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Health and Safety Executive		Operational Circular	
		OC 415/9	
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To
 AFQ Inspectors (Bands 0-4)
 HID Inspectors (Bands 0-3)

THE BOREHOLES SITES AND OPERATIONS REGULATIONS 1995

This OC, which revises and replaces OC 415/8(REV), describes the requirements and implications of the Borehole Sites and Operations Regulations 1995 (file 415). It should be read in conjunction with the HSE publication: L72 *A guide to the Borehole Sites and Operations Regulations 1995: guidance on the Regulations* (also file 415). Revised information is given at paras 1, 4, 5, 12 and 14.

INTRODUCTION

1 This OC describes the requirements of the Borehole Sites and Operations Regulations 1995 (BSO Regulations) (SI No 1995: 2038) which came into force on 1 October 1995. It describes:

- (1) the liaison arrangements agreed between FOD, and HID, for notifications received for the purposes of reg.6; and
- (2) the operational demarcation arrangements between these for borehole operations drilling for gas, oil and other minerals (see [para 4](#)).

2 The BSO Regulations implement 2 EC Extractive Industries Directives within Great Britain and apply to:

- (1) borehole operations prospecting for oil and gas;
- (2) borehole operations extracting oil and gas; and
- (3) borehole operations prospecting for minerals to be extracted by means other than by boreholes, eg by underground mining, opencast quarrying etc.

3 The BSO Regulations do not apply to:

- (1) drilling to determine the geological composition of ground for the purposes of construction work;
- (2) prospecting for water;
- (3) extraction of landfill gas; or
- (4) drilling of quarry blast holes.

However, such boreholes may be subject to the notification requirements of reg.6 (see [paras 9-14](#)).

DEMARCATION BETWEEN FOD AND HID

4 Operational responsibility for borehole operations is as follows:

- (1) HID Offshore Safety Division (OSD) has the operational lead at sites where prospect drilling for or extraction of oil and gas is undertaken whether or not there is preliminary treatment of the oil and gas, eg dewatering and degassing, coal bed methane extraction, and methane extraction from old mine workings.
- (2) HID Land Division (LD) Units 1, 3 and 4 have the operational lead where the borehole operation extracting oil and gas is at a chemical processing site or a site subject to NIHHS or COMAH. However, in such cases, LD will arrange with HID OSD for the inspection of the borehole operation. It is believed that there are few such sites, if any.
- (3) HID LD has the operational lead for boreholes prospecting for or extracting brine (see [OC 18/9 para 2\(7\)](#)).
- (4) FOD has the operational lead for borehole operations prospecting for minerals other than oil and gas where extraction will be by means other than underground mining or via the borehole, eg mobile drilling rigs used to prospect for minerals that will be extracted by means of opencast or quarrying methods. FOD also has the operational lead where there is, on a site inspected by FOD, a borehole operation extracting oil or gas incidental to the main activity. In these cases FOD will arrange for HID (OSD) to inspect the borehole operation.
- (5) HID LD 5 (Mines Inspectorate) has the operational lead for borehole operation prospecting for minerals other than oil and gas where extraction will be by underground mining.

HEALTH AND SAFETY DOCUMENT (REG.7)

5 Operators at borehole sites are required to prepare a health and safety document before commencing drilling. The document complements risk assessments prepared in accordance with the Management of Health and Safety at Work Regulations 1999 (MHSW Regulations) reg.3 and should demonstrate that the work is being undertaken safely. 'Where appropriate' the document should include:

- (1) an escape plan in the event of fire;
- (2) plans for the prevention of fire and explosions;
- (3) a fire protection plan; and
- (4) plans for the detection and control of toxic gas.

6 Such detailed requirements are only likely to be significant at oil and gas drilling operations when either deep drilling is through significant gas-bearing strata, or for operations drilling for coal bed methane and other hydrocarbons. In other cases their practical effect will be minimal as the risks are small. Inspectors therefore, where they are

satisfied that fire and explosion risks and risks from toxic gas releases are not significant, should not require the preparation of detailed plans by operators to demonstrate that fact.

7 Most borehole operators who drill for minerals other than oil and gas usually employ fewer than 5 people and therefore need not commit the risk assessment required for the purposes of the MHSW Regulations reg.3 to paper. The BSO Regulations reg.7 applies regardless of the number of persons employed; indeed it applies where the operator is self-employed.

8 The BSO Regulations reg.7 should not be interpreted in an unduly burdensome way and the degree of detail in the health and safety document should be proportionate to the level of risk. Where operations are proposed which present fire, explosion, or toxic gas risks, the operator should plan control measures in detail but in most cases a generic health and safety document suitable for peripatetic and repetitive operations will suffice.

NOTIFICATION (REG.6)

9 Regulation 6 introduces detailed notification requirements to ensure that where operations involving significant risks or posing potential danger to mining operations are proposed, HSE obtains adequate information about their commencement and abandonment. The BSO Regulations schedule 1 lists the particulars to be included in such notifications.

10 The notification requirements that relate to non-oil/gas-drilling operations where FOD or HID LD 5 (Mines Inspectorate) have operational responsibility are simple. Notification is only required if boreholes are proposed:

- (1) which are more than 30m in depth; and
- (2) are in a mining area, ie one km in a horizontal or other direction from mine workings.

11 **This requirement will apply to boreholes drilled for any purpose including those referred to in [para 3](#)** and is necessary to protect mine workings, present or future against inundation.

12 Notifications in these circumstances should be made within **30** days of the commencement of drilling and sent to HM Principal District Inspector of Mines, HID LD 5 (Mines Inspectorate) at Sovereign House, 110 Queen Street, Sheffield S1 2ES.

13 Notifications for oil and gas borehole operations should be sent to OSD, Lord Cullen House, Fraser Place, Aberdeen, AB25 3UB.

14 If notifications are received by other parts of HSE they should be forwarded to the appropriate HID LD or OSD office. Where LD5 receive notifications of borehole operations within FOD's remit, they will forward them directly to the local Quarries FMU (see [appendix](#)). Employers who propose to drill in mining areas below 30m need to make such enquiries as can reasonably be expected to determine the location of mines, currently in use or abandoned. The enquiries should include contact with:

- (1) the Coal Authority;
- (2) the British Geological Survey;

- (3) the local authority;
- (4) the owner of working mines in the vicinity;
- (5) the owner of mines which are on care and maintenance in the vicinity; and
- (6) the owner of abandoned mines in the vicinity, if contactable.

ADDITIONAL HEALTH AND SAFETY REQUIREMENTS (REG.9)

15 Employers at borehole sites should apply the precautions specified in schedule 2 'as they are appropriate', having regard to the nature of the work and the contents of the health and safety document. Schedule 2 lists numerous potential requirements covering hardware and software issues. The qualification to reg.9(1) in effect introduces the element of reasonable practicability and measures detailed in schedule 2 should only be required when justified by the level of risk.

HEALTH SURVEILLANCE (REG.10)

16 Regulation 10 requires employees to have such health surveillance as is necessary for their protection. The regulation in effect duplicates the requirements of MHSW Regulations reg.5.

Cancellation of instructions

17 OC 415/8 (Rev) dated 14 April 1998 - **cancel** and **destroy**.

9 January 2002
 (220/FOD/110/98)
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APPENDIX
 (para 14)

NOTIFICATION TO QUARRIES INSPECTORATE FOR PROPOSED BOREHOLES

Where HID LD5 receive notifications of borehole operations within FOD's remit, they will forward them directly to the appropriate local divisional office as follows:

Cardiff	Wales and West Division
Basingstoke	Home Counties Division
Chelmsford	Home Counties Division
Luton	Home Counties Division
Ashford	London and South East Division
East Grinstead	London and South East Division
Northampton	Midlands Division
Nottingham	Midlands Division
Leeds	Yorks and North East Division
Preston	North West Division

Edinburgh
Glasgow

Scotland
Scotland

