

Offshore Safety Directive Regulator

Operations Notice 84

Title	SCR2015 and SCR2005: The Dual Regime, Differences in Terminology and Interpretation, and Impact on Guidance Material		
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Introduction

This Operations Notice identifies the two regimes that are now in place for offshore oil and gas operations in UK waters. It highlights the differences between terminology and interpretation applied in each regime and confirms how guidance material will be managed to support both regimes. The dual regime arises from parallel safety case regulations: the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (SCR2015) and the Offshore Installations (Safety Case) Regulations 2005 (SCR2005)

Dual Regime

SCR2015 replaces SCR2005 for oil and gas operations in external waters. These new regulations now cover the vast majority of offshore operations that were regulated by HSE and will now be regulated by OSDR. The new regulations increase the regulatory scope for operations in external waters and introduce changes to terminology and interpretation. SCR2005, with its familiar terminology and interpretation, continues to cover activities in internal waters (for example, estuaries) for which HSE will remain the regulator.

The terms affected include the following and the differences will be explained further:

- Major accident (MA)
- Safety / safety and environmental critical elements (SCEs / SECEs)
- Management system incorporating safety / safety and environmental management system (SMS / SEMS)
- Emergency response arrangements and the internal emergency response plan (IERP)

Major accident (MA)

'Major accident' and associated derivatives, for example 'major accident hazard(s)', are widely used terms in high hazard industries. The definition used in the offshore industry was given in SCR2005 but SCR2015 expands the definition for those operations now covered by this regime and the implications must be fully accounted for wherever major accidents are considered.

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Under SCR2015, the term ‘major accident’ is defined as follows:

“major accident” means—

(a) an event involving a fire, explosion, loss of well control or the release of a dangerous substance causing, or with a significant potential to cause, death or serious personal injury to persons on the installation or engaged in an activity on or in connection with it;

(b) an event involving major damage to the structure of the installation or plant affixed to it or any loss in the stability of the installation causing, or with a significant potential to cause, death or serious personal injury to persons on the installation or engaged in an activity on or in connection with it;

(c) the failure of life support systems for diving operations in connection with the installation, the detachment of a diving bell used for such operations or the trapping of a diver in a diving bell or other subsea chamber used for such operations;

(d) any other event arising from a work activity involving death or serious personal injury to five or more persons on the installation or engaged in an activity on or in connection with it; or

(e) any major environmental incident resulting from any event referred to in paragraph (a), (b) or (d),

and for the purposes of determining whether an event constitutes a major accident under paragraph (a), (b) or (e), an installation that is normally unattended is to be treated as if it were attended;

The key changes are as follows and guidance document L154 provides further explanation:

- the insertion of ‘*or with a significant potential to...*’ into (a);

and

- the addition of clause (e), to include environmental incidents (dependant on first having had an incident of the type referred to in points (a), (b) or (d)).

Significant potential

The inclusion of accidents with ‘significant potential’ to cause death or serious injury means that those accidents which previously did not result in actual harm are now captured and recorded as ‘major accidents’.

Major Environmental Incidents

The inclusion of clause (e) in the definition of a major accident means that environmental implications must now be included in considerations wherever the term ‘major accident’ is used.

For operations in external waters, the term ‘major accident,’ and associated derivatives, must be interpreted using the definition given in SCR2015.

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For operations in internal waters, the term ‘major accident,’ and associated derivatives, must reflect the definition given in SCR2005.

Safety / Safety and Environmental Critical Elements (SCE / SECEs)

SCR2015 renamed ‘safety critical elements’ replacing them with the term ‘safety and environmental-critical elements’. Although the wording of the definition has not changed (see below), the scope has increased because the reference to ‘major accident’ is now inclusive of any resultant major environmental incident (see above):

“safety and environmental-critical elements” means such parts of an installation and such of its plant (including computer programmes), or any part of those—

(a) the failure of which could cause or contribute substantially to a major accident; or

(b) a purpose of which is to prevent, or limit the effect of, a major accident;

Duty holders of operations regulated under SCR2015 must be mindful of the expansion of the term and its revised scope and those operating under SCR2005 must continue to use the existing terminology.

Management Systems - including Safety / Safety and Environmental Management Systems (SMS / SEMS)

A generic definition of management systems is given in SCR2015 and reflects that previously contained in SCR05:

“management system” means the organisation and arrangements established by a person for managing that person’s undertaking;

Safety and environmental managements systems (SEMS) are the main focus of the requirements of SCR2015 replacing references to safety management systems (SMS) in SCR2005.

References to management systems should be interpreted within the scope of the particular regime the duty holder is operating under. Those covered by SCR2015 will need to consider both safety and environmental aspects of management and those covered by SCR2005 are only required to consider safety within the context of the safety case.

Emergency Response Arrangements and the Internal Emergency Response Plan (IERP)

SCR2005 requires duty holders to include a description of the arrangements to manage emergencies in their safety case. This must cover the requirements of PFEER¹ to protect persons, and the duty holder’s emergency response plan (PFEER Regulation 5 Assessment).

Under SCR2015 the requirement is extended to address potential major environmental incidents. Safety and environmental emergency response arrangements are brought together in the Internal

¹ Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 as amended

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Emergency Response Plan (IERP) which covers the requirements of PFEER and the OPEP (Oil Pollution Emergency Plan).

Any reference to emergency response must be mindful of the scope of the regulations being applied.

Relevant Guidance

HSE has previously issued various items of guidance that inform on subjects relating to major accidents and major accident hazards, safety critical elements, safety managements systems and emergency response planning. Some of this material is sector specific and based on the definition and interpretation prevailing at the time (SCR2005 and its predecessors) and other material is non-sector specific. DECC also has material that relates to environmental management and OPEPs within other regulatory contexts. All pre-existing documentation will use terms and definitions that are out of step with those contained in SCR2015.

OSDR will adopt HSE guidance that relates to SCR2005 and issue all new guidance relating to the implementation of SCR2015. The guidance material will be reviewed and key SCR2005 documentation will be revised to reflect SCR2015 terms and definitions as this will become the dominant regime. The impact of changing the definitions from those contained in SCR2005 will be highlighted at the start of documents and reference will be made to the presence of this Operations Notice that explains the implications in detail. The continued relevance of SCR2005 and the requirement for alternative interpretation will be covered.

Guidance material that is identified as having a narrow scope, or is only relevant to a specific aspect or issue within a safety case, will be reviewed but may not be revised. The publication of this Operations Notice highlights the issue and it is the responsibility of the reader to ensure they are applying the correct terms, definitions and interpretation that is relevant to the regime they are considering.

Guidance material that is not controlled by OSDR and is written relating to major accidents, safety and/or environmental management systems, safety and/or environment critical elements and emergency response in the wider context, will not reflect the terms or definitions used in SCR2015. This material can continue to be used provided the reader takes into account differences in interpretation and considers the information in the relevant context.

Duty holders of operations in external waters which are covered by SCR2015 should now refer to major accidents within the wider context of the revised definition, which includes potential for harm and environmental incidents, and use the revised terminology e.g. SEMS and SECE. The case must describe the Internal Emergency Response Plan (IERP) which should reference the OPEP.

Duty holders of operations in internal waters should continue to refer to major accidents within the limited context of safety and actual harm and use the terminology and definitions used in SCR2005 e.g. SMS and SCE. Emergency planning is only required to cover the PFEER requirements.

This guidance is issued by the Offshore Safety Directive Regulator (OSDR). Following the guidance is not compulsory and you are free to take other action. But if you do follow the guidance

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you will normally be doing enough to comply with the law. Inspectors seek to secure compliance with the law and may refer to this guidance as illustrating good practice.