

Framework – Consideration of a request for Exemption to relevant offshore statutory provision

EXEMPTIONS MUST BE APPLIED FOR UNDER THE EXEMPTION PROVISIONS IN THE LEGISLATION CONCERNED. IT IS VERY UNUSUAL TO GRANT EXEMPTIONS AND ONE WILL ONLY BE GRANTED IN EXCEPTIONAL CIRCUMSTANCES. THE GRANTING OF AN EXEMPTION MUST NOT CONFLICT WITH EU HEALTH AND SAFETY LAW, INCLUDING THE OFFSHORE SAFETY DIRECTIVE.

ACRONYMS	
R = Responsible	AP = Approval
I = Informed	A = Administered
Exemption Certificate/Letter maintained on the OMAR SharePoint site: OMAR - Offshore Major Accident Regulator - Home (sharepoint.com)	

Step	Completion - Days	Activity by Responsible Person	Submission			Technical Assessment		Approval	Notes
			Duty Holder/Operator	IMT Administrator	IMT Focal Point Inspector	IMT Team Leader	Topic Specialist (TS)		
1	0	Submit letter. Exemption requests must be made at least 4 weeks before the activity is due to begin and, where the exemption is requested from several Regulations or whether the situation is complex, at least 6 weeks before.	R						Submit electronic copy to: SCR05@hse.gov.uk Any request for an Exemption should include the following information: <ol style="list-style-type: none"> 1. the name of the installation. 2. the name(s) of any other linked installation(s) or attendant vessels, e.g., flotels, drilling rigs or crane barges. 3. the name and SI number of the regulation(s) or name of the Act. 4. the specific activity to be undertaken 5. the provisions within those Regulations or Act from which an exclusion or exemption is sought. 6. the reasons why the Regulations or Act cannot be complied with. 7. the alternative safety regime that it is proposed to put into place which should, at least, be equivalent to the intent of the Regulations or Act from which an exemption or exclusion is sought. 8. the dates between which the exemption or exclusion is required 9. details of consultation carried out with the workforce and the outcome of those consultations. 10. the name of the contact who can discuss the request with CA 11. Any other relevant supporting or background information
2	1	Receive & acknowledge Exemption request, add to relevant COIN Case and issue to IMT		R	I				

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			Duty Holder/Operator	IMT Administrator	IMT Focal Point Inspector	IMT Team Leader	Topic Specialist (TS)	TTL Topic Team Leader	OMAR Operations Manager (OM)		
3	2-15	Review the application confirming the legal basis for the application and identify and inform the relevant Topic Specialists to be involved in assessment. A copy of the request should always be sent to your respective OPRED contact		A	R	R	I	I			Under the SCR2015 regime HSE will take the lead on requests relating to safety and OPRED requests relating to environmental. Exemption requests are usually handled by the IMT, additional disciplines are involved where the specific circumstances demand it, the decision being based on professional judgement. Topic specialists who are sent the detail to review should notify by email, to the respective IMT Inspector, their opinion of suitability of exemption request and copy in their team leader. In all instances it is important to compare proposed arrangements with that of the Regulation guidance. Inform relevant personnel Attach correspondence to COIN
4	16-37	Read and assess the application Consider whether application supplies sufficient information to allow a decision to be made By exception – identify if further information is required to enable a conclusion to be reached. IMT to contact Operator as necessary			R	R	R				
5	17-37	Respond to any requests for further information as necessary	R	A	I						
6	16-37	Summarise the recommendation relating to the request in a report for consideration by the relevant Operations Manager.			R	AP					
		Prepare draft acceptance or rejection letter and Exemption Certificate(s), where appropriate.		A	R						For requests for exemption under SCR2015 regime we should use an OMAR cover letter and the relevant exemption certificate without modification. For other regimes it will be the respective CA partners own letterhead. Note: UK Address



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7	38-42	Take decision on whether to grant Exemption(s)			I	I				AP	Joint approval between HSE and OPRED is required for any consideration of exemption against SCR2015.
8	38-42	Issue rejection / acceptance letter and Exemption Certificate(s), where appropriate.		I	R						Upload to COIN. Add to Exemption Register – TRIM Reference 2017/431201
9	42+	Conduct operations in accordance with the decision	R								Note: An Exemption decision is sent to the respective United Kingdom address In the event of a request for an exemption being rejected the duty holder may appeal against the decision. Appeal process can be found at http://www.hse.gov.uk/osdr/authority/appeals.htm