

Diving at Work Regulations 1997

HSE criteria for approval of non-UK diving qualifications

dated

9th July 2018

Purpose of this document

This document has been prepared to ensure that the process of approving overseas diving qualifications for the purpose of ensuring the adequate competence of divers [in accordance with regulations 12 and 14 of the Diving at Work Regulations 1997] is transparent, consistent and fair. It does not apply to diving qualifications issued in Great Britain, UK military diving qualifications, recreational diving qualifications or European Scientific Diving qualifications.

This document does not apply to individual applications by divers who wish HSE to approve their qualifications under The European Communities (Recognition of Professional Qualifications) Regulations 2007¹. The process for individual applications is explained in the Approved List of Diving Qualifications ('The Approved List').

Legislative Background

Approved qualifications

The Diving at Work Regulations 1997 (DWR)^(2), apply to all diving projects in the United Kingdom territorial waters adjacent to Great Britain, inland in Great Britain and at sea outside the UK territorial waters adjacent to Great Britain which are covered by the Health and Safety at Work etc Act 1974 (Application outside Great Britain) Order 2013.

Under regulation 14(1) of the Diving at Work Regulations 1997 (DWR), the Health and Safety Executive (HSE) may approve in writing such qualification as it considers suitable for the purpose of ensuring the adequate competence of divers for the purposes of regulation 12(1)(a). Under regulation 14(2), HSE's approval may be limited to any diver or class of divers, or any dive or class of dive, and may be subject to conditions or limited to time.

Under regulation 12(1)(a), no diver shall dive in a diving project unless he/she has an approved qualification which is valid for any activity he/she may reasonably expect to carry out while taking part in the diving project. An exception to this is where the dive is part of training which, if successfully completed, would lead to the issue of an approved qualification (regulation 12(2)(a)).

HSE publishes the Approved List on the HSE Diving website. This is updated from time to time to reflect changes in industry, qualifications and approvals. The Approved List consists of 9 schedules to reflect 9 different classes of diving.

The purpose of the list is to fulfil HSE's duty under regulation 14(1) of DWR and is maintained for HSE's jurisdiction in Great Britain (as specified above). The Approved List is also referenced and recognised by the international diving industry.

¹ SI 2007/2781

² S.I. 1997/2776.

Criteria for approval of diving qualifications.

In order for a diving qualification to be approved, all of the following criteria must be met:

- Health and safety of diving at work must be adequately regulated within the country where training and assessment take place.
- There must be central government oversight of the diver training and the diving qualifications issued. This oversight may be carried out by an independent government appointed organisation. This oversight must include ensuring that the agreed standards for qualifications are met within the diver training establishments, and that all diving is carried out in line with best industry practice.
- Qualifications must be issued independently of the training facility.
- There must be a single point of government contact (or independent appointed government representative) that HSE can liaise with, in order to ensure clear communications, sharing of information about training standards and criteria, verifying diver's certificates etc.
- The government or independent appointed government representative must be represented at the International Diving Regulators and Certifiers Forum or the European Diving Technology Committee or other appropriate forum or committee of which HSE is a member or works closely with, in order to provide a consistency of approach to the training and competency requirements, and to ensure sharing of regular updates on changes in training or industry practices.

Process for diving qualifications to be approved

If a diving qualification meets the criteria outlined above, then if requested, HSE will consider it for approval. In order for a qualification to be considered, HSE must be satisfied that there is a need to approve that qualification for use in the UK and would require and review:

- A description of the diving legislation and regulation within the country/countries of training/assessment.
- A description of the independent oversight of diver training and assessment.
- A description of the diving qualification.
- An outline of training and assessment for the diving qualification (i.e. sufficient information to allow HSE to assess suitability for diving in the UK for each of the HSE classes of diving).

Based on the information received HSE will consider approving the qualification for use in the UK. If approved, any depth or equipment limitations will be specified on the Approved List. It may be that some qualifications are not suitable for approval for UK diving. In such cases HSE will provide an explanation.

The Approved List will be reviewed regularly, and at least every 5 years, to ensure that those qualifications listed remain appropriate and reflect any changes that may occur.

Revocation of approval

In the case that a diving qualification is no longer deemed suitable for the class of diving in the UK then approval will be revoked, and the single point of contact will be informed. Examples of reasons to revoke a diving qualification include, but are not limited to:

- Change of training regime that deems the training/qualification unsuitable for use in the UK
- Evidence that divers are being issued with qualifications, but have not been trained/assessed to the agreed level required.
- Evidence of inconsistent standards of training between schools training and assessing that qualification that could affect safety of diving in the UK.
- Failure to meet any of the required criteria (as described above).

The qualification will be re-considered for approval, if it can be demonstrated that appropriate remedial action has been taken.