

Are you involved in a diving project at work?

A brief guide to complying with health and safety law



This is a web-friendly version of leaflet INDG266(rev2), published 02/15

Introduction

This leaflet is for anyone who is involved in a diving project including: clients who place contracts for diving projects;

- contractors, divers and supervisors undertaking diving projects;
- other people, such as vessel operators, whose actions and activities could affect the safety of the dive team.

It explains, in simple terms, the main legal responsibilities of all these groups. You can find more detailed information and guidance on planning and undertaking a diving project in the Diving at Work Regulations 1997 (DWR), and in the relevant Approved Codes of Practice (see Further reading).

The role of the Health and Safety Executive (HSE)

Diving at work is covered by a wide range of legislation — some specific to diving, some covering health and safety at work in general.

The aim of HSE is to ensure that the risks to people's health and safety from work activities are properly controlled by the people who own, create, manage and work with those risks. This includes providing advice and defining health and safety standards.

The Health and Safety at Work etc Act 1974 sets out the general duties that employers have towards employees and members of the public, and that employees have to themselves and to each other. The Act gives HSE powers to inspect any worksite at any reasonable time.

Diving contractors are inspected by HSE-appointed health and safety inspectors, who have specialist knowledge of the diving industry.

Inspectors are responsible for examining premises and projects, for investigating incidents and accidents, and for dealing with complaints. If inspectors are not satisfied that a good standard of protection is being achieved, they can issue advice or warnings or they can initiate a prosecution.

Diving industry legislation

The main set of regulations that apply to diving are the Diving at Work Regulations 1997. It is important that anyone involved in a diving project is familiar with them (see Further reading).

The Diving at Work Regulations 1997 (DWR)

DWR cover all dives when one or more divers are at work, whether employed or self-employed. The Regulations apply to everyone, from the client for whom the work is being done, to the diver undertaking the work. Everyone involved has a responsibility to take measures to ensure the health and safety of those taking part in the diving project.

DWR seek to control the hazards and risks associated with diving. They are 'goal-setting' Regulations, ie they do not specify in detail how diving at work should be carried out. The employer has to plan and manage the work to protect the health and safety of everyone taking part as far as 'reasonably practicable'.

HSE has produced a set of five ACOPs (see Table 1), one for each of the different sectors of the commercial diving industry. These give practical advice on how to comply with the DWR. (see Further reading).

If you comply with the relevant advice in an ACOP, you will normally be complying with the law. You may comply with the law in other ways, but you may have to prove that your approach is good enough.

Table 1 Diving ACOPs

ACOP	Sector
Commercial diving projects offshore (L103)	All saturation diving, all oil and gas work, work on energy structures beyond the 12 mile limit and work from dynamically positioned vessels
Commercial diving projects inland/inshore (L104)	Inland/inshore diving industry including civil engineering or marine-related projects and fish farming
Recreational diving projects (L105)	Instruction and guiding of recreational divers
Media diving projects (L106)	Media diving projects including stunt people, journalists, presenters, photographers, camera operators, sound and lighting technicians and unit crew
Scientific and archaeological diving projects (L107)	Scientific and archaeological

People involved in the diving project

The client and others

There are a number of people whose actions can affect the safety of the diving project, even though they are not part of the diving team. These include the client for whom the diving project is being carried out, vessel operators and the owners of the site where the diving project is taking place.

Although their responsibilities vary, they all have a duty to co-operate with the diving contractor and supervisor. This is to ensure that the DWR are complied with, and that their actions do not affect the safety of the dive team.

The client who commissions the work has responsibilities which include:

- ensuring that they appoint a diving contractor who is competent to undertake the duties;
- ensuring that the site is safe to use;
- identifying known hazards to the diving contractor, such as underwater obstructions and contaminated water;
- supporting the supervisor and diving contractor in the event of an emergency.

The diving contractor

The diving contractor is normally the individual, partnership, company, or other corporate body who employs the divers for a diving project. A diving project is the term used for the overall diving job (whether it lasts two hours or two months).

Depending on the size of the diving project, it can be made up of a number of diving operations. A diving operation is the portion of the diving project which can be safely supervised by one person. A supervisor must be appointed for each diving operation.

The diving contractor is the person who plans and conducts a diving project. No diving work may go ahead without a diving contractor being appointed. The diving contractor has the main responsibility under the DWR to ensure a safe diving project. The diving contractor should ensure that the diving project is planned, conducted and managed in a safe way.

The diving contractor's responsibilities include:

- assessing risks, and ensuring that a diving project plan is prepared;
- ensuring that the dive team is aware of the plan;
- ensuring that there are suitable and sufficient divers who are competent in both diving and the actual work to be undertaken, such as in the use of tools;
- ensuring that the place from which the diving is to be carried out is suitable and safe;
- providing sufficient and suitable plant and equipment, and ensuring that it is correctly certified and maintained;
- ensuring that there are adequate arrangements for first aid and medical treatment;
- ensuring that diving project records are kept;
- ensuring that all other relevant regulations are complied with.

The supervisor

The supervisor must be appointed in writing by the diving contractor.

The supervisor should be suitably qualified in the techniques being used in the diving project.

Supervisors are responsible for the safety of the diving operation that they are supervising, and should be on site and in direct control of the diving operation.

The supervisor's responsibilities include:

- checking that divers are competent to dive and can carry out the work underwater;
- ensuring that everyone in the diving operation is aware of the diving project plan, and that the plan is kept up to date;
- maintaining proper records of the diving operation;
- ensuring that there is adequate communication with the divers in the water;
- checking the site on the day of the dive, and when conditions change, confirming that the risk assessment is still current;
- checking that the diving equipment provided is appropriate and adequate for the project.

The divers

Divers have a number of responsibilities under the DWR. These include:

- holding an approved qualification for diving;
- being competent to work safely;
- holding a valid certificate of medical fitness to dive;
- complying with the directions of the supervisor and the dive plan;
- maintaining a daily record of their dives, which they should keep for at least two years.

Diver competence

All divers at work must be competent for the diving they plan to do or any emergencies they may have to deal with and hold a qualification approved by HSE. A wide variety of equivalent qualifications are set out in the list of approved qualifications (see www.hse.gov.uk/diving/qualifications/approved-list.pdf).

There are four competence standards administered by HSE: SCUBA, Surface Supplied, Surface Supplied (top up) and Closed Bell. Offshore divers are required to have as a minimum the Surface Supplied (top up) qualification or equivalent.

Medicals

Divers must hold a certificate of medical fitness to dive issued by an HSE-approved medical examiner of divers. They consider the diver's ability to meet the physical requirements of diving work and the physiological consequences of work under pressure. If passed fit, they are given a certificate of medical fitness to dive, which they must show to prospective employers.

It is the responsibility of both the diving contractor and the supervisor to ensure that divers are medically fit and hold the relevant certificates.

Divers must see an HSE-approved medical examiner at intervals of no more than 12 months, for an assessment of their fitness to work underwater for the next 12 months. They may decide to take the medical up to one month before the expiry date. This certificate is valid for 12 months from the original expiry date, and not from the date the medical was taken.

The cost of the medical varies, depending on any further tests that a medical examiner may have to carry out.

If a medical examiner does not award a certificate of medical fitness, a diver has the right to appeal against the decision within 28 days to HSE's Employment Medical Advisory Service (EMAS) using the appeals procedure (copies of this are available from the medical examiner).

First aid

As part of HSE diver training and assessment, divers are taught diving physiology (which includes the function of the nervous and musculoskeletal systems), and diving medicine (which includes decompression illness and ear problems).

At the same time as the diver undertakes training and assessment, they will also be taught and assessed for separate first-aid and oxygen administration qualifications (oxygen administration is an essential element of diving first aid procedures). Both these qualifications will be valid for three years.

It is an ACOP requirement that all divers in offshore operations hold a current first-aid at work certificate.

Other divers are not required to renew their first-aid training. However, the diving contractor has a responsibility to ensure that there are enough divers in the dive team with current first-aid certificates and additional first-aid training in the administration of pure oxygen. (Recreational instructors may hold a first-aid certificate approved by their parent agency.)

In some very remote inland/inshore diving locations and in all offshore diving operations there needs to be qualified diver medics in the team. This advanced first-aid training is run by industry and is renewable every two years.

Relevant legislation

This legislation covers all industries and may be relevant to diving projects. The list is not exhaustive.

The Health and Safety at Work etc Act 1974 sets out the general duties that employers and the self-employed have towards employees and members of the public, and the duties that employees have to themselves and to each other.

Employers' Liability (Compulsory Insurance) Act 1969 requires employers to take out insurance to cover their liability for accidents and ill health sustained by their employees.

Health and Safety (Display Screen Equipment) Regulations 1992 set out requirements for work with visual display units.

Management of Health and Safety at Work Regulations 1999 require employers to carry out risk assessments, make arrangements to implement necessary measures, appoint competent people and arrange for appropriate information and training.

Manual Handling Operations Regulations 1992 cover the moving of objects by hand or bodily force.

Personal Protective Equipment Regulations 2002 require employers to provide appropriate protective clothing and equipment for their employees.

Provision and Use of Work Equipment Regulations 1998 require that equipment provided for use at work, including machinery, is safe.

The Offshore Installations and Pipelines (First-Aid) Regulations 1989 cover requirements for first aid offshore.

Health and Safety Information for Employees (Modifications and Repeals) Regulations 1995 require employers to display a poster telling employees what they need to know about health and safety.

Control of Noise at Work Regulations 2005 require employers to take action to protect employees from hearing damage.

Electricity at Work Regulations 1989 require people in control of electrical systems to ensure they are safe to use and maintained in a safe condition.

Health and Safety (Training for Employment) Regulations 1990 set out how certain people being trained for employment should be treated for the purposes of health and safety law.

Offshore Installations (Safety Case) Regulations 2005 require the dutyholder of an offshore installation to submit, at various stages in the life cycle of the installation, a safety case for the management of health and safety on the installation.

Construction (Design and Management) Regulations 2007 cover safe systems of work on construction sites.

Control of Substances Hazardous to Health Regulations 2002 require employers to assess the risks from hazardous substances and take appropriate precautions.

Offshore Installations and Pipelines Works (Management and Administration) Regulations 1995 require 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.

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 require employers to report and keep records of work-related accidents which cause death, serious injuries, diagnosed cases of certain industrial diseases and certain dangerous occurrences.

The Lifting Operations and Lifting Equipment Regulations 1998 require that lifting equipment provided for use at work is safe.

Health and Safety (First-Aid) Regulations 1981 cover requirements for first-aid training.

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009

regulate the transport and labelling of cylinders used for the transportation of pressurised gas.

Pressure Systems Safety Regulations 2000 impose safety requirements in relation to pressure systems used or intended to be used at work. These Regulations may apply to pressure systems that are not used in, but which are ancillary to, the diving project such as compressor systems used to fill breathing gas cylinders.

Further reading

HSE's Diving website - www.hse.gov.uk/diving

Diving at Work Regulations 1997 SI1997/2776 The Stationary Office

Commercial diving projects offshore. Diving at Work Regulations 1997. Approved Code of Practice and guidance L103 (Second edition) HSE Books 2014 ISBN 978 0 7176 6592 1 www.hse.gov.uk/pubns/books/l103.htm

Commercial diving projects inland/inshore. Diving at Work Regulations 1997. Approved Code of Practice and guidance L104 (Second edition) HSE Books 2014 ISBN 978 0 7176 5593 8 www.hse.gov.uk/pubns/books/l104.htm

Recreational diving projects. Diving at Work Regulations 1997. Approved Code of Practice and guidance L105 (Second edition) HSE Books 2014 ISBN 978 0 7176 6594 5 www.hse.gov.uk/pubns/books/l105.htm

Media diving projects. Diving at Work Regulations 1997. Approved Code of Practice and guidance L106 (Second edition) HSE Books 2014 ISBN 978 0 7176 6595 2 www.hse.gov.uk/pubns/books/l106.htm

Scientific and archaeological diving projects. Diving at Work Regulations 1997. Approved Code of Practice and guidance L107 (Second edition) HSE Books 2014 ISBN 978 0 7176 6596 9 www.hse.gov.uk/pubns/books/l107.htm

HSE contacts

HSE's Dive Group is made up of two dive inspection teams and the **Diving Operations Strategy Team (DOST)**, which is responsible for operational strategy and guidance on diving matters. DOST is a focal point for operational diving policy and information for other government departments/agencies, industry and the general public.

Diving Operations Strategy Team, HID ED 4.4

Health and Safety Executive,
Offshore Division (Diving) Redwing House,
Hedgerows Business Park Colchester Road,
Springfield, Chelmsford
Essex, CM2 5PB
Email: diving@hse.gsi.gov.uk
Tel: 01245 706234

HSE diving inspection teams are responsible for inspecting premises and projects, investigating incidents and accidents, and dealing with complaints.

HID ED 4.6 England and Wales

Health and Safety Executive
Offshore Division (Diving)
Rosebery Court
St Andrews Business Park
Norwich, NR7 OHS
Tel: 01603 828010

HID ED 4.7 Scotland

Health and Safety Executive
Offshore Division (Diving)
Lord Cullen House
Fraser Place
Aberdeen, AB25 3UB
Tel: 01224 252598

Information on HSE Approved Medical Examiner of Divers (AMEDs) including a list of these doctors is available on the AMED web pages. Enquiries from AMEDs about their approval and the work they undertake should be sent to:

Corporate Medical Unit

Health and Safety Executive
Redgrave Court
Merton Road
Bootle
Merseyside, L20 7HS
E-mail: AMED@hse.gsi.gov.uk

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

The Stationery Office publications are available from The Stationery Office, PO Box 29, Norwich NR3 1GN Tel: 0870 600 5522 Fax: 0870 600 5533 email: customer.services@tso.co.uk Website: www.tsoshop.co.uk (They are also available from bookshops.) Statutory Instruments can be viewed free of charge at www.legislation.gov.uk.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

This leaflet is available at www.hse.gov.uk/pubns/indg266.htm.

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