

Regulation 1 **Citation and commencement**

These regulations may be cited as the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 and shall come into force on 20th June 1995, except regulation 23(2), which shall come into force on 20th June 1997.

Regulation 2 **Interpretation**

(1) *In these regulations, unless the context otherwise requires -*

"the 1969 Act" means the Employers' Liability (Compulsory Insurance) Act 1969;^(b)

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

"the 1995 Order" means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995;^(d)

"apparatus or works" means -

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

^(b) 1969 c.57.

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

^(d) SI 1995/263; revoked and re-enacted by the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 SI 2001/2127

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

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

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

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

"duty holder" means -

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

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

"fixed installation" means an offshore installation other than a mobile installation;

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

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

"offshore installation" shall be construed in accordance with regulation 3

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

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

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

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

"relevant employee" means an employee -

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

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

"relevant waters" means -

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

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

"supplementary unit" means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation; and

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

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

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

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

(a) a numbered regulation is a reference to the regulation in these Regulations so numbered;

(b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears; and

(c) a numbered Schedule is a reference to the Schedule in these Regulations so numbered.

Duty holder

11 The duty holder structure for these Regulations is the same as that in the SCR and in the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 (PFEER). Most of the Regulations refer to a primary duty

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

holder (the operator, in the case of a fixed installation and the owner, in the case of a mobile installation) who is responsible for discharging the duties under the Regulations. Definitions used in these Regulations are the same as those in PFEER and SCR, including the definitions of 'owner' and 'operator'. Therefore, the person who has submitted the safety case will also be the duty holder under these Regulations. The operator will normally be the same person as the operator under model clause 24 of the Petroleum (Production) (Seaward Areas) Regulations 1988. Figure 1 sets out briefly the duty structure in the new legislation.

Owner

12 The definition of 'owner' in these Regulations is new and replaces the definition formerly found in the Mineral Workings (Offshore Installations) Act 1971 (MWA). The MWA definition was linked to registration, but the requirement to register installations is revoked by these Regulations. The new definition refers to the *person who controls the operation of the installation*, ie the person who contracts with the operator to use the installation for oil and gas related activity. This will normally be the same person as under the definition formerly used in the MWA. It does *not* refer to the operator (who contracts with the owner) or to the installation manager, who is appointed by the owner (see regulation 6). the owner as defined in these Regulations may not be the owner in the ordinary financial sense.

Concession owner

13 The new definition of 'concession owner' replaces and simplifies that formerly contained in MWA, but is otherwise similar in meaning to the previous definition. The concession owner is the person who appoints the operator (see paragraph 11). Where no operator is appointed, the concession owner becomes the operator and takes on the responsibilities of the duty holder under these Regulations. The concession owner has a duty of cooperation under regulation 8 in any case.

Regulation 3 Meaning of "offshore installation"

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

(a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;

(b) for the storage of gas in or under the shore or bed of relevant waters or the recovery of gas so stored;

(c) for the conveyance of things by means of a pipe; or

(d) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this paragraph, together with any supplementary unit which is ordinarily connected to it or any part of it (including those parts described in paragraph (3) below) and all of the connections.

~~and which is not an excepted structure.~~

(2) Any reference in paragraph (1) to a structure or unit does not include
~~For the purposes of paragraph (1), the excepted structures are--~~

(a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;

(b) a well;

(c) a structure or device which does not project above the sea at any state of the tide;

(d) a structure which has ceased to be used for any of the purposes specified in paragraph (1), and has since been used for a purpose not so specified;

(e) a mobile structure which has been taken out of use and is not ~~for the time being intended to be~~ yet being moved with a view to its being used for any of the purposes specified in paragraph (1); and

(f) any part of a pipeline.

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

(a) any well for the time being connected to it by pipe or cable;

(b) such part of any pipeline connected to it as is within 500 metres of any part of its main structure;

(c) any apparatus or works which are situated -

(i) on or affixed to its main structure; or

(ii) wholly or partly within 500 metres of any part of its main structure and associated with a pipe or system of pipes connected to any part of that installation.

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

Guidance 3

14 Regulation 3 defines an 'offshore installation' for the purpose of these Regulations. This definition replaces that formerly contained in section 1 of MWA as the definition of an offshore installation for the purposes of health and safety law. Existing regulations which refer to installations (for example the SCR) are amended by these Regulations to use the new definition. Regulations, such as PFEER, refer to the definition given in MAR, any variation from it will be explained in the guidance on those regulations.

Activities of offshore installations

15 Regulation 3(1) describes an offshore installation as a structure used for a number of activities related to the exploitation of oil and gas resources in 'relevant waters' (ie in UK waters - see paragraph [39-35](#) for a fuller explanation). A structure must carry out at least one of the following activities to be regarded as an offshore installation:

- ***exploring for, or exploiting, mineral resources by means of a well.*** Exploring includes activities carried out by mobile offshore drilling units. Exploitation includes activities carried out by fixed and floating production platforms, [well service vessels \(WSVs\)](#) and floating storage units. Exploitation other than by a well, such as dredging for sand and gravel or exploration for such a purpose, is NOT included;
- ***storing gas***, for example, in exhausted or partially depleted reservoirs, ***and recovering the stored gas***;
- ***conveying anything by means of a pipe.*** This applies mainly to pipeline booster platforms. It does not mean that pipelines are offshore installations (because they are excluded by regulation 3(2)(f)). Parts of pipelines might form part of an offshore installation (see paragraph [3329](#));
- ***supplementary units.*** [This applies to units, and includes the connections, which provide power, control, communications and other facilities, for offshore oil and gas installations in the territorial sea and on the UK Continental Shelf \(UKCS\). These units may be wind, wave or conventionally powered, and are normally connected to the offshore installation.](#)
- ***where the main use is to provide accommodation for workers on offshore installations.*** This includes flotel. Other specialist vessels (eg heavy lift vessels (HLVs) or diving support vessels (DSVs)) become offshore installations when they are specifically contracted or otherwise used solely or mainly to provide accommodation for workers on an offshore installation. (See also paragraphs 16-18)

However, HLVs, DSVs etc are not offshore installations if they are specifically contracted or used for another purpose (eg heavy lift), even if they also incidentally provide accommodation for workers on offshore installations as a secondary activity.

Where the purpose of the contract (eg diving, heavy lift or primary construction support) cannot be met by a flotel, but requires the use of a specialist vessel, the specialist use would normally be regarded as the main use of the vessel, even if accommodation is also provided.

16 Factors which should be examined in order to determine whether a specialist vessel is used 'mainly for the provision of accommodation' include;

- (a) the total planned duration of the vessel at the site;
- (b) the number of days to be spent on the 'specialist' operations (including on-site preparation and tidying up);
- (c) the number of days to be spent providing accommodation for people who are not directly associated with the specialist operations;
- (d) the numbers of people resident on the vessel as crew members and people directly associated with the specialist operations; and
- (e) the ratio of the value between that part of the contract for the provision of the specialist function and that part of the contract for the provision of accommodation.

17 A judgement needs to be made in- each case as to whether a specialist support vessel falls within the definition of an installation because it is used mainly for the provision of accommodation. Before engaging in contracts to provide specialist support and accommodation, specialist vessel owners and installation operators should consider the factors listed above to decide if the vessel is likely to be regarded as an offshore installation, as defined in MAR. If this is so, the vessel owner and the installation operator will need to have an accepted operational safety case for the specialist vessel and may need a combined operations safety case. Vessels engaged in activities attracting installation status are also subject to all offshore health and safety legislation, eg PFEER and DCR.

Standing or stationed

18 To be an offshore installation, not only must a structure or vessel be undertaking an activity in regulation 3(1), but it also must be 'standing or stationed' for the purpose. The term 'standing or stationed' indicates a degree of permanence. The following vessels are NOT considered normally to be 'standing or stationed', because of the transient nature of their work:

- well service vessels (-but see paragraphs (22 – 28))
- survey vessels;
- shuttle tankers.

19 Other vessels and structures which undertake activities listed in regulation 3(1), and which fall within the definition of 'offshore installation' because they are more permanent include:

- floating storage units;
- combined production and storage vessels capable of exploiting single wells.

'Is to be' or 'has been used'

20 The definition applies not only to installations while engaged in operations, but also to an installation which 'is to be' or 'has been' engaged in operations. This includes installations under construction at their work station offshore ('is to be') and those being dismantled at their station ('has been'). It also includes installations in transit to or from their working station (but see regulation 4, which excludes installations in transit from application of MAR, regulations 6 – 21).

When does a structure or vessel become an offshore installation?

21 A structure becomes an offshore installation - and is subject to the legal requirements applying to 'offshore installations' - in the following circumstances:

- if it is a mobile installation, it enters relevant waters with the intention of carrying out an activity in regulation 3(1) or if already in relevant waters (eg stacked) its intention becomes to carry out such activity in those waters, or,
- if it is a fixed installation, when its first significant part is towed out.

However, Regulation 4 of MAR provides that regulations 6 to 21 of MAR do not apply to an offshore installation which is in transit from one location to another until it reaches its working station and is about to be manoeuvred into place prior to its being operated or constructed.

22 A vessel becomes an offshore installation in the following circumstances:

- If it is a well service vessel, undertaking intervention activities for the first time and lasting three days or more (see paragraphs 22-26).

As WSVs are used 'for the exploitation ... of mineral resources' (see MAR regulation 3(1)(a)) in some circumstances they are offshore installations for the purposes of MAR. Short-term intervention activities do not, however, make the vessel permanent enough to be considered to be standing or stationed. HSE considers that a period of less than three days should be considered as 'short-term'. Activities lasting for three days or more are permanent enough for the vessels to be considered offshore installations. HSE will take a pragmatic approach to activities which are planned for less than three days, but which then exceed this period due to factors which were not reasonably foreseeable.

23 HSE sees no benefit in requiring lower risk well servicing activities to comply with all the legal duties imposed on installations under offshore specific health and safety law. With that in mind, HSE have exempted WSVs engaged solely in lower risk activities from certain requirements of these offshore specific regulations. This applies

even when they undertake work where they would be otherwise standing or stationed for 3 days or more (see paragraph 100).

24 Lower risk activities are defined as activities which do not involve entering the pressure containment boundary of a well in a way which could affect its pressure containing function. These are activities (for example pumping of fluids into a well), which do not require or involve installing additional pressure containing equipment or the modifying the existing boundary equipment.

25 Conversely, if the activities carried on from a WSV include mechanically entering a well with a tool or device, the WSV becomes an installation the first time it is involved in this work for three days or more.

26 HSE recognises that it is difficult to predict the duration of such work and whether longer and more ambitious tasks are likely to be undertaken in the future. So HSE is willing to assess safety cases for these vessels in advance, preparing the way for the future roles in which they might attract installation status. HSE will assist vessel owners to decide whether the well servicing activities mean that the vessel is defined as an offshore installation for the purposes of MAR.

When does an installation cease to be an offshore installation?

27 A structure ceases to be an offshore installation and therefore ceases to be subject to the legal requirements applying to offshore installations when:

- in the case of a fixed installation, it has been dismantled and removed completely. Pieces which have been removed are not offshore installations. If it has been cut down below sea level it then becomes a subsea installation - the HSW Act still applies to subsea installations. A toppled structure towed or carried back to shore or any other place for disposal will be similar to a new structure being towed out. Though an offshore installation, Regulations 6 – 21 of MAR will not apply.
- in the case of a mobile installation, when it leaves the UK Continental Shelf, or when it ceases one of the activities listed in regulation 3(1) and stacks within Great Britain or territorial waters adjacent to Great Britain. A mobile which enters UK waters to stack or for repair or maintenance is not an offshore installation unless and until it is ready and preparing to depart for its working stations ~~carry out an activity~~ in UK waters;
- It ceases permanently any activity specified in regulation 3(1) (see paragraph 15) and undertakes another activity. For example an HLV which has been contracted as a flotel, and reverts to heavy lift activities or a WSV which has been contracted to do well intervention activities (see paragraph 18 & 22-28), and reverts to alternative activities). In both cases there is no intention of undertaking any of the activities in MAR regulation 3(1) again.

28 If the change in activity is not permanent, then the definition as an installation continues to apply. For example, if a WSV attracts installation status, but then undertakes a diving support role, it remains an installation, unless it ceases permanently to undertake the activities of an installation (see also paragraph 100).

Things which are part of offshore installations

29 Regulation 3(3) also *deems* certain things to be part of an offshore installation for the purpose of the Regulations. These include:

- any well which is connected to an offshore installation (whether fixed or mobile) by a pipeline or cable (even though the means by which it is attached continues to be a pipeline or cable in its own right and may or may not also be regarded as part of the installation). Regulation 2(3) treats structures and devices on top of a well as part of a well. This applies to equipment such as Christmas Trees or Blowout Preventers. It does not mean that offshore installations are parts of wells; rather, wells may be part of an installation;
- any pipeline, apparatus or works within 500 metres of the main structure of the offshore installation to which it is attached.

30 These things are deemed to be part of the installation because they may be controlled from the main installation and it is appropriate to consider them operationally as a single unit (for example, for the purposes of these Regulations, PFEER and SCR).

Permanently linked structures

31 Regulation 3(4) treats two or more permanently bridge-linked structures as a single offshore installation. This means, for example, that one installation manager would be appointed for the linked platforms. This does not apply to temporary bridge links (such as those between production platforms and flotels) or to installations connected solely by pipeline.

Structures which are not offshore installations

32 Regulation 3(2) specifies a number of things which are NOT offshore installations. These are:

- ***subsea installations, which are not connected to an installation by pipeline or cable***. Note that, while MAR, PFEER and SCR do not apply, the HSW Act does -apply to such subsea installations.
- ***wells which are not connected to an installation by pipeline or cable***. Again, such wells (and activities in connection with them) remain covered by the

HSW Act. Regulation 15(2) applies to activities in connection with such wells (eg suspended wells);

- **stacked installations.** While stacked within Great Britain or in UK territorial waters adjacent to Great Britain the HSW Act will still apply;
- **lengths of pipeline more than 500 metres away** from the main structure to which they are attached;
- **structures which are permanently attached to dry land** by bridges or walkways (eg piers);
- **structures which have been used** for any of the activities set out in regulation 3(1) but which are now being used for another purpose (see paragraph 27). If the second purpose ceases, the structure does not revert to being an offshore installation unless it prepares to carry out an activity listed in regulation 3(1).

Summary

33 The table below gives examples of the types of structures and vessels which are and are not offshore installations under regulation 3:

<i>Offshore installations</i>	<i>Not offshore installations (or parts of installations)</i>
• Fixed production platforms	• Heavy lift vessels*
• Floating production platforms	• Diving support vessels*
• Floating storage units	• Shuttle tankers
• Mobile offshore drilling units (MODUs)	• Well service vessels* • Stacked MODUs
• Flotels	• Subsea installations (but see paragraph 32) • Dredgers
	• Wells not connected to an installation • Survey vessels

- Pipelaying barges
- Pipelines which are more than 500 metres away from the main structure to which they are attached
- Structures which are permanently attached to dry land by bridges or walkways

[*under certain circumstances these may become offshore installations \(see paragraphs 15-17, and 21 - 33\)](#)

Regulation 4 **Application**

(1) *These regulations shall apply -*

(a) *in Great Britain; and*

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

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

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

Guidance 4

34 Regulation 4 sets out the places and activities to which these Regulations apply. The Regulations apply mainly to 'offshore installations' as defined in regulation 3 (with some exceptions) while in relevant waters. Regulation 15(2) applies to certain other activities.

Relevant waters

35 The Regulations apply in 'relevant waters' as defined in regulation 2(2). These waters comprise:

- tidal waters within Great Britain up to the seaward limits of territorial waters;
- territorial waters adjacent to Great Britain; and

- those areas of the UK continental shelf designated under the Continental Shelf Act 1964.

Application to offshore installations in transit

36 Although the *definition* of offshore installation in regulation 3 covers installations while in transit to or from their working stations, regulation 4 provides that installations in transit will not be subject to regulations 6 to 21. The term 'in transit' relates to all times when the installation is not at or in the immediate vicinity of its first, a previous or its new working station. It is intended to exclude installations from the Regulations when the primary risks are marine. Manoeuvring preparatory to leaving a station or after arrival in order to position the installation is *not* part of transit, ie the Regulations *do* apply to such manoeuvring. For example, a semi-submersible installation approaching a new location might be considered as manoeuvring from deployment of the first anchor, which may be some distance from its final location.

37 Most mobile installations are classed as ships and therefore may also be subject to the mercantile law of their flag state, based on various international maritime conventions. For example, UK flagged mobile installations are subject to the Merchant Shipping Acts and subordinate regulations. Where relevant therefore, mobile installations will have to comply with appropriate maritime legislation and conventions as well as with the provisions of these Regulations. However, compliance with the material provisions of maritime legislation and conventions may contribute towards discharging duties under these Regulations.

Application to installations with no persons on board

38 The Regulations apply only to offshore installations while persons are on board them, apart from regulations 5 (Notification concerning offshore installations), 12(b) (Communication), 14 (Operational information) and 19 (Identification of the offshore installation). Installations with no one on board will become subject to the remaining regulations when one or more persons alight on the installation to carry out work, such as maintenance. Special arrangements will need to be made before visiting installations with no one on board to ensure that the Regulations are complied with on arrival (for example, those dealing with the appointment of an installation manager and helicopter landing officer). More guidance on visiting such installations is given under the specific regulations. However, regulations 5, 12(b), 14 and 19 apply at all times, whether people are on board the installation or not.

Application during construction or dismantling of offshore installations

39 The Regulations apply to offshore installations while they are constructed on their offshore working station and while they are being dismantled offshore. The duties have been expressed in terms of the broad objectives to be achieved to allow for flexibility during the construction and dismantling phases. Some duties expressly recognise the different circumstances at these times (eg regulation 6(2) allows a manager to exercise control from an adjacent vessel). Most duties require the duty

holder to 'ensure that' things are done, because the duty holder may not do them directly. This will be particularly so during construction or dismantling, when many activities will be under the control of contractors. Regulation 8 requires these contractors to co-operate with the primary duty holder to comply with health and safety requirements.

Summary of application to offshore installations

40 The table below is a summary of the application of the Regulations to offshore installations:

----- <i>Do the Management and Administration Regulations apply?</i> -----	
• Fixed installations	Yes
• Mobile installations	Yes
• Flotels	Yes
• Floating storage units	Yes
• Floating production units	Yes
• Subsea installations	No <u>(unless connected to a surface unit - subject to regulation 3(3)(c))</u>
<hr/>	
• <u>Well service vessels</u>	<u>Yes, when undertaking intervention activities lasting three days or more (see paragraphs 21-26)</u>
• Installations with no persons on board	Regulations 5, 12(b), 14 and 19 only
• Installations in transit	Regulation 5 only
• Installations under construction offshore	Yes
• Installations under demolition offshore	Yes
• Stacked installations	No
• Installations which have been abandoned	Yes (unless cut off below sea level)

Application to activities in connection with an offshore installation

41 The Regulations require primary duty holders to take account of risks to people near the offshore installation who may be affected by its activities, but they do not generally place duties on people in charge of activities not taking place on the installation. The exceptions are regulations 8 (Co-operation) and 15(2) (Information to persons). Regulation 8 puts duties on anyone. Regulation 15(2) puts duties on, among others, the employers of workers involved in activities in connection with offshore installations.

42 Activities in connection with an installation are specified in article 4 of AOGBO. They are:

(a) 'any offshore installation and any activity on it;

(b) 'any activity, ~~including diving operations~~, in connection with an offshore installation, or any activity which is immediately preparatory thereto, whether carried out from the installation itself, ~~on~~ in or from a vessel or in any other manner, other than -

(i) transporting, towing or navigating the installation; and

(ii) any activity ~~on~~ in or from a vessel being used as a stand-by vessel'.

(c) 'a diving project involving -

(i) the survey and preparation of the sea bed for an offshore installation

(ii) the survey and restoration of the sea bed consequent on the removal of an offshore installation'.

This includes any of the following activities carried out in connection with an installation: provision of accommodation (but see paragraph 15), well servicing, inspection, testing, loading, unloading, fuelling, provisioning, construction, reconstruction, alteration, repair, maintenance, cleaning, demolition, dismantling, and diving operations, and any activity which is immediately preparatory to any of the above activities. It does NOT include purely marine activities such as anchor handling or navigation, nor does it include activities which take place on or from a stand-by vessel. Regulation 15(2) also applies to servicing wells which are not connected to an installation.

Activities in connection with pipeline works

43 Regulation 15(2) also puts duties on employers of workers engaged in pipeline works and certain connected activities. Pipeline works within the meaning of article 6 of AOGBO are:

'(a) *assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;*

- (b) *inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;*
- (c) *changing the position of or dismantling or removing a pipeline or length of pipeline;*
- (d) *opening the bed of the sea for the purposes of the works mentioned in sub-paragraphs (a)-(c) of this definition, tunnelling or boring for those purposes;*
- (e) *any activities incidental to the activities described in sub-paragraphs (a)-(d) of this definition;*
- (f) *diving operations in connection with any of the works mentioned in sub-paragraphs (a)-(e) of this definition or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.'*

The activities in connection with pipeline works are:

- (a) the loading, unloading, fuelling or provisioning of a vessel,
- (b) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel.

Regulation 5 Notification concerning offshore installations

- (1) *The duty holder shall, no later than the date on which an offshore installation is due to enter or leave relevant waters, notify the Executive in writing of the date of its intended entry into or departure from such waters.*
- (2) *Where there is a change of duty holder in relation to an offshore installation, the new duty holder shall ensure that it is not operated until the Executive has been notified in writing of -*
 - (a) *the date of such change;*
 - (b) *the name and address of the new duty holder; and*
 - (c) *where the address furnished pursuant to sub-paragraph (b) is outside Great Britain, an address in Great Britain to which communications to him may be sent.*

Guidance 5

44 The Regulations require the duty holder to notify HSE when:

(a) a mobile installation (such as a MODU or a flotel) or a floating production platform enters or leaves relevant waters (as defined in regulation 2),

(b) there is a change in duty holder (ie the operator in the case of a fixed installation, or the owner in the case of a mobile installation).

45 Notifications must contain the information required by the regulation and be submitted on or before the occurrence. Sometimes, this information may be provided to HSE for other purposes. For example, a change of duty holder may be notified to HSE as a material change under regulation 9(2) of the Safety Case Regulations. If so, there is no need to repeat the notification for the purposes of this regulation, so long as all the required details are provided.

46 Notifications should be sent to the office of HSE's Offshore Division which normally deals with the offshore installation or if new to United Kingdom waters, to HSE's main operational office in Aberdeen (the address of which is at paragraph [9591](#)). Fax or other electronic transmission arrangements are acceptable.

Regulation 6 **Managers**

(1) *The duty holder shall ensure that -*

(a) *the offshore installation is at all times under the charge of a competent person appointed by him to manage on his behalf the installation and the persons on it; and a reference to the installation manager is a reference to such person while he is in charge;*

(b) *the installation manager is provided with appropriate resources to be able to carry out effectively his function, and the duties he may have to discharge under regulation 8; and*

(c) *the identity of the installation manager is known to or readily ascertainable by every person on the installation.*

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

Guidance 6

47 The duty holder must ensure that at all times when persons are on board, the offshore installation is in the charge of a competent manager. The regulation does not apply to mobile installations or floating production platforms while they are in transit.

48 The ultimate legal responsibility for the safe operation of the installation and connected activities rests with the owner/operator (and relevant employers) under the

HSW Act and subordinate regulations. The requirement to appoint an installation manager with statutory functions does not affect this responsibility.

Functions

49 The installation manager plays a key role in the offshore installation's safety management system. The installation manager will be responsible (to the duty holder) for the day-to-day management of the offshore installation and in charge of the health, safety and welfare of persons on or about the installation, including ensuring the maintenance of order and discipline. The duty holder may define any more specific health and safety functions of the manager, within the broad functions set out in these Regulations. The functions should be set out in the safety case (see *Assessment principles for offshore cases*, 'Management of health and safety', paragraphs 28–32

50 The manager's functions will normally include command and control of the offshore installation in an emergency, where this is part of the arrangements made under regulation 6 of PFEER (see PFEER Approved Code of Practice on management of emergencies). Even where someone other than the manager takes charge of a localised emergency, the installation manager will remain in overall charge of the installation.

Competence

51 The duty holder will need to make arrangements to appoint the installation manager and to ensure that the person appointed is competent. Competence is not simply a matter of receiving particular training or holding particular qualifications though these will be relevant. The installation manager will be a competent person within the meaning of regulation ~~6-7~~ of the Management of Health and Safety at Work Regulations ~~1992~~1999. The relevant provisions of regulation 6 and accompanying Approved Code of Practice (see Appendix) will therefore apply. Regulation 6(5) says that a person is 'competent' who has '*sufficient training and experience or knowledge and other qualities*' to assist with health and safety measures.

52 Competence assessment involves taking account of the person's skills, judgement, experience, qualifications and relevant knowledge and training in combination, all in relation to the tasks to be undertaken and the functions to be carried out. Their ability to apply this competence should be demonstrated in realistic, representative circumstances. Demands will vary by installation type (eg managers of fixed installations will need different competences from managers of mobile installations) and from installation to installation. Competence-based training is likely to assist in ensuring that a manager is or remains competent.

53 The duty holder should take reasonable steps to ensure that the manager remains competent and functions are carried out effectively. This may include monitoring the installation manager's performance, providing refresher training and demonstrations of sustained competence from time to time. The manager has a duty under regulation 8 to co-operate with the duty holder in this and with other measures the duty holder may need to take to comply with duties to ensure the safety of the installation. The installation manager must also cooperate with the manager of another

offshore installation who has similar responsibilities (eg where linked by pipeline or involved in a combined operation), and with any other person, as far as is necessary to enable them to comply with their statutory duties.

Presence on the offshore installation

54 The regulation requires the installation manager normally to be present on the offshore installation. It does allow for the installation manager to leave the offshore installation in certain circumstances however (eg when the installation is under construction or to pay a visit to a standby vessel) provided he/she is on an adjacent vessel or offshore installation and can continue to manage the installation adequately. This requires access to adequate means of communication between the offshore installation and the adjacent installation or vessel so that the manager can monitor activities on the installation and give directions. It also requires that the installation manager can, if necessary, return quickly to the offshore installation (eg via a bridge link or other suitable means of access).

55 Where an installation manager cannot return to the offshore installation quickly (eg access depends upon a fixed bridge link and the bridge is unavailable), another person on the installation will have to take on the responsibilities of the manager. Arrangements need to be considered in advance so that, in cases where the presence of an installation manager is essential, someone is appointed to take control if the installation manager is unable to return to the offshore installation.

56 The duty holder will need to ensure that more than one competent person has been appointed to act as manager for the offshore installation to cover shift and leave arrangements and occasions when the manager is incapacitated or for some reason has to leave the installation or is unable to return promptly. If work has to be carried out on an offshore installation which has no one on board, eg maintenance work, one of those in the visiting party must be appointed to carry out the necessary functions of a manager.

Identifying the installation manager to the workforce

57 The duty holder must make arrangements to ensure that the name of the manager on duty is made known to all personnel on the offshore installation, eg by prominently displaying the manager's name in places where they are likely to be seen by all workers on the installation (eg in the helicopter reception area). Members of work parties visiting offshore installations which do not normally have people on board will need to be informed of who has been appointed to be manager.

Resources

58 The duty holder must ensure that managers are provided with appropriate resources to be able to carry out the functions for which they have been appointed. The majority of specific functions will be delegated by the duty holder. The duty holder should assess and provide appropriate resources to enable the installation manager to undertake and discharge the functions assigned. Resources might include provision of, or facilities for, budgetary resources, information, support staff and their training. The

installation manager should also have the delegated authority to be able to carry out his/her functions. For example, the installation manager would need to be able to shut down the offshore installation or particular activities on it where necessary for health and safety.

Authority

59 The manager's delegated authority and responsibility in relation to health and safety extends to everyone on the installation. This authority might conflict however with others who have a similar authority in respect of something in their charge (eg the master of a ship, the pilot of a helicopter or the manager of another installation). In such circumstances, decisions about the relative risks to the offshore installations, ships or helicopters in their respective care will be a matter of professional judgement. The manager should seek the co-operation of others in reaching a solution which ensures the safety of everyone involved (see regulation 8).

Regulation 7 Restraint and putting ashore

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

(a) restraint of his person; and

(b) putting him ashore in the United Kingdom as soon as is practicable thereafter, as are reasonable.

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

Guidance 7

60 The manager has legal powers to put people under restraint and send them ashore, when necessary to ensure the safety of the offshore installation and the health and safety of those on board. These powers extend to maintaining order and discipline, where necessary for health and safety. The powers would only be expected to be used in exceptional circumstances. The Regulations provide for the manager to exercise restraint only until the person can be put ashore in the UK, which should be as soon as practicable.

61 If the period of restraint seems likely to exceed 24 hours (eg because of transport difficulties), the manager must notify the duty holder (ie the offshore installation owner or operator). The duty holder should take appropriate action on receiving a notification, such as alerting the police if he suspects a crime has been committed or the public health authorities in the case of a possible health risk. The duty holder may

also wish to make arrangements to notify the appropriate authorities in cases where someone is sent ashore within 24 hours.

Regulation 8 **Co-operation**

(1) *Every person shall co-operate -*

(a) *with the installation manager, and any other person on whom any duty is placed by regulations 5 to 19, so far as is necessary to enable him to comply with the relevant statutory provisions, including this regulation;*

(b) *with the installation manager, so far as is necessary to enable him to discharge his functions described in regulations 6 and 7; and*

(c) *with the helicopter landing officer, so far as is necessary to enable him to perform his function referred to in regulation 13.*

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

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

Guidance 8

62 Safety requires co-operation between everyone who has a contribution to make to ensuring health and safety on the offshore installation or in activities involving the installation. The scope of regulation 8 is therefore very wide and includes operators, owners, concession owners, employers, employees, managers and people in charge of visiting vessels or aircraft.

63 Regulation 8(1)(a) aims to ensure that those who have duties under the Regulations (owners, operators, employers, installation managers etc) should not be prevented from complying with their legal duties by the actions or failures of others to act. It does NOT mean that duty holders can evade their responsibilities by seeking to pass their responsibilities to others. If a duty holder is capable of complying with a duty unaided, the co-operation duty does not come into play. In cases where another person has agreed in advance with the duty holder to provide assistance on which the duty holder depends, that other person will be bound by the duty.

64 Anyone who boards or comes close to an offshore installation must recognise the duty holder's primary responsibility for health and safety and the authority of the installation manager.

Some practical examples

65 It is not possible to identify all the possible circumstances in which the duty of co-operation will be relevant. The following are examples where the duty may apply:

(a) everyone has a duty to co-operate with the installation manager to allow the manager to carry out the duties given under health and safety law and the functions as a manager under regulations 6 and 7. Where the manager has to issue instructions for health and safety purposes, these should be followed by those to whom they are addressed. The manager may also have duties under other regulations (eg the Safety Representatives and Safety Committees Regulations (SI 1989/971), the Emergency Pipe-line Valve Regulations (SI 1989/1029)). Masters of vessels and pilots of helicopters must also co-operate with the installation manager, so long as this does not conflict with their own statutory duties (see paragraph 63);

(b) the installation manager must co-operate with the owner or operator who has appointed the manager to enable the owner or operator to comply with their legal responsibilities for the safety of the installation; and with the manager of other offshore installations where their operations may interact;

(c) contractor employers and any self-employed contractors will need to co-operate with the owner or operator, eg by ensuring that their employees follow instructions. The HSW Act, section 7(b) already requires employees, including contractors' employees, to co-operate with their employers and with the owner or operator to enable employers to comply with their legal responsibilities. For example, workers should follow instructions and procedures set down by the owner or operator to safeguard health and safety, such as wearing appropriate personal protective equipment (PPE) and complying with permit to work systems (under regulation 10).

(d) where the owner's or operator's compliance with their legal responsibilities under these or other regulations depends on resources being contributed by another person, the other person must co-operate in supplying those resources. For example, if a concession owner appoints an operator who depends on the concession owner providing the necessary resources (or authorising their use), the concession owner must provide the resources or authorisation. However, the concession owner would not stand in place of an operator who has the capacity to comply without assistance.

Co-operation in emergencies

66 See also the Approved Code of Practice and guidance which accompany regulation 8 of PFEER for further guidance on the co-operation necessary in respect of emergency response arrangements set out in the installation's emergency response plan.

Relationship with other Regulations

67 Regulation 8 builds on the co-operation duties in the HSW Act, section 7(b) (covering employees), regulation 9 of MHSWR (covering employers and the self-employed on the same installation) and Regulation 14 of the SCR (covering preparation of and conformity with safety cases).

Regulation 9 **Records**

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

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

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

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

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

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

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

Guidance 9

68 It is important that, in the event of an emergency on an offshore installation, everyone on board can be accounted for. The duty holder must ensure that a continuously updated record of all persons present on an offshore installation is maintained ('the offshore record'). The record must include every person who normally works on an offshore installation, including people who work only part of the time on the installation (eg while constructing it) even if temporarily off the installation, and any other person who visits even for a short time, eg onshore management, inspectors etc. The record will need to be amended whenever anyone arrives on or departs from an offshore installation and arrangements will be needed to ensure they are kept up to date, eg by ensuring everyone passes through a central reception or departure area.

Offshore record

69 The offshore record must be kept either on the offshore installation concerned or, if this is not appropriate, at a suitable place nearby, such as an adjacent installation or vessel (eg during construction). Where two offshore installations are engaged in combined operations, the record will need to be kept for each installation showing those persons who are currently on or working from the installation. In such circumstances the managers of both offshore installations will need to co-operate to ensure that the records are kept accurately, particularly where individuals may travel frequently between the installations. 'Working from' an offshore installation in this context would mean that a person is considered part of the complement for one installation but may temporarily be working on the other installation. Records do not have to be retained offshore of individuals who are no longer on or working from the installation.

Onshore record

70 The details which are required for the offshore record (ie name, and name and address of employer) must also be retained and updated at a location onshore ('the onshore record'). The onshore record also requires further details to be kept, primarily for use by the police in informing next of kin following a death or loss offshore or to be able to trace the recent contacts of someone found to have an infectious disease. These details are specified in regulation 9(2). The onshore record must be kept up to date by regular faxing or electronic updating as necessary, but it is recognised that details may not be provided immediately, particularly where there is frequent movement between associated offshore installations.

71 The onshore record must be kept for 28 days, unlike the offshore record, because of the possible need to trace individuals. Duty holders may also wish, if possible, to keep records for longer periods (up to 6 months) in the rare event of cases of disease with longer incubation periods occurring. Owners of mobile installations which leave the UK continental shelf will need to make arrangements for the records to be kept after the mobile leaves.

Regulation 10 **Permits to work**

In cases where, because of -

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

it is necessary for the health or safety of persons to do so, the duty holder shall introduce arrangements for securing that, in such a case, a person does not do such work save in accordance with the terms of a permit in writing, given by a competent person authorised by or on behalf of the duty holder.

Guidance 10

72 Permit to work systems form an essential element in the safety management system of the installation (see paragraph 7). The duty holder must establish a system of written permits to work to be used in circumstances where the nature and scale of the risk arising from the work to be carried out demand such a stringent system of control. Risk assessments undertaken for the safety case, or for the fire and explosion assessment PFEER, or under regulation 3 of MHSWR, will help the duty holder to identify such circumstances. Once identified the duty holder must ensure that no such work is carried out unless a permit has been issued by a competent person and that the work is carried out in accordance with the terms of the permit.

73 Examples of work likely to require a permit system include entry into confined spaces and hot work. Only a person authorised by or on behalf of the duty holder may issue a permit. This could be the installation manager, or another responsible person authorised by the installation manager if the duty holder has delegated to the installation manager the function of authorising people to issue permits. Authorised persons must be competent. To be competent to issue permits, authorised persons must have sufficient experience and knowledge to decide on conditions and precautions necessary to ensure the health and safety of persons carrying out the work or of others who may be affected.

Further guidance

74 Guidance on the operation of a permit to work system is contained in the Oil Industry Advisory Committee *Guidance on permit to work systems in the petroleum industry* (ISBN 0 7176 1281 3) available from HSE Books.

Regulation 11 Instructions

The duty holder shall ensure that, where necessary for the health and safety of persons -

(a) comprehensible instructions on procedures to be observed on the offshore installation are put in writing; and

(b) the relevant part of such instructions is brought to the attention of every person who is to do anything to which that part relates.

Guidance 11

75 Duty holders will have established health and safety procedures as part of their safety management system. Regulation 11 requires duty holders to identify those circumstances where it is necessary to put such procedures in writing. The written instructions on the procedures must be comprehensible (ie capable of being understood by those who will have to follow them) and brought to the attention of anyone who has to comply with them. Again, the safety case, fire and explosion assessment under PFEER and MHSWR risk assessment will help identify circumstances where written instructions are necessary.

76 The instructions need not be on paper to be 'written'. They can be computer generated, for example, so long as they are capable of being printed out or read (eg on a display screen or electronic sign board) and understood by those who need to see them. Instructions may be brought to a person's attention in many ways, for example, as part of the training procedures, permit arrangements or tool box talks. It is not always necessary for the instructions to be passed in writing to the persons requiring the information.

77 Examples of circumstances where written instructions may be needed include isolation procedures, overside working, transfer procedures, helideck operations (particularly if involving part-time helideck crew) and inspection/maintenance procedures. The instructions should set out where a permit to work is required (see regulation 10). Written instructions should take account of everyone at risk. For example, they might set out precautions against dropped objects; or ensure modification procedures are followed correctly so later users are not put at risk.

Relationship with other Regulations

78 Regulation 8 of PFEER requires an emergency plan which documents the organisation and arrangements for dealing with an emergency on an installation.

Regulation 12 Communication

The duty holder shall ensure that arrangements, which are appropriate for health and safety purposes, are in place for effective communication –

(a) between the offshore installation and the shore, vessels, aircraft and other installations; and

(b) where a helicopter is to land on or take off from an offshore installation aboard which there will be no persons immediately before the landing, or after the take-off, between the helicopter and -

(i) a suitable offshore installation with persons on board; or

(ii) where there is no such installation, suitable premises ashore.

Guidance 12

79 Effective communication is important in ensuring the health and safety of offshore installations and related operations. Appropriate arrangements for communication may include provision of equipment, ensuring persons competent to use it are present and setting out relevant procedures. The arrangements should be fit for purpose and ensure that the standard of communication required can be met. Duty

holders will need to determine what is appropriate depending on the communication needs of the offshore installation in relation to the operations being undertaken.

Helideck operations

80 A suitable offshore installation in regulation 12(b)(i) would be the nearest installation with persons on board who would be in a position to establish the operational conditions (eg wind speed and direction) on the installation involved in the landing or take-off and inform the helicopter pilot accordingly. In some circumstances, where offshore installations are close to the shore, an onshore base may be better placed to provide the facility.

Relationship with other Regulations

81 PFEER requires communication arrangements to be made for emergencies. Regulation 12 deals more broadly with communications needed for health and safety purposes, eg to control helicopter (see paragraph [8683](#)) or ship operations near the offshore installation or to allow a manager to exercise control of an installation from an adjacent vessel (see paragraph [4239](#)). Arrangements provided under PFEER which are also adequate for normal operating conditions, would provide compliance with the Regulations.

Regulation 13 Helicopters

The duty holder shall ensure that -

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

Guidance 13

Helicopter landing officer

82 The duty holder is responsible for ensuring that a competent person is appointed as the helicopter landing officer (HLO), who will be responsible for the day-to-day management of the offshore installation helideck, in control of the associated helideck operations, and the helideck crew. Regulation 8(1)(c) requires that everyone on or about the installation must co-operate with the HLO to enable him to perform his functions. An HLO should accompany any flight to an offshore installation with no persons on board to carry out the HLO's functions on the installation immediately after the helicopter has landed and up to the point of its subsequent take-off.

Procedures

83 Procedures to be established for safe helideck operations may cover such matters as the operation of cranes near the helideck when helideck operations are to take place, refuelling of a helicopter (with or without 'rotors turning'), and the loading and unloading of a helicopter with its rotors turning. The duty holder will also need to ensure that radio communication procedures are in place (see Regulation 12). These should be agreed between the duty holder and the helicopter operator so that the installation radio room personnel, the helideck crew, and the helicopter crew are aware of the agreed procedures to be taken when helicopters are approaching, landing and departing from installation helidecks.

Plant and equipment

84 Plant (ie equipment) to be provided for safe helideck operations may include chocks and tie-down straps/ropes, refuelling equipment (where appropriate), equipment for clearing the helideck of ice and snow and a suitable power source for starting helicopters.

Relationship with other Regulations

85 Regulation 7 of PFEER deals with the provision of equipment which might be needed in the event of a helicopter accident.

Further guidance

86 Further guidance is set out in *Guidelines on the management of offshore helideck operations* published by UKOOA and available from 9 Albyn Terrace, Aberdeen AB1 1YP at a cost of £25 for members, £50 for non members , and chapter 5 of Civil Aviation Authority publication (CAP) 437 *Offshore helicopter landing areas: guidance on standards*. CAP 437 is available from Documedia Ltd, 37 Windsor Street, Cheltenham, Glos. GL52 2DG (reference ISBN 0 86039 741 6).

Regulation 14 **Operational information**

The duty holder shall make arrangements for the collection and keeping of -

- (a) such meteorological and oceanographic information; and*
- (b) such information relating to the motions of the offshore installation,*

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

Guidance 14

87 Environmental conditions may affect the safety of activities carried out on or around the offshore installation (eg loading or unloading and, in particular, helicopter operations). They may affect the ability to implement emergency plans. Monitoring of environmental conditions is therefore vital offshore. The regulation requires the duty holder to collect information on these conditions. Information needs should be determined in the light of reasonably foreseeable operating conditions (eg based on the operating limits set out in the safety case) and arrangements made to collect and, if necessary, keep the relevant information. Information to be collected might need to include:

- (a) wind speed and direction;
- (b) the sea state;
- (c) air temperature;
- (d) barometric pressure;
- (e) visibility, cloud base and cover;

and in respect of floating installations (including mobile units and floating production installations):

- (f) the roll, pitch heave, yaw and heading of the installation.

88 Some information (eg visibility) can be collected visually. If equipment is used it could be based on the offshore installation itself or nearby (eg on a vessel, or covering a group of installations, particularly installations with no persons on board), if the nature of the information needing to be collected allows. Some information such as roll, pitch etc can only be collected on the offshore installation. Much information will be collected for immediate use only. It need be recorded and kept only if necessary for later use.

Regulation 15 **Information to persons**

(1) *The duty holder shall ensure that the address and telephone number of the office of the Executive for the sector in which the offshore installation is situated is known to or readily ascertainable by every person on the installation.*

(2) *The employer of a person who is not on an offshore installation, and who is engaged in -*

- (a) *an activity in connection with an offshore installation;*
- (b) *an activity in connection with a well;*
- (c) *pipeline works; or*
- (d) *any of the following activities in connection with pipeline works -*
 - (i) *the loading, unloading, fuelling or provisioning of a vessel;*

(ii) *the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel,*

being in either case a vessel which is engaged in pipeline works,

shall ensure that the address and telephone number of the office of the executive for the sector in which the installation or well is situated, or the pipeline works, or activity described in sub-paragraph (d) above, is or are carried out, is known to or readily ascertainable by such person.

Guidance 15

89 Workers involved in activities to which the HSW Act applies need to know that HSE inspectors are available to enforce statutory health and safety standards and can be contacted if necessary. The appropriate duty holder (ie the installation owner or operator, or the employer) must ensure that every person working on an offshore installation, in a connected activity or on a vessel undertaking pipelay activities eg a pipelay barge, has the information necessary to be able to contact the HSE office which normally deals with that installation, well or pipeline work.

90 On most offshore installations or barges the information can be posted in a prominent position where it can easily be read by everyone on the installation or barge, including visitors. Work parties temporarily visiting installations which normally have no one on board will either have this information from their parent installation, or should be informed before departure from the shore. Workers who visit many installations without necessarily going on board (eg supply vessel crews who take part in loading or unloading the installation) will need to know that at times they will be covered by the HSW Act.

Appropriate HSE office

91 Duty holders should take steps to identify the appropriate HSE office which deals with their offshore installation or activity. Contractor employers whose staff work on many installations should check the details with the installation owner or operator. As a general guide, operations in appropriate sectors of UK waters are covered by the HSE offices whose addresses are as follows:

<i>Aberdeen</i> <i>(Scottish waters)</i>	<i>Norwich</i> <i>(Eastern English waters)</i>	<i>Bootle</i> <i>(Western English waters)</i>
Lord Cullen House Fraser Place Aberdeen AB9 1UB Tel: 01224 252500	122a Thorpe Road Norwich Norfolk NR1 1RN Tel: 01603 275000	Merton House Stanley Road, Bootle Merseyside L20 3DL Tel: 0151 951 4000

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

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

Guidance 16

92 Regulation ~~5-6~~ of MHSWR requires all employers to provide their employees with appropriate health surveillance, having regard to their risk assessments under regulation 3 of MHSWR. Guidance is given in paragraphs ~~3041-33-45~~ of the MHSW Approved Code of Practice. The main aim of health surveillance is to detect as early as possible any adverse effects on the health of workers who may be exposed to hazardous agents at work, to prevent any (or further) harm.

93 Several methods are available, some of which should start before workers are exposed to the particular agents to establish a baseline against which any subsequent changes can be detected. This regulation supplements regulation ~~5-6~~ of MHSWR by making it explicit that where health surveillance is appropriate, it should begin before the employee starts work involving exposure to the hazardous agents concerned. It is not concerned with screening workers to identify any pre-existing health conditions or to meet fitness requirements for work offshore.

Regulation 17 **Drinking water**

The duty holder shall ensure that -

(a) *an adequate supply of clean, wholesome drinking water is available at suitable locations on the offshore installation; and*

(b) *such locations are clearly marked to show that drinking water is there.*

Guidance 17

94 This regulation requires both the provision of a supply of clean wholesome drinking water and that the purity of the water supply is maintained. For example, it should not be located in places where contamination is likely. Supplies should be tested regularly. Drinking water should be clearly marked so that it cannot be confused with non-drinkable water supplies on the installation. Supplies do not have to be maintained on installations while no one is on board, but arrangements will need to be made for visiting parties (eg to take their own supplies).

Further guidance

Department of Health *Methods for the examination of waters and associated materials; microbiology of water 1994 (part 1: Drinking water)* HMSO ISBN 0 11 753010 7

Department of Environment and Welsh Office *Guidance on safeguarding the quality of public water supplies* HMSO ISBN 0 11 752262 7

Regulation 18 **Provisions**

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

Guidance 18

95 Provisions include food and drink (including water). They should be nutritious, wholesome and safe to eat or drink. Arrangements should ensure that provisions meet these criteria when supplied and that they continue to do so while stored on the installation.

Further guidance

Department of Health *Chilled and frozen - guidelines on cook-chill and cook-freeze catering systems* HMSO ISBN 0 11 321161 9

Department of Health *Assured safe catering - a management system for hazard analysis* HMSO ISBN 0 11 321688 2

Department of Health *Guidelines for the safe production of heat preserved foods* HMSO ISBN 0 11 321801 X

Regulation 19 *Identification of the offshore installation*

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

(a) displays its name or other designation in such a manner as to make the installation readily identifiable on approach by sea or air; and

(b) displays no name, letters or figures likely to be confused with the name or other designation of another offshore installation.

Guidance 19

96 Each offshore installation, where physically possible, must display a name or other marking which will allow any vessel or helicopter approaching the installation to be able to identify it without confusion or ambiguity. The regulation applies to all offshore installations which project above the sea surface, whether persons are on board or not. Duty holders may seek advice from HSE if they are not sure whether the proposed

name or designation of their offshore installation may be confused with another. Information on the designation is generally likely to be recorded in the safety case. Further guidance

97 Guidance on the marking of offshore installations is contained in the *standard marking schedule for offshore installations* published by the Department of Transport, Local Government and the Regions and available from Ports Division, 20 Albert Embankment, London SE1 7JT.

Regulation 20 **Certificates of exemption**

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

(2) *the Executive shall not grant any such exemption unless, having regard to the circumstances of the case and, in particular, to -*

(a) *the conditions, if any, which it proposes to attach to the exemption; and*

(b) *any other requirements imposed by or under any enactments which apply to the case,*

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

Guidance 20

98 These Regulations are goal-setting and require duty holders to take appropriate measures; such measures will take into account the circumstances of the offshore installation. Nevertheless, there may be circumstances where it is necessary to apply the regulations flexibly. The exemption provision in this regulation provides that flexibility.

99 Under regulation 20 HSE must not grant an exemption unless satisfied that the health and safety of people who are likely to be affected will not be prejudiced by it. Nor may HSE grant exemptions from any of the provisions of these regulations which implement specific provisions of an EC health and safety Directive. When applying for an exemption, any compensatory measures which will be taken to maintain standards of health and safety should be described, including any additional management controls. In line with the Health and Safety Commission's general policy, HSE will consult representatives of the workforce (through the statutory safety committee where practicable) before agreeing to proposals for exemption.

100 HSE may grant exemptions subject to conditions; and an exemption may be given for a limited period to cover short-term arrangements. The exemption will be installation specific, and may be applied for by writing to HSE's Offshore Division.

- To WSVs carrying out 'low risk' activities, even when they undertake work where they would be otherwise standing or stationed for three days or more. Such an exemption means that although the WSV is defined as an offshore installation, it is exempted from the requirements of SCR.
- When the WSV is undertaking activities which are not the activities of an installation such as diving support.
- The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 allow workers on an offshore installation to elect safety representatives from among themselves. These Regulations also allow for a safety committee on the installation. When a vessel which has become an installation subsequently undertakes activities which are not those of an installation, it can choose to apply for an exemption of these requirements. The exemption would only apply when the WSV is undertaking activities which are not the activities of an installation.
- Regulation 11(2) of PFEER prescribes specific visual and acoustic alarms to be provided for offshore installations. WSVs which become installations may make a written application to HSE for an exemption from these requirements.

Applications for exemptions should be made in writing to HSE Offshore Division, Lord Cullen House, Fraser Place, Aberdeen, AB9 1UB (Tel: 01224 252500).

Regulation 21 **Application of the Employers' Liability (Compulsory Insurance) Act 1969**

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

(2) *In section 1 of the 1969 act applied as aforesaid –*

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

(b) at the end of paragraph (d) of subsection (3) there shall be added the following paragraph -

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

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

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

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

"Liability of owners of offshore installations

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

(a) *any employer is on any day not insured in accordance with this Act, the owner of the installation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; or*

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

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

(a) *that he has used all due diligence to prevent the commission of the offence; and*

(b) *that any relevant contravention was committed without his consent, connivance or wilful default.*

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

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

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

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

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

Guidance 21

101 This regulation maintains the application offshore of the 1969 Act, with modifications, though the 1975 Regulations which originally applied the Act offshore are revoked (see Schedule 2). The definitions (eg of 'owner') have been brought into line with those used in MAR. However, 'owner' here applies to both fixed and mobile offshore installations, rather than using the term 'operator' in respect of fixed installations.

Regulation 22 **Repeals and modifications of the 1971 Act**

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

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

Guidance 22

102 Part II of Schedule 1 amends the Mineral Workings (Offshore Installations) Act 1971 (MWA) so that any other regulations made under MWA which refer to MWA definitions and are not otherwise amended will automatically refer to the new definitions.

Regulation 23 **Revocation and modification of instruments**

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

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

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

^(a) SI 1976/1019

Schedule 1 Repeals and modifications of the 1971 Act

Regulation 22

Part I Repeals

PART I REPEALS

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

Part II Amendments to section 12(1)

1 Before the definition of "controlled waters" there shall be inserted the following definition:

'"the 1995 Regulations" means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995;'

2 For the definition of "controlled waters" there shall be substituted the following definition:

'"controlled waters" means -

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

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

3 For the definition of "installation manager" there shall be substituted the following definition:

'"installation manager" has the meaning given by regulation 2(1) of the 1995 Regulations;'

4 For the definition of "offshore installation" there shall be substituted the following definition:

'"offshore installation" has the same meaning as in regulation 3 of the 1995 Regulations;'

5 For the definition of "owner" there shall be substituted the following definition:

'"owner", in relation to an offshore installation, means the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation;'

Schedule 2 **Revocations and modifications of instruments**

Regulation 23

Part I Revocations of instruments

PART I REVOCATIONS OF INSTRUMENTS

1	2	3	
<i>Title</i>	<i>Reference</i>		<i>Extent of revocation</i>
The Offshore Installations	SI 1972/702		The whole Regulations

(Registration) Regulations 1972	amended by SI 1991/679	
The Offshore Installations (Managers) Regulations 1972	SI 1972/703 amended by SI 1991/679	The whole Regulations.
The Offshore Installations (Logbooks and Registration of Death) Regulations 1972	SI 1972/1542 amended by SI 1991/679	Regulations 1(2) and 2 to 7; in regulation 12(1) the words "2(1)" to "or"; in regulation 12(2) the words "2(1)" to "7"; and Regulation 12(3) to (5).
The Offshore Installations (Inspectors and Casualties) Regulations 1973	SI 1973/1842 amended by SI 1991/679	In regulation 1(2) the definition of "manager"; in regulation 5(1) the words "or manager"; regulation 8(1); regulation 9(b); in regulation 12(2) the words in sub-paragraph (a) "excluding there from" to the end of that sub-paragraph; and the words "a reference" to "logbook and".
The Offshore Installations (Application of the Employers' Liability (Compulsory Insurance) Act 1969) Regulations 1975	SI 1975/1289	The whole Regulations.
The Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976	SI 1976/1019 amended by SI 1984/419, 1989/1672 and 1992/2932	In regulation 1(2) the definition of "installation manager"; regulation 3; in regulation 5(3) the words "and 25(2)"; in regulation 5(4) the words "who shall read" to "logbook"; regulations 7 to 9, 16, 17(2), 18 to 26, and 30; in regulation 32(1) the words "the installation manager, and of" and "and of the concession owner,"; regulation 32(3) to (7); and in regulation 34(1) the words "the installation manager, the concession owner and" and "each"; and Schedule 2.
The Offshore Installations (Well Control) Regulations 1980	SI 1980/1759 amended by SI 1991/308	In regulation 1(2) the definition of "installation manager"; in regulation 3(1) the words "the

installation manager, the concession owner and"; and the word "each".

The Diving Operations at Work Regulations 1981	SI 1981/399 amended by SI 1990/996 and 1992/608	Regulation 4(1)(b)(ii).
The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989	SI 1989/971 amended by SI 1992/2885 and 1993/1823	In regulation 2 the definitions of "installation logbook" and "installation manager"; and in regulation 13(b) the words "the installation manager shall record those facts in the installation logbook and".
The Offshore Installations (Included Apparatus or Works) Order 1989	SI 1989/978	The whole Order.
The Offshore Installations (Emergency Pipe-line Valve) Regulations 1989	SI 1989/1029	In regulation 2 the definitions of "controlled waters" and of "manager".
The Offshore Installations (Amendment) Regulations 1991	SI 1991/679	Regulations 2 to 4.

Part II Modifications of instruments

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

1 *In regulation 1(2) (definitions) of the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976^(a) there shall be substituted, for the definition of "responsible person", the following definition:*

' "responsible person" means a competent person authorised by or on behalf of the owner;'

The Offshore Installations (Well Control) Regulations 1980

2 *in Regulation 1(2) (definitions) of the Offshore Installations (Well Control) Regulations 1980^(b) there shall be substituted for the definition of "responsible person" the following definition:*

^(a) SI 1976/1019; amended by SI 1984/419, 1989/1672 and 1992/2932.

' "responsible person" means a competent person authorised by or on behalf of the owner;'

The Diving Operations at Work Regulations 1981

3 In Regulation 2(1) (definitions) of the Diving Operations at Work Regulations 1981 ^(c) ("the 1981 Regulations") there shall be added, after the definition of "offshore installation" the following definition:

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

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

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

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

5 In regulation 2 (interpretation) of the Offshore Installations (Safety representatives and Safety Committees) Regulations 1989 ^(d) ("the 1989 Regulations"):

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

' "the 1995 regulations" means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995';

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

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

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

^(b) SI 1980/1759; amended by SI 1991/308.

^(c) SI 1981/399; amended by SI 1990/996 and 1992/608.

^(d) SI 1989/971; amended by SI 1992/2885

' "installation manager" has the meaning given by regulation 2(1) of the 1995 Regulations;'

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

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

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

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

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

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

"Duties of installation operators and owners, and employers

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

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

(a) to facilitate the exercise by the committee of its functions and by the safety representatives of their functions and powers in respect of the installation under these Regulations, and for that purpose to make available the necessary accommodation, facilities for communication and office equipment supplies;

(b) to consult safety representatives with a view to the making and maintenance of arrangements which will enable them and the workforce to co-operate effectively in promoting and developing measures to ensure the health and safety of persons working on or from the installation, and in checking the effectiveness of such arrangements; and

(c) without prejudice to sub-paragraph (b) above, to consult safety representatives in good time with regard to -

(i) the preparation of a safety case relating to the installation under the Offshore Installations (Safety Case) Regulations 1992;

(ii) the introduction to the installation of any measure which may substantially affect the health and safety of the workforce; and

(iii) the health and safety consequences for the workforce of the introduction (including the planning thereof) to the installation of new technologies.

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

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

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

(4) It shall be the duty of every employer of members of a workforce to consult safety representatives in good time with regard to his arrangements for appointing persons in accordance with Regulation ~~67~~(1) of the Management of Health and Safety at Work Regulations ~~1992~~1999".

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

"Training

27 it shall be the duty of the duty holder to ensure that -

(a) a safety representative for the installation is provided with such training in aspects of the functions of a safety representative as are reasonable in all the circumstances; and

(b) any costs associated with such training, including travel and subsistence costs, are not borne by the safety representative".

Guidance Schedule 2, Part II

103 The amendments set out in paragraphs 5-9 of Part II of Schedule 2 are consequential on the new definition of "duty holder" in regulation 2.

104 The amendment in paragraph 10 of Part II of Schedule 2 sets out a revised regulation 23 of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 (SRSC ~~R-Regulations~~). Regulation 23 is further amended by regulation 23 of PFEER to add regulation 23(2)(c)(iv) on consultation arrangements for appointments of emergency response personnel under regulation 6 of

PFEER. The effect of both amendments is to set out in full the consultation requirements of article 11 of the EC Framework Directive, in addition to the general requirement to consult previously set out in regulation 23 of the SRSCR Regulations. This brings the offshore position into line with the onshore requirements set out in the Management of Health and Safety at Work Regulations.

105 The amendment in paragraph 11 of Part II of Schedule 2 sets out a revised regulation 27 of the SRSCR Regulations to implement Lord Cullen's recommendation 31. Lord Cullen recommended that training for safety representatives should be determined and paid for by the operator. While this would be appropriate where an operator contracts a number of employees from relatively small contractors, eg for specific maintenance tasks or catering, it may not be appropriate or necessary where there is a large contract workforce employed by one contractor, for major maintenance/refurbishment, or the workforce is on a mobile installation working alongside a fixed installation. In many cases, safety representatives in a large contract workforce, and on a mobile installation will already have received such training via their employer (the contractor or installation owner). The duty holder is charged with ensuring that the safety representatives are properly trained and that the cost of such training is not borne by the safety representative. He may do this either by providing for training, and payment for this, himself, eg for his own workforce and for contract workers employed on the installation; or by satisfying himself that safety representatives representing a contract workforce, including those on a mobile installation working alongside, have received proper training, paid for by the contractor.

Schedule 2, Part II

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

12 *In regulation 2 (interpretation) of the Offshore Installations (Emergency Pipe-line Valve) Regulations 1989 - ^(e)*

(a) *before the definition of "associated installation" there shall be inserted the following definition:*

' "the 1995 Regulations" means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995';

(b) *for the definition of "installation manager" there shall be substituted the following definition:*

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

(c) *for the definition of "offshore installation" there shall be substituted the following definition:*

^(e) SI 1989/1029.

' "offshore installation" means an installation within the meaning of regulation 3 of the 1995 Regulations other than an installation which is -

(a) used exclusively for flaring, or

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

(d) for the definition of "owner" there shall be substituted the following definition: ' "owner", in relation to -

(a) an offshore installation, means the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation; and

(b) a pipeline in respect of which no person has been designated as its owner in pursuance of section 33(3) of the 1975 Act, means the person in whom the pipeline is vested';

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

13 In regulation 2 (interpretation) of the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989 - ^(f)

(a) the definition of "the 1971 Act" shall be revoked;

(b) after the definition of "the 1989 Order" there shall be inserted the following definition:

' "the 1995 Regulations" means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995;';

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

' "offshore installation" has the same meaning as in regulation 3 of the 1995 Regulations';

(d) for paragraph (a) of the definition of "person in control" there shall be substituted the following paragraph:

"(a) in relation to an offshore installation, the person who is the duty holder as defined by regulation 2(1) of the 1995 Regulations for the purposes of those regulations;";

^(f) SI 1989/1671

(e) for paragraph (c) of the definition of "person in control" there shall be substituted the following paragraph:

"(c) in relation to an activity in connection with an offshore installation -

(i) the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the 1995 Regulations for the purposes of those regulations; and

(ii) the employer of persons engaged in that activity;".

Guidance Schedule 2, Part II

106 Paragraphs 1, 2, 3, 4, 12 and 13 of this Part of Schedule 2 bring the definitions of duty holder in existing offshore legislation into line with the new approach of putting primary duties on owners of mobile installations and operators of fixed installations, in place of sharing duties with managers and concession owners. They also bring definitions of 'offshore installation' and others into line with new ones.

Schedule 2, Part II

The Offshore Installations (Safety Case) Regulations 1992

14 In regulation 2 (interpretation) of the Offshore Installations (Safety Case) Regulations 1992^(g) ("the 1992 Regulations") -

(a) in paragraph (1) (definitions) -

(i) for the definition of "the 1971 Act" there shall be substituted the following definition:

' "the 1995 Regulations" means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995;'

(ii) for the definition of "the 1989 Order" there shall be substituted the following definition:

' "the 1995 Order" means the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 1995;'

(iii) for the definition of "concession owner" there shall be substituted the following definition:

' "concession owner" in relation to an installation has the same meaning as in regulation 2(1) of the 1995 Regulations;'

^(g) SI 1992/2885

(iv) for the definition of "installation" there shall be substituted the following definition:

' "installation" means an offshore installation within the meaning of regulation 3 of the 1995 Regulations'; and

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

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

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

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

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

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

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

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

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

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

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

Guidance Schedule 2, Part II

107 These amendments bring the definitions of 'owner', 'concession owner' and 'installation' in the 1992 Regulations into line with the new definitions set out in regulations 2 and 3; extend the list of those required to co-operate in conforming with a safety case to managers; and amend the requirements for safety cases for mobile installations to include the address of the owner, in line with requirements on the operator in respect of fixed installations.

Appendix 1 Useful published guidance, reports etc

- 1 *Prevention of fire and explosion, and emergency response on offshore installations* Approved Code of Practice and guidance L65 HSE Books ISBN 0 7176 1386 0
- 2 *A guide to the offshore installations (safety case) regulations 1992* L30 HSE Books ISBN 0 7176 1165 5
- 3 *A guide to offshore installations (Safety representatives and safety committees)* L110 HSE Books ISBN 0 7176 1549 9
- 4 *Management of health and safety at work* Approved Code of Practice L21 HSE Books ISBN 0 7176 2488 9
- 5 *Personal protective equipment at work* Guidance on Regulations L25 HSE Books ISBN 0 7176 0415 2
- 6 *Safe use of work equipment.* Approved Code of Practice and Guidance. L22 HSE Books ISBN 0 7176 1626 6
- 7 *HSE operations notices* (various): occasional series of notices on general and/or legislative offshore safety matters. Available on subscription. Details from HSE Books
- 8 *HSE Offshore Technology Reports* (various): reports of research studies commissioned by HSE Offshore Division. A list of available Technology Reports can be accessed by the HSE Books website (www.hsebooks.co.uk)
- 9 Oil Industry Advisory Committee *Guidance on permit to work systems in the petroleum industry* HSE Books ISBN 0 7176 1281 3
- 10 Department of Energy *The public inquiry into the Piper Alpha disaster* (Cullen Report) HMSO ISBN 0 10 113102 X
- 11 *Assessment principles for offshore safety cases.* HSG181 HSE Books ISBN 0 7176 1238 4

Appendix 2

List of acronyms used

AOGBO	Health and Safety at Work etc Act (Application outside Great Britain) Order
DCR	Offshore Installation and Wells (Design and Construction)
DSV	Diving Support Vessel
HLO	Helicopter Landing Officer
HLV	Heavy Lifting vessel
HSE	Health and Safety Executive
HSW Act	Health and Safety at Work etc Act 1974
MHSWR	Management of Health and Safety at Work Regulations 1992
MAR	Offshore Installations and Pipeline Works (Management and administration) Regulations 1995
MODU	Mobile Offshore Drilling Unit
MWA	Mineral Workings (Offshore Installations) Act 1971
PFEER	Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995
PPE	Personal Protection Equipment
SCR	Offshore Installations (Safety Cases) Regulations 1992
SMS	Safety management system
SRSCR	Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989
UKCS	United Kingdom Continental Shelf
UKOOA	United Kingdom Offshore Operators Association
WSV	Well Service Vessel

**PROPOSED AMENDMENTS TO THE OFFSHORE INSTALLATIONS
AND PIPELINE WORKS (MANAGEMENT AND ADMINISTRATION)
REGULATIONS 1995**

REGULATORY IMPACT ASSESSMENT (PRE-CONSULTATION)

PURPOSE AND INTENDED EFFECT

Issue

1. The new Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2001 (The Order) came into force in July. Among other things it extended the definition of 'offshore installation' to include supplementary units which may be wind, wave, tide, current or conventionally powered and provide power, control, communications and chemical injection facilities. These supplementary units would provide support services to offshore installations. As a result, the definition of offshore installation contained in MAR needs to be amended to align it with the definition in the Order.

Risk assessment

2. There are potential risks associated with the operation of offshore energy structures including supplementary units. There is no accident record for the types of structures affected by this legislation but data on non-catastrophic (ie excluding major fires and explosions) risk in the offshore sector as a whole provides *some indication* of potential hazards.

3. The overall accident record suggests that risks in the offshore industry tend to be above the average across all industries, notwithstanding the considerable effort devoted to health and safety by the industry. This principally due to the hostile external environment and the relatively large amount of heavy machinery involved in the energy production process. There are particular risks arising from offshore activities relating to personnel travelling from the shore, working at night, moving objects (including machinery), any diving operations that may be required, and risk of fire combined with limited means of escape.

Objectives

4. The objective of the change is to ensure that offshore health and safety law is appropriately extended to supplementary units.

Options considered

5. Options relating to application of the Order were considered at the time it was made. The definitional change is consequence of adopting the Order.

Information sources

6. These are as stated in the text.

BENEFITS

7. The extension to MAR will help ensure the same level of safety will apply to workers when dealing with supplementary units as applies when they are working on the 'parent' installation. In terms of industry safety and HSE's activity there are benefits for the inspection function from the perspective that it will clarify the application of legislation to supplementary units. Further benefits can be gained by industry from implementing health and safety measures in terms of avoiding lost production costs associated with accidents.

COSTS

Business sectors affected

8. This definitional change will affect supplementary units which provide power to offshore installations within the existing definition. No such units are in operation, although some are at the design and development stage. If they were ever to come into use, they would almost certainly be operated exclusively by offshore oil and gas production companies.

Compliance costs to business, charities and voluntary organisations

9. As there are no units in operation, we cannot predict likely total costs. However we are able to cost 'windfarms,' although even a very small scale working wind farm is likely to be on a larger scale than a supplementary unit.

10. Example costs were provided for a small scale developmental two-tower wind farm. Given differences in the operation (specifically less personnel visits required during operation), the costs associated with supplementary units were assumed to be approximately half those for wind powered structures.

11. The initial costs of complying with MAR for the two-tower wind farm was £10,000, comprising of expenditure on safety equipment, training and risk assessment. Recurring costs were estimated at £2,000 every three years. We therefore assume costs of half these totals for a supplementary unit giving a similar power output to the developmental wind farm - which is likely to be the typical case for an operational supplementary unit. This indicates costs of £5,000 initially, and £1,000 every three years. It should be recognised that the offshore industry, which is very safety conscious, would incur many - if not all - of these costs even in the absence of the formal extension of MAR to these structures.

Compliance costs for a 'typical' business

12. The estimated costs above total £8,000 over ten years, or £7,000 discounted to current values at a rate of 6%. This is the cost relating to one unit.

Total compliance costs

13. As above.

Impact on small and medium sized businesses (SMEs)

14. None. No SMEs will be affected by these proposals.

Costs to HSE

15. None.

Other costs

16. None.

Total costs to society

17. This depends on the future use of supplementary units, which we cannot predict at present.

ENVIRONMENTAL IMPACTS

18. Positive. Wave powered energy generation is one of the most environmentally friendly forms of generating electricity.

BALANCE OF COSTS AND BENEFITS

19. This cannot be quantified, but at current valuations of risk, the MAR related costs relating to a single unit would only have to have a one in one thousand chance of preventing a single fatality over the ten year period, for the safety benefits alone to balance the costs.

Uncertainties

20. This is a developing area, and these are as already stated in the text.

Arrangements for monitoring and evaluation

21. None proposed until it becomes clear whether or not supplementary units will become widely used.

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