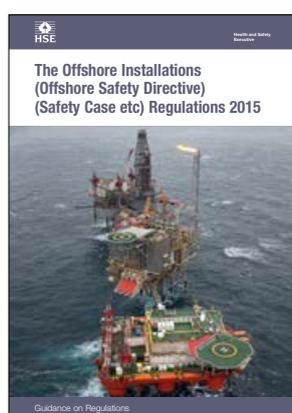


The Offshore Installations (Offshore Safety Directive) (Safety Case etc) Regulations 2015

Guidance on Regulations



L154 (First edition)
Published 2015

The Offshore Installations (Offshore Safety Directive) (Safety Case etc) Regulations 2015 (SCR 2015) came into force on 19 July 2015. They apply to oil and gas operations in external waters, that is, the territorial sea adjacent to Great Britain and any designated area within the UK continental shelf. They replace the Offshore Installations (Safety Case) Regulations 2005 (SCR 2005) in these waters, subject to certain transitional arrangements. Activities in internal waters (eg estuaries) will continue to be covered by SCR 2005 and *A guide to the Offshore Installations (Safety Case) Regulations 2005* (HSE, L30).

The primary aim of SCR 2015 is to reduce the risks from major accident hazards to the health and safety of the workforce employed on offshore installations or in connected activities. The Regulations also aim to increase the protection of the marine environment and coastal economies against pollution and ensure improved response mechanisms in the event of such an incident.

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First published 2015

ISBN 978 0 7176 6325 5

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Guidance

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.

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Introduction

1 The Offshore Installations (Offshore Safety Directive) (Safety Case etc) Regulations 2015 (SCR 2015) came into force on 19 July 2015. They apply to oil and gas operations in external waters, that is, the territorial sea adjacent to Great Britain and any designated area within the United Kingdom continental shelf (UKCS). They replace the Offshore Installations (Safety Case) Regulations 2005 (SCR 2005) in these waters, subject to certain transitional arrangements. Activities in internal waters (eg estuaries) will continue to be covered by SCR 2005 and HSE publication *A guide to the Offshore Installations (Safety Case) Regulations 2005*.¹

2 The primary aim of SCR 2015 is to reduce the risks from major accident hazards to the health and safety of the workforce employed on offshore installations or in connected activities. The Regulations also aim to increase the protection of the marine environment and coastal economies against pollution and ensure improved response mechanisms in the event of such an incident.

3 SCR 2015 builds on the central recommendation of Lord Cullen's report on the public inquiry into the Piper Alpha disaster. This was that the operator or owner of every offshore installation should be required to prepare a safety case and submit it to the regulator for acceptance. This safety case now incorporates the additional requirements of the Directive 2013/30/EU on the safety of offshore oil and gas operations and amending Directive 2004/35/EC.² The Regulations also implement aspects of Directive 92/91/EEC³ concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling.

4 Safety cases under SCR 2015 are submitted to the competent authority for assessment. The competent authority comprises the Health and Safety Executive (HSE) and the Department of Energy and Climate Change (DECC) working in partnership: this is called the Offshore Safety Directive Regulator (OSDR).

Requirements to submit safety cases and notifications for installations

5 Safety cases under SCR 2015 are required for all installations operating, or to be operated, in external waters. It is an offence to operate an installation in external waters without a safety case that has been accepted by the competent authority. Different requirements apply to installations used for producing oil and gas compared to those used for other purposes, such as drilling, exploration or providing accommodation. The duty to submit safety cases and notifications is generally placed on a single dutyholder in respect of each type of installation, namely the operator of a production installation and the owner of a non-production installation.

6 For new production installations to be established offshore, operators must send a notification to the competent authority at the early design stage. A notification under SCR 2015 is also required if a production installation is to be moved to a new location in external waters or if a non-production installation is to be converted to a production installation. The notification must be followed by submission of a safety case, for the competent authority's acceptance, before the installation can be operated. If a production installation moving to a new location in external waters already has an accepted safety case, the operator must submit a revision of the safety case to the competent authority for acceptance. A revision to the safety case must be submitted to and accepted by the competent authority before a fixed installation is dismantled. Where revisions to the safety case result in a material change, these must also be submitted to the competent authority for assessment and acceptance prior to the changes taking effect.

7 For non-production installations, the owner must submit a safety case for the competent authority's acceptance before moving the installation in external waters for the purpose of operating it there. If a non-production installation is to be converted to a production installation, the owner must send a design notification and the operator must submit a revision of the safety case for the competent authority's acceptance.

8 Further notifications are required when installations engage in combined operations, to cover the specific features of such operations. The combined operations notification complements the existing safety cases by (among other things) identifying any new or changed hazards arising from the combined operation, and describing how the installations' management systems will be co-ordinated to manage and control major accident hazards. When a production installation is involved in such a combined operation, it must be the operator who submits the notification. In all other circumstances, the notification would be submitted by the owner.

Purpose of a safety case

9 A safety case is a document that gives confidence to operators, owners, workers and the competent authority that the dutyholder has the ability and means to manage and control major accident hazards effectively. It provides an extra level of regulatory control in addition to regulations such as the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 (PFEER)⁴ and the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996 (DCR),⁵ justified by the major accident potential of the offshore activities within scope.

10 SCR 2015 does not set standards for the control of major accident risks. These are set by PFEER, DCR, the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (OPRC),⁶ and other regulations, as well as by the Health and Safety at Work etc Act 1974 (the HSW Act).⁷ A safety case demonstrates that the dutyholder has arrangements in place which, if implemented, are capable of achieving compliance with these legal objectives. This is what the competent authority will look for when making a decision on whether or not to accept a safety case. The safety case provides a comprehensive core document that can be used as a check by both the dutyholder and the competent authority that the accepted risk control measures, verification arrangements and safety and environmental management system (SEMS) are in place and operate as they should.

Acceptance of safety cases

11 The competent authority's acceptance is required for all safety cases and material changes to safety cases. Acceptance is not defined in SCR 2015, but it requires satisfaction with the dutyholder's approach to identifying and meeting health, safety and environmental needs. The competent authority 'accepts' the validity of the described approach as being capable, if implemented as described, of achieving the necessary degree of risk control. The competent authority does not confirm the outcomes of that approach. This is in line with Lord Cullen's original concept of the safety case.

12 The competent authority will accept a safety case or a revision under SCR 2015 when dutyholders demonstrate and describe specified matters to the competent authority's satisfaction. Acceptance will be based on the competent authority's judgement that the arrangements and measures described in the safety case, taken as a whole, are **likely** to achieve compliance if implemented as described. To give acceptance the competent authority does not need to be satisfied that compliance **will** be achieved. This confirmation will be made by post-acceptance programmes of inspection and enforcement, based on the accepted safety case. Acceptance does not guarantee that the major accident hazard risks to health, safety and the environment will be effectively managed or controlled.

13 In making an acceptance decision, the competent authority will take a considered view on which elements of a particular safety case should be examined in greater depth and which should not. The key criterion will be whether a safety case contains sufficient information to enable the competent authority to make a decision on acceptance. This decision will be based on both safety and environmental information and environmental assessment will be underpinned by information presented to satisfy the requirements of OPRC and the Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999 (as amended)⁸ (see section on Relationship with other regulations). This provides flexibility in the assessment process. The competent authority's assessment framework diagrams and guidance for offshore safety cases set out the competent authority's approach to assessing safety cases and give an insight as to how and why decisions are reached. The safety case assessment procedures and guidance promote proper and consistent assessment of safety cases by the competent authority and are available on the competent authority's website: www.hse.gov.uk/osdr/.

14 The competent authority will work with dutyholders to ensure safety case submissions are acceptable. However, if the competent authority is unable to accept a safety case, SCR 2015 provides the dutyholder with a right of appeal to the Secretary of State.

15 Following acceptance, the dutyholder must ensure that the installation is operated in conformity with the SEMS, the verification scheme and other arrangements described in the safety case. The competent authority also has the power to prohibit activities should it determine the contents of the safety case (or combined operations notifications or well notifications) are no longer sufficient to demonstrate the adequate management and control of major accident hazards.

Reviews and revisions of safety cases

16 Safety cases are intended to be 'living' documents, kept up to date and revised as necessary during the operational life of the installation. The dutyholder must revise an accepted safety case whenever appropriate to ensure the case

remains current and reflects operational reality on the installation. Revisions that make a material change to the safety case must be submitted to the competent authority for acceptance. A material change is likely to be one that changes the basis on which the original safety case was accepted. In addition, the dutyholder must carry out a thorough review of the current safety case at least every five years or as directed by the competent authority. The competent authority has general powers to inspect the conduct of such reviews and to look at current safety cases at any time, supplemented by powers under regulation 25 to look at a developing safety case and related documents.

17 Once given, the competent authority's acceptance of a safety case may last as long as the installation to which it applies. The competent authority can prevent material changes taking effect by not accepting the safety case revision describing them. If the competent authority considers material changes must be made, it may direct a revision of a safety case to be submitted for assessment. In the event that a directed revision is unacceptable, the competent authority may suspend an existing accepted safety case, subject to a right of appeal to the Secretary of State. Should the competent authority at any time determine that the contents of the safety case are insufficient, it may prohibit operations.

Notifications

18 Notifications, whether of design, relocation, combined operations or well operations, do not require the competent authority's acceptance. The competent authority has three months in which to comment on design and relocation notifications received. The main aim of notifications, particularly at the early design stage, is to encourage a constructive dialogue between dutyholders and the competent authority. This will help to progress the subsequent development of safety cases and inform the competent authority's inspection plans.

19 SCR 2015 requires the well operator to send prior written notice of well operations from an installation or vessel. Well notifications supplement existing safety cases by providing well-specific information that is not likely to be contained in a safety case. Combined operations notifications supplement existing safety cases by providing information specific to the combined operations.

20 The competent authority may also request further information in relation to a notification, which must be provided by the operator. If the information notified under a well notification or combined operations notification gives cause for concern, competent authority inspectors can object to the content of the notification, and under such circumstances operations should not commence. The competent authority also has the power to prohibit activities should it determine the contents of combined operations notifications or well notifications are no longer sufficient to demonstrate the adequate management and control of major accident hazards.

Safety cases and verification

21 Regulations 9 and 10 and the associated guidance are concerned with the verification of the installation's safety and environmental-critical elements (SECEs). Verification is a vital method of assuring the continued efficient safe operation of the installation.

22 The overall objective of the verification scheme is to establish a system of independent and competent scrutiny of SECEs throughout the life cycle of an

installation and to obtain assurance that satisfactory standards will be achieved and maintained. Apart from helping to provide evidence of an operator's compliance with legal obligations such as those arising from DCR and PFEER, the verification scheme will also contribute to a dutyholder's demonstration of the safety and environmental standards required elsewhere in these Regulations. A description of the verification scheme will be required as part of the safety case submission. The verification requirements apply to new and existing installations, both production and non-production, including those that have been designed and built abroad for use in external waters.

Safety cases and well examination

23 The safety case must include particulars of plant and arrangements for the control of operations on a well. These safety case requirements are supported by regulations 11 and 12, and Part 2 of Schedule 4 to SCR 2015, which require the well operator to make, and put into effect, arrangements for the examination of a well by a well examiner to ensure that the well is properly designed, constructed and maintained. The well examination scheme will both support the dutyholder's safety case and contribute towards meeting the well operator's duty to ensure the safety of a well throughout its life. Work done to meet the requirements of the well examination scheme may also contribute to the installation's verification arrangements, and vice versa. The dutyholder must ensure that the well examination scheme contributes to the safety case demonstration even where the dutyholder and the well operator are different corporate entities.

The safety case regime and pipelines

24 SCR 2015 does not require safety cases for offshore pipelines. However, the Regulations do require the installation safety case to address all risks arising from pipelines connected to the installation and any other pipelines with the potential to cause a major accident on the installation. In addition, the definition of 'installation' in the Regulations, which refers to regulation 3 of Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 (MAR),⁹ deems any part of a pipeline connected to the installation and associated apparatus or works that are located within 500 metres of the installation to be part of the installation. Things which may be controlled from or which may affect the installation can be considered together with the installation as a single unit for the purposes of the safety case, MAR and PFEER. This is appropriate when considering the safety of people on the installation or risks to the environment from the possible consequences of a pipeline failure. However, the safety case also must apply more widely and take account of the presence of any equipment beyond 500 metres, such as sub-sea isolation valves and pipeline pressure control devices, on which the safety of the installation or the emergency response following a major accident may depend.

25 Separate requirements for pipelines are set out in the Pipelines Safety Regulations 1996 (PSR).¹⁰ PSR lays down duties on pipeline operators relating to the design, construction, operation, maintenance and decommissioning of pipelines. These requirements are necessary to ensure the integrity and safe operation of pipeline systems as a whole, not just at the interface with installations. Regulation 19 of PSR requires an installation operator to co-operate with a pipeline operator to ensure compliance with Schedule 3 of PSR in respect of emergency shutdown valves.

26 However, the two sets of regulations do not place a dual burden on operators. For example, work done to comply with the requirement to identify SECEs of a pipeline at the interface with an installation for safety case purposes could be referenced in the documentation required for major accident hazard pipelines under PSR. Conversely, the installation safety case can refer to relevant material in the major accident prevention document (MAPD) prepared under PSR. Work does not have to be done twice.

27 Taken together, SCR 2015, PFEER, MAR and PSR establish a framework of interrelated duties to address the installation/pipeline interface. For example, Schedule 6 of SCR 2015 requires details of pipelines with the potential to cause a major accident and descriptions of arrangements to comply with provisions of PSR, including a summary of the MAPD. Pipeline operators are among those required by regulation 8 of MAR to co-operate with installation dutyholders to enable the latter to comply with health, safety and environmental law, including SCR 2015.

Workforce involvement

28 Regulation 23 of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 (OSRSCR)¹¹ places a duty on the installation operator or owner to consult safety representatives appointed under those Regulations on the preparation, review and revision of a safety case for the installation in question. This is without prejudice to the general duty in regulation 23(b) to consult safety representatives with a view to making and maintaining health and safety arrangements.

29 Although there is no legislative provision for environmental representatives, dutyholders may choose to appoint environmental representatives and co-opt them onto safety committees.

30 A safety case prepared or revised under SCR 2015 must contain a summary of the worker involvement in the preparation of the safety case and how any safety representatives for that installation were consulted with regard to the revision, review or preparation of the safety case. This includes existing safety cases revised under the transitional arrangements.

31 Consultation must be a genuine attempt to seek the views and contributions of workforce representatives. Dutyholders are not obliged to accept any proposals made, but they must consider them properly. The safety case should show how this was done. Guidance supporting Schedule 6 and Schedule 7 gives a more detailed account of what is required.

32 Regulation 18 of OSRSCR entitles safety representatives to see and be supplied with copies of documents that are required by law to be kept on the installation. Regulation 27 of SCR 2015 requires several documents to be kept on the installation (including the current safety case, notifications and audit reports) and be accessible to safety representatives. Under regulation 22(1)(g) of OSRSCR a statutory safety committee has the function to consider such documents.

33 Regulation 18A of OSRSCR gives safety representatives the further right to:

- (a) see the complete safety case;
- (b) be supplied with a summary of its key features, including necessary remedial work and the timescales for such work;
- (c) be supplied with copies of extracts of the safety case where this is necessary and reasonable for the purpose of performing their functions under OSRSCR.

34 Further information is contained in HSE publication *A guide to the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989*.¹²

Relationship with other regulations

35 SCR 2015 is key to the management and control of offshore health, safety and environmental major accident hazards. The Regulations require dutyholders to demonstrate their ability to comply with the objectives set by other health, safety and environmental legislation applying to the management and control of offshore major accident hazards. This includes the relevant parts of offshore-specific regulations, namely MAR, PFEER, DCR and DECC's OPRC regulations.

36 MAR covers such matters as the appointment of installation managers, the use of permit-to-work systems, communication arrangements, helideck operations, records of persons on board and the collection of meteorological and oceanographic information. The organisation and arrangements to meet these requirements will form part of the dutyholder's management system for the purposes of the demonstration required in the safety case under regulation 16(1)(a) of SCR 2015.

37 PFEER requires measures to prevent fires and explosions on offshore installations, to protect people from the effects of any which do occur and to secure effective emergency response. The organisation and arrangements to meet these requirements will form part of the dutyholder's emergency response arrangements and will also be part of the management system for the purposes of the safety case demonstration under regulation 16(1)(a) of SCR 2015.

38 In addition, the results of the PFEER regulation 5 assessment will contribute to the demonstration required by 16(1)(c) and (d) of SCR 2015. This requires the dutyholder to show that major accident hazards have been identified, their risks have been evaluated and action has been taken to comply with the relevant statutory provisions (defined in SCR 2015). Schedules 6, 7 and 8 require descriptions of the arrangements to comply with PFEER regulation 4(1), the general duty to protect people from fire and explosion, and to secure emergency response.

39 The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 (as amended)¹³ implement Directive 2011/92/EU¹⁴ on the assessment of the effects of certain public and private projects on the environment and Directive 2003/35/EC¹⁵ providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment. These Regulations require the operator to undertake an environmental impact assessment for relevant activities and to present the conclusions in an environmental submission. SCR 2015 requires confirmation that the likelihood of a major environmental incident has been identified and its environmental consequence assessed.

40 OPRC requires production installation operators, non-production installation owners and well operators to have an approved Oil Pollution Emergency Plan (OPEP) for, respectively, their offshore installations and their well operations. The OPEP is part of the description of the internal emergency response arrangements which is to be included within a safety case. In practice the OPEP will continue to be submitted to DECC for assessment, but a short description and appropriate link should be included in the description of the internal emergency response arrangements contained within the safety case.

41 SCR 2015 includes requirements for safeguarding the integrity of an installation throughout its life cycle, from design and construction, through operation and maintenance, to decommissioning and dismantling. SCR 2015 verification provisions require consideration of hazards at the design stage to encourage hazard elimination at source or, where this is not feasible, to ensure that risks are reduced to the lowest reasonably practicable level.

42 Compliance with DCR will contribute to compliance with SCR 2015. For example, DCR does not allow dutyholders to operate an installation unless the appropriate operational limits and the environmental conditions in which the installation may safely operate have been recorded. These records, which must be kept up to date, will contribute to the documentation needed for the safety case. Schedules 5 to 7 of SCR 2015 require descriptions of the arrangements to comply with provisions of DCR.

43 OSRSCR is also relevant. These Regulations specify ways in which safety representatives and committees are to be informed and consulted about safety cases and related matters, including preparing, reviewing or revising safety cases. See the previous section on Workforce involvement.

44 In addition, the general provisions of the HSW Act and associated regulations, such as the Management of Health and Safety at Work Regulations 1999 (MHSWR)¹⁶ and the Provision and Use of Work Equipment Regulations 1998 (PUWER),¹⁷ apply to all offshore employers, including those who are also dutyholders under SCR 2015 and the other offshore-specific regulations.

45 Further guidance on these interfaces is included in the following HSE publications and in the remaining paragraphs of this introduction:

- (a) *A guide to the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995. Guidance on Regulations;*¹⁸
- (b) *Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995. Approved Code of Practice and guidance;*¹⁹
- (c) *A guide to the integrity, workplace environment and miscellaneous aspects of the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996. Guidance on Regulations;*²⁰
- (d) *A guide to the well aspects of the Offshore Installations and Wells (Design and Construction etc) Regulations 1996. Guidance on Regulations;*²¹
- (e) *Managing for health and safety;*²²
- (f) *A guide to the Pipelines Safety Regulations 1996. Guidance on Regulations.*²³

Charging for competent authority activities under the safety case regime

46 Competent authority assessment of safety cases and associated activities are chargeable activities. HSE cost recovers for relevant activities under the Health and Safety and Nuclear (Fees) Regulations 2015.²⁴

Disclosure of information

47 The Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004²⁵ create a right of access to official information and amongst other things place a duty on HSE and DECC, as public authorities, to publish information in accordance with a publication scheme. These access-to-information regimes enable any person to obtain information from public

authorities, including information obtained from other parties such as dutyholders, subject to certain exemptions.

Main changes between SCR 2005 and SCR 2015

Competent authority

48 Directive 2013/30/EU on safety of offshore oil and gas operations and amending Directive 2004/35/EC requires the establishment of an offshore competent authority. In respect of SCR 2015 the competent authority in Great Britain is HSE and DECC working in partnership to deliver the necessary functions, with each party concentrating on their areas of expertise. This competent authority is governed via a Memorandum of Understanding between DECC and HSE, and is similar to the existing Control of Major Accident Hazards Regulations (COMAH) model used for the regulation of onshore major hazard installations. The competent authority is governed by a senior oversight board which will agree implementation arrangements, set the strategic direction and agree decisions for the competent authority.

Apply only in external waters

49 SCR 2015 applies to oil and gas operations in external waters: the territorial sea adjacent to Great Britain and any area designated within the continental shelf. They replace SCR 2005 in these waters, subject to certain transitional arrangements. Activities in internal waters (eg estuaries) will continue to be covered by SCR 2005.

Definitions

50 A number of new definitions have been included (eg oil and gas operations), or existing definitions updated (eg major accident and production installation), to implement Directive 2013/30/EU on safety of offshore oil and gas operations and amending Directive 2004/35/EC.

51 The definitions of licensee, operator (in relation to a production installation) and well operator now refer to the definitions outlined in the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015 (OPLR).²⁶

Integration of safety and environmental protection

52 The scope of SCR 2015 is greater than SCR 2005, as SCR 2015 covers the management and control of environmental major accident hazards. This means that environmental protection issues need to be addressed in corporate major accident prevention policies (CMAPP), SEMS, verification schemes, emergency response arrangements and demonstrations related to the management and control of major accident hazards. There are also additional requirements to provide information on environmental issues within the safety case and notifications sent to the competent authority.

Corporate major accident prevention policy

53 Every dutyholder and well operator must now have a CMAPP. This should provide a high-level overview of how the management and control of major accident hazards will be implemented throughout an organisation (see regulation 7).

Safety and environmental management system

54 Every dutyholder and well operator must have a documented SEMS in operation within its organisation which is integrated with its overall management system (see regulation 8).

55 The arrangements within the SEMS must include arrangements for determining and implementing the CMAPP and address various matters relevant to the management and control of major hazards set out in Schedules 2 and 3. An adequate description of the SEMS must be included in the dutyholder's safety case (see Schedules 6(5) and 7(5)), and for well operators, in a well notification, if appropriate (see Schedule 9(16)).

Verification

56 The SCR 2015 verification scheme requirements have been extended to cover environmental, as well as safety-critical elements. The verification requirements in SCR 2015 have also been updated to accommodate new duties (eg relating to the competence of verifiers and the sharing of information between verifiers and dutyholders). See regulations 9, 10 and 13 for further detail.

Well examination

57 Well examination requirements for wells in external waters have been revoked from DCR, updated to accommodate new principles and duties (eg relating to the competence of well examiners and the transference of information from well examiners to well operators), and placed in SCR 2015 (see regulations 11–13).

Internal emergency response arrangements

58 Certain duties under PFEER are now designated 'internal emergency response duties'. A description of these duties together with the OPEP produced under OPRC 1998 deliver the description of the internal emergency response arrangements (see regulations 2(10) and 30 of SCR 2015). This description must be included in the safety case.

Well notification

59 A statement must now be included in a well notification, made after considering reports by the well examiner, that the risk management relating to well design and its barriers to loss of control are suitable for all anticipated conditions and circumstances. Well notifications, or a material change to a well notification, must also be accompanied by the relevant report of the well examiner (see regulation 21).

Other changes

60 There are a number of additional changes within SCR 2015. These include:

- (a) a requirement for the competent authority to inform the licensing authority (which is defined in OPLR) where it determines that an operator of a production installation or well operator no longer has the capacity to meet the requirements of the relevant statutory provisions (as defined in regulation 2(1)), (see regulation 6 of SCR 2015);
- (b) a power for the competent authority to prohibit operations where measures for preventing or limiting the consequences of a major accident proposed in a safety case, in a notification of well operations or a notification of combined operations are insufficient (regulation 26);
- (c) a specific requirement for plans stated in a notification of well operations or a notification of combined operations to be followed (regulation 28);
- (d) a requirement for a dutyholder and well operator to take suitable measures to reduce risk, including where necessary suspending operations where an activity carried out significantly increases the risk of a major accident (regulation 29(1) and (2)), and to report to the competent authority when such measures have been taken (regulation 29(3));
- (e) requirements for dutyholders to perform certain duties under PFEER (the duties are set out in regulation 30(14) of SCR 2015) consistently with the

- external emergency response plan (as defined in regulation 30(13)) and taking into account the risk assessment undertaken during the preparation of the safety case (regulation 30(1));
- (f) requirements for dutyholders and well operators to communicate to their employees, contractors and contractors' employees the arrangements for confidential reporting of safety and environmental concerns (regulation 31);
 - (g) requirements for dutyholders and well operators to co-operate with the competent authority in developing, preparing and revising standards and guidance on major accident prevention (regulation 32);
 - (h) a requirement for the dutyholder or well operator to notify the competent authority of any major accident or situations where there is an immediate risk of such an accident (regulation 33);
 - (i) a requirement for UK-registered companies acting as licensees or operators to provide the competent authority, when requested to do so, with information about accidents outside the European Union in which they or their subsidiaries are involved (regulation 34).

Guidance on the Regulations and schedules

61 The remaining sections of this publication include an explanation of individual regulations and schedules.

The Regulations

Regulation 1 Citation and commencement

Regulation 1

These Regulations may be cited as the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 and come into force on 19th July 2015.

Regulation 2 Interpretation

Guidance 2

62 Regulation 2 defines certain words and phrases in SCR 2015. Many of these definitions are essential to understanding the requirements of the Regulations and should be referred to when considering individual regulations. In addition, ‘plant’ has the meaning given in section 53 of the HSW Act (ie it includes any machinery, equipment or appliance).

Regulation 2

(1) In these Regulations –

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 1995 Act” means the Merchant Shipping Act 1995;

“competent authority” means the Executive and the Secretary of State acting jointly;

Guidance 2

63 For the purposes of SCR 2015, the competent authority in the UK is HSE and DECC working in partnership to deliver the necessary functions, with each party concentrating on their area of expertise. This competent authority is governed via a Memorandum of Understanding between DECC and HSE and a senior oversight board which will agree on implementation arrangements, set the strategic direction and agree decisions for the competent authority. The competent authority will be called the Offshore Safety Directive Regulator. Further information on the competent authority is provided on its website: www.hse.gov.uk/osdr/.

Regulation 2

“corporate major accident prevention policy” has the meaning given in regulation 7(2);

Guidance 2

64 The CMAPP establishes the dutyholder’s overall aims and arrangements for managing and controlling major accident hazards and how those aims are to be achieved and arrangements put into effect by the officers of the dutyholder (see regulation 7).

Regulation 2

“current safety case” means a safety case in respect of an installation which has been accepted by the competent authority pursuant to these Regulations and includes any revision to it which –

- (a) may take effect without the acceptance of the competent authority; or*
- (b) has been accepted by the competent authority;*

Guidance	2	65 This definition means that each installation will have one current safety case throughout its life, which will be kept up to date and revised as necessary. The current safety case includes any revisions made to the accepted safety case, whether or not those revisions have to be accepted by the competent authority. Regulation 28 of SCR 2015 requires a dutyholder to ensure that the procedures and arrangements described in the current safety case are followed.
Regulation	2	<p><i>“Directive 92/91/EEC” means Council Directive 92/91/EEC concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling;</i></p> <p><i>“Directive 2013/30/EU” means Directive 2013/30/EU of the European Parliament and of the Council on safety of offshore oil and gas operations and amending Directive 2004/35/EC;</i></p> <p><i>“dismantling” means the dismantling or removal of the main and secondary structure of a fixed installation at the place at which it was operated, and “dismantled” is to be construed accordingly;</i></p>
Guidance	2	66 This definition is for the purposes of regulation 20. It focuses on the final operations to remove a fixed installation.
Regulation	2	<p><i>“diving bell” means a compression chamber which is capable of being manned and is used or designed for use under the surface of water in supporting human life, being a chamber in which any occupant is or may be subject to a pressure of more than 300 millibars above atmospheric pressure during normal operations;</i></p> <p><i>“duty holder” means –</i></p> <ul style="list-style-type: none"> <i>(a) in relation to a production installation, the operator; and</i> <i>(b) in relation to a non-production installation, the owner;</i>
Guidance	2	67 The expression ‘dutyholder’ is used in these Regulations to refer to the person (whether the owner or the operator of an installation) on whom duties are placed by SCR 2015 in respect of installations, particularly to prepare the safety case. It does not mean that these are the only people with duties under health and safety law.
Regulation	2	<p><i>“the Executive” means the Health and Safety Executive;</i></p> <p><i>“external waters” means –</i></p> <ul style="list-style-type: none"> <i>(a) the territorial sea adjacent to Great Britain; and</i> <i>(b) any area designated by order under section 1(7) of the Continental Shelf Act 1964;</i>
Guidance	2	68 This defines the waters within which SCR 2015 applies. These include the territorial sea adjacent to Great Britain and designated areas within the UKCS. The Regulations do not apply to coastal waters within the UK (these are covered by SCR 2005), coastal waters within Northern Ireland or the Isle of Man, or to the territorial sea adjacent to Northern Ireland or the Isle of Man, where separate but similar regulations apply.
Regulation	2	<i>“field development plan” means the support document for development and production consents to be submitted to the Department of Energy and Climate Change pursuant to the Guidance on the Content of Offshore Oil and Gas Field Development Plans, as published on the Department of Energy and Climate Change’s website, as revised or reissued from time to time;</i>

Guidance	2	69 From 1 April 2015, the Oil and Gas Authority (OGA) became responsible for offshore oil and gas licensing. Field development plans are now submitted to OGA.
Regulation	2	<i>“fixed installation” means an installation which cannot be moved from place to place without major dismantling or modification, whether or not it has its own motive power;</i>
Guidance	2	70 This definition is for the purposes of regulation 20 on dismantling. Floating production platforms do not fall within this definition.
Regulation	2	<i>“installation” means an offshore installation within the meaning of regulation 3 of the Management Regulations;</i>
Guidance	2	<p>71 The definition of ‘installation’ for the purpose of these Regulations is as set out in regulation 3 of MAR. The definition is also that used for the purposes of PFEER and, with some variations, DCR.</p> <p>72 An offshore installation is defined in regulation 3(1) of MAR as a structure used for any one of a number of activities related to the exploitation of oil and gas resources in ‘relevant waters’, meaning tidal waters and parts of the sea in or adjacent to Great Britain, the territorial sea itself and any designated area of the continental shelf. The activities covered are:</p> <ul style="list-style-type: none"> (a) exploring for, or exploiting, mineral resources by means of a well; (b) the offshore storage of gas and the recovery of stored gas; (c) the conveyance of anything by means of a pipe; (d) activities involving mechanically entering the pressure containment boundary of a well; (e) the provision of accommodation for workers on offshore installations where this activity is the primary purpose for which the structure is being used. <p>73 The amendments to the definition of offshore installation in the Health and Safety at Work etc Act 1974 (Application outside Great Britain) Order 2013 (AOGBO),²⁷ to clarify what is and is not an offshore installation, have been included within the definition of offshore installation within MAR to ensure consistency (see paragraph 10 of Schedule 13). This means that a vessel which undertakes activities involving mechanically entering the pressure containment boundary of a well, is now classed as an offshore installation.</p> <p>74 An offshore installation used for the offshore storage and recovery of stored gas is not operated for the purposes of SCR 2015 (see regulation 2(3)).</p>
Regulation	2	<p><i>“licensee” means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;</i></p> <p><i>“major accident” means –</i></p> <ul style="list-style-type: none"> (a) <i>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;</i> (b) <i>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;</i>

Regulation 2

- (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;

Guidance 2

75 The definition of 'major accident' lists types of events involving, or with the potential for serious injury or loss of life. The definition only includes major environmental incidents resulting from these events. Preventing major accidents is the primary aim of SCR 2015. A key requirement in regulation 16 is for dutyholders to demonstrate in their safety cases that:

- (a) all hazards with the potential to cause a major accident as defined have been identified;
- (b) the risks have been evaluated;
- (c) measures have been, or will be, taken to control those risks so as to ensure compliance with the relevant statutory provisions.

76 Also, the identification of major accident hazards forms the basis for determining the SECEs to be covered by the installation's verification scheme.

77 Reference to the loss of well control in part (a) means loss of well control such that the well continues to flow in an uncontrolled manner with release of well fluids to atmosphere, either directly or indirectly, at flow rates with the potential to cause death or serious personal injury.

78 Regarding part (b) of the definition, events likely to involve major damage to the structure of the installation include, for example:

- (a) vessel impact (support vessels, mobile installations, through traffic etc);
- (b) dropped loads or dropped objects;
- (c) well-related events including shallow gas blowouts and activities on sub-sea wells;
- (d) severe environmental events.

79 Accidents that occur in the vicinity of an installation while posing no risk to the installation, for example a collision between two supply ships or a helicopter crash into the sea, are outside the scope of SCR 2015.

80 Part (d) of the definition contains a numerical criterion that does not apply to the other categories of major accident. This numerical criterion is to exclude lower consequence hazards that, while potentially serious for the individuals concerned, are unlikely to lead to the type of escalating incident for which the full rigour of the safety case regime would be appropriate.

Regulation 2

"major environmental incident" means an incident which results, or is likely to result, in significant adverse effects on the environment in accordance with Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage;

Guidance	2	<p>81 The environmental aspect of the definition of major accident, appearing in sub-paragraph (e) of that definition, is dependent on there first having been an event of the kind referred to in paragraphs (a), (b) or (d) of that definition, which focus on threats to the health and safety of persons. An example would be a major environmental incident resulting from an explosion which had a significant potential to cause death or serious personal injury.</p>
Regulation	2	<p><i>“management system” means the organisation and arrangements established by a person for managing that person’s undertaking;</i></p> <p><i>“the Management Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995;</i></p> <p><i>“non-production installation” means an installation other than a production installation;</i></p>
Guidance	2	<p>82 Non-production installations include mobile drilling units (MODUs), flotel and other offshore installations that do not fall into the definition of a production installation. Non-production installations are required to have safety cases under regulation 18. The dutyholder for a non-production installation is the ‘owner’ as defined.</p>
Regulation	2	<p><i>“notified” except in regulations 29 and 33, means notified in writing, and related expressions are to be construed accordingly;</i></p> <p><i>“offshore oil and gas operations” means all activities associated with an installation relating to exploration and production of petroleum, including the design, planning, construction, operation and decommissioning of the installation, but excluding the conveyance of petroleum from one coast to another;</i></p> <p><i>“operator” means, in relation to a production installation, an “installation operator” as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;</i></p> <p><i>“owner” means the person who controls or is entitled to control the operation of a non-production installation;</i></p>
Guidance	2	<p>83 The owner of a non-production installation is also a main dutyholder under SCR 2015. The owner is the person who contracts with the licensee/field operator to use the installation for oil and gas-related activity and is in direct operational control of that activity. This may not be the owner in the ordinary financial sense. The term does not refer to the operator (who contracts with the owner) or to the installation manager, who is appointed by the owner.</p> <p>84 The operator may exercise some degree of control over operations through the contract. If so, the owner retains the primary legal responsibility for the safety of the installation and the operator has a duty to co-operate with the owner under regulation 8 of MAR to enable the owner to carry out this responsibility. If the operator exercises so much control as to take over operational control of the installation, the operator will become the owner for the purposes of SCR 2015 and of other offshore health and safety law.</p>
Regulation	2	<p><i>“petroleum” includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;</i></p>

Regulation	2
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“the PFEER Regulations” means the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995;

“pipeline” has the meaning given in regulation 3 of the Pipelines Safety Regulations 1996;

“production installation” means an installation which –

- (a) extracts petroleum from beneath the seabed by means of a well; or*
- (b) is used for the conveyance of petroleum by means of a pipe,*

and –

- (a) includes a –*
 - (i) non-production installation converted for use as a production installation for so long as it is so converted;*
 - (ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and*
 - (iii) production installation which has not come into use; and*
- (b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the seabed for the purposes of well testing;*

Guidance	2
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85 Production installations are generally distinguished from non-production installations for the purposes of SCR 2015 because of the greater complexity of operations involving the extraction and processing of oil or gas. The dutyholder is the ‘operator’ as defined. Production installations may be fixed or floating. They must have design notifications under regulation 15 and safety cases under regulation 17.

86 Production installations include those converted from non-production installations, whether the conversion is permanent or temporary. Existing conversions are subject to regulations 15 and 17. New or proposed conversions are subject to regulation 19.

87 Where the primary purpose of the installation activity is clearly production, for example for use in an early production scheme, the installation will probably be a production installation. A proposed activity may be outside the installation’s original design specification and may require modifications that would change significantly the risk basis for the original safety case. If so, the competent authority would aim to discuss the proposals fully with the owner or operator in advance of the submission. This is to clarify matters such as the duration of the proposed work and the basis of the risk assessment to establish which regulation applies.

88 The status of floating storage units (FSUs) under SCR 2015 will be determined by the competent authority, based on a case-by-case judgement and considering the nature of intended operation and use of the proposed installation. For example, if it extracts petroleum or is used for the conveyance of petroleum by means of a pipe, that assessment must determine that the installation in question is a production installation.

89 Conventional well-testing, including associated short-term production work, is part of the normal activity of a non-production installation. Thus well testing for no more than 90 days at a time does not make an installation a production installation.

Regulation	2
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“relevant statutory provisions” means the relevant statutory provisions (as defined in section 53(1) of the 1974 Act) which apply to or in relation to offshore oil and gas operations;

Guidance 2

90 The expression ‘relevant statutory provisions’ is used in the HSW Act to mean Part I of that Act, the health and safety regulations made under it, and the existing statutory provisions defined in it. The relevant statutory provisions that apply to, or in relation to, offshore installations or connected activities (the ones the definition is concerned with) include:

- (a) Part 1 of the HSW Act;
- (b) regulations made under the Act which contain a provision applying them offshore, including MHSWR, MAR, PFEER, DCR, PSR and PUWER;
- (c) remaining provisions of older offshore-specific health and safety legislation, such as OSRSCR and the provisions on safety zones under the Petroleum Act 1987.²⁸

91 The expression ‘relevant statutory provisions’ is used in SCR 2015, primarily in regulation 16, regarding the demonstrations to be contained in a safety case. It is also used in regulation 5 setting out the duties of licensees and in Schedules 5, 9 and 10 specifying the contents of notifications.

Regulation 2

“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;*

Guidance 2

92 The term ‘safety and environmental-critical elements’ is an important component of the provisions relating to verification schemes – see regulation 9. Any structure, plant, equipment, system (including computer software) or component part whose failure could cause or contribute substantially to a major accident is safety and environmentally critical, as is any which is intended to prevent or limit the effect of a major accident. Identifying an item as safety and environmentally critical should follow from identifying major accident hazards as required by regulation 16. The meaning of ‘major accident’ set out in this regulation will be helpful. SECEs are also referred to in Schedules 6 and 7.

93 A systematic approach is necessary to identify those systems that constitute SECEs. Within such systems many individual components may be SECEs, but others may not. The term ‘contribute substantially to a major accident’ is intended to include those parts whose failure would not directly initiate a major accident, but would make a significant contribution to a chain of events that could result in or aggravate a major accident. Typically, these elements will include items of emergency equipment and software that are required to, and must, work only in emergencies and other unplanned abnormal situations.

94 Some pipeline equipment, such as sub-sea isolation valves and pipeline pressure control devices (eg sub-sea high-integrity pressure protection systems (HIPPS)) can be considered safety and environmentally critical in terms of major accident potential, but fall outside the definition as they are located remote from the installation. The safety case needs to take into account the presence of such equipment, which can sometimes be located more than 500 metres from the installation, and on which the safety of the installation may depend. The safety case should take account of pipeline control or isolation equipment located on interconnected installations.

95 Identification of SECEs should include consideration of systems for the detection, control and mitigation of major accidents. Items improving reliability by providing redundancy or diversity should also be considered. Although many items

Guidance 2

will be safety and environmentally critical on every installation, there will be some variation because of the specific circumstances of design and operation of the installation. The list of SECEs on an installation will vary over time. For example, some will be introduced for limited duration activities such as combined operations.

Regulation 2

“specified plant” means the plant for an installation which is provided –

- (a) *in compliance with regulations 11(1)(a), 13, 15 and 16 of the PFEER Regulations;*
- (b) *as required to be provided by regulation 10 of the PFEER Regulations as means –*
 - (i) *for detecting fire; or*
 - (ii) *for detecting and recording accumulations of flammable gases; and*
- (c) *pursuant to the measures required by regulation 12 of the PFEER Regulations to combat fire and explosion,*

except for –

- (a) *plant which is part of the safety and environmental-critical elements for that installation; and*
- (b) *aircraft or equipment to which regulation 18 of the PFEER Regulations applies.*

Guidance 2

96 The specified plant, provided to comply with PFEER, is another component of the provisions relating to verification schemes. Plant includes any machinery, equipment or appliance. More information can be found under regulation 19 of PFEER and the supporting guidance.

Regulation 2

“tripartite consultation” means a formal arrangement to enable dialogue and cooperation between the competent authority, duty holders and workers’ representatives;

“verification scheme” has the meaning given in regulation 9(1);

“vessel” includes a hovercraft and any floating structure which is capable of being manned;

“verifier” means an independent and competent person (as defined in paragraph (6)) who performs functions in relation to a verification scheme;

“well” means –

- (a) *a well made by drilling; and*
- (b) *a borehole drilled with a view to the extraction of petroleum through it or another well, and includes any device on it for containing the pressure in it;*

Guidance 2

97 This definition applies to all wells in external waters, whether or not they are connected to an installation or vessel. Sub-paragraph (b) of the definition includes injection and monitoring wells.

98 Any equipment that is vital to controlling the pressure within the well is covered by this definition. This would include down-hole pressure-containing equipment and the pressure-containing equipment on top of the well such as blowout preventers or christmas trees, but excludes well control equipment downstream that can be isolated from the well by valves. Examples of where the well ends are:

Guidance	2	<p>(a) above the top blowout preventer, in the blowout preventer stack and outside the choke and kill valves;</p> <p>(b) downstream of the swab and production wing valves of a christmas tree;</p> <p>(c) at the top of the stuffing box of a wireline blowout preventer.</p>
Regulation	2	<p><i>“well examination scheme” has the meaning given in regulation 11(1);</i></p> <p><i>“well examiner” means an independent and competent person (as defined in paragraph (6)) who performs functions in relation to a well examination scheme;</i></p> <p><i>“well operation” means –</i></p> <p style="padding-left: 40px;">(a) <i>the drilling of a well, including the recommencement of drilling after a well has been completed, suspended or abandoned by plugging at the seabed; and</i></p> <p style="padding-left: 40px;">(b) <i>any operation in relation to a well which may result in an accidental release of fluids from that well which could give rise to the risk of a major accident; and</i></p>
Guidance	2	<p>99 This definition is needed primarily for regulation 21, which requires the notification of well operations. It also relates to the particulars of well operations required by Schedule 9. Such operations include all activities carried out on a well throughout its life cycle, such as drilling, completion, workover and well intervention.</p>
Regulation	2	<p><i>“well operator”, in relation to a well or a proposed well, has the meaning given in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015.</i></p>
Guidance	2	<p>100 This definition defines a well operator by reference to the definition given in OPLR, which states that the well operator is a person appointed in accordance with regulation 5 or 6 of those Regulations to conduct the planning or execution of well operations. In practice, this is most likely to be a person proposed by the offshore licensee to conduct offshore petroleum operations where there has been no objection to the appointment by the licensing authority. It may also be a person appointed by the licensing authority itself in the absence of an operator.</p> <p>101 The licensee is usually a consortium of oil companies, granted a licence by the licensing authority (currently the Oil and Gas Authority), and they usually appoint from among themselves the well operator. They may also choose to appoint an outside contractor. In either case, the appointed well operator will have all control of the organisation and supervision of well operations. A contractor appointed as a well operator would have to be provided with all the information necessary to discharge the duty of well operator.</p> <p>102 The well operator will often be the same person as the operator under the licence to search and bore for and get petroleum. In many cases, the well operator will also be the operator of a production installation to which the well is connected.</p>
Regulation	2	<p><i>(2) Any reference in these Regulations to a design notification, a relocation notification, a safety case, a notification of combined operations or well operations or a corporate major accident prevention policy is a reference to a document containing the particulars specified in the Schedule referred to in the provision pursuant to which it is prepared and, for a safety case, regulation 16.</i></p>
Guidance	2	<p>103 Regulation 2(2) means that a safety case will not be considered for acceptance unless it contains all the particulars specified in regulation 16 and the relevant schedules. Similarly, requirements to notify various activities will not be</p>

Guidance	2	<p>satisfied unless notifications contain all the particulars required by the relevant schedule. This is qualified by the recognition that some information may be limited at the time of submission, for example the extent to which management systems may demonstrate compliance with regulation 16. In practice, the competent authority will not reject a safety case or a notification merely because it lacks some necessary detail through oversight, so long as the missing detail is supplied promptly to complete the safety case document. The competent authority may begin to assess an incomplete safety case, but will not make an acceptance decision until the submission is complete.</p> <p>104 The extent to which particulars supplied contain sufficient detail or a sufficiently convincing argument to satisfy the competent authority is a matter for the competent authority's judgement.</p> <p>105 There is some overlap between the particulars required by different provisions. For example, each schedule requires descriptions of particular hazards or control measures. However, full details must still be provided to meet the requirements in regulation 16 to identify hazards and to manage and control major accident hazards.</p> <p>106 Guidance on the preparation of a safety case and notifications is contained in regulations 15–22.</p>
Regulation	2	<p>(3) <i>For the purposes of these Regulations an installation is operated if it is used for any of the purposes described in sub-paragraphs (a), (c), (ca) and (d) of regulation 3(1) of the Management Regulations.</i></p>
Guidance	2	<p>107 This paragraph relates to the definition of an offshore installation in regulation 3 of MAR. The purposes described in regulation 3(1) of MAR are summarised in this guidance. For the purposes of SCR 2015, 'operating' excludes gas storage and recovery, which is not an activity associated with oil and gas operations.</p>
Regulation	2	<p>(4) <i>For the purposes of these Regulations, an installation (other than a production installation, the operation of which has not commenced), is engaged in a combined operation with another installation or installations where –</i></p> <p style="margin-left: 40px;">(a) <i>an activity carried out from, by means of or on the installation is carried out for a purpose relating to another installation or installations; and</i></p> <p style="margin-left: 40px;">(b) <i>the activity could materially affect the risk to –</i></p> <p style="margin-left: 80px;">(i) <i>the health or safety of persons on either installation or on any of the installations; or</i></p> <p style="margin-left: 80px;">(ii) <i>the environment,</i></p> <p><i>and the expression "combined operation" is to be construed accordingly.</i></p>
Guidance	2	<p>108 This definition determines whether a notification should be sent under regulation 22, containing the particulars specified in Schedule 10. Regulation 22 requires a combined operations notification when two or more installations (each with a current safety case) interact causing a risk as described. The definition is also relevant to the generic coverage of combined operations in Schedules 6 and 7.</p>
Regulation	2	<p>(5) <i>For the purposes of paragraph (4) and regulations 17(1) and 19(7), the operation of a production installation commences from the earlier of –</i></p> <p style="margin-left: 40px;">(a) <i>the commencement of the first well drilling operation from the installation which may involve the release of petroleum from beneath the seabed; or</i></p> <p style="margin-left: 40px;">(b) <i>the bringing onto the installation of petroleum for the first time through a pipeline or well.</i></p>

Regulation 2

(6) *In these Regulations “independent and competent person” means a person who –*

- (a) *is independent; and*
- (b) *is competent, including where that person is a body of persons, having suitable personnel.*

(7) *For the purposes of paragraph (6)(a) and (9), a person is to be regarded as independent only where –*

- (a) *the person’s function will not involve the consideration by that person of an aspect of something liable to be examined under regulation 9 or 11 for which that person bears or has borne responsibility or where that person’s objectivity may be compromised; and*
- (b) *the person is sufficiently independent of a management system which has, or has had, any responsibility for any aspect of something liable to be examined by the person under regulation 9 or 11 so as to ensure objectivity in carrying out the person’s functions under the scheme.*

(8) *For the purposes of paragraph (6)(b), a person is not to be regarded as competent unless, in particular, the person has such reasonable technical competence as is sufficient for the person to carry out the functions of an independent and competent person under these Regulations, under a verification scheme or, as the case may be, a well examination scheme.*

(9) *For the purposes of paragraph (6)(b) “suitable personnel” means personnel in adequate numbers who are suitably qualified and experienced and who are independent.*

(10) *For the purposes of these Regulations a “description of the internal emergency response arrangements” means, in relation to an installation, a description of the manner of performance of the internal emergency response duties (as defined in regulation 30(14)) in relation to that installation, together with the oil pollution emergency plan produced pursuant to regulation 4(3)(a) and (c) of, and Schedule 2 to, the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998.*

(11) *Where a duty holder is succeeded by a new duty holder, anything done in compliance with these Regulations by the duty holder in relation to an installation is, for the purposes of these Regulations, to be treated as having been done by the new duty holder.*

Guidance 2

109 Paragraph 11 allows work carried out by a previous dutyholder to contribute towards compliance by the new dutyholder. If there is an accepted safety case, the installation can continue to be operated in accordance with the arrangements set out in that safety case without immediate resubmission.

110 A change of dutyholder would normally be expected to trigger a review of the safety case under regulation 23. As this change would be accompanied by a new CMAPP, and perhaps changes to the management system or other aspects of the safety case, submission of a revision to the safety case under regulation 24(2) would be required.

Regulation 3 Communication and storage of information by electronic means

Regulation 3

(1) *Except as provided in paragraph (5), where these Regulations require or allow a person to communicate information to another, whether in writing or otherwise, that person may communicate such information by electronic means.*

(2) *Information communicated by electronic means is not to be treated as having been received by the recipient for the purposes of these Regulations unless the recipient –*

- (a) *has agreed to receive that information by electronic means by providing the sender with an address to which that information may be sent;*
- (b) *is able to read and print that information; and*
- (c) *is able to store that information in a form with which the sender cannot interfere.*

(3) *In the absence of a clear indication to the contrary, information communicated by electronic means in accordance with, and for the purposes of, these Regulations is deemed –*

- (a) *to be accurately dated and timed;*
- (b) *to have been sent by the person from whom it purports to originate;*
- (c) *not to have been tampered with or otherwise modified; and*
- (d) *where relevant, to be intended to have legal effect.*

(4) *Where these Regulations require any person to record, note or store information, it may be recorded, noted or stored on film or by electronic means if it –*

- (a) *can be reproduced (in the case of information recorded, noted or stored on film, at the place at which it is recorded, noted or stored) as a written copy; and*
- (b) *is reasonably secure from loss or unauthorised interference.*

(5) *This regulation does not apply to regulation 14(2).*

Guidance 3

111 This regulation allows the submission and storage of safety cases and related documents such as notifications in electronic formats. In practice, it can be difficult to assess an electronic safety case, and the competent authority must be able to adequately assess safety cases within the relevant timescale. Any delays caused by the format of the safety case may result in a delay in giving an acceptance decision, which will delay the implementation of modifications or the commencement of new production. Supply of documents is therefore subject to several conditions to ensure reliability, including prior agreement from the recipient. The regulation also applies to the keeping of documents under regulation 27.

Regulation 4 Application and extent

Regulation 4

- (1) *Subject to paragraph (2), these Regulations apply –*
- (a) *in Great Britain; and*
 - (b) *outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of articles 4(1) and (2), 5 and 6 of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013.*
- (2) *These Regulations do not apply –*
- (a) *to wells to which the Borehole Sites and Operations Regulations 1995 apply;*
 - (b) *in any case where the Offshore Installations (Safety Case) Regulations 2005 apply.*
- (3) *These Regulations do not extend to Northern Ireland.*

Guidance 4

112 SCR 2015 applies to all offshore oil and gas installations within external waters, as defined in regulation 2(1), and to all activities in connection with such installations as defined in Article 4 of AOGBO. The definition of ‘installation’ includes parts of a pipeline connected to the installation and associated apparatus or works that are within 500 metres of the installation. Regulation 21 on the notification of well operations applies to all offshore wells in external waters.

Regulation 5 Duties of licensee

Regulation 5

- (1) *The licensee must –*
- (a) *ensure that any operator appointed by the licensee is capable of satisfactorily carrying out the functions and discharging the duties of the operator under the relevant statutory provisions; and*
 - (b) *take all reasonable steps to ensure that any operator appointed by or in respect of the licensee carries out the functions and discharges the duties of the operator under the relevant statutory provisions.*
- (2) *In paragraph (1) a reference to an operator includes a reference to a well operator.*

Guidance 5

113 The licensee appoints the operator, as defined in regulation 2(1). This is a key decision for the safety of the installation and needs to be made in full awareness of its consequences for health, safety and the environment. The operator is one of the main dutyholders under SCR 2015 and related regulations. Therefore, it is vital the operator can undertake the task competently. The appointed operator must be capable of satisfactorily carrying out the duties under the relevant statutory provisions. These are defined under regulation 2(1) and cover all the operator’s responsibilities under health, safety and applicable environmental law (eg environmental requirements within SCR 2015).

114 Being capable includes having the technical and managerial ability to do the job, as well as being adequately resourced, both financially and in having sufficient numbers of competent staff. This mirrors the duty on the operator to appoint a competent and adequately resourced installation manager under regulation 6 of MAR. An important factor is the degree of delegation given to the operator, for example any limits on authority to spend money or to make decisions to introduce necessary changes on the installation.

Guidance 5

115 Selecting the right person as the operator is the key to complying with regulation 5. However, licensees should still monitor and satisfy themselves that the person they have appointed as the operator is carrying out the functions correctly in practice. What is reasonable for this purpose will depend on the level of capability and resources available to the appointee and their track record in operating installations.

116 These duties fall jointly on all the partners in any licence. Even if they are not all active in pursuing the goals of a licence, they will need to agree and put in place a management system to ensure these duties are discharged.

Regulation 6 Capacity of operator to meet requirements

Regulation 6

(1) *Where the competent authority determines that an operator no longer has the capacity to meet the requirements of the relevant statutory provisions, it must immediately inform the licensing authority (within the meaning given in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015).*

(2) *In paragraph (1) the reference to an operator includes a reference to a well operator.*

Guidance 6

117 This regulation relates to regulation 5, and forms part of a mechanism in conjunction with OPLR to ensure that only operators with the capacity to fulfil the requirements of the relevant statutory provisions conduct operations. The relevant statutory provisions are defined in regulation 2. In determining whether an operator has the necessary capacity, the competent authority will consider whether the operator has the technical and managerial ability to do the job, as well as being adequately resourced, both financially and in having sufficient numbers of competent staff. Other factors may also be relevant, such as having sufficient authority to fulfil health, safety and environmental responsibilities.

118 Should the competent authority come to the conclusion that an operator no longer has the capacity to meet the requirements of the relevant statutory provisions it will notify the licensing authority of this fact in writing. The competent authority will immediately send a letter to the licensing authority providing reasons for the opinion.

119 OPLR effectively provides that, where the licensing authority is informed of the determination that an operator no longer has the capacity to meet the requirements of the relevant statutory provisions, it must terminate the appointment of the operator by notice in writing.

120 A determination by the competent authority of a lack of capacity of the operator may be appealed under regulation 37(1)(b). There is no suspension of the decision pending final determination (see regulation 37(3)). A determination of lack of capacity may be made by the competent authority in relation to an operator or a well operator.

121 If an operator's appointment is terminated by the licensing authority, the duty to submit the safety case and other related duties will revert to the licensee. Licensees are also bound by the general duty of co-operation under regulation 8 of MAR.

Regulation 7 Corporate major accident prevention policy

Regulation 7

(1) *This regulation applies only to a duty holder which is a body corporate or unincorporate.*

(2) *The duty holder must prepare in writing a policy (referred to in these Regulations as the “corporate major accident prevention policy”) which –*

- (a) *establishes the overall aims and arrangements for controlling the risk of a major accident and how those aims are to be achieved and those arrangements put into effect by the officers of the duty holder;*
- (b) *covers the duty holder’s installations –*
 - (i) *in external waters; and*
 - (ii) *outside the European Union.*

(3) *The corporate major accident prevention policy must address at least the particulars set out in Schedule 1 and must be prepared in accordance with the matters set out Schedule 2.*

(4) *The corporate major accident prevention policy may in addition outline the commitment of the duty holder to mechanisms for effective tripartite consultation.*

(5) *An operator, in preparing a corporate major accident prevention policy, must take account of the operator’s primary responsibility for, among other things, the control of risks of a major accident that are a result of the operator’s operations and for continuously improving control of those risks so as to ensure a high level of protection at all times.*

(6) *A duty holder must –*

- (a) *implement the corporate major accident prevention policy throughout its offshore oil and gas operations; and*
- (b) *set up appropriate monitoring arrangements to assure effectiveness of the policy.*

(7) *In this regulation and Schedule 1, “officer of the duty holder” in relation to –*

- (a) *a body corporate, other than a limited liability partnership, means a director or secretary;*
- (b) *a limited liability partnership, means a member;*
- (c) *a partnership or a limited partnership, means a partner of that partnership or limited partnership; and*
- (d) *a body unincorporate (other than a partnership or limited partnership), means a member of the body.*

(8) *In paragraph (7)(a) “director” has the meaning given in section 250 of the Companies Act 2006.*

(9) *In this regulation (but not this paragraph) a reference to a duty holder or operator includes a reference to a well operator.*

(10) *Paragraph (2)(b) does not apply to a well operator.*

Guidance

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122 The CMAPP must be included as part of the safety case submission. Although policies may already exist which provide some of the required information it is likely these will need to be updated to meet the specific requirements of this regulation. The full document should be included with the safety case submission.

123 The duty to prepare the CMAPP falls on the legal entity that is the dutyholder and well operator, providing they are not an individual, as the requirement only falls on a dutyholder and well operator that is a body corporate or unincorporate (ie is a body of persons with or without separate legal identity). If part of a group corporate structure, it is for the dutyholder and well operator to decide whether they submit a UK company group or international group CMAPP. Either option will be acceptable as long as it meets the requirements of this regulation and associated schedules.

124 Where appropriate, the CMAPP should also cover a dutyholder's and well operator's operations outside the European Union and ensure that the principles are aligned throughout international operations. The CMAPP should contain a short statement to confirm this point.

125 The CMAPP should provide a high-level overview of how the management and control of major accident hazards will be implemented throughout an organisation. It should explain how strong, informed leadership will influence the safety and environmental culture at an operational level and demonstrate senior management commitment to achieving a high standard of safety and environmental management. This should include an overview of the command and control structure of the organisation. Regulation 7(2) and Schedule 1 provide further detail of what should be included within a CMAPP.

126 When preparing the CMAPP, due consideration should be given to the arrangements for ensuring all hazards with the potential to cause a major accident have been identified, major accident risks have been assessed and suitable control measures put in place. The arrangements in the CMAPP must be prepared taking account of the matters in Schedule 2, but these matters do not have to be specifically mentioned in the document. The information in the CMAPP should be kept at a high level. Schedule 2 contains examples of matters which help to create the linkages between the CMAPP and SEMS. The explicit detail of the arrangements should therefore be embedded in the SEMS and other relevant sections of the safety case where appropriate.

127 The CMAPP may outline the dutyholder's and well operator's commitment to management and workforce participation in effective tripartite consultation, including how this will be achieved. One method of achieving this is through participation in appropriate advisory committees or similar industry tripartite forums.

128 The dutyholder and well operator must set up a system for monitoring the CMAPP to ensure both the CMAPP and SEMS continue to remain effective and set the corporate values and goals. Where circumstances change and the content of the CMAPP is no longer relevant, adequate arrangements should be in place to ensure timely revisions can be made. Equally, where the principles of the CMAPP change these should be addressed in the SEMS to ensure the CMAPP continues to be implemented by the SEMS.

129 The CMAPP should also provide an understanding of the role of auditing and review within the organisation and how this will assist in preventing the occurrence of a major accident. The purpose of the CMAPP is not to detail an audit strategy or programme but instead to outline its place within the SEMS and how this influences the corporate safety culture.

Guidance 7

130 For well operators, the CMAPP should be submitted with the first well notification and only resubmitted in the event of a content change or request from the competent authority.

Regulation 8 Safety and environmental management system

Regulation 8

(1) *The duty holder must prepare a document setting out its safety and environmental management system.*

(2) *In the case of a body corporate or unincorporate, the safety and environmental management system must include the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the corporate major accident prevention policy.*

(3) *The safety and environmental management system is to be integrated with the overall management system of the duty holder.*

(4) *The safety and environmental management system must address the particulars in Schedule 3 and must be prepared in accordance with the matters set out in Schedule 2.*

(5) *The document setting out the safety and environmental management system must include a description of –*

- (a) *the organisational arrangements for the control of major hazards;*
- (b) *the arrangements for preparing and submitting documents under the relevant statutory provisions; and*
- (c) *the verification scheme (which description must comply with regulation 13(1)).*

(6) *This regulation applies to a well operator –*

- (a) *as if the reference to the duty holder in paragraph (1) were a reference to a well operator; and*
- (b) *as if the reference to the description of the verification scheme in paragraph (5)(c) were a reference to the description of the well examination scheme (which description must comply with regulation 13(2)).*

Guidance 8

131 All dutyholders and well operators are required to have a SEMS. Dutyholders and well operators must ensure they have a documented SEMS in operation within the organisation.

132 The arrangements within the SEMS need to address all aspects of the organisation's health, safety and environmental arrangements and should be sufficient to manage and control risks associated with major accident hazards.

133 As a minimum, the documented SEMS must address matters such as organisational structure, responsibilities, practices, procedures, processes and resources for determining the content of the CMAPP and the arrangements for implementing it, in particular the contents of Schedules 2 and 3.

134 Management of health, safety and the environment must be recognised as a fundamental part of an organisation's overall management arrangements. Whether the company operates a separate or integrated SEMS, the document must clearly

Guidance

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describe the contents of these systems, how they work together and how they integrate into the overall management system. Operators should satisfy themselves that the arrangements are both sufficient and in line with the legal requirement.

135 The SEMS document should detail the arrangements for the identification and evaluation of major hazards and the measures in place to adequately control them. This should include reference to the role of the PFEER regulation 5 assessment and assessments and demonstrations under other relevant statutory provisions.

136 Where appropriate, the SEMS should detail formal arrangements for co-operation with other parties who may hold information relevant to the management of major accident hazards. In practice, this will include robust systems for working with relevant parties including operators, owners or well operators to ensure that information relevant to the identification or management of a major accident (eg well-specific data) is obtained and any appropriate action is taken.

137 The SEMS document should detail arrangements for the preparation and submission of documentation associated with any applicable statutory provisions. This should include details of the means to identify new requirements as they may arise, such as from the introduction of new legislation.

138 All dutyholders are required to have a verification scheme, and only well operators are required to have a well examination scheme.

139 For dutyholders, the SEMS should include a description of the installation's verification scheme, demonstrating that the requirements of regulations 9, 10 and 13 have been met and that Part 1 of Schedule 4 has been addressed.

140 For well operators, the SEMS should include a description of the well operator's well examination scheme(s). The description of the well examination scheme in the well operator's SEMS should demonstrate that the requirements of regulations 11, 12 and 13 have been met and that Part 2 of Schedule 4 has been addressed.

141 Where there are wells connected to an installation, and the installation dutyholder is also a well operator, the production installation operator's SEMS could include the description of the well examination scheme. Note there may be two or more well operators' wells connected to an installation.

142 An adequate description of the SEMS must be included within the safety case. This description should demonstrate that the requirements of SCR 2015, in particular regulation 8 and Schedules 2 and 3, have been met. The well operator's description of their SEMS should be submitted with the first well notification and only resubmitted in the event of a content change or request from the competent authority.

Regulation 9 Establishment of verification scheme

Regulation 9

(1) *The duty holder must establish a scheme (a “verification scheme”) for ensuring, by the means described in paragraph (2), that the safety and environmental-critical elements and the specified plant –*

- (a) *are or, where they remain to be provided, will be suitable; and*
- (b) *where they have been provided, remain in good repair and condition.*

(2) *The means are –*

- (a) *examination, including testing where appropriate, of the safety and environmental-critical elements and the specified plant by a verifier;*
- (b) *examination of any design, specification, certificate, CE marking or other document, marking or standard relating to those elements or that plant by a verifier;*
- (c) *examination by a verifier of work in progress;*
- (d) *the creation of reports by a verifier on –*
 - (i) *the examination and testing carried out;*
 - (ii) *the findings; and*
 - (iii) *any remedial action recommended;*
- (e) *the taking of appropriate action by the duty holder following a report;*
- (f) *the making of a note of action taken by the duty holder following a report;*
- (g) *the reporting by a verifier to the duty holder of any instances of non-compliance of the duty holder with the standards of the scheme;*
- (h) *the taking of other such steps as may be provided for pursuant to regulation 10 and Part 1 of Schedule 4; and*
- (i) *the taking of any steps incidental to the means described in subparagraphs (a) to (g).*

(3) *The duty holder must ensure that –*

- (a) *the verification scheme is drawn up by or in consultation with the verifier and recorded in writing; and*
- (b) *a note is made of any reservation expressed by the verifier as to the content of the scheme in the course of drawing it up.*

(4) *The duty holder must –*

- (a) *produce a written record of the safety and environmental-critical elements and the specified plant;*
- (b) *invite comment on the record by a verifier; and*
- (c) *make a note of any reservation expressed by a verifier as to the contents of the record.*

(5) *The duties in paragraphs (1), (3) and (4) must be completed –*

- (a) *in the case of a production installation, before completion of its design; and*
- (b) *in the case of a non-production installation, before it is moved into external waters with a view to its being operated there.*

Guidance 9

143 Regulations 9 and 10 require a dutyholder to establish, put into effect and maintain a verification scheme.

Guidance

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144 Determination of the scope of the verification scheme, including the nature and frequency of activities within the scheme, is wholly the responsibility of the dutyholder. The verification scheme is drawn up by, or in consultation with, the verifier and the agreed scope should then be incorporated into the content of the scheme. The verifier should be given the opportunity to comment on the content of the scheme and a record made of any reservations expressed.

145 Production and non-production installations are required to establish their schemes at different stages. For a new production installation, a verification scheme must be established and put in place before the completion of design work. A summary of the scheme must be included in the design notification (see regulation 15 and Schedule 5). The scheme applies to the installation throughout its life until it is dismantled.

146 For a non-production installation, the verification requirements take effect when it enters external waters to undertake oil and gas operations. However, dutyholders must be able to demonstrate the adequacy of verification schemes in all respects, including matters relating to design, construction and the installation's history, before the installation enters external waters. Class and flag state surveys may support, but do not in themselves fulfil, the terms of a verification scheme. The requirement for the verification scheme ends when the installation leaves external waters, though the requirement will apply again if and when it returns.

147 Any installation intended for use in external waters should be designed and constructed with these legal requirements in mind. Dutyholders are strongly recommended to obtain sufficiently detailed records of the installation's design and construction. Dutyholders acquiring existing or converted installations will find it helpful to seek similar records.

148 The essential preliminary to developing an effective verification scheme is the appropriate identification of the SECEs for the installation. SECEs are defined in regulation 2(1). Work done to identify hazards in preparing the safety case will assist this process (eg the safety case will describe a range of major accident hazard scenarios which will help determine the suitability of the SECEs). As well as the SECEs, the specified plant (as defined in regulation 2 to comply with PFEER) must be identified for this purpose.

149 In practice, it is likely that all safety-critical elements (SCEs) under SCR 2005 may be SECEs identified under SCR 2015.

150 When assessing the major accident hazard scenarios, the potential for a major environmental incident must be assessed. Where the potential for a major environmental incident is identified, suitable measures should be selected to control such risks to ensure that the relevant statutory provisions have been, or will be, complied with. The demonstration required by regulation 16(1)(d) of SCR 2015 should include coverage of the environmental components of SECEs. When considering suitability of SECEs to prevent or mitigate the potential for a major environmental incident, the operator of a production installation must consider the requirement in paragraph 20 of Schedule 6: to provide particulars in the safety case on the maintenance of control systems to prevent damage to the installation and the environment in the event that all personnel are evacuated.

151 The responsibility for the list of SECEs rests with the dutyholder. A detailed assessment by the verifier of the methodology used to identify the SECEs is not required. However, the verifier is invited to comment on the list of SECEs using their professional judgement, expertise and experience to provide independent comment that the SECEs identified are suitable. Parts of wells are safety and environmentally

Guidance

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critical and will be covered by the verification scheme, but they could be covered by the well examination scheme in regulation 11.

152 There should be means of demonstrating SECE suitability, state of repair and condition based on their function, reliability and availability. One method of making this demonstration may be through the use of performance standards.

153 The ability of the dutyholder to ensure the SECEs meet their performance standards provides some assurance that they are suitable and remain in good repair. By failing to meet either the performance or reliability aspects of a standard the suitability, good condition and repair of SECEs may be harder to demonstrate.

154 The verifiers have a number of means at their disposal when undertaking activities within the agreed scope of the verification scheme, and the scheme must provide for all means as required by regulation 9(2). Such means include the examination of documentation/certification, physical testing of equipment, witnessing of testing activities or review of associated maintenance records. In some circumstances, it may also be appropriate for the verifier to examine work during various stages of completion, including fabrication, construction and repair. On occasion, verifiers may need to undertake incidental activities to fulfil the agreed scope of the scheme. These are captured within regulation 9(2)(i).

155 The verifier must produce a report clearly indicating the nature of the examination/test completed, any findings and any remedial action recommended. It is not sufficient to simply state 'pass' or 'fail' without providing adequate detail of the verification activity undertaken and the reasons for the conclusions reached.

156 The dutyholder must establish adequate arrangements to ensure that verification reports reach the appropriate personnel. Any concerns and comments raised by the verifier must be considered by a representative of the dutyholder with an appropriate level of authority when determining the action required. The term 'findings' relates to the broad spectrum of comments made by the verifier and is not restricted to higher level concerns only. Consideration of all comments raised provides a holistic view of the condition of SECEs and associated plant. This information should allow the dutyholder to determine any action to be taken.

157 A record of such findings and actions must be retained by the dutyholder at the address notified to the competent authority until the expiration of six months after the scheme, or a modification of the scheme, has ceased to be current.

158 On occasion the verifier may identify that the dutyholder is not fully compliant with the terms of the scheme. This should be brought to the attention of the appropriate level of management within the dutyholder's organisation, who have the authority to ensure the matter is resolved and that compliance with the scheme is re-established. The scheme itself must fully meet the requirements of Part 1 of Schedule 4.

159 Equipment used by contractors may need to be included in verification arrangements or, in the case of equipment associated with well operations, in well examination arrangements. Identification of SECEs and the application of the verification scheme to contractors' equipment, as appropriate, are a necessary part of the management arrangements for managing contractors.

Regulation 10 Other provisions as to verification schemes

Regulation 10

(1) *A verification scheme must provide for the matters contained in Part 1 of Schedule 4.*

(2) *The duty holder must –*

- (a) *ensure that where tasks under a verification scheme are allocated by the verifier to personnel of the verifier they are appropriately allocated to personnel qualified to undertake them;*
- (b) *make suitable arrangements for the communication of information between the duty holder and the verifier; and*
- (c) *give the verifier suitable authority to carry out the functions under the verification scheme effectively.*

(3) *The duty holder must ensure that –*

- (a) *the verification scheme is reviewed as often as may be appropriate and, where necessary, revised or replaced by or in consultation with the verifier; and*
- (b) *a note is made of any reservation expressed by the verifier in the course of drawing up the verification scheme.*

(4) *Where there is a material change to a design notification, a relocation notification, the safety case or a notification of combined operations the duty holder must refer the material change to the verifier for further comment in accordance with the verification scheme.*

(5) *If the competent authority requests, the duty holder must communicate the outcome of the referral of the material change to the competent authority.*

(6) *The duty holder must ensure that the verification scheme is put into effect from the time it is established and that effect continues to be given to the scheme, or any revision or replacement of the scheme, while the installation remains in existence.*

Guidance 10

160 The dutyholder must be assured that those undertaking verification activities are independent (see regulation 2(7)) and qualified to do so (eg this will include the technical expertise, qualifications and sufficient experience to undertake specific roles).

161 When selecting a verifier the dutyholder can consider a range of options to determine their suitability. The dutyholder could ensure the verifier has a system to demonstrate that those undertaking specific verification activities are qualified to do so. An alternative approach could be to select a verifier with relevant accreditation. Consideration could also be given to matters referred to in industry guidance on the topic (eg Step Change in Safety verification guidance: www.stepchangeinsafety.net).

162 The dutyholder must ensure adequate arrangements are in place to record verifier findings and any subsequent action taken to resolve the matters. This record will include a summary of any relevant discussions and matters considered by the dutyholder. It will also cross-reference associated risk assessments which support the decisions taken. Consideration should also be given to 'lessons learned' and how to capture information which may prevent recurrence of verifier findings. The status of the finding and the conclusion of any action taken should be clear and

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should be recorded by the dutyholder. In the course of executing the scheme, verifiers should have access to information that enables them to form an opinion on the suitability of the scheme throughout its use, although the dutyholder retains responsibility for the scheme.

163 Suitable arrangements must be put in place to enable effective communication between the dutyholder and the verifier. This includes arrangements to ensure that relevant personnel receive appropriate information. Consideration should be given to both onshore and offshore arrangements which, where necessary, enable immediate action to be taken. This should include ensuring that any verbal communication is directed to the most appropriate person and that any significant points are recorded until such time as a written report is produced.

164 The dutyholder must ensure the verifier is given sufficient authority to carry out their role. This includes allowing the verifier to:

- (a) talk to any relevant personnel to allow them to undertake a task;
- (b) undertake the full range of their duties, including examinations and tests;
- (c) obtain the necessary support to complete their work. This support may include access to relevant records through to sufficient access to the offshore installation.

165 A verification scheme will develop and should be subject to continual monitoring, revision and review throughout the installation's life cycle. The verification scheme must outline the principles for keeping the scheme under review, and the dutyholder should ensure that the scheme is reviewed as often as may be appropriate. These arrangements could include the requirement for a review or a more fundamental revision, in line with safety case reviews and revisions.

166 The following examples should be incorporated into a review process:

- (a) any development which could alter the list of SECEs;
- (b) anything which affects the verification arrangements appropriate to them;
- (c) matters which change the nature or frequency of verification activities.

167 Information arising as a result of the review process, or from other sources, may indicate that a fundamental revision or replacement of the verification scheme is required. Examples of situations that may require a revision include:

- (a) SECEs that are about to undergo major repair;
- (b) SECEs modified, replaced, introduced or removed even for short periods of time, as with safety-critical temporary or mobile equipment;
- (c) changes to the operating envelope and parameters of plant associated with the SECE.

168 Revision of the scheme may also be required when the operation of the installation or plant changes in a manner that requires different duties from the SECEs. For example, the conversion of an installation from a non-production one to a production one will require changes to performance standards.

169 Material changes may give rise to new or materially different SECEs and specified plant and affect their verification arrangements. Dutyholders must refer material changes to the verifier. The verifier should consider a material change in accordance with the scheme to check that SECEs or specified plant will be suitable and remain in good repair and condition. The verification scheme may need to be revised as is necessary (eg new or revised performance standards, including

Guidance 10

standards associated with design where appropriate, and examination and testing frequencies). Any report of the verifier and action taken by the dutyholder must be recorded as usual under the scheme. This record may be requested by the competent authority.

170 The dutyholder must ensure that they continue to give effect to the verification scheme, including the matters specifically referenced in Part 1 of Schedule 4.

Regulation 11 Establishment of well examination scheme

Regulation 11

(1) *The well operator must establish a scheme (a “well examination scheme”) for ensuring, by the means described in paragraph (2), that the well is so designed and constructed, and is maintained in such repair and condition, that –*

- (a) *so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and*
- (b) *risks to the health and safety of persons from it or anything in it, or in strata to which it is connected, are as low as is reasonably practicable.*

(2) *The means are –*

- (a) *examination, by a well examiner of –*
 - (i) *any part of the well, or a similar well;*
 - (ii) *information, including information on the design and construction of the well and the sub-surface environment, including the geological strata and formations, the fluids within them and any hazards which the strata and formations may contain;*
 - (iii) *work in progress;*
- (b) *the creation of reports by a well examiner on –*
 - (i) *the examination carried out;*
 - (ii) *the findings;*
 - (iii) *any remedial action recommended;*
- (c) *the taking of appropriate action by the well operator following a report;*
- (d) *the making of a note of action taken by the well operator following a report;*
- (e) *the reporting by a well examiner to the well operator of any instances of non-compliance of the well operator with the standards of the scheme;*
- (f) *the taking of other such steps as may be provided for pursuant to regulation 12 and Part 2 of Schedule 4; and*
- (g) *the taking of any steps incidental to the means described in subparagraphs (a) to (e).*

(3) *The well operator must record the well examination scheme in writing.*

(4) *The duties in paragraphs (1) and (3) must be completed before the design of a well is adopted.*

Guidance 11

171 The examination required by regulation 11 is intended to provide assurance that the well is designed and constructed properly, and is adequately maintained. The purpose is to provide a scheme of quality control and quality assurance that ensures the well complies with the general duty imposed by regulation 13 of DCR and incorporates current industry guidance. It is essential for the examination to demonstrate that the pressure boundary of the well is controlled throughout the well’s life cycle and that the pressure containment equipment that forms part of the

Guidance 11

well is suitable for this purpose. The responsibility for the effectiveness of the well examination scheme lies with the well operator.

172 When a well is connected to a production or non-production installation, there may be an overlap between the well examination scheme and the verification scheme for the installation, as required by regulation 9.

173 Where wells form part of such verification arrangements, the work carried out by the well operator for the well examination scheme may be cited by the installation dutyholder as contributing to those verification arrangements. Similarly, where part of a well (eg a blowout preventer) is covered by an installation's verification scheme, the well operator may cite the verification arrangements as contributing to the well examination scheme. The competent authority does not expect this work to be repeated or duplicated. The well examination scheme does not cover equipment that falls outside the pressure boundary of the well. Where such equipment is deemed to be safety or environmentally critical, it would need to be included in the installation verification scheme. A typical example of such equipment is mobile well-testing process equipment. Where a well is not attached to an installation, the well must be subject to the well operator's well examination scheme.

174 It is not expected that examination schemes will necessarily rely on physical examination of wells. Schemes can make use of documentary evidence of well safety, providing the documents' veracity can be relied on.

175 The examination process should cover review of the assessment of anticipated subsurface conditions as required by regulation 14 of DCR: 'Assessment of conditions below ground'.

176 The examination process is ongoing and must cover the entire life cycle of the well from design, through drilling and construction, the operation phase and any well intervention activities, to being permanently plugged and abandoned.

177 The well examination scheme must be described in writing with sufficient information and instructions to all persons involved for the scheme to function as designed. *Guidelines for well operators on well examination and guidelines for well operators on competency of well examiners*²⁹ is published by Oil & Gas UK.

178 The design of a well must be examined and a report of the examination included with the notification to drill the well. The written well examination scheme must be in place before examination of the design of the well commences and the well design is subsequently adopted.

Regulation 12 Other provisions as to well examination schemes

Regulation 12

- (1) *A well examination scheme must provide for the matters contained in Part 2 of Schedule 4.*
- (2) *The well operator must –*
- (a) *ensure that, where tasks under a well examination scheme are allocated by the well examiner to personnel of the well examiner, they are appropriately allocated to personnel qualified to undertake them;*
 - (b) *make suitable arrangements for the communication of information between the well operator and the well examiner; and*
 - (c) *give the well examiner suitable authority to carry out the functions under the well examination scheme effectively.*
- (3) *The well operator must ensure that the well examination scheme is reviewed and revised as often as may be appropriate.*
- (4) *The well operator must ensure that the well examination scheme is put into effect from the time it is established and that effect continues to be given to the scheme, or any revision of the scheme, until the well is abandoned.*

Guidance 12

179 The well examination scheme must, as a minimum, include the requirements listed in Part 2 of Schedule 4 to SCR 2015.

180 The well operator has responsibility for the effectiveness of the well examination scheme, including ensuring that well examiners are technically qualified and competent to carry out the role they have been assigned in the scheme.

181 The well operator is responsible for ensuring that the well examiners are provided with the necessary information and are given the appropriate authority to fulfil their role effectively.

182 In line with the well operator's responsibility for the effectiveness of the well examination scheme, the well operator must ensure the scheme is monitored, reviewed and revised as often as may be appropriate. Any development which could affect the pressure containment boundary must be incorporated into the examination process. Details of the examination scheme and sufficient records must be kept to form an auditable trail showing what work has been done, its findings, any recommendations made and any work carried out as a result. Regulation 27(4) specifies the keeping of records for a period of six months after the relevant scheme ceases to be current, for example after the well has been abandoned. Earlier records pertinent to a new scheme should be retained as long as they are relevant. To ensure the well examination scheme continues to be put into effect where wells are transferred to another well operator, it is good practice for the well examination records to be formally adopted by the new well operator.

183 The well operator has responsibility for the application and effectiveness of the well examination scheme to the well, throughout the full life cycle, until it is finally and permanently plugged and abandoned.

Regulation 13 Description of verification scheme and well examination scheme

Regulation 13

(1) For the purposes of these Regulations, a description of the verification scheme complies with this paragraph if it includes –

- (a) a description of the criteria for selection of the verifier to carry out functions under the scheme;
- (b) a description of the means of verifying that the safety and environmental-critical elements and any specified plant remain in good repair and condition; and
- (c) details of the arrangements to carry out the functions under the scheme including –
 - (i) the examination and testing of the safety and environmental-critical elements by the verifier;
 - (ii) the verification of the design, standard, certification or other system of conformity of the safety and environmental-critical elements;
 - (iii) the examination of work in progress;
 - (iv) the taking of remedial action by the duty holder;
 - (v) the reporting of any instances of non-compliance of the duty holder with the standards of the scheme; and
 - (vi) the review of the scheme throughout the lifecycle of the installation.

(2) For the purpose of regulation 8(6)(b), a description of the well examination scheme complies with this paragraph if it includes –

- (a) a description of the criteria for selection of the well examiner to carry out functions under the scheme;
- (b) a description of the means of verifying that the well is designed and constructed, and is maintained in such repair and condition, that –
 - (i) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and
 - (ii) risks to the health and safety of persons from it or anything in it, or in strata to which it is connected, are as low as is reasonably practicable; and
- (c) details of the arrangements to carry out the functions under the scheme including –
 - (i) the examination of the well, or a similar well, by the well examiner;
 - (ii) the examination of information required under regulation 11(2)(a)(ii);
 - (iii) the examination of work in progress;
 - (iv) the taking of remedial action by the well operator;
 - (v) the reporting of any instances of non-compliance of the well operator with the standards of the scheme; and
 - (vi) the review of the scheme.

Guidance 13

184 Regulation 8 requires the dutyholder to include a description of their verification scheme in their SEMS. It also requires a well operator to include a description of their well examination scheme in their SEMS.

185 A description of the verification scheme is also required in a design notification or relocation notification for a production installation (see Schedule 5) and a safety case (see Schedules 6 and 7). A well operator must include an adequate description of their SEMS in the well notification, if not already submitted.

186 The purpose of the description is to demonstrate that the dutyholder or well operator has understood the requirements of SCR 2015 and implemented

Guidance 13

adequate arrangements. The description of the relevant scheme will either be assessed as part of the safety case submission or considered as part of the well notification.

187 For this reason the description of the verification scheme should clearly address the specific matters in regulation 13(1) and Part 1 of Schedule 4. Descriptions of well examination schemes should address the specific matters in regulation 13(2), and Part 2 of Schedule 4.

188 More detailed guidance on well examination can be found in *Guidelines for well operators on well examination and guidelines for well operators on competency of well examiners*,²⁹ published by Oil & Gas UK.

Regulation 14 Defence

Regulation 14

(1) *In any proceedings for an offence for a contravention of any of the provisions of regulations 9 to 12 it is, subject to paragraph (2), a defence for the person charged to prove –*

- (a) *that the commission of the offence was due to the act or default of another person not being an employee of the person charged (referred to in this regulation as “the other person”); and*
- (b) *that the person charged took all reasonable precautions, and exercised all due diligence, to avoid committing the offence.*

(2) *The person charged may not, without the permission of the court, rely on the defence in paragraph (1) unless, within a period ending seven clear days –*

- (a) *where the proceedings are in England and Wales, before the hearing to determine mode of trial; or*
- (b) *where the proceedings are summary proceedings in Scotland, before the intermediate diet; or*
- (c) *where the proceedings are solemn proceedings in Scotland, before the first diet,*

the person charged has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, the other person as was then in the possession of the person charged.

(3) *For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the 1974 Act, a person who establishes a defence under this regulation is nevertheless to be treated for the purposes of that section as having committed the offence.*

Guidance 14

189 Dutyholders must put in place suitable arrangements to ensure compliance with the verification requirements under SCR 2015. Regulation 14 offers a defence under the circumstances set out in sub-paragraphs (1)(a) and (b).

190 Verifiers undertaking verification work will be required by regulation 8 of MAR to co-operate with (among others) owners and operators of installations so far as is necessary to enable compliance with the relevant statutory provisions.

Regulation 15 Design and relocation notifications for production installation

Regulation 15

(1) *The operator of a production installation which is to be established in external waters must –*

- (a) *prepare a design notification containing, subject to paragraph (6), the particulars specified in Schedule 5; and*
- (b) *send the design notification to the competent authority.*

(2) *The duties in paragraph (1) must be completed at such time before the submission of a field development plan to the Department of Energy and Climate Change as will enable the operator to take account –*

- (a) *in the design, and*
- (b) *in the safety case prepared pursuant to regulation 17,*

of any matters raised by the competent authority within three months (or such shorter period as the competent authority may specify) of that time.

(3) *The operator of a production installation which is to be moved to a new location within external waters (whether from outside external waters or not) and operated there must –*

- (a) *prepare a relocation notification containing the particulars specified in Schedule 5 not contained in any current safety case for that installation; and*
- (b) *send the relocation notification to the competent authority*

(4) *The duties in paragraph (3) must be completed at such time before the submission of a field development plan to the Department of Energy and Climate Change as will enable the operator to take account of any matters raised by the competent authority within three months (or such shorter period as the competent authority may specify) of that time.*

(5) *The competent authority must respond to the design notification –*

- (a) *with comments to be taken into account by the operator in the safety case; or*
- (b) *where it has no such comments to make, with a statement to that effect.*

(6) *Paragraph (1) only requires the design notification to contain the particulars referred to in that paragraph to the extent that it is reasonable to expect the operator to address them at the time of sending the design notification to the competent authority.*

(7) *Where there is a material change in any of the particulars notified pursuant to –*

- (a) *paragraph (1) prior to the operator sending a safety case to the competent authority in accordance with regulation 17(1)(b); or*
- (b) *paragraph (3) prior to the operator sending –*
 - (i) *a safety case to the competent authority in accordance with regulation 17(1)(b); or*

Regulation 15

- (ii) *revisions to the current safety case to the competent authority in accordance with regulation 24(2),*

the operator must notify the competent authority of that change as soon as practicable.

Guidance 15

191 It is essential that dutyholders give appropriate consideration to health, safety and environmental issues at the earliest stages of design of an offshore installation. This is when decisions are taken that will profoundly influence levels of risk over the whole life of the installation. Many of these decisions will be extremely difficult to change once it is built. At the design stage the most recent and best practice on the design of structures, layout and equipment and use of materials can be applied at least cost. It also provides scope for innovative and cost-effective approaches to 'safety by design' or 'inherent safety'. Eliminating risks at source, through good design, is preferable to retrospective or mitigating action. A systematic assessment at this stage enables a range of options to be identified, from which the most cost-effective choice can be made to reduce risks to people to a level as low as reasonably practicable (ALARP).

192 To ensure that major hazards are properly addressed in the design of production installations (as defined in regulation 2(1)), regulation 15(1) requires operators of new production installations to send a design notification to the competent authority containing the information specified in Schedule 5. This will provide the competent authority with a broad overview of the design and the design process. The notification must be sent to the competent authority before the submission of the field development plan to the licensing authority:

- (a) to enable the operator to take account, in the installation design to be submitted as part of the development plan, of any health, safety and environmental matters raised by the competent authority within three months of sending the notification (ie the operator cannot finalise the design before considering any competent authority comments raised in that three months);
- (b) in sufficient time to allow any matters raised by the competent authority to be considered in the design of the installation and the development of the safety case.

193 At this early stage the amount of detail available will be limited. The notification need include only what information is available at the time, though any subsequent material changes must also be notified to the competent authority in the period before submitting a safety case under regulation 17. Unlike a safety case, a design notification does not need to be accepted by the competent authority. Nor does it constrain when an operator may proceed to detailed design and construction, so long as time has been allowed to consider any competent authority comments. The operator is not obliged to accept the competent authority's comments, but must give them proper consideration.

194 The aim of the notification is to start a dialogue between the operator and the competent authority that continues throughout the period between the design notification and the safety case submission. The competent authority will acknowledge receipt of a notification within two weeks and will give the dutyholder an indication of how long it will take to respond fully. The competent authority will indicate in writing any matters which, if not taken into account in the detailed design or at the construction or commissioning stages, may create difficulties with accepting the safety case under regulation 17. The subsequent safety case must indicate how matters raised by the competent authority have been taken into account. Therefore, it is of mutual benefit to the competent authority and operators for design notifications to be sent as early as possible, to minimise the cost of any

Guidance 15

design changes that may be required as a result of the competent authority's comments.

195 The competent authority's powers in regulation 25, together with inspectors' general powers under the HSW Act, will allow inspectors access, if necessary, to documents relevant to the developing safety case for the purpose of pursuing this dialogue.

196 Regulation 15(3) requires similar details (ie those set out in Schedule 5) to be sent to the competent authority when an existing production installation, such as a floating production, storage and offloading vessel (FPSO), is to be moved to a new operating location in external waters. A move could be within external waters or into external waters from outside those waters (eg from internal waters or a location outside the UK sector). Similar timescales apply as for a design notification, except that it will not be possible for the operator to take account of comments in the design since this will have been completed.

197 The main, though not the only, focus of the competent authority's comments will be the suitability of the installation's design for its proposed location. If the installation already has a safety case (eg because it is already operating in external waters), the notification does not need to repeat details contained in that safety case. The competent authority will be aware of its overall design and will want to concentrate on those aspects that will be affected by relocation. The relocated installation will need a safety case under regulation 17 or a revision under regulation 24.

198 Under regulation 15(7) operators must inform the competent authority of any material changes to a design or relocation notification to which the competent authority may have responded. An example of a material design change would be changing from a normally unattended installation to an occasionally attended one. The competent authority may comment on such changes, though the operator does not have to provide time for them to do so. The response to any competent authority comments on design changes must be described in the subsequent safety case.

199 A design notification is not required for a major rebuild of a production installation. If the installation has a current safety case, the effect of design changes will be included in a revision of the safety case submitted under regulation 24. If the installation is rebuilt before being moved to external waters, it will need a relocation notification followed by a safety case submission under regulation 17.

200 Design or relocation notifications are not required for non-production installations, since their high degree of mobility makes this impracticable. Design and location issues are addressed in safety cases under regulation 18. However, if a non-production installation is to be converted to a production installation it will require a design notification under regulation 19(1). SCR 2015 deals only with the major hazard aspects of design. Occupational health, safety and welfare aspects of design are covered by other regulations and by the HSW Act. The competent authority may also wish to discuss these matters with operators at an early stage, but this will be separate from discussions on the safety case.

201 Further information is available on inherent safety and fire and explosion hazard management in:

- (a) *Guidelines for management of safety-critical elements*;³⁰
- (b) *Prevention of fire and explosion, and emergency response on offshore installations. Approved Code of Practice and guidance*.¹⁹

Guidance 15

Preparation and submission of safety cases and notifications for installations

202 Regulations 15–22 specify:

- (a) when a safety case or a notification has to be submitted for an installation, including for combined operations;
- (b) who is required to make the submission;
- (c) the time at which it has to be made.

203 Requirements for the contents of each type of safety case are set out in regulation 16 and Schedules 6, 7 and 8. Requirements for notifications are set out in Schedules 5 and 10. Explanatory guidance is provided under each regulation.

Co-operation in preparing and maintaining safety cases and in preparing notifications

204 The safety case must relate to all activities carried out on or in connection with the installation. Preparing a safety case therefore requires consultation and collaboration between people responsible for the conduct of installations and of connected activities, and between the various employers (including contractors) whose employees are engaged in these activities. Such co-operation may also be needed in preparing notifications. Once the safety case has been accepted, continuing co-operation and co-ordination will be essential to ensure compliance with the safety case, with a view to keeping risks of a major accident hazard to ALARP.

205 Regulation 8 of MAR requires every person to co-operate with the operator or owner of an installation, among others, so far as is necessary to enable them to comply with all their legal responsibilities for health, safety and the environment, including their duties under SCR 2015. Further guidance on offshore co-operation duties is given in the guidance on MAR and in the PFEER ACOP appendices (see paragraph 45).

206 Arrangements for co-operation between the various dutyholders concerned, and contractors, will form part of the demonstration of the adequacy of the management system required under regulation 16(1)(a). This co-operation is in addition to the requirement under SCR 2015 to consult safety representatives in preparing the safety case.

Presenting the safety case

207 Dutyholders may use whatever format they wish for the safety case. However, competent authority assessors and members of the workforce are likely to find it helpful if the material is arranged in the following way:

- (a) an executive summary covering the main features of the safety case;
- (b) factual information about the installation, its environment and activities;
- (c) the main demonstrations and descriptions required under SCR 2015.

208 The safety case must contain the particulars required by regulation 16 and the relevant schedule(s). It should be a self-contained document which:

- (a) presents the main arguments clearly and succinctly;
- (b) includes sufficient supporting detail to lend conviction to the arguments made in the safety case.

Guidance 15

209 The safety case must be clearly distinguished from supporting material. Merely referring to particulars contained in other documents is not allowed if these particulars (or documents) are intended to be an integral part of the case for safety. Additional supporting material may be referenced.

Regulation 16 Management and control of major accident hazards

Regulation 16

(1) *A duty holder who prepares a safety case pursuant to these Regulations must, subject to paragraph (2), include in the safety case sufficient particulars to demonstrate that –*

- (a) *the duty holder’s management system is adequate to ensure –*
 - (i) *that the relevant statutory provisions will, in respect of matters within the duty holder’s control, be complied with; and*
 - (ii) *that the management of arrangements with contractors and sub-contractors is satisfactory;*
- (b) *the duty holder has established adequate arrangements for audit and for the making of reports of the audit;*
- (c) *all hazards with the potential to cause a major accident have been identified;*
- (d) *all major accident risks have been evaluated, their likelihood and consequences assessed, including any environmental, meteorological and seabed limitations on safe operations, and that suitable measures, including the selection and deployment of associated safety and environmental-critical elements have been, or will be, taken to control those risks to ensure that the relevant statutory provisions will be complied with; and*
- (e) *in the case of a non-production installation, all the major hazards have been identified for all operations the installation is capable of performing.*

Guidance 16

210 The safety case must provide ‘sufficient particulars’ (ie enough information to show that the required demonstrations have been made). These demonstrations are in addition to the descriptions and other details required by the relevant schedules. This applies both to new safety cases submitted under regulations 17 and 18 and to revisions submitted under various regulations, including the transitional arrangements for existing safety cases under regulation 39 and Schedule 14. Demonstrations should include evidence to show:

- (a) there is an effective management system which ensures that the organisational arrangements in place, if fully implemented, will enable the dutyholder to comply with relevant health, safety and environmental legislation. The relevant statutory provisions (see regulation 2(1) for an explanation of this term) referred to in regulation 16(1)(a)(i) are not restricted to those dealing with major accident risks because the demonstration should consider the adequacy of the management system as a whole. This does not mean that the safety case must detail compliance with every legal provision; the major accident risk aspect of the demonstration is covered by regulation 16(1)(d). The focus here is on the capability of the management system including, for example, arrangements to co-operate with other dutyholders;
- (b) the arrangements for managing contractors as required by regulation 16(1)(a)(ii). The demonstration should include a description of how the SEMS is integrated with the dutyholder’s general business management systems and practices, particularly in relation to managing change;

Guidance 16

- (c) that hazards with the potential to cause a major accident have been identified and that risks arising from those hazards are or will be adequately controlled. The evidence should show that reasoned arguments have been used to make professional judgements about the nature, likelihood and consequences of potential major accident events that may occur, and the means to prevent these events or minimise their consequences should they occur. The evidence should also show that the dutyholder's risk acceptance criteria are appropriate.

211 Regulation 16(1)(d) requires the risks of a major accident to be controlled in order to ensure compliance with the relevant statutory provisions (ie for the purpose of meeting the requirements of the HSW Act, PFEER, DCR and other provisions relevant to major hazards). In assessing the safety case, the competent authority will look for assurance that the measures identified are capable of achieving compliance with these provisions. To provide this assurance, dutyholders need to evaluate the risks in an integrated manner and consider whether further measures are needed to reduce risks to the level required by law. As a minimum the HSW Act requires risks to be eliminated so far as is reasonably practicable (equivalent to reducing risks to ALARP). Other provisions, such as PFEER, may set different standards – all must be met. Dutyholders may not directly control all activities giving rise to major accident risks and will need contributions from others (under MAR regulation 8: 'Duty of co-operation') to ensure a comprehensive evaluation.

212 In the development of a safety case, including the preparation of the PFEER regulation 5 assessment, all dutyholders must consider the range of activities reasonably foreseeable for their operations. In the case of non-production installations, this should include all operations that their installation is capable of performing. When additional information becomes available after the acceptance of the safety case, arrangements must be in place to evaluate the relevant information, and when appropriate a material change must be submitted under regulation 24(2). Such information could come to the dutyholder's attention where a well operator, who has conducted a site-specific assessment of the potential for a major environmental incident from a release from a well, shares the assessment with the dutyholder.

213 Connected activities must be taken into account in the safety case demonstration under regulation 16(1)(a) regarding the adequacy of the dutyholder's management system to ensure compliance with health, safety and environmental legislation. The potential of any connected activity to cause a major accident (regulation 16(1)(c), (d) and (e)) also needs to be addressed in the safety case.

214 The following are examples of connected activities that may need to be taken into account in safety cases:

- (a) supply vessels delivering goods or materials, whether by crane hoist or directly into the installation's bulk storage system;
- (b) diving activities undertaken from a diving support vessel alongside the installation;
- (c) loading vessels transporting hydrocarbons from storage on the installation to shore terminals;
- (d) heavy lifts undertaken from a heavy lift vessel alongside the installation;
- (e) work by service vessels (not mechanically entering the pressure containment boundary of a well) on sub-sea wells connected to the installation. (Note: This activity would also be notifiable under regulation 21.) The connection referred to here is a physical connection (ie a cable or pipe between the well and installation) which under regulation 3(3)(a) of MAR enables the well to be deemed part of the installation;
- (f) walk-to-work vessels.

Guidance 16

A dutyholder need not take into account activities of transporting, towing or navigating an installation.

The risk assessment demonstration

215 The evaluation of a major accident risk requires the systematic use of appropriate techniques; these may be qualitative, semi-quantitative or quantitative. The choice of approach should be proportionate to the level of risk and the complexity of the problem. Guidance on the selection of an appropriate approach to risk assessment is available in HSE Offshore Information Sheet *Guidance on risk assessment for offshore installations*.³¹ The guidance also describes the importance of management responsibility for the risk assessment process.

216 For each identified major accident hazard, the safety case demonstration should contain sufficient details of the following process:

- (a) identification of a range of potential measures for further risk reduction;
- (b) systematic analysis of each of these measures to evaluate the safety and environmental benefits associated with each of them;
- (c) evaluation of the reasonable practicability of the identified measures;
- (d) implementation (or planned implementation) of reasonably practicable measures;
- (e) a record of the process and results.

217 The systematic analysis of options for reasonable practicability should make reference to relevant good practice and sound engineering judgement. Where appropriate, this should be supported by reference to suitable and sufficient risk assessment. If a measure appears practicable and the cost of the measure is not grossly disproportionate to the benefit gained, then the measure is reasonably practicable and should be implemented. Further guidance is available in HSE Offshore Information Sheet *Offshore Installations (Safety Case) Regulations 2005 Regulation 12: Demonstrating compliance with the relevant statutory provisions*.³²

Regulation 16

(2) Paragraph (1) only requires the safety case to include the particulars referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the safety case to the competent authority.

Guidance 16

218 Safety cases should include only those particulars that could reasonably be expected to be provided when the safety case is submitted. This applies only to the demonstrations required by regulation 16, not to the descriptions required by the schedules. It will be unusual, however, for this situation to occur. Once accepted, the safety case must be kept up to date. If there is a material change after the competent authority accepts the safety case, this will require a revision under regulation 24(2).

Regulation 16

(3) In this regulation, “audit” means systematic assessment of the adequacy of the management system to achieve the purpose referred to in paragraph (1)(a) carried out by a person who is sufficiently independent of the system (but who may be employed by the duty holder) to ensure that such assessment is objective.

Guidance 16

219 This definition means that the arrangements described must demonstrate that audits are systematic and independent. They should address the adequacy of the management system in complying with the relevant statutory provisions (ie the health, safety and environmental legislation applying to offshore installations). Audit

Guidance 16

reports are required to be kept under regulation 27, which also requires subsequent actions to be recorded.

Review and revision of safety case and conforming with a safety case

220 The safety case is intended to be a living document that reflects the reality of the current operating status on the installation. Changes are likely to occur in the environment, in the activities carried out or in other factors that may affect risks to people. It is therefore important that the safety case is reviewed in the light of any such changes and revised as often as may be necessary to ensure it reflects reality. Such reviews are likely to be limited but frequent and should not be confused with the periodic thorough review required by regulation 23. The competent authority may direct a revision or a thorough review where the dutyholder has failed to identify the need.

221 OSRSCR requires dutyholders to consult installation safety representatives when reviewing or revising a safety case. This provides an opportunity to share information on developing the safety case and for safety representatives to contribute their knowledge of day-to-day operations. Such consultation should help to secure additional confidence in the safety case arrangements.

Regulation 16

(4) *The demonstration of the matters referred to in paragraph (1)(d) must include the estimate of oil spill response effectiveness contained in the oil pollution emergency plan in respect of the installation, prepared pursuant to regulation 4(3)(a) and (c) of and Schedule 2 to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998.*

Guidance 16

222 For further information, see DECC's guidance on preparing Oil Pollution Emergency Plans (OPEPs).³³

Regulation 17 Safety case for production installation

Regulation 17

(1) *Subject to Schedule 14, the operator of a production installation must ensure that it is not operated in external waters unless –*

- (a) *the operator has prepared a safety case containing the particulars specified in regulation 16 and Schedule 6;*
- (b) *the operator has sent the safety case to the competent authority at least six months (or such shorter period as the competent authority may specify) before commencing operation; and*
- (c) *the competent authority has accepted the safety case.*

(2) *A safety case prepared pursuant to paragraph (1) and revisions to a current safety case prepared pursuant to regulation 19(7) may be prepared in relation to more than one production installation where the competent authority so approves in writing and, where a safety case is or revisions are to be so prepared in relation to installations with different operators, it is sufficient compliance with paragraph (1)(a) and (b) and regulation 19(7)(a) and (b) if the operators prepare and agree a safety case or revisions containing the particulars referred to in that paragraph and that regulation and one of them sends it to the competent authority in accordance with paragraph (1)(b) and regulation 19(7)(b).*

(3) *The operator of a production installation must include with the safety case sent to the competent authority a statement, made after considering any*

Regulation 17

reports or reservations of the verifier under regulation 9(2)(d), (3)(b) and (4)(c), that the record of safety and environmental-critical elements and their scheme of maintenance are or will be suitable.

(4) Where, pursuant to paragraph (2), a safety case is to be prepared in relation to more than one production installation, each with a different operator, there must be included with the safety case –

- (a) where one is required under regulation 7, a copy of the corporate major accident prevention policy of each operator;*
- (b) an adequate description of the safety and environmental management system of each operator; and*
- (c) the description of the internal emergency response arrangements of each operator.*

Guidance 17

223 Regulation 17 requires a safety case for a production installation, as defined in regulation 2(1). This needs to deal fully with the systems for managing health, safety and the environment and for managing and controlling major accident hazards, as required by regulation 16, and with the various matters specified in Schedule 6. The safety case must be submitted to the competent authority at least six months before the installation commences operation, as defined by regulation 2(5), and accepted by the competent authority before the installation may operate. Following its initial acceptance, the safety case must be revised and updated under regulation 24 throughout the life of the installation.

224 Regulation 17 does not apply where a mobile offshore drilling unit (MODU) operates through a not-yet-commissioned structure such as a well-head jacket. In this situation, the drilling operation is not taking place from the production installation and that installation has not started operation for the purposes of this regulation, nor would it be a combined operation as defined in regulation 2(4). In such circumstances, the only relevant safety case is that for a non-production installation (the MODU) under regulation 18.

225 The six-month submission period is to allow the competent authority sufficient time to properly assess the safety case and resolve any issues with the operator. For some fast-track developments it may be difficult to provide six months' notice. If so, the competent authority has the power to reduce the timescale for submission, particularly for smaller and less complex installations and where the earlier design notification did not give rise to significant concerns. Operators should contact the competent authority as soon as they identify a possible need to ask it to specify a shorter period.

226 Production installations already operating with a safety case accepted under SCR 2005 when SCR 2015 comes into force must revise their safety cases to comply fully with the new requirements. The transitional arrangements are outlined in regulation 39 and Schedule 14.

227 Regulation 17(2) requires the dutyholder to prepare a short statement that the record of SECEs and their scheme of maintenance are or will be suitable, after considering the initial reports or reservations from the verifier, and to include this statement within the safety case. This short statement will continue to be accurate, providing the operator reviews and revises the verification scheme as necessary, and considers and appropriately deals with any subsequent verifier findings.

228 Regulation 17(4) allows the competent authority to approve submission of a single safety case (and subsequent revisions) covering more than one production installation even if the installations have different operators. This may be appropriate

Guidance 17

for groups of fixed installations permanently linked together by pipelines and/or sub-sea control links, and whose activities are substantially interdependent. One example is a production platform connected to satellite platforms that are normally unattended.

229 A safety case submitted under regulation 17(2) should:

- (a) clearly identify the installations covered by the safety case;
- (b) provide, for each installation, all the information required by regulation 16 and Schedule 6, although common matters, eg management systems, can be dealt with in a unified way;
- (c) include a copy of the CMAPP (regulation 7), an adequate description of the SEMS (regulation 8) and a description of the internal emergency response arrangements (regulation 30) for each operator.

230 Where a safety case is to cover installations with different operators, regulation 17(2) allows the operators concerned to prepare and agree the safety case and to agree that one of them sends it to the competent authority in accordance with regulation 17(1)(b), or regulation 24(2) in the case of revisions. The joint safety case should demonstrate that the respective operators' management responsibilities have been clearly identified. All operators will be bound by the duty of co-operation in regulation 8 of MAR, and by the duty in regulation 28 to conform with the safety case, once it is accepted.

231 Before approving the preparation and submission of a safety case under regulation 17(2), the competent authority will wish to be satisfied that this will not prejudice the health or safety of people likely to be affected by the arrangement.

Regulation 18 Safety case for non-production installation

Regulation 18

(1) *Subject to Schedule 14, the owner of a non-production installation must ensure that it is not moved in external waters with a view to its being operated there unless –*

- (a) *the owner has prepared a safety case containing the particulars specified in regulation 16 and Schedule 7;*
- (b) *the owner has sent the safety case to the competent authority at least three months (or such shorter period as the competent authority may specify) before the movement of the installation in those waters with a view to its being operated there; and*
- (c) *the competent authority has accepted the safety case.*

Guidance 18

232 A non-production installation, as defined in regulation 2(1), does not need a design notification under regulation 15, unlike a new production installation.

233 Regulation 18 requires a safety case for a non-production installation to cover all the features of structure, plant, layout and management arrangements that are expected to be in place during the installation's operational life in external waters. This needs to deal fully with the systems for managing health, safety and the environment and for controlling major accident hazards, as required by regulation 16, and with the various matters specified in Schedule 7. The safety case must be submitted to and accepted by the competent authority before the installation may be used in external waters. Following its initial acceptance, the safety case must be revised and updated under regulation 24 throughout the operational life of the installation in external waters.

Guidance 18

234 The installation owner, as defined in regulation 2(1), must submit the safety case to the competent authority at least three months before moving the installation in external waters with a view to using it there. Moving a non-production installation in this way before the competent authority has accepted the safety case is an offence. This includes moving an installation into external waters from outside those waters. However, no safety case is needed if a non-production installation enters external waters for some other purpose, such as to refit or receive repairs. A non-production installation with an accepted safety case which leaves external waters is not obliged to maintain its safety case (though the owner may choose to do so), but it will need to have it updated or revised before return.

235 The requirements of SCR 2015 do not immediately apply to non-production installations for which there were safety cases immediately before 18 July 2013 or which are established before 19 July 2016. See regulation 39 and Schedule 14 for transitional provisions.

236 If the owner of a non-production installation wishes to operate the installation in internal waters the owner will need to comply with SCR 2005, which applies there. This will include submitting a safety case under those Regulations, and obtaining HSE acceptance.

237 If owners foresee real difficulty in providing three months' notice, the competent authority has the power to reduce the timescale for submission. Owners should contact the competent authority as soon as they identify a possible need to ask for a shorter period.

Regulation 18

(2) *The owner of a non-production installation must include with the safety case sent to the competent authority a statement, made after considering any reports or reservations of the verifier under regulation 9(2)(d), (3)(b) and (4)(c), that the record of safety and environmental-critical elements and their scheme of maintenance are or will be suitable.*

Guidance 18

238 Regulation 18(2) requires the dutyholder to prepare a short statement that the record of SECEs and their scheme of maintenance are or will be suitable, after considering the initial reports or reservations from the verifier, and to include this statement within the safety case. This short statement will continue to be accurate, providing the owner reviews and revises the verification scheme as necessary and considers and appropriately deals with any subsequent verifier findings.

Regulation 19 Design notification and safety case for non-production installation to be converted

Regulation 19

(1) *Where a non-production installation is to be converted to enable it to be operated as a production installation, the owner must –*

- (a) *prepare a design notification in respect of the proposed conversion containing, subject to paragraph (5), the particulars specified in Schedule 5 not contained in any current safety case for that installation; and*
- (b) *send the design notification to the competent authority.*

(2) *The duties in paragraph (1) must be completed at such time before completion of the design of the proposed conversion as will enable the owner to take account –*

- (a) *in the design, and*
- (b) *in the safety case prepared pursuant to regulation 17,*

Regulation 19

of any matters raised by the competent authority within three months (or such shorter period as the competent authority may specify) of that time.

(3) The competent authority must respond to the design notification –

- (a) with comments to be taken into account by the operator in the safety case; or*
- (b) where it has no such comments to make, with a statement to that effect.*

(4) For the purposes of this regulation the particulars specified in Schedule 5 have effect as if any reference to the operator were a reference to the owner of the non-production installation to be converted.

(5) Paragraph (1) only requires the design notification to contain the particulars referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the design notification to the competent authority.

(6) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to the operator sending –

- (a) a safety case to the competent authority in accordance with regulation 17(1); or*
- (b) revisions to the current safety case to the competent authority in accordance with paragraph (7),*

the operator must notify the competent authority of that change as soon as practicable.

(7) Where a non-production installation operated pursuant to a current safety case is converted to a production installation, the operator of that production installation must ensure that it is not operated as a production installation in external waters unless –

- (a) the operator has prepared revisions to the current safety case for that installation containing the particulars specified in regulation 16 and Schedule 6 not contained in that current safety case;*
- (b) the operator has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least three months (or such shorter period as the competent authority may specify) before commencing the operation; and*
- (c) the competent authority has accepted those revisions to the current safety case.*

Guidance 19

239 When an existing non-production installation is to be converted to a production installation (even temporarily) the owner must send a design notification to the competent authority containing the information specified in Schedule 5. For this purpose the references in Schedule 5 to the ‘operator’ must be read as references to the owner of the non-production installation to be converted. If any of the required information is already available in an existing safety case it does not need to be repeated in the notification. A conversion exclusively for the purpose of well-testing for no more than 90 days does not need to be notified as this is outside the definition of ‘production installation’ in regulation 2(1).

240 The aim of the notification is the same as for a design notification under regulation 15 (ie to start a dialogue between the owner and the competent authority

Guidance 19

about the suitability of the design). The notification must therefore be sent early enough to allow the owner to take account in the conversion design of any health, safety and environmental matters that the competent authority might raise within three months of sending the notification (ie the design cannot be finalised until such matters have been considered). Unlike regulation 15, this is not tied to the submission for field development approval since the notification will be submitted and the safety case approval will be sought by the owner rather than by the operator.

241 The notification relates only to the conversion (ie excluding design elements of an existing installation relating to its pre-conversion use). However, the notification must contain an explanation of why the installation is considered suitable for conversion. The amount of detail available may be limited, so the notification need include only what information is available to the owner at the time. However, the owner must notify the competent authority as soon as practicable of any material changes to the notification in the period before submitting a safety case for the first time under regulation 17, or submitting revisions to a current non-production installation safety case (where that is revised to satisfy the requirements of a production installation safety case). Possible material changes could include significant changes to hydrocarbon inventory, additional equipment and structure weight, equipment layout or staffing philosophy.

242 The competent authority must provide in writing details of any comments to be taken into account by the operator. Where the competent authority has no comments it will confirm this in writing.

243 A design notification is not required for a non-production installation that is converted, but not intended for use in external waters. However, if following conversion it is contracted to operate in GB waters, it will require a relocation notification under regulation 6(2) of SCR 2005 for operations in internal waters or regulation 15(3) of SCR 2015 for operations in external waters, and a safety case as required by SCR 2005 or SCR 2015 as appropriate.

Regulation 20 Safety case for dismantling fixed installation

Regulation 20

(1) *The operator of a fixed installation in external waters must ensure that it is not dismantled unless –*

- (a) *the operator has prepared revisions to the current safety case containing, subject to paragraph (2), the particulars specified in regulation 16 and Schedule 8 not contained in the current safety case for that installation;*
- (b) *the operator has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least three months (or such shorter period as the competent authority may specify) before the commencement of the dismantling; and*
- (c) *the competent authority has accepted those revisions to the current safety case.*

(2) *Paragraph (1) only requires the proposed revisions to the current safety case to contain the particulars referred to in that paragraph to the extent that it is reasonable to expect the operator to address them at the time of sending the proposed revisions to the competent authority.*

Regulation 20

(3) *Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to the competent authority deciding whether to accept the proposed revisions to the current safety case, the operator must notify the competent authority of that change as soon as practicable.*

Guidance 20

244 The dismantling of a fixed installation requires a specific revision of the safety case to take account of the particular hazards and risks involved. Earlier stages of decommissioning will be covered by changes to the current safety case under regulation 24. As plant is progressively decommissioned, the operational status and risk profile of the installation will change. The hazards will change, primarily due to the abandonment of wells and cessation of hydrocarbon processing and storage. The safety management systems may also need to be modified. The safety case should address each phase of the dismantling process, including any final decommissioning not addressed as a material change under regulation 24.

245 It is recognised that some minor aspects of dismantling work may be completed before the submission of a dismantling safety case. However, before progressing such activities the operator should consider the entirety of the planned work to ensure it is properly risk assessed and managed. Failure to do so may result in a piecemeal approach being taken and the cumulative effect of dismantlement work being missed.

246 The operator should consider whether, for example, the taking out of service or removal of equipment in the context of progression towards dismantling constitutes a material change. If so, the operator must submit a revision to the competent authority under regulation 24(2).

247 Examples of matters to be considered include:

- (a) a change to the basis on which the original safety case was accepted. This could mean hardware changes such as alterations to platform plant or a change in the management system to accommodate dismantling activities;
- (b) human and organisational factors associated with dismantling activities such as the introduction of personnel to the platform who may be unfamiliar with established safety rules and expectations;
- (c) the need to reassess the risk of major accident hazards as dismantling activities progress, such as any impact on detection (or similar) systems as the project passes through different phases. This will include consideration of alternative arrangements where necessary;
- (d) the effect of work on emergency response arrangements including: potential impact on lifeboat launching; work in the vicinity of the helideck; arrangements for exit routes being taken out of use; loss of communications systems etc;
- (e) the impact on SECEs and the associated verification scheme, how this will be managed and level of verifier involvement required.

248 Dutyholders should consider the requirements of regulation 24(2) to determine when a material change or dismantling safety case should be submitted. Early discussion with the competent authority is recommended to ensure continued operation within the parameters of an existing safety case and regulatory requirements.

249 Revisions to safety cases should include only those particulars that can reasonably be expected to be provided when the revision is submitted. If there is a material change in these particulars while the competent authority is assessing the revision, including any new information, the operator must notify the competent authority as soon as practicable. If there is a material change after the competent authority accepts the revision, this will require a further revision under regulation 24(2).

Guidance 20

250 On occasion, dismantling activities may be enabled by combined operations. Where this is the case operators should ensure that the combined risks associated with these activities are recognised, adequately assessed and notified to the competent authority as required. It may be beneficial to cross-reference revision and notification details to ensure the competent authority has a full understanding of activities planned.

251 When this revision is submitted to the competent authority the operator will probably already have submitted a decommissioning programme for approval by the Secretary of State. Approval of this decommissioning programme will not prejudice the competent authority's assessment of the safety case revision or the decision on its acceptance.

252 A fixed installation (defined in regulation 2(1)) is effectively a production installation other than a floating production platform. The operator of a fixed installation is therefore the same person as the operator of a production installation. The guidance on the definition of 'operator' in regulation 2(1) will apply here too.

Regulation 21 Notification of well operations

Regulation 21

(1) *The well operator must ensure that no well operation is commenced from a production installation in external waters unless –*

- (a) *in the case of a well operation that does not involve drilling, but involves –*
 - (i) *insertion of a hollow pipe in a well; or*
 - (ii) *altering the construction of a well,**the well operator has sent a notification containing the particulars specified in Schedule 9 to the competent authority at least ten days (or such shorter period as the competent authority may specify) before commencing that operation; or*
- (b) *in any other case, the well operator has sent a notification containing the particulars specified in Schedule 9 to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before commencing that operation.*

(2) *The well operator must ensure that no well operation is commenced in external waters (other than a well operation falling within paragraph (1)) unless the well operator has sent a notification containing the particulars specified in Schedule 9 to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before commencing that operation.*

(3) *The well operator must include with the notification sent to the competent authority a statement, made after considering reports by the well examiner under regulation 11(2)(b), that the risk management relating to well design and its barriers to loss of control are suitable for all anticipated conditions and circumstances.*

(4) *Where the well operator plans or prepares a material change to any of the particulars notified pursuant to paragraph (1) or (2), the well operator must consult the well examiner under the well examination scheme about the planned or prepared material change.*

(5) *Where there is a material change in any of the particulars notified pursuant to paragraph (1) or (2) prior to completion of the relevant well operation,*

Regulation 21

the well operator must notify the competent authority of that change as soon as practicable.

(6) A notification of a material change under paragraph (5) must contain sufficient details fully to update the previously submitted notification and be accompanied by the report of the well examiner following the consultation under paragraph (4), addressing in particular the matters in paragraph 6(c) to (e) of Schedule 9.

(7) The well operator must not commence a well operation (of any description) where the competent authority expresses objections to the content of the notification sent in respect of the well operation or to any change to that content notified to the competent authority pursuant to paragraph (5).

(8) Subject to paragraph (9), the well operator must include a copy of the corporate major accident prevention policy with a notification sent to the competent authority pursuant to paragraph (1) or (2).

(9) Paragraph (8) does not apply where the well operator has previously sent its corporate major accident prevention policy to the competent authority or where it is not required to have one.

Guidance 21

253 The duty to notify the competent authority falls on the well operator rather than the installation dutyholder who prepared the safety case, the vessel owner, or the well examiner. The well examiner should continue to concentrate on examining the well itself and is not responsible for examining all the information (eg CMAPP and the SEMS) submitted as part of the well notification. Hazards vary in significance from well to well (eg because of varying geological conditions), so the installation safety case is unlikely to be able to describe fully all operating conditions and hazards. The notification under regulation 21 complements the accepted safety case by providing the additional information necessary to establish that the intended well work will take place in conditions for which the effectiveness of major hazard management and control has already been demonstrated in the safety case. 'Well operation' is defined in regulation 2(1).

254 Notification is also required for well operations carried out from a vessel that is not an installation. These well operations will be ones that are not the exploitation of mineral resources by means of a well and which, by definition, are conducted from offshore installations. An example is the removal of the well-head from a fully and permanently plugged well. The notification will provide the information needed to demonstrate that the intended well work will take place in conditions that will ensure health and safety as required by the HSW Act. If these operations relate to a well connected to an installation, the notification will also complement the installation's safety case.

255 Well notifications are required as follows:

- (a) vessels (other than installations) – all well operations, at least 21 days before operations commence;
- (b) non-production installations – all well operations, at least 21 days before operations commence;
- (c) production installations – all well operations involving drilling, at least 21 days before operations commence; all well operations not involving drilling, but which alter the construction of the well or which involve insertion of hollow pipe in the well (which includes inserting coiled tubing), at least 10 days before operations commence.

Guidance 21

256 Wireline work is classed as a well operation because there is always some risk of an accidental release of fluids from the well which could give rise to the risk of a major accident. To avoid sending in a separate well notification each time a routine, relatively low-risk wireline well operation is to be carried out, it is acceptable to send to the competent authority a one-off well notification covering exclusively all such anticipated routine wireline work from the installation. This one-off well notification for wireline work can be prepared in advance and, if drafted comprehensively, will cover all of the wireline work from the installation and so avoid the need for material changes. This well notification will include the CMAPP and SEMS of the well operator, if not previously submitted.

257 Wireline work that is not routine and relatively low-risk must remain the subject of a separate individual well notification prior to each operation in question. A one-off notification must be updated if there is a material change in the routine wireline work to be carried out from the installation, but this should be a very rare event if the one-off notification is drafted broadly to cover all expected wireline operations.

258 Wireline well operations that could be considered routine and relatively low-risk, and be the subject of a one-off notification, include:

- (a) bailing;
- (b) change-out of wireline set surface controlled subsurface safety valve (SCSSSV);
- (c) change-out of wireline electrical submersible pump (ESP) or hydraulic submersible pump (HSP);
- (d) change-out of gas-lift valve;
- (e) logging;
- (f) opening sliding sleeve;
- (g) perforating reservoir;
- (h) setting or recovering plug for water shut-off or zone isolation;
- (i) setting or recovering tubing plug;
- (j) setting or recovering pressure gauges.

259 The well operator must include a statement within the well notification once the well examiner has examined the well design and plan of work covered by the notification and reported the findings and recommendations. The statement must indicate that the risk management relating to the well design and its barriers to loss of control are suitable for all anticipated conditions and circumstances.

260 The well operator must also include the well examiner's report with the well notification required under regulation 11(2)(b) and describe the actions that have been taken in response to this report. It is expected that reports will be concise. The reports should summarise what has been examined in respect of the planned operations, the findings and recommendations from the examination, and list any deviations from the standards described in the scheme. The well examiner must also be consulted about all material changes to previously notified particulars, and a copy of the well examiner's report must again be attached to the notification of the material change sent to the competent authority.

261 Examples of changes that would merit a material change to the well notification under regulation 21(4) include:

- (a) changes to the particulars of fluids, plant, equipment, well path, well design, procedures or management arrangements that would affect the hazards as described according to Schedule 9;

Guidance 21

- (b) unforeseen interruptions of the programme of works. If the interruption is anticipated to be for less than approximately 21 days the recommencement of operations should be notified at the time of notifying the change.

262 Many material changes arise from subsurface conditions found to be different from those expected; changes to the well design and construction or operational procedures are required as a result. Under DCR regulations 13 and 14, the well operator has responsibility for ensuring that so far as is reasonably practicable there can be no unplanned escape of fluids from the well. The requirement to consult the well examiner and inform the competent authority must not prevent the timely implementation of proposed changes where they are necessary to prevent the unplanned escape of fluids (see regulation 13 of DCR, as amended by paragraph 29 of SCR 2015 Schedule 13). In such cases, if an instantaneous material change to a well notification is required to ensure well integrity, it is acceptable to submit the material change to the competent authority (who will rapidly consider it) and as soon as possible afterwards forward the well examiner's report to the competent authority, with a summary of the actions taken to address any findings.

263 The current model clauses contained within the petroleum production licences require a consent to be obtained from the licensing authority for well operations, including the drilling and re-entering of wells. Details of the information required to support well consent applications are available at:
www.gov.uk/government/organisations/department-of-energy-climate-change.

264 Consent applications should be made using the online consent system, Well Operations Notification System (WONS), through the UK Oil Portal:
https://itportal.decc.gov.uk/eng/fox/live/PORTAL_LOGIN/login.

265 The well operator must submit a copy of the well operator's CMAPP with a notification if it has not already been submitted with a safety case or with a previous notification.

266 Operational procedures should cover the measures to ensure that well control systems downstream of the well-head, which may be exposed to well pressure (including pipework, choke manifold, kill manifold and degasser), maintain their fitness for purpose and pressure integrity.

267 Operational procedures and arrangements should cover the provision of recording of drilling data and well integrity data in either analogue graphic form or in digital electronic form. Arrangements should ensure that key data is collected and recorded and that measures are in place to ensure the integrity of the recorded data.

268 In a change from practice under SCR 2005, notified operations may not commence if the competent authority expresses objections to the design of the well or programme of work described in the notification. Normally, the competent authority will express any objection within the statutory notification period of 21 or 10 days.

269 The well operator should also include a description of their SEMS, unless this has already been submitted, which will include a description of the well operator's well examination scheme containing the particulars specified in regulation 13(2) of these Regulations.

Regulation 22 Notification of combined operations

Regulation 22

(1) *A duty holder for an installation which is to be involved in a combined operation in external waters must ensure that that installation does not engage in a combined operation unless a notification containing the particulars specified in Schedule 10 (other than those already notified to the competent authority pursuant to regulation 21) in respect of that combined operation is sent to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before it is due to commence.*

(2) *Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to completion of the relevant combined operation, the duty holder must notify the competent authority of that change as soon as practicable.*

(3) *Where there is a change in the duty holder or of the installation, the duty holder must send a notification pursuant to paragraph (1).*

(4) *A duty holder for an installation which is or is to be involved in a combined operation must not commence the combined operation where the competent authority expresses objections to the content of the notification.*

(5) *The requirement in paragraph (1), (2) or (3) (as the case may be) will be satisfied if –*

- (a) *the duty holders for every installation involved in the combined operation prepare and agree the notification required under the relevant paragraph; and*
- (b) *one of them sends it to the competent authority by the deadline applicable to the notification in question.*

Guidance 22

270 Combined operations notifications inform the competent authority that adequate consideration has been given to the hazards and risks arising from combined operations, as defined in regulation 2(4). The notification must demonstrate that there will be effective co-ordination of management arrangements during the combined operation, including arrangements for evacuation, escape and rescue in an emergency. Generic aspects of combined operations will be addressed in the individual installation safety cases. The notification then supplements the generic descriptions with details of the actual operations to be undertaken. This notification must include a summary of the joint safety review by all the dutyholders involved. This must include hazards identified with the potential to cause a major accident and the risk control measures introduced as a result of the review.

271 The dutyholders should prepare and agree a single notification for the operation and decide which of them will send it to the competent authority. If the generic material in individual safety cases is sufficiently thorough there will be no need for dutyholders to revise them. However, in the event that an installation is to take part in a type of combined operation not foreseen in the safety case, a material change under regulation 24(2) will be needed.

272 The level of detail required in the notification will depend on the nature of the hazards and risks, together with the level of interaction and the complexity of the systems. The notification should demonstrate that the hazards associated with combined operations have been fully considered and evaluated. It should also identify which parties have participated in this risk evaluation and demonstrate that the proposed arrangements for managing operations are understood and agreed by all parties.

Guidance 22

273 Where a combined operations notification is being submitted in relation to dismantling activities this should also be referenced.

274 Examples of notifiable combined operations include:

- (a) a flotel providing accommodation to another installation;
- (b) a mobile drilling unit cantilevered over a fixed well-head platform;
- (c) a mobile drilling unit working on a sub-sea well connected to and controlled from another installation. If the well is connected to more than one production installation, by cable or pipe, the notification would need to cover all the installations involved.

275 A combined operations notification is not required for:

- (a) complexes of two or more permanently bridge-linked platforms, which together are deemed under MAR regulation 3(4) to comprise a single installation;
- (b) the placing and hook-up phases of a new production installation, because it is not yet being operated for the purposes of regulation 2(4).

276 Where dutyholders are engaged in combined operations they must ensure that the emergency response arrangements of all parties are reviewed. From this review an agreed, co-ordinated plan should be developed for the duration of the works.

277 Where the combined operation involves a production and non-production installation, it is expected that the operator of the production installation shall take primacy with regard to emergency response and that the owner of the non-production installation shall adhere to this principle.

278 No combined operation activity should commence where the competent authority has expressed an objection.

Regulation 23 Review of safety case

Regulation 23

(1) *A duty holder must thoroughly review a current safety case –*

- (a) *no more than five years after the date on which the safety case was first accepted by the competent authority under regulation 17 or 18; and*
- (b) *at suitable intervals not exceeding five years following the first review mentioned in sub-paragraph (a).*

(2) *In addition to the thorough review under paragraph (1), a duty holder must thoroughly review the current safety case if directed to do so by the competent authority.*

(3) *The duty holder must send a summary, including the results, of each such review to the competent authority –*

- (a) *where the review is conducted at the direction of the competent authority, within the period specified by the competent authority in that direction; or*
- (b) *in all other cases, within 28 days of its conclusion.*

(4) *The period specified by the competent authority for the purposes of paragraph (3)(a) must be a period of at least 28 days starting on the date of the direction.*

Guidance 23

279 Regulation 23 requires dutyholders to undertake a periodic thorough review of accepted safety cases. The review involves more than just checking that the safety case is up to date, which is required by regulation 24. The purpose is to confirm that the safety case as a whole continues to be fundamentally sound. The review must take place, at the latest, within five years of the safety case being accepted or the last such review, or when directed by the competent authority.

280 The transition of a safety case from the SCR 2005 regime into the SCR 2015 regime does not affect the dates of this reckoning even though there is a change of regulator (see paragraph 11 of Part 2 of Schedule 14).

281 A dutyholder may identify the need for a thorough review at any time within the five years since acceptance of the safety case or the last thorough review. This is likely to arise from a significant change in circumstances, such as a change in dutyholder or a change in the main production contractor. When a new dutyholder introduces a new management system this is likely to warrant a material change to the safety case under regulation 24(2). Whether or not there is such a change to the management system, a thorough review of the safety case is likely to be justified. The findings of a thorough review may also identify the need for a material change. The competent authority may direct such a review if the dutyholder fails to recognise the need for one. A prospective dutyholder should find it helpful to undertake a systematic consideration of the safety case and SEMS.

282 The review should examine the basic assumptions made in the safety case as well as its content. It should consider how its demonstrations might be improved, taking account of all relevant changes and new knowledge since acceptance or the last review to ensure that they remain valid. To ensure objectivity, dutyholders may find it beneficial to appoint review team members, or at least a leader, from staff who are independent of those responsible for routinely maintaining and revising the safety case. Such staff could be in-house or from an external body.

283 The Offshore Installations (Safety Representatives and Safety Committees) Regulations require dutyholders to consult installation safety representatives when reviewing a safety case. This is a good opportunity for the wider workforce to contribute their experience and knowledge to the review process through their representatives.

284 The dutyholder must send a summary of the review to the competent authority within 28 days of completing it, which should include details of consultation with safety representatives. If the competent authority directs a review it will specify a period of at least 28 days in which to send the summary. The competent authority will aim to agree a reasonable period for this with the dutyholder. The summary provides both evidence that a review has been done and information to help the competent authority decide whether to inspect the conduct of the review.

285 A copy of the summary must be kept at an address in Great Britain as required by regulation 27. The summary should be short and factual and should contain the following information:

- (a) confirmation that the review has been carried out, when it started and how long it took;
- (b) the identities of the persons who led the review and of those who carried it out;
- (c) a description of how the review was carried out or a reference to an existing review procedure of the dutyholder that was followed in conducting it;
- (d) summaries of all revisions made to the safety case as a consequence of the review;

Guidance 23

- (e) which new or different regulations, standards or knowledge were taken into account during the review (ie that were not considered when the safety case was originally prepared or during an earlier review) and the impact they had;
- (f) when applicable, how the review was independent of the present owner(s) of the safety case.

286 A non-production installation that leaves the jurisdiction, or is temporarily taken out of use, is not required to have its safety case reviewed. If the non-production installation is out of the jurisdiction at the time a thorough review is due there is no legal requirement for one to be completed. However, the owner of the installation must undertake one before the installation returns to operate in external waters.

Regulation 24 Revision of safety case

Regulation 24

(1) *In addition to the other occasions on which a duty holder must revise a current safety case pursuant to these Regulations, a duty holder must revise a current safety case –*

- (a) *when appropriate; and*
- (b) *when directed to do so by the competent authority pursuant to regulation 25(1).*

(2) *Revisions made under paragraph (1)(a) which make a material change to the current safety case are not effective unless –*

- (a) *the duty holder has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority –*
 - (i) *at least three months, or such shorter period as the competent authority may specify; or*
 - (ii) *where the revisions relate to a combined operation, at least six weeks, or such shorter period as the competent authority may specify,**before the revisions are to be made; and*
- (b) *the competent authority has accepted the revisions.*

(3) *Without prejudice to the generality of paragraph (2) –*

- (a) *no well operation constitutes a material change;*
- (b) *the movement of a production installation to a new location to be operated there constitutes a material change; and*
- (c) *the conversion of a production installation to enable it to be operated as a non-production installation constitutes a material change,*

to the current safety case for the purposes of paragraph (2).

(4) *For the purposes of paragraph (1), it is to be regarded as appropriate to revise a safety case in respect of a material change to an installation.*

Guidance 24

287 Regulation 24(1) requires the safety case to be kept up to date, reflecting the current state of the installation and its operations, as well as correcting any errors. Even apparently minor changes should be assessed and logged, and all relevant documentation updated as appropriate. Careful logging of modifications is essential in enabling dutyholders to demonstrate that they continue to operate the installation in conformity with their safety case, as required by regulation 28. As explained in

Guidance

24

the guidance to regulation 23, a non-production installation that leaves the jurisdiction or is temporarily taken out of use need not keep its safety case up to date, but the safety case must be updated before returning to operations in external waters.

288 The need for revision may be triggered by events such as an accident or incident, an audit, a change of operator or changes to the emergency response procedures. As well as the general requirement under regulation 24, revisions may also be required under regulation 19(7) (converting a non-production installation to a production installation); regulation 20 (dismantling a fixed installation); when the competent authority directs under regulation 25(1); or under the transitional arrangements in regulation 39 and Schedule 14.

289 Revisions need to be submitted only when they:

- (a) make material changes to the safety case (see regulation 24(2));
- (b) are required by regulation 19(7) or regulation 20;
- (c) follow a direction by the competent authority under regulation 25(1).

290 OSRSCR requires dutyholders to consult installation safety representatives when revising a safety case.

291 Any revisions that make a material change to a safety case must be submitted to the competent authority for acceptance. A material change is likely to be one that changes the basis on which the original safety case was accepted. This would involve changes to the basis on which risk control decisions are made or which necessitate a review of the adequacy of major hazard control measures. It includes both physical modifications and operational management changes of sufficient significance.

292 During an assessment of a safety case the competent authority will assess the specifics of the material change. This may cover a broad spectrum of specialist areas including process safety, fire and explosion, emergency response and human and organisational factors among others. Any proposed changes which may significantly deviate from the information provided in the accepted safety case may constitute a change to the basis on which the safety case was accepted and may require a material change. The dutyholder must decide what constitutes a material change. If in doubt, dutyholders are encouraged to discuss prospective changes with the competent authority.

293 The need for a material change may become apparent following a thorough review, from the findings of an accident or incident investigation or as a result of an audit of the SEMS by the dutyholder or the competent authority. Some examples of changes that would warrant revisions to be submitted are:

- (a) modifications or repairs to the structure or any plant and equipment where the changes have or may have a significant impact on safety;
- (b) where a number of small changes are planned which will cumulatively have a significant impact on safety;
- (c) the introduction of new activities on the installation or in connection with it, including new kinds of combined operation;
- (d) where there is a change in operator or owner;
- (e) an extension of use of the installation beyond its original design life;
- (f) early stage dismantling activities undertaken before the submission of a specific dismantling safety case;
- (g) decommissioning a production installation and connected pipelines prior to dismantling;

Guidance 24

- (h) introduction of new technology or technological approaches to controlling risks;
- (i) introduction of new well control measures or other arrangements arising from well notifications which result in changes to the basis on which the safety case was accepted (for example, new arrangements to deal with high-pressure/ high-temperature wells).

294 In relation to point (a), the requirement no longer only relates to situations where a potential negative impact is foreseen. There is now a requirement to assess the overall effect on safety from a modification even if it is perceived to be beneficial.

295 Where there is a change in operator or owner as in point (d), above, a submission of the material change will be required prior to the change taking place as there will be a new CMAPP associated with that new dutyholder. Where the new dutyholder plans to make changes to the management system or other aspects of the safety case in time, then another material change will be required.

296 Regulation 24(3) specifies certain actions that either are or are not material changes. Moving a production installation to a new operating location and converting a production installation to a non-production installation are both material changes. Well operations are not in themselves material changes as they must be notified under regulation 21. However, material changes could arise from the equipment used, for example introducing a well-testing surface package or an underbalanced drilling surface package.

297 Implementing a material change before the competent authority accepts the revised safety case would breach the duty in regulation 28 to follow the procedures and arrangements set out in the current (accepted) safety case. Any necessary preliminary work (eg preparatory plant modifications that do not change operational parameters) could be done so far as this is covered by the existing safety case, but the material changes could not take effect before the competent authority accepted the revised safety case.

298 For ease of assessment, the dutyholder must submit a complete version of the safety case, clearly showing the proposed revisions in context. This will also incorporate any revisions made under regulation 24(1) which did not have to be accepted by the competent authority. There is no requirement to indicate such changes since the last safety case acceptance, but doing so will also speed up the competent authority's assessment. The competent authority acceptance decision will relate solely to the proposed material changes, so if the competent authority is unable to accept the revisions for some reason, the previously accepted safety case will not be affected. Regulation 37 provides the dutyholder with a right of appeal to the Secretary of State if the competent authority does not accept a revision.

Regulation 25 Power of competent authority in relation to safety cases and related documents

Regulation 25

(1) *The competent authority may direct a duty holder to prepare revisions to a current safety case in relation to such matters as the competent authority may notify to the duty holder.*

(2) *When making a direction for the purposes of paragraph (1), the competent authority must explain why it believes that each revision is necessary*

Regulation 25

and must specify a period, not being less than 28 days, within which the duty holder must submit such revisions to the competent authority.

(3) Revisions submitted pursuant to paragraph (2) are not effective unless –

- (a) the duty holder has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority; and
- (b) the competent authority has accepted the revisions.

(4) Paragraph (5) applies where –

- (a) a design notification has been submitted under regulation 15 or 19; but
- (b) a safety case has not been submitted in respect of the production installation.

(5) Where this paragraph applies, the duty holder for the installation must, on demand by the competent authority, provide the competent authority with a copy of any document which the competent authority considers may be directly or indirectly relevant to the duty holder's preparation of the safety case for that installation.

(6) The duty in paragraph (5) must be completed within such reasonable time of the demand, being a period of not less than 14 days, as may be specified by the competent authority.

(7) The competent authority may suspend any current safety case where it does not accept any proposed revision to it submitted pursuant to paragraph (2).

(8) When suspending a current safety case under paragraph (7), the competent authority must explain why it believes that a suspension is necessary.

(9) During any period for which the current safety case for an installation is suspended, the duty holder for that installation must ensure that it is not operated.

(10) The competent authority may lift a suspension in respect of a current safety case when it is satisfied that the health and safety of persons who are likely to be affected by the lifting of any suspension will not be prejudiced in consequence of it.

(11) Where further information is necessary before a safety case or revisions to a safety case can be accepted, or a decision can be made to lift a suspension, the duty holder must provide, at the request of the competent authority, such information and make any necessary changes to the submitted safety case.

Guidance 25

299 In exceptional circumstances the competent authority may conclude that the current safety case, either in part or as a whole, is no longer satisfactory. If this cannot easily be resolved through dialogue with the dutyholder the competent authority may direct that a revision is made under regulation 25.

300 Any such revision must be submitted to the competent authority for acceptance. This is to ensure that the safety case is revised and submitted, even if the dutyholder argues that a change, made as a result of a competent authority direction, is not a material change under regulation 24(2). This provides time for the dutyholder and the competent authority to consider the implications of the change in detail. If the competent authority does not accept the revision, the change must not be made. There is a right of appeal to the Secretary of State under regulation 37 if the competent authority does not accept the revision.

Guidance 25

301 The competent authority may direct a revision at other times too, but it is probably most likely to follow a directed review. In any case, a directed revision will be very unusual. In practice, it is much more probable that either matters are resolved before going this far or the competent authority will use other means such as enforcement notices.

302 Once given, acceptance of a safety case remains until the installation ceases to exist, although the competent authority can refuse to accept revisions to the safety case. The competent authority has extensive powers for dealing with failure to comply with regulations and with danger to people.

303 Documentation that might be requested under regulation 25(5) could include:

- (a) the design basis for the structure or for specific systems;
- (b) studies relating to novel features;
- (c) safety studies (eg hazard and operability study (HAZOP));
- (d) verification scheme documentation;
- (e) details of management arrangements during design.

Regulation 26 Power of the competent authority to prohibit operations

Regulation 26

(1) *Paragraph (2) applies where –*

- (a) *the competent authority is of the opinion that the measures for preventing or limiting the consequences of a major accident proposed in a safety case are insufficient to fulfil the requirements set out in the relevant statutory provisions; and*
- (b) *the competent authority notifies the duty holder who sent the safety case that it is of the opinion described in sub-paragraph (a).*

(2) *Where this paragraph applies, the duty holder must not operate or commence operation of the installation to which the safety case relates.*

(3) *The prohibition in paragraph (2) ceases to apply if the competent authority notifies the relevant duty holder that it is no longer of the opinion described in paragraph (1)(a).*

(4) *Paragraph (5) applies where –*

- (a) *the competent authority is of the opinion that the measures for preventing or limiting the consequences of a major accident proposed in a notification of combined operations are insufficient to fulfil the requirements set out in the relevant statutory provisions; and*
- (b) *the competent authority notifies the duty holder who sent the notification of combined operations that it is of the opinion described in sub-paragraph (a).*

(5) *Where this paragraph applies, no duty holder for an installation which is or is to be involved in the combined operation may operate or commence operation of the duty holder's installation.*

(6) *The prohibition in paragraph (5) ceases to apply if the competent authority notifies the duty holder who sent the notification of combined operations that it is no longer of the opinion described in paragraph (4)(a).*

Regulation 26

- (7) Paragraph (8) applies where –
- (a) the competent authority is of the opinion that the measures for preventing or limiting the consequences of a major accident proposed in a notification of well operations are insufficient to fulfil the requirements set out in the relevant statutory provisions; and
 - (b) the competent authority notifies the well operator who sent the notification of well operations that it is of the opinion described in sub-paragraph (a).

(8) Where this paragraph applies the well operator must not continue or commence the operation to which the notification relates.

(9) The prohibition in paragraph (8) ceases to apply if the competent authority notifies the well operator that it is no longer of the opinion described in paragraph (7)(a).

Guidance 26

304 The competent authority may form an opinion that the measures for preventing or limiting the consequences of a major accident, proposed in a safety case, notification of combined operations or notification of well operations, are insufficient to fulfil the requirements set out in the relevant statutory provisions.

305 If the competent authority has not formed such an opinion but has a concern that the measures are not sufficient, it may ask for additional information to supplement that already provided in the safety case or notification. Following the review of all relevant information, if the competent authority is of the opinion that the measures outlined are not sufficient to prevent or limit the consequences of a major accident, then the operator/owner or well operator shall be notified in writing with an explanation of the basis for this opinion. On receipt of this letter the operator/owner or well operator should make arrangements to cease operations in a safe and timely manner.

Regulation 27 Keeping of documents

Regulation 27

- (1) A duty holder must –
- (a) ensure that, when the duty holder sends –
 - (i) the design notification, in the case of a production installation; or
 - (ii) the safety case, in the case of a non-production installation,
 to the competent authority, the competent authority is notified of an address in Great Britain for the purposes of sub-paragraphs (b) and (e) below;
 - (b) keep copies of the following documents relating to the installation at the address referred to in sub-paragraph (a) and on the installation –
 - (i) the current safety case;
 - (ii) any summary of any review of the current safety case prepared pursuant to regulation 23(1); and
 - (iii) each audit report;
 - (c) keep copies on the installation of the following documents relating to the installation –
 - (i) any relocation notification and any material changes to such a notification;
 - (ii) any notification of combined operations and any material changes to such a notification; and
 - (iii) any notification of well operations and any material changes to such a notification;

Regulation 27

- (d) ensure that, in respect of each audit report, a written statement is made recording –
 - (i) the main findings of the report;
 - (ii) the recommendations in the report; and
 - (iii) the action proposed to implement those recommendations, including the timescales involved,
 and that a copy of that statement is kept on the installation; and
- (e) ensure that a record is made of any action taken in consequence of an audit report, and a copy of that record is kept at the address referred to in sub-paragraph (a) and on the installation.

Guidance 27

306 Regulation 27 requires copies of several documents prepared for the purposes of SCR 2015 to be kept on the relevant installation, where they are accessible to safety representatives. Copies of some of the documents must also be kept at a notified address in Great Britain where they are accessible to competent authority inspectors. The requirement only applies while the installation is operating in external waters, though some mobile installations may maintain their safety cases while outside external waters, in the expectation of returning.

307 Documents to be kept include: the current safety case (ie including any revisions), relevant notifications (on the installation only), summaries of thorough reviews under regulation 23 and audit reports under regulation 16(1)(b). Regulation 27 also requires statements to be made and actions recorded in respect of audit reports under regulation 16(1)(b). Such statements and records must be kept at the notified address in Great Britain, and under regulation 27(1)(e) records must also be kept on the installation. Among other things, the audit reports and action records will be readily available for examination by competent authority inspectors while they are auditing the dutyholder’s safety and environmental management and audit system.

308 Regulation 3(4) allows all of these documents to be kept in electronic form. It is therefore sufficient to have electronic access to them on the installation and at the notified address, rather than keeping physical copies there. Arrangements for keeping the documents and revising them as required should be part of the management system.

Regulation 27

(2) *The copy of the current safety case referred to in paragraph (1)(b)(i) and any other relevant documents must be kept for so long as they are current, and the copy of the audit report, the written statement and the record referred to in paragraphs (1)(b)(iii), (1)(d) and (1)(e), respectively, must be kept for a period of three years after being made.*

- (3) *The duty holder for an installation must ensure that –*
 - (a) *(i) the written record of the verification scheme;*
 - (ii) any revision of that scheme;*
 - (iii) any note made pursuant to regulation 9(3)(b), (4)(c) or regulation 10(3)(b);*
 - (iv) any report of the verifier pursuant to regulation 9(2)(d); and*
 - (v) any note of action taken by the duty holder following such a report, pursuant to regulation 9(2)(f),**are kept at the address notified to the competent authority pursuant to paragraph (1)(a) until the expiration of six months after such scheme or, as the case may be, modification of that scheme, has ceased to be current; and*

Regulation 27

- (b) records, sufficient to show the matters described in paragraph 4 of Part 1 of Schedule 4, are kept at the address notified to the competent authority pursuant to paragraph (1)(a) until the expiration of six months after completion of the offshore oil and gas operations to which they relate.

Guidance 27

309 This requirement provides an auditable trail for the verification scheme showing what work has been done, its findings, necessary recommendations made and work carried out as a result. The records should be retained for six months after the completion of the oil and gas operations to which they relate (after the installation has been dismantled and removed). Earlier records pertinent to a new or modified scheme should be retained for as long as they are relevant.

Regulation 27

- (4) A well operator must ensure that –

- (a) the written record of the well examination scheme;
- (b) any revision of that scheme;
- (c) any report of the well examiner pursuant to regulation 11(2)(b); and
- (d) any note of action taken by the well operator following such a report, pursuant to regulation 11(2)(d),

are kept at an address in Great Britain notified to the competent authority, until the expiration of six months after completion of the offshore oil and gas operations to which they relate.

(5) In this regulation, “audit report” means a report made pursuant to the arrangements referred to in regulation 16(1)(b).

(6) A well operator must provide the duty holder with the documents mentioned in paragraph (1)(c)(iii).

Guidance 27

310 This requirement provides an auditable trail for the well examination scheme showing what work has been done, its findings, recommendations made and necessary work carried out as a result. The records should be retained for six months after completion of the oil and gas operations to which they relate.

Regulation 28 Duty to conform with safety case and notifications of operation

Regulation 28

(1) The duty holder must ensure that the procedures and arrangements described in the current safety case which may affect the health and safety of persons or the environment are followed.

(2) In criminal proceedings for a contravention of paragraph (1), it is a defence for the accused to prove that –

- (a) in the particular circumstances of the case, it was not in the best interests of the health and safety of persons to follow the procedures or arrangements concerned and there was insufficient time to revise the safety case pursuant to regulation 24; or
- (b) the commission of the offence was due to a contravention by another person of regulation 8 of the Management Regulations and the accused had taken all reasonable precautions and exercised all due diligence to ensure that the procedures or arrangements were followed.

Guidance 28

311 A dutyholder who has submitted a safety case, or a revision, to the competent authority under regulations 17, 18, 19, 20 or 24 and has had this accepted must ensure that the installation is operated in conformity with the safety case as accepted. Any revisions made under regulation 24(1) that do not have to be accepted by the competent authority must also be followed where they may affect health, safety or the potential for a major environmental incident.

312 Regulation 24(2) prevents a materially changed safety case being effective until the competent authority accepts it. The duty to conform in regulation 28 requires the existing arrangements to be followed where they may affect health, safety or the environment, until acceptance is obtained.

313 A non-production installation which leaves external waters or which is taken out of use within external waters is not obliged to continue to conform with its safety case, though the owner may choose to do so.

Regulation 28

(3) *The duty holder must ensure that a combined operation is conducted in pursuance of the plans stated in the notification of combined operations sent to the competent authority pursuant to regulation 22(1).*

(4) *The well operator must ensure that a well operation is conducted in pursuance of the plans stated in the notification of well operations sent to the competent authority pursuant to regulation 21(1).*

Guidance 28

314 The competent authority recognises that absolute compliance with a notification is not always attainable. Some of the details in a well notification are based on a 'best estimate' of the geology and subsurface conditions that may be encountered. That is why regulation 14 of DCR requires well operators to monitor subsurface conditions during drilling and modify the well design and plan of work accordingly. Minor deviations from the notification that arise from unexpected geological conditions are expected.

315 If the well notification describes the well and planned operations with reference to geological/subsurface conditions, it should allow the well operator to make minor changes to the well design etc and still be in compliance with the plans stated in the notification. It is important that when adopted measures are no longer safe, operators are not prevented from considering the new risk information available and changing their measures.

Regulation 29 Duty to control risk

Regulation 29

(1) *Where an activity carried out by a duty holder significantly increases the risk of a major accident the duty holder must take suitable measures to ensure that the risk is reduced as low as is reasonably practicable.*

(2) *The measures referred to in paragraph (1) include, where necessary, suspending the relevant activity until the risk is adequately controlled.*

(3) *The duty holder must notify the competent authority where it has taken measures under paragraph (1).*

(4) *The duty holder must comply with paragraph (3) immediately after, and in any event no later than 24 hours after, adopting the measures.*

(5) *In this regulation (but not this paragraph) a reference to a duty holder includes a reference to a well operator.*

Guidance 29

316 Where a dutyholder takes suitable measures to reduce the risk from an activity which significantly increases the risk of a major accident the competent authority must be notified without delay. The dutyholder should ensure that sufficient arrangements exist to ensure this notification can be made in the event of such an occurrence and is not unduly delayed.

317 Activities which significantly increase the risk of a major accident may be those where the dutyholder identifies plant conditions, process operations, other activities and associated locations or environmental conditions (eg severe weather) that have arisen where the existing control measures and arrangements (detailed in the dutyholder’s safety case) are no longer achievable or suitable. Consequently, the activities have given rise to a considerable increase in the potential for a major accident. Action should be taken to reduce this increased risk to ALARP. Depending on the situation this action may range from suspension of activities through to the introduction of additional control measures. An example of such a situation may be failure of multiple barriers against one of the major accident scenarios.

318 It is recognised that full information regarding any event may not be available in the early stages; however, the dutyholder should not delay reporting until more information is available. Notification should be made to the competent authority by the quickest practical means (eg telephone call). If an event occurs out of hours then notification can be made via the duty telephone number. Notifications should then be confirmed by email to the dutyholder’s appointed competent authority contact. Email should be used to send any subsequent information required.

319 The circumstances of a notification under regulation 29 may disclose the need to prepare and submit a report to the competent authority, under the EU Reporting Regulation ((EU) No 112/2014), within 10 working days (which excludes weekends and public holidays). See the reporting pages on the competent authority’s website: www.hse.gov.uk/osdr/. It is also possible that, as the situation develops, a report under regulation 33 (‘Notification of major accident etc’) will be necessary.

Regulation 30 Internal emergency response

Regulation 30

- (1) *The duty holder must perform the internal emergency response duties –*
 - (a) *consistently with the external emergency response plan; and*
 - (b) *taking into account the risk assessment undertaken during preparation of the current safety case for the installation.*

- (2) *Where the duty holder has adopted other measures, the duty holder must perform the internal emergency response duties so as to secure a good prospect of personal safety and survival, taking into account the adoption of those other measures.*

- (3) *In paragraph (2) “other measures” means measures relating to protection and rescue of personnel from a stricken installation, apart from any measures adopted in performance of the internal emergency response duties.*

- (4) *Where an installation is to engage in a combined operation the duty holder for the installation must make arrangements, in advance of the installation’s engagement in the combined operation, for coordinating escape, evacuation and rescue between the installations concerned, to secure a good prospect of survival for persons on the installations during a major accident.*

Regulation 30

(5) *Where a non-production installation is to engage in a combined operation and the description of the internal emergency response arrangements is revised, the owner must send a revised description of the internal emergency response arrangements to the competent authority.*

(6) *Where a mobile non-production installation is to be used for carrying out a well operation the owner must perform the internal emergency response duties taking into account the risk assessment undertaken during the preparation of the notification of well operations.*

(7) *Where a mobile non-production installation is to be used for carrying out a well operation and the description of the internal emergency response arrangements is revised as a result of the particular nature or location of a well, the owner must send a revised description of the internal emergency response arrangements to the competent authority.*

(8) *Paragraphs (5) and (7) do not apply where a revised description of the internal emergency response arrangements has been sent to the competent authority as a revision which makes a material change to the current safety case that is required to be sent to the competent authority under regulation 24(2) in connection with the same operation.*

(9) *Subject to paragraph (10), the duty holder must send the revised description of the internal emergency response arrangements to the Maritime and Coastguard Agency as soon as is practicable.*

(10) *Where –*

- (a) *the description of the internal emergency response arrangements is revised because there is a material change to any of the particulars contained in a design notification, relocation notification, notification of well operations or notification of combined operations; but*
- (b) *that revision makes any change to the current safety case which must be accepted by the competent authority under regulation 19(7)(c), 20(1)(c), 24(2)(b) or 25(3)(b),*

the duty holder must not send the revised description of those arrangements to the Maritime and Coastguard Agency before the competent authority has accepted the relevant revisions.

(11) *In any case falling within paragraph (10), the duty holder must send the revised description of the internal emergency response arrangements as soon as practicable after the competent authority has accepted the revisions.*

(12) *The duty holder must maintain expertise relevant to the internal emergency response duties in order for that expertise to be available at all times and to be made available as necessary to the Maritime and Coastguard Agency.*

(13) *In this regulation “external emergency response plan” means the national plan setting out arrangements for responding to incidents which cause or may cause marine pollution prepared by the Secretary of State pursuant to section 293(2)(za) of the 1995 Act, as revised or re-issued from time to time, and the Search and Rescue Framework for the United Kingdom of Great Britain and Northern Ireland as published by the Secretary of State, as revised or re-issued from time to time.*

Regulation 30

(14) In this regulation and regulation 2(10) “the internal emergency response duties” means the duties in the following regulations of the PFEER Regulations –

- (a) 5 (assessment);
- (b) 6 (preparation for emergencies);
- (c) 7 (equipment for helicopter emergencies);
- (d) 8(1), (2), and (3) (emergency response plan);
- (e) 9(1) (prevention of fire and explosion);
- (f) 10 (detection of incidents);
- (g) 11 (communication);
- (h) 12 (control of emergencies);
- (i) 13 (mitigation of fire and explosion);
- (j) 14 (muster areas etc.);
- (k) 15 (arrangements for evacuation);
- (l) 16 (means of escape);
- (m) 17 (arrangements for recovery and rescue);
- (n) 22B (initiation and direction of emergency response, and liaison with external response authorities); and
- (o) 22C (arrangements for early warning of major accidents).

Guidance 30

320 Internal emergency response duties must be performed consistently with the external emergency response plan. The emergency response plan is the national plan setting out arrangements for responding to incidents which cause or may cause marine pollution and the Search and Rescue Framework for the United Kingdom of Great Britain and Northern Ireland. Dutyholders must identify major accident scenarios which may require liaison with external parties such as the Maritime and Coastguard Agency (MCA) or police to facilitate evacuation, escape or rescue activities.

321 Internal emergency response duties must be performed taking into account the findings of risk assessments undertaken as part of the current safety case, which include the assessment carried out under regulation 5 of PFEER.

322 The PFEER assessment should have identified all reasonably foreseeable scenarios with the potential for fire, explosion (including the chain of events/ circumstances which may give rise to these hazards) and/or those situations which may require evacuation, escape or rescue. These scenarios should provide information on the reasonably foreseeable outcomes from each event which will be key to forming suitable emergency response arrangements and therefore the delivery of internal emergency response duties. These will also inform the preparation of the external emergency response plan.

323 Non-production installation owners engaged in well operations must ensure internal emergency response duties are performed taking into account the findings of any risk assessment completed as part of the well notification. Dutyholders must maintain expertise relevant to the internal emergency response duties to ensure adequate response can be made at all times. Operators must identify the appropriate personnel and competencies necessary to implement their emergency response duties effectively, including delivering all necessary information, instruction and training to emergency response team members and workforce. These competencies should be tested and demonstrated on a regular basis to ensure their suitability, with this expertise being made available as necessary to the MCA.

324 Dutyholders engaged in combined operations must ensure the emergency response arrangements of all parties are reviewed in advance. An agreed, co-ordinated plan should be developed for the duration of the operations and documented in a bridging/interface document agreed by all parties. A description of

Guidance

30

the bridging/interface document, but only so far as it relates to the management systems of the parties concerned, must be submitted as part of the combined operations notification.

325 The content of bridging documents should supplement or build upon the existing emergency response arrangements, not change them. Where such a review identifies a change to the basis on which the original safety case was accepted, the dutyholder should consider whether this constitutes a material change and act accordingly.

326 Where material changes to the safety case have been submitted and accepted by the competent authority, the operator should perform their emergency response in accordance with the accepted safety case and relevant accepted material changes.

327 A 'description of the internal emergency response arrangements' comprises a description of how the internal emergency response duties cited in regulation 30(14), together with the entirety of the OPEP produced in accordance with the OPRC, will be performed. All responsible persons are required to have an approved OPEP for their installation in accordance with the OPRC Regulations and associated guidance. The description should contain a paragraph identifying the OPEP and when it was submitted so that there is no doubt as to which OPEP document is included in the safety case.

328 A revised description of the internal emergency response arrangements should be sent to the competent authority where:

- (a) a mobile non-production installation is used for carrying out a well operation and there is a need for the description of the internal emergency response arrangements to be revised as a result of the particular nature or location of the well; or
- (b) where a non-production installation (whether fixed or mobile) is engaged in a combined operation and there is a need for the description to be revised as a result of the combined operation.

329 However, if the revised descriptions of the internal emergency response arrangements in these circumstances constitute material changes that have been sent to the competent authority for acceptance under regulation 24, there is no need to send them under this regulation.

330 Where the description of the internal emergency response arrangements is revised as a result of a material change to a notification or a material change to the safety case, the revised description must be sent to the MCA as soon as is practicable. However, if the revised description is a material change subject to the competent authority's acceptance, it should not be sent to the MCA until the revision has been accepted.

Regulation 31 Communication of national arrangements for confidential reporting of safety concerns etc

Regulation 31

- (1) *A duty holder must communicate to the persons specified in paragraph (2) the details of arrangements made by the competent authority for –*
- (a) *the confidential reporting of safety and environmental concerns from any source relating to offshore oil and gas operations; and*
 - (b) *the investigation of such concerns while maintaining the anonymity of individuals in connection with the confidential reporting of those concerns.*
- (2) *The persons are –*
- (a) *employees of the duty holder;*
 - (b) *persons contracted by the duty holder to carry out offshore oil and gas operations; and*
 - (c) *employees of the persons referred to in sub-paragraph (b).*
- (3) *A duty holder must make reference to the confidential reporting mentioned in paragraph (1)(a) in relevant training and notices.*
- (4) *In this regulation (but not this paragraph) a reference to a duty holder includes a reference to a well operator.*

Guidance 31

331 Regulation 31 specifies that information on the arrangements for confidential reporting on safety concerns must be made available to all persons who may be affected. In practice, it is expected that this will take the form of an information poster situated on offshore installations and, where appropriate, onshore premises. It is essential that all relevant personnel are aware of this reporting route, the fact that it is anonymous and where the specific arrangements are displayed. Companies should choose the most appropriate means to achieve this (eg company induction process).

Regulation 32 Standards and guidance on best practice

Regulation 32

- (1) *Every duty holder must cooperate with the competent authority to establish and implement a priority plan for the development of standards, guidance and rules which will give effect to best practice in major accident prevention, and limitation of consequences of major accidents should they nonetheless occur.*
- (2) *Every duty holder must participate in the preparation and revision of standards and guidance on best practice in relation to the control of major hazards throughout the design and operational lifecycle of offshore oil and gas operations.*
- (3) *The duty in paragraph (2) must be carried out in consultation with the competent authority and making use of the exchanges of knowledge, information and experience of the competent authority with authorities in other member States, among other things, through the European Union Offshore Oil and Gas Authorities Group (EUOAG) under Article 27(1) of Directive 2013/30/EU.*

Regulation 32

(4) *In performing the duty in paragraph (2), every duty holder must consider the matters in Schedule 11 with a view to establishing priorities for the development of standards and guidance and giving practical effect to the prevention of major accidents and limitation of their consequences.*

(5) *In this regulation (but not this paragraph) a reference to a duty holder includes a reference to a well operator.*

Guidance 32

332 Using forums such as Step Change and Oil & Gas UK, dutyholders should co-operate with the competent authority in developing industry guidance. Dutyholders should participate in discussions with the competent authority to share knowledge and experience and agree priorities for the development of such guidance.

Regulation 33 Notification of major accident etc

Regulation 33

(1) *The operator, well operator or, if appropriate, the owner must notify the competent authority without delay of –*

- (a) *a major accident; or*
- (b) *a situation where there is an immediate risk of a major accident.*

(2) *The notification must describe the circumstances, including, where possible, the origin, the potential impacts on the environment and the potential major consequences.*

Guidance 33

333 Regulation 33 places a duty on the operator, well operator or owner (as applicable) to notify the competent authority without delay of a major accident or a situation where there is an immediate risk of a major accident. The notification should provide as much detail as necessary to give a reasonable understanding of the event.

334 Notification to the competent authority should be made without delay by telephone unless the incident falls outside the criteria below. During working hours, notification should be made via the appointed competent authority contact while out-of-hours incidents should be reported via the on-call duty inspector facility. A notification under regulation 33 means that a report may have to be prepared, and submitted to the competent authority, under the EU Reporting Regulation ((EU) No 112/2014) within 10 working days (which excludes weekends and public holidays). See the reporting pages on the competent authority’s website: www.hse.gov.uk/osdr/.

335 A notification should be made where there has been a major accident or where a situation has arisen where there is an immediate risk of a major accident. ‘Immediate risk of a major accident’ is a judgement made at the time given a number of factors. The term is intended to convey an event which requires immediate physical action to regain control of the situation or to mitigate the consequences of a major accident (eg evacuation, shutting down a section of plant or the entire installation, or stopping an activity). What is reported is the existence of a major accident or the factual presence of a risk of one. This differs from regulation 29, which is concerned with measures taken by the dutyholder in circumstances where there has not been a major accident but where the risk of one has significantly increased. However, if a notification has been made initially under regulation 29, and the control measures implemented under that regulation subsequently prove ineffective or the situation escalates, then a further notification under regulation 33 may be required.

Regulation 34 Information on operations conducted outside of the European Union

Regulation 34

(1) A UK-registered company conducting, itself or through a subsidiary, offshore oil and gas operations outside the European Union as a licensee, operator or well operator must report to the competent authority, on request, the circumstances of any major accident in which it or its subsidiary has been involved.

(2) The details of the information to go in the report must be specified by the competent authority in the request.

(3) In paragraph (1) –

“subsidiary” has the meaning given in section 1159 of the Companies Act 2006;

“UK-registered company” has the meaning given in section 1158 of the Companies Act 2006.

Guidance 34

336 It is possible that a major accident may occur outside the European Union on an installation which is operated by a UK-registered company or its subsidiary acting as an operator, licensee or well operator. This regulation requires the UK-registered company to report the circumstances of a major accident to the competent authority on request. This will help in further understanding the potential causes of the major accident, promote the learning of key lessons and develop the regulatory framework.

337 On an annual basis, or more frequently if requested by the European Union Offshore Oil and Gas Authorities Group, the competent authority will request information from UK-registered companies on all major accidents which have occurred in the preceding year. The competent authority request may include information on the following:

- (a) date, country and location of major accident;
- (b) details of the type of major accident including, if appropriate, the number of fatalities or serious personal injuries involved and, if applicable, a description of the major environmental incident;
- (c) a description of the activity, what happened and what went wrong;
- (d) details of corrective actions taken and recommendations for actions to be taken, including the emergency response;
- (e) identified causes.

338 The competent authority may request further information on any specific event if it deems it appropriate.

339 In some circumstances, the competent authority may want to receive information more frequently, for example when it becomes aware of a major accident through other means.

Regulation 35 Exemptions

Regulation 35

(1) *Subject to paragraph (3), the competent authority may, by a certificate in writing, exempt any person, installation or well, or class of persons, installations or wells, from any requirement or prohibition imposed by these Regulations.*

(2) *Any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.*

(3) *The competent authority must not grant any such exemption unless, having regard to the circumstances of the case, and in particular to –*

- (a) *the conditions, if any, which it proposes to attach to the exemption; and*
- (b) *any other requirements imposed by or under any enactments which apply to the case,*

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it, and that the exemption will be compatible with Article 3(2) of Directive 92/91/EEC and with Directive 2013/30/EU.

Guidance 35

340 The competent authority may grant exemptions from the requirements of SCR 2015 so long as this would not conflict with EU health and safety law, including the offshore safety Directive. The competent authority must not grant exemptions unless satisfied that the health and safety of people who are likely to be affected will not be prejudiced and the relevant environmental protection requirements are maintained. In practice, it is very unusual for exemptions to be requested or granted and they are only likely to be granted in exceptional circumstances.

341 Dutyholders who apply for an exemption should describe any alternative measures they will take to maintain standards of health and safety or environmental protection, including any additional management controls. The application should also include the results of relevant risk assessments. The competent authority will consult representatives of the workforce (through the statutory safety committee where practicable) before agreeing to proposals for exemption. Details of consultations with the workforce should therefore also be included in the application. The competent authority may grant exemptions subject to conditions, for example that proposed alternative measures are implemented by a particular date.

342 A formal exemption is not required to amend timescales for a submission (eg to submit a safety case under regulation 17 less than six months before starting operation as a production installation). In exceptional circumstances, competent authority inspectors can agree to do this after receiving a request in writing from a dutyholder.

343 Regulation 35 does not allow the competent authority to grant exemptions from other offshore health and safety legislation. Any such exemptions must be applied for under the exemption provisions in the legislation concerned.

Regulation 36 Enforcement

Regulation 36

(1) *To the extent they would not otherwise do so, the following provisions of the 1974 Act apply to these Regulations as if they were health and safety regulations for the purposes of that Act and any function of the Executive under any other provision of the 1974 Act under or in respect of health and safety regulations (including their enforcement) is exercisable as if these Regulations were, to the extent they would not otherwise be so, health and safety regulations for the purposes of that Act –*

- (a) *sections 16 to 22 (approval of codes of practice and enforcement);*
- (b) *section 23 (provisions supplementary to sections 21 and 22) and section 24 (appeal against improvement or prohibition notice);*
- (c) *section 26 (power to indemnify inspectors); and*
- (d) *subject to regulation 40, sections 33 to 42 (provisions as to offences).*

(2) *A failure to discharge a duty placed on the competent authority by these Regulations is not an offence and section 33(1)(c) of the 1974 Act has effect accordingly.*

(3) *Section 18(1) of the 1974 Act (duty to make adequate arrangements for enforcement) applies in relation to enforcement of these Regulations as if the reference to the Executive included a reference to the Secretary of State, but nothing in this paragraph has the effect of making the Secretary of State an enforcing authority for the purposes of the 1974 Act.*

(4) *Without prejudice to the provisions of the 1974 Act referred to in paragraph (1) –*

- (a) *section 256 of the 1995 Act (appointment of inspectors and surveyors) has effect as if the reference in subsection (1)(b) of that section to any requirements, restrictions or prohibitions imposed by or under that Act included a reference to any requirements, restrictions or prohibitions imposed by or under these Regulations or the PFEER Regulations;*
- (b) *section 259 of the 1995 Act (powers of inspectors in relation to premises and ships) has effect in relation to a Departmental inspector –*
 - (i) *as if the reference in subsection (1)(a) of that section to any premises in the United Kingdom included a reference to any premises outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of articles 4(1) and (2), 5 and 6 of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013 (other than premises which come within subsection (1)(b) of section 259 of the 1995 Act);*
 - (ii) *as if the reference to any instrument made under the 1995 Act in subsection (2)(h)(iii) of that section included a reference to these Regulations and the PFEER Regulations; and*
 - (iii) *as if the reference in subsection (2)(j)(i) of that section to any books or documents which by virtue of any provision of the 1995 Act are required to be kept included a reference to any books or documents which by virtue of any provision of these Regulations are required to be kept.*

(5) *Paragraph (4)(b)(i) has effect only in relation to the requirements, restrictions, prohibitions and functions imposed or conferred by or under these Regulations or the PFEER Regulations.*

Regulation 36

(6) *Without prejudice to the functions of an inspector appointed under section 19 of the 1974 Act, a Departmental inspector may, even though that person is not an inspector appointed under that section, serve –*

- (a) *an improvement notice under section 21 of that Act in respect of a contravention of these Regulations or the PFEER Regulations; or*
- (b) *a prohibition notice under section 22 of that Act, as modified in relation to such an inspector in accordance with paragraph (7),*

and the reference to an inspector in section 23(4) and (5) of that Act has effect accordingly.

(7) *Section 22 of the 1974 Act applies in relation to a Departmental inspector as if –*

- (a) *any reference to the relevant statutory provisions were a reference to these Regulations or the PFEER regulations; and*
- (b) *in subsection (2) the reference to a risk of serious personal injury were a reference to the risk of serious pollution from an installation in external waters.*

(8) *The following provisions of the 1974 Act apply to the EU Reporting Regulation as if it were health and safety regulations for the purposes of that Act and any function of the Executive under any other provision of that Act under or in respect of health and safety regulations (including their enforcement) is exercisable as if the EU Reporting Regulation were health and safety regulations for the purposes of that Act –*

- (a) *sections 18 to 21 (enforcement),*
- (b) *section 23 (provisions supplementary to sections 21 and 22) and 24 (appeal against improvement or prohibition notice), so far as they relate to an improvement notice;*
- (c) *section 26 (power to indemnify inspectors); and*
- (d) *sections 33 to 42 (provisions as to offences).*

(9) *Section 18(1) of the 1974 Act (duty to make adequate arrangements for enforcement) applies in relation to enforcement of the EU Reporting Regulation and as if the reference in that section to the Executive included a reference to the Secretary of State, but nothing in this paragraph has the effect of making the Secretary of State an enforcing authority for the purposes of the 1974 Act.*

(10) *Without prejudice to the provisions of the 1974 Act referred to in paragraph (8) section 256 of the 1995 Act (appointment of inspectors and surveyors) has effect as if the reference in subsection (1)(b) of that section to any requirements, restrictions or prohibitions imposed by or under that Act included a reference to any requirements, restrictions or prohibitions imposed by or under the EU Reporting Regulation.*

(11) *Without prejudice to the functions of an inspector appointed under section 19 of the 1974 Act, a Departmental inspector may, even though that person is not an inspector appointed under that section, serve an improvement notice under section 21 of that Act in respect of a contravention of the EU Reporting Regulation and the reference to an inspector in section 23(4) and (5) of that Act has effect accordingly;*

(12) *In regulation 40 the reference to a requirement or prohibition imposed by or under these Regulations includes a reference to a requirement imposed by the EU Reporting Regulation.*

Regulation 36

(13) A failure to discharge a duty placed on the competent authority or the member State by the EU Reporting Regulation is not an offence and section 33(1)(c) of the 1974 Act has effect accordingly.

(14) In this regulation –

“Departmental inspector” has the meaning given in section 256(9)(a) of the 1995 Act; and

“EU Reporting Regulation” means Commission Implementing Regulation (EU) No 1112/2014 of 13 October 2014 determining a common format for sharing of information on major hazard indicators by the operators and owners of offshore oil and gas installations and a common format for the publication of the information on major hazard indicators by the Member States.

Guidance 36

344 Regulation 36 ensures that relevant provisions of the HSW Act apply to SCR 2015. This ensures that HSE inspectors retain their full remit of powers to enforce these Regulations and that offences are in place to address breaches of these Regulations.

345 In addition, for the purposes of SCR 2015 and PFEER, regulation 36 also ensures that DECC departmental inspectors have appropriate powers to serve relevant notices.

346 Finally, under regulation 36, appropriate provisions of the HSW Act apply to the EU Reporting Regulation as if it were health and safety regulations for the purposes of the HSW Act. This means that both HSE and DECC departmental inspectors have relevant powers to enforce the EU Reporting Regulation.

Regulation 37 Appeals

Regulation 37

- (1) Any person who is aggrieved by a decision of the competent authority –
- (a) as to a finding of fact made by the competent authority for the purposes of these Regulations which affects the person as a duty holder or licensee or any installation for which the person is or may be responsible;
 - (b) to determine that the person no longer has the capacity to meet the requirements of the relevant statutory provisions pursuant to regulation 6;
 - (c) not to accept a safety case prepared by the person and submitted to the competent authority pursuant to regulation 17(1) or 18(1);
 - (d) to express objections to the content of the notification sent by the person in respect of a well operation (or any change of that content notified to the competent authority) pursuant to regulation 21(7);
 - (e) to direct the person to prepare revisions to a current safety case in accordance with regulation 25(1);
 - (f) not to accept a revision to a current safety case prepared by the person and sent to the competent authority in accordance with regulation 19(6), 20(1)(b), 24(2)(a), 25(3)(a) or Schedule 14;
 - (g) to suspend pursuant to regulation 25(7) a current safety case held by the person;
 - (h) not to lift a suspension pursuant to regulation 25(10) in respect of a current safety case held by the person;
 - (i) to notify the person that the competent authority has formed the opinion that measures for the prevention or limiting the consequences of a major accident proposed in the cases referred to in regulation 26(1), (4) or (7)

Regulation 37

are insufficient to fulfil the requirements set out in the relevant statutory provisions;

- (j) to grant the person an exemption certificate subject to a condition or a limit of time pursuant to regulation 35(2); or*
- (k) to revoke an exemption certificate granted to the person pursuant to regulation 35(2),*

may appeal to the Secretary of State.

(2) The provisions of Schedule 12 apply where an aggrieved person appeals to the Secretary of State.

(3) Any decision of the competent authority which is the subject of an appeal under this regulation is not suspended pending final determination of the appeal.

Guidance 37

347 Implementing SCR 2015 requires the competent authority to make a wide range of decisions that may impact on how dutyholders carry out their operations. There may be occasions when a dutyholder is dissatisfied with the competent authority's decision and wishes to challenge it, for example if the competent authority does not accept a safety case or a revision to it. Regulation 37 allows the aggrieved dutyholder to appeal directly to the relevant Secretary of State against the competent authority's decision. Only the person directly affected by the decision can appeal against it. For example, if the appeal is against non-acceptance of a safety case only the dutyholder who submitted the case may appeal.

348 Before making a formal appeal, all other means of resolving the matter should be fully explored with the competent authority. The competent authority will provide a full explanation of the reasons for its decision and will provide advice and guidance on how to resolve the matter. It is important both to the aggrieved dutyholder and the competent authority to keep the dialogue open and to examine all the options available to reach a solution. The process is open and transparent to afford aggrieved dutyholders a full understanding of what is happening and why. The main purpose is to resolve the grievance so operations can begin or continue. If the grievance still cannot be resolved, the head of HSE's Energy Division, or the DECC equivalent where appropriate, will intervene to find a solution. If that does not resolve matters the aggrieved dutyholder can request a review of the decision by the competent authority oversight board.

349 If the grievance still cannot be resolved the aggrieved dutyholder may write to the appropriate Secretary of State. The Secretary of State will consider all the arguments before deciding whether to overturn or uphold the competent authority's decision. The Secretary of State may appoint another independent person to determine the arguments for appeal on their behalf. Schedule 12 provides more details on the appeal procedure.

Regulation 38 Amendments and revocations

Regulation 38

(1) The instruments referred to in Part 1 of Schedule 13 are amended in accordance with that Part.

(2) The instruments specified in column 1 of Part 2 of Schedule 13 are revoked to the extent specified in the corresponding entry in column 3 of that Part.

Regulation 39 Transitional provisions and savings

Regulation 39

Schedule 14 (which makes transitional provisions and savings) has effect.

Guidance 39

350 Specific guidance on transitional arrangements can be found in the guidance for Schedule 14.

Regulation 40 Penalties

Regulation 40

The maximum penalty for an offence consisting of a contravention of a requirement or prohibition imposed by or under these Regulations is –

- (a) *on summary conviction –*
 - (i) *in England and Wales, imprisonment for a term not exceeding three months or a fine, or both;*
 - (ii) *in Scotland, imprisonment for a term not exceeding twelve months or a fine not exceeding the statutory maximum, or both; and*
- (b) *on conviction on indictment, imprisonment for a term not exceeding two years, or a fine or both.*

Guidance 40

351 Note that a requirement imposed by the EU Reporting Regulation is regarded as a 'requirement or prohibition imposed by or under these Regulations' (see regulation 36(12) on enforcement).

Regulation 41 Review

Regulation 41

(1) *The Secretary of State must from time to time –*

- (a) *carry out a review of these Regulations,*
- (b) *set out the conclusions of the review in a report, and*
- (c) *publish the report.*

(2) *In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 92/91/EEC and Directive 2013/30/EU (which are implemented by means of these Regulations) are implemented in other member States.*

(3) *The report must in particular –*

- (a) *set out the objectives intended to be achieved by the regulatory system established by these Regulations,*
- (b) *assess the extent to which those objectives are achieved, and*
- (c) *assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.*

(4) *The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.*

(5) *Reports under this regulation are afterwards to be published at intervals not exceeding five years.*

Guidance 41

352 The competent authority is committed to reviewing these Regulations every five years.

Schedules and guidance

Schedule 1 Particulars to be addressed in a corporate major accident prevention policy

Regulation 7(3)

Guidance Schedule	1	<p>353 The development of a corporate major accident prevention policy document (CMAPP), signed by members of the organisation’s relevant management board, demonstrates a commitment to achieving the requirements of this schedule and regulation 7. It should outline at a high level how these objectives will be achieved.</p> <p>354 The CMAPP is a standalone policy document and, as such, the requirements of this schedule cannot be achieved by integrating this information into the body of the safety case. The CMAPP must address the matters specified in this schedule.</p>
Schedule	1	<p>1. <i>The responsibility of officers of the duty holder for ensuring, on a continuous basis, that the corporate major accident prevention policy is suitable, implemented, and operating as intended.</i></p>
Guidance Schedule	1	<p>355 Leadership responsibility for development and implementation of the CMAPP rests at the board or equivalent level of management within the organisation. Further reference to the relevant management board in this guidance relates to the collective actions of the officers of the dutyholder. The expression ‘officer of the dutyholder’ is defined in regulation 7(7) of SCR 2015.</p> <p>356 Arrangements should be put in place to ensure the effectiveness of the CMAPP is monitored by the management board on an ongoing basis. Consideration should be given to whether the objectives of the CMAPP align with the SEMS, remain current and continue to reflect the organisation’s approach to the management and control of major accident hazards throughout its operations. Senior management should periodically review information to determine if the CMAPP is being implemented effectively. Arrangements should be in place so that any identified shortfall in standards is actioned to ensure a return to full compliance. The CMAPP should contain a paragraph to summarise these arrangements. Further guidance on leadership for the major hazard industries in <i>Leadership for the major hazard industries: Effective health and safety management</i>.³⁴</p>
Schedule	1	<p>2. <i>Formal command and control systems that include officers and senior management of the duty holder.</i></p>
Guidance Schedule	1	<p>357 The CMAPP should acknowledge the requirement for formal command and control systems to be embedded in the company’s management arrangements. In this context ‘command and control systems’ refers to senior management oversight and control of operations, which may impact on management and control of major accident hazards. Such activities should extend through both routine activities and management of major incidents should they occur.</p>

Guidance Schedule	1	<p>358 The CMAPP should confirm that clear communication lines, roles, responsibilities and escalation procedures are in place to ensure any matters which may require the input or overview of the management board are captured. Where appropriate, these command and control systems will be reflected in the organisation's formal crisis management or emergency response procedures.</p> <p>359 A brief summary of these arrangements should be included in the body of the CMAPP.</p>
Schedule	1	<p>3. <i>Measures for building and maintaining a strong safety culture with a high likelihood of continuous safe operation.</i></p>
Guidance Schedule	1	<p>360 The CMAPP should outline the measures that senior management have in place to build a strong safety culture. This should demonstrate, among other things, effective consultation with the workforce, support for corporate safety initiatives and commitment to the measures outlined in safety cases and notifications. It should also outline how strong safety leadership, particularly at a senior level, will support and enhance the organisation's safety culture and focus on continuous safe operation in a major hazard environment. The CMAPP should summarise how these objectives will be achieved.</p>
Schedule	1	<p>4. <i>The approach to competency at all levels of the duty holder's organisation.</i></p>
Guidance Schedule	1	<p>361 The CMAPP should summarise the approach taken by the management board to ensure the competency of personnel throughout the organisation and that of any key contractors whose role may have an impact on the management board's management and control of major accident hazards. It should provide a brief outline of how these objectives will be achieved, including links with corporate competency schemes in place or alternative approaches, as appropriate.</p>
Schedule	1	<p>5. <i>Measures for rewarding and recognising desired behaviours.</i></p>
Guidance Schedule	1	<p>362 The CMAPP should provide a summary of how the management board recognises and rewards desired behaviours throughout the organisation. The summary should make reference to the practical arrangements necessary to ensure these goals are achieved (eg through the use of safety initiatives embedded within their SEMS).</p>
Schedule	1	<p>6. <i>The evaluation of the duty holder's capabilities and goals.</i></p>
Guidance Schedule	1	<p>363 The organisation's capabilities and goals for the management and control of major accident hazards should be routinely reviewed and re-evaluated to ensure they remain fit for purpose. This review should involve the management board and be authorised by them. The CMAPP should provide an outline of the arrangements in place to ensure such a review is undertaken on a periodic basis or where circumstances indicate such a review may be necessary.</p>
Schedule	1	<p>7. <i>The extent and intensity of process auditing.</i></p>
Guidance Schedule	1	<p>364 The CMAPP should outline the various levels of auditing undertaken throughout the organisation. This outline should: include a commitment to audit on a periodic basis; ensure audits are undertaken by competent personnel; establish arrangements to capture audit findings; implement measures to feed back to relevant parties and adopt means to ensure outstanding actions are closed out. The summary should also demonstrate that significant matters will be raised to</p>

Guidance Schedule 1

management board level, including where appropriate audit close-out backlogs, which may impact on the organisation’s ability to manage and control major accident hazards.

365 A very brief outline of the corporate auditing programme should be included within the CMAPP particulars dealing with ‘extent and intensity of process auditing’. It is expected that the audit programme will include audit of the management system and audits of technical and operational practices, with a bias towards major accident hazard prevention.

Schedule 1

8. *Measures for maintenance of safety and environmental protection standards as an organisational core value.*

Guidance Schedule 1

366 The CMAPP should demonstrate that the role of safety and environmental protection standards, in maintaining management and control of major accident hazards, is recognised and fully understood by the management board. The CMAPP may make the link with the appropriate elements of the SEMS, and other hardware and management arrangements which support and maintain these standards, to ensure this core value is reflected throughout the organisation.

367 Arrangements should be put in place to ensure that this understanding remains current as management board members and/or operational arrangements change. The CMAPP should contain a paragraph to explain how this requirement will be met.

Schedule 1

9. *The extent to which the particulars in paragraphs 1 to 8 are applied in the duty holder’s offshore oil and gas operations conducted outside the European Union.*

Guidance Schedule 1

368 The purpose of the CMAPP is to demonstrate ‘corporate’ commitment to management and control of major accident hazards. It is recognised that operational practices may vary across different operational sectors and/or location of the business. However, it is expected that the information provided in the CMAPP will be at a sufficiently high level to apply across activities outside the EU. It should not conflict with operational management systems already in existence.

Schedule 2 Matters in accordance with which the corporate major accident prevention policy and safety and environmental management system must be prepared

Regulations 7(3) and 8(4)

Schedule 2

1. *The need to take appropriate measures to ensure as far as reasonably practicable that there is no unplanned escape of hazardous substances from pipelines, vessels and systems intended for their safe confinement. In addition, the need to ensure that no single failure of a containment barrier can lead to a major accident.*

2. *The need to pay particular attention to evaluation of the reliability and integrity requirements of all safety and environmental-critical systems and base inspection and maintenance systems on achieving the required level of safety and environmental integrity.*

Schedule	2
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3. *The need to adopt suitable measures to use suitable technical means or procedures in order to promote the reliability of the collection and recording of relevant data and to prevent possible manipulation of that data.*
4. *The need to ensure there is a suitable framework for monitoring compliance with all relevant statutory provisions by incorporating statutory duties in respect of major hazards control and environmental protection into standard operating procedures.*
5. *The need to pay particular attention to building and maintaining a strong safety culture with a high likelihood of continuous safe operation, including with regard to securing cooperation of employees and contractors through, among other things –*
 - (a) *visible commitment to tripartite consultations and actions arising from them;*
 - (b) *encouraging and rewarding reporting of accidents and near-misses;*
 - (c) *working effectively with elected safety representatives; and*
 - (d) *protecting whistleblowers.*

Guidance Schedule	2
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369 The arrangements in the CMAPP should be prepared in accordance with the matters set out in Schedule 2, but those matters do not have to be specifically mentioned in the document. The information in the CMAPP should be kept to a high level. Schedule 2 contains examples of matters which help to create the linkages between the CMAPP and SEMS. The explicit detail of the arrangements should therefore be embedded in the SEMS, and other relevant sections of the safety case where appropriate.

Schedule 3 Particulars to be addressed in a safety and environmental management system

Regulation 8(4)

Schedule	3
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1. *Organisational structure and personnel roles and responsibilities.*

Guidance Schedule	3
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370 The SEMS should identify roles with specific responsibility for the management of health, safety and the environment and in particular the management and control of major accident hazards. It should include copies of organisational structures incorporating the key roles as identified above. The organisation charts should also illustrate clear reporting lines to the senior management level of the organisation.

371 The SEMS should explain how strong safety leadership will influence the management of major accident hazards.

Schedule	3
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2. *Identification and evaluation of major hazards as well as their likelihood and potential consequences.*

Guidance Schedule	3
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372 When developing a SEMS addressing the matters within this schedule, consideration must be given to the requirements of regulation 16 (Management and control of major accident hazards). The arrangements within this schedule will also lay the foundation for compliance with regulation 8.

373 The SEMS should provide details of the hazard identification and risk evaluation arrangements for operations. This should explain the risk methodologies

<p>Guidance Schedule 3</p>	<p>adopted by the organisation and demonstrate a clear link between major accident scenarios and the PFEER regulation 4 requirements.</p>
<p>Schedule 3</p>	<p>374 The SEMS should also facilitate and support the completion of a PFEER regulation 5 assessment. It should detail the arrangements for undertaking an initial assessment and for ensuring the content remains suitable and sufficient. The safety case submission should include details of the major accident hazards identified, their likelihood and potential consequences, including the identification and evaluation of the environmental consequences of the major hazards.</p>
<p>Guidance Schedule 3</p>	<p>375 The SEMS should include details of the arrangements in place to ensure the findings of the PFEER regulation 5 assessment are considered and actioned by competent personnel.</p>
<p>Schedule 3</p>	<p>3. <i>Integration of environmental impact into major accident risk assessments in the safety case.</i></p>
<p>Guidance Schedule 3</p>	<p>376 The SEMS must demonstrate that the potential for environmental impact from a major accident has been fully considered as part of the major accident risk assessment process. It must further demonstrate that arrangements are in place to ensure that any actions necessary to limit the potential of any major environmental incident will be taken.</p>
<p>Schedule 3</p>	<p>4. <i>Controls of the major hazards during normal operations.</i></p>
<p>Guidance Schedule 3</p>	<p>377 The SEMS should detail how both hardware and management controls will demonstrate a case for safety and environmental protection. It is expected that the content will demonstrate a clear link between, among other things, the major accident risk assessment, operational procedures, performance standards, verification activities and corporate management arrangements.</p>
<p>Schedule 3</p>	<p>5. <i>Emergency planning and response.</i></p>
<p>Guidance Schedule 3</p>	<p>378 Adequate arrangements should be put in place to ensure that emergency response arrangements are and will remain effective. The SEMS should provide details of these arrangements and may include reference to exercise and testing measures both offshore and, where appropriate, onshore.</p>
<p>Schedule 3</p>	<p>379 The SEMS should contain arrangements to ensure that the internal and external emergency response arrangements are suitable and are aligned. Consideration should be given to incidents which impact on both safety and the environment, particularly those events which may lead to a major accident, and must include arrangements for emergency planning and response to an environmental incident.</p>
<p>Guidance Schedule 3</p>	<p>380 The SEMS should put in place arrangements to ensure that compliance with PFEER regulations 4 and 5, and OPRC regulation 4, can be achieved. This should include all necessary policies, procedures and operational instructions to ensure these arrangements are and remain suitable.</p>
<p>Schedule 3</p>	<p>6. <i>Limitation of damage to the environment.</i></p>
<p>Guidance Schedule 3</p>	<p>381 The SEMS should demonstrate that adequate arrangements are in place to ensure that the impact on the environment from a major accident is limited. This should include a description of arrangements taken to prevent and mitigate environmental damage which may result from a major accident. This description is likely to include technical barriers, management system arrangements (including</p>

Guidance Schedule 3

auditing) and a demonstration of inclusion of environmental aspects in the organisation's risk methodology.

382 It is recognised that at the time of safety case development all well-specific information may not be available and arrangements for managing change should be described. This is particularly pertinent for non-production installation owners, who should describe the arrangements for managing changes in operating location with well operators in their safety case. These arrangements should describe the information to be provided or actions to be taken by relevant parties, such as:

- (a) how information will be obtained from the well operator in relation to well data, environmental impact assessments of major accident and potential for a major environmental incident (eg via the well notification). Reference is made to relevant information in Schedule 7(14);
- (b) actions to be undertaken by non-production installation owners to ensure information is adequately considered, for example review of risk assessments within the safety case or review of SECE suitability;
- (c) actions which may be required by third parties, for example whether a review of the verification schemes/performance standards is required as a result of risk assessment findings.

383 The safety case should describe when these actions will be undertaken and how relevant parts will be captured in combined operations interface documentation where appropriate.

Schedule 3

7. *Management of change.*

Guidance Schedule 3

384 The SEMS should ensure adequate arrangements for the management of change throughout the organisation. Examples of matters to be included in these arrangements are:

- (a) how the organisation's risk methodology considers the impact of change on health, safety and the environment and in particular the management of major accident hazards;
- (b) evaluation of change as a whole, considering not just technical aspects but also human or organisational factors. This evaluation should not simply focus on areas where a potential negative impact on health, safety and environment is perceived. Consideration should be given to the full life cycle of the change proposed, from development, construction and/or installation, commissioning and testing, through to dismantling;
- (c) consideration of the cumulative effect of change throughout various stages of work, in particular any impact work may have on SECEs and associated performance standards.

385 The SEMS should demonstrate that arrangements are in place to identify, evaluate, manage and review change within the process, and that procedures associated with management of change are monitored to ensure their effectiveness.

Schedule 3

8. *Monitoring of performance.*

Guidance Schedule 3

386 The SEMS should include adequate arrangements for both active and reactive monitoring of health, safety and environmental performance, particularly in relation to major accidents. It should detail the corporate expectations for monitoring activities and include procedures which explain how and when these activities will be undertaken. These procedures should also detail how the findings of monitoring activities will be reviewed to ensure changes can be made where appropriate.

Guidance Schedule 3

387 The arrangements for the control of contractors should be within the SEMs. This should include arrangements for determining the suitability of contractors with regard to health, safety and environmental standards. Details should be given of how key health, safety and environmental information will be communicated to contractors at senior management level through to operations level and how commitment to safety will be secured from contractors, including how they will actively contribute to a positive safety culture.

Schedule 3

9. *Audit and review arrangements.*

Guidance Schedule 3

388 The SEMs should include details of the organisation’s audit arrangements. This should include information on the organisation’s audit programme, the range of audits undertaken and how topics for audit are selected. It should reference means for assuring the competence of those carrying out audits and how audit programmes are monitored to ensure they remain effective. The SEMs should explain how audit findings are reported, reviewed and actions taken to ensure timely close out. These details should adequately reflect the audit objectives referred to in the CMAPP and may make reference to escalation procedures for overdue or high potential findings.

389 Finally, the SEMs should detail procedural arrangements for auditing the SEMs itself to ensure its ongoing suitability.

Schedule 3

10. *The measures in place for participating in tripartite consultations and how actions resulting from those consultations are put into effect.*

Guidance Schedule 3

390 The SEMs should detail how the organisation will participate in, or contribute to, tripartite consultation. This will include direct participation in industry working groups or meetings. On occasion, it may be more appropriate to work with trade and industry bodies to develop a sector-wide response and this may involve trade and industry bodies approaching members for input.

391 The SEMs should also detail how the output from these consultations will be put into effect by the organisation, implemented where appropriate, and how these arrangements will be monitored to ensure their effectiveness.

Schedule 4 Matters to be provided for in a verification scheme and a well examination scheme

Regulation 10(1) and 12(1)

Schedule 4

PART 1 Matters to be provided for in a verification scheme

1. *The principles to be applied by the duty holder –*
 - (a) *in selecting a verifier to perform functions under the scheme; and*
 - (b) *in keeping the scheme under review.*
2. *The arrangements for the communication to the verifier of information necessary for the proper implementation, or revision, of the scheme.*
3. *The nature and frequency of examination and testing.*

Schedule 4

4. *The arrangements for the making and preservation of records showing –*
- (a) *the examination and testing carried out;*
 - (b) *the findings of the examination and testing;*
 - (c) *any remedial action recommended; and*
 - (d) *the remedial action performed.*

5. *The arrangements for communicating the matters specified in paragraph 4 to an appropriate level in the management system of the duty holder for the installation.*

6. *The arrangements for review and revision of the scheme.*

**Guidance
Schedule 4**

392 The verification scheme should outline the principles applied by the dutyholder in selecting a verifier to carry out work under the scheme. The information provided should detail how the verifier’s technical expertise, knowledge, experience and independence were determined.

393 In determining verifier suitability, it is recognised that an adequate examination of some equipment may require access to specialised technical knowledge. In other situations, a lesser degree of technical specialisation may be appropriate. As a result, arrangements should be put in place to ensure a verifier selected to undertake examinations of plant under the written scheme has adequate levels of technical expertise and experience for the job.

394 The scheme should also consider the verifier’s independence from the operator’s management or operational systems. There is no requirement for all the verification work for an installation to be carried out by the same person, as long as all those involved are suitably independent and competent. To avoid creating a conflict of interest for the verifier(s), the dutyholder may select the person(s) to carry out the verification work described in the scheme after the scheme has been drawn up. Examples of situations which could lead to a conflict of interest are:

- (a) where verifiers are unable to fully undertake their role due to operational pressures, such as where they may report directly to operations;
- (b) where the verifier is asked to verify equipment/plant or systems that they have previously had responsibility for maintaining or inspecting.

395 Other persons will have duties under the written scheme for the communication of information; in particular, communication of the verifier’s findings to an appropriate level of the dutyholder’s management.

396 Selection processes for all those involved in executing aspects of the verification scheme should be detailed in the operator’s SEMS.

397 Principles for the review of the scheme must also be developed. A need to review the scheme could be time-based or as a result of a change in circumstances. The following examples may trigger a review of the scheme:

- (a) matters arising from verifier’s findings;
- (b) the introduction of temporary equipment that is a SECE or specified plant;
- (c) major repairs;
- (d) modifications or replacements to SECE temporary equipment or specified plant;
- (e) findings of an accident or incident investigation;
- (f) findings of a thorough review;
- (g) where the nature of operations on the installation undergoes a fundamental change (eg from drilling to combined drilling and production);

Guidance
Schedule

4

- (h) where a review of the risk assessments pertaining to major hazards is undertaken;
- (i) developments in industry standards or new findings from industry-wide experience.

The principles should also require that the scope of any review is defined, including revision of performance standards where appropriate.

398 Arrangements should be made to ensure that issues raised as a result of the examinations are brought promptly to the attention of the operator so that additional risk control measures may be considered and any remedial measures identified can be taken.

399 The verification scheme should record the SECEs or specified plant to be examined, when they should be examined and the types of examination to be undertaken. The regulation also requires the scheme to provide for an initial examination, where appropriate, before relevant SECEs or specified plant are brought into operation on the installation. There should also be an examination after modification and repair. Examinations under the scheme would not be required for minor repairs, the need for which may have been identified during routine maintenance. Examinations include testing as well as other suitable techniques, as appropriate, to achieve the purposes set out in regulation 9.

400 The nature of the examinations will differ for different plant, depending on such things as its function; complexity; conditions of operation and environment; failure rate; age; running hours and frequency of use. The scheme of examination should take these matters into account. Dutyholders may find it helpful to consider the scope of examinations and their frequency against any standards of reliability and availability established through their risk assessment process and PFEER assessments.

401 The nature of the examination should give details on the extent of the testing of components of SECEs and specified plant (eg sample size). Arrangements should be made to ensure the same sample is not repeatedly tested.

402 The dutyholder should ensure their verification scheme is tailored to address different phases of the installation life cycle. The process would benefit from ready access to current design details throughout the installation's life cycle so that future activity can be checked for compatibility with the appropriate parameters.

403 Co-ordination will be particularly important if several different people or organisations are used to implement a scheme for a single installation, or where a verification contract is reallocated to another person. Care will be needed to avoid gaps in verification coverage.

404 Both the positive and negative findings of the examination should be recorded to show that the required verification activities are being undertaken.

Schedule

4

PART 2 Matters to be provided for in a well examination scheme

1. *The principles to be applied by the well operator –*

- (a) *in selecting a well examiner to perform functions under the scheme; and*
- (b) *in keeping the scheme under review.*

**Guidance
Schedule** 4

405 In selecting a well examiner the well operator should take the following into account:

- (a) The person or persons carrying out the well examination should be independent of the immediate management of the well operations involved; examiners should not be part of the well-related decision-making process. Demonstration of independence should be clearly stated in the scheme.
- (b) Well operators should assure the competence of the well examiner as part of the scheme. Competence assurance arrangements should cover the full life cycle of the well from design through to abandonment. Based on competence requirements, different examiners may be used for different phases of the well life cycle.

406 The scheme should be periodically reviewed and should describe the arrangements for the review.

Schedule 4

2. *The arrangements for the communication to the well examiner of information necessary for the proper implementation of the scheme.*

3. *The nature and frequency of examination.*

**Guidance
Schedule** 4

407 The scheme should describe the well integrity management information provided to the examiner at each stage of the well life cycle. This will typically refer to specific documents or databases noted in the well operator's management systems and to specific individuals/positions within the well operator's organisation responsible for providing the information to the examiner. The type of information provided will be different for different types of activities, for example:

- (a) initial well design information;
- (b) information in relation to well construction, intervention, suspension and abandonment operations;
- (c) production-phase well operations and maintenance information;
- (d) long-term suspended well monitoring information.

408 In relation to the nature of the examination work carried out under regulation 11(1), the role of the examiner is to ensure that wells are designed, constructed and maintained until eventually abandoned in such repair and condition that:

- (a) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well;
- (b) risks to the health and safety of persons from the well, or in strata to which it is connected, are ALARP.

409 Examination of the design and construction of the well should include the plugging of the well for abandonment.

410 The well examination should check that the well operator's technical standards are being complied with in relation to well integrity management and that these standards are consistent with industry good practice.

411 The depth of examination should depend on the criticality of the operations and the hazards involved in the operations as assessed by the well examiner. For example, detailed examination should be done if:

- (a) the operation is unusual for that well operator (eg first christmas-tree change-out);

Guidance Schedule 4

- (b) the well conditions increase the hazard (eg high-pressure reservoir);
- (c) the planned operations increase the hazard (eg pressurised hydrocarbons at surface);
- (d) there are unusual management arrangements (eg coiled tubing crew on a well service vessel).

412 Checklists may be used to ensure all critical values are recorded and compared including, for example:

- (a) casing setting depths;
- (b) weight/volume of cement pumped and estimated top of cement;
- (c) leak-off test/formation integrity test values;
- (d) mud weights;
- (e) pressure test values (eg casing, blowout preventer, test string).

413 For each stage of the well life cycle the requirements for the timing and frequency of examination should be defined and should take into account the following:

- (a) A reasonable timeframe should be available for the completion of examination work. This should be based on a defined deadline for providing the input documentation to the examiner.
- (b) The examiner may have questions in relation to this input documentation and an allowance should be made for providing follow-up data and for the examiner to respond to it.
- (c) Accepting all of the above, it should be recognised within the scheme that during the well construction and operations/maintenance phases, examination is a retrospective exercise. The well operator has primary responsibility for the safe management of day-to-day operations. Operations should not be suspended pending review by the examiner, especially where such a suspension may have detrimental safety implications.

414 When a well is connected to a production or non-production installation there may be an overlap between the installation verification scheme and the well examination scheme. The competent authority does not expect work to be repeated or duplicated for these purposes. Work carried out by the well operator for the well examination scheme may be cited by the installation dutyholder as part of the verification arrangements. Dutyholders must satisfy themselves that any work carried out meets the necessary standards of the verification scheme.

Schedule 4

4. *The arrangements for the making and preservation of records showing –*
- (a) *the examination carried out;*
 - (b) *the findings of the examination;*
 - (c) *any remedial action recommended; and*
 - (d) *the remedial action performed.*

Guidance Schedule 4

415 Arrangements for the making and preservation of well examination records apply to all stages of the well life cycle.

Schedule 4

5. *The arrangements for communicating the matters specified in paragraph 4 to an appropriate level in the management system of the well operator.*

Guidance Schedule 4

416 'An appropriate level' to communicate the arrangements would be the management level with sufficient authority to ensure that the action required in light of examination findings is taken. In the event that an issue remains unresolved arrangements should be in place to escalate through the operator's management

Guidance Schedule	4	chain until the matter is resolved. These dispute resolution arrangements should be clearly documented within the scheme.
Schedule	4	6. <i>The arrangements for review of the scheme.</i>
Guidance Schedule	4	417 Well operators are required to keep the well examination scheme under review and to revise the scheme as often as may be appropriate in order to ensure that the scheme remains relevant. Reviews would typically be prompted by the following: <ul style="list-style-type: none"> (a) where existing wells are brought into the scheme (eg purchase of field/ acreage with wells); (b) where new types of wells or well activities are planned (eg high-pressure, high-temperature (HPHT) wells); (c) where there is a new well examiner appointed; (d) where periodic review of the workings of the scheme suggests that changes are required.

Schedule 5 Particulars to be included in a design notification or a relocation notification for a production installation

Regulations 15(1) and (3) and 19(1)

Guidance Schedule	5	418 Dutyholders should send the notification with the level of detail that it is reasonable for them to know at the time of submission. They should not delay the notification to include detailed design information.
Schedule	5	<ol style="list-style-type: none"> 1. <i>The name and address of the operator of the installation.</i> 2. <i>A general description of the means by which the management system of the operator will ensure that the structure and plant of the installation will be designed, selected, constructed and commissioned in a way which will control major accident risks to comply with the relevant statutory provisions.</i>
Guidance Schedule	5	419 The notification should show, among other matters, that the dutyholder’s management systems, including their SEMS, are adequate to ensure that the declared design objectives (subject to any material changes notified to the competent authority) will be fully realised in the detailed design and through the arrangements for construction, hook-up and commissioning. Work required for verification and well examination may be referenced. It is expected that some means will be developed to take account of workforce practical experience during the design process and when preparing a relocation notification, also covered by Schedule 5.
Schedule	5	3. <i>A description of the design process from an initial concept to the submitted design or selection of an existing installation, the relevant standards used and the design philosophy used to guide the process.</i>
Guidance Schedule	5	420 The notification should describe the principal features of the design of structure and plant. It should also describe, by reference to safety margins incorporated in the design and to relevant criteria and codes of practice, how the preferred design option will reduce risks to ALARP. In this connection, it will be appropriate to show how risk reduction will be achieved through the application of

**Guidance
Schedule**

5

the concept of inherently safer design. Account should also be taken of the requirements of DCR regulation 5 throughout the life cycle of the installation: see *A guide to the integrity, workplace environment and miscellaneous aspects of the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996*.²⁰

421 Suitable diagrams (to scale where necessary) with the description in the notification will enable readers to gain an overview of the installation, its plant, connected wells, pipeline connections etc. The notification should also provide a description of the environmental limitations and arrangements to identify environmental risks.

422 The notification should describe the main options that were considered for the development, together with the advantages and disadvantages of each option with the specific environmental implications indicated. It should identify the reasons for the selected option, taking account of the environmental effects and how the risks with a potential to cause a major accident have been reduced to ALARP.

423 The level of detail should relate to the nature of the hazard and be proportionate to the potential risk. The level of detail will also reflect the stage at which the submission was made, early submission of essential data being preferable to more detailed diagrams submitted late.

424 Pipeline operators have a duty under PSR to prepare, before the design of a major accident hazard pipeline is completed, a major accident prevention document (MAPD). This is to show that all hazards relating to the pipeline with the potential to cause a major accident have been identified, the risks have been evaluated and there is a safety management system adequate to ensure that major accident risks are ALARP. Some of this material will be relevant to the design notification and subsequent safety case of the installation. Pipeline operators have a duty under regulation 8 of MAR to co-operate with installation dutyholders, as necessary, to enable the latter to prepare the installation design notification and safety case.

425 If some of the above information has already been submitted to OGA or DECC as part of an environmental statement, then to avoid duplication the dutyholder may describe what information is involved and provide an appropriate link to the relevant statement.

Schedule

5

4. *A description of –*
 - (a) *the chosen design concept in relation to the major hazard scenarios for the particular installation and its intended location, and the primary risk control features, including suitable diagrams, and a summary of the other design options which were considered;*
 - (b) *how the chosen design concept is intended to ensure –*
 - (i) *compliance with the requirements set out in regulations 5 (requirements as to operational integrity and composition) and 10 (integrity in dismantlement) of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996; and*
 - (ii) *that risks with the potential to cause a major accident are reduced to the lowest level that is reasonably practicable; and*
 - (c) *the criteria used to select the chosen design concept and the process by which the selection was made.*

Schedule	5	<p>5. <i>A suitable plan of the intended location of the installation and of anything which may be connected to it, and particulars of –</i></p> <p style="margin-left: 40px;">(a) <i>the meteorological and oceanographic conditions to which the installation may foreseeably be subject; and</i></p> <p style="margin-left: 40px;">(b) <i>the properties of the seabed and subsoil at its intended location.</i></p>
Guidance Schedule	5	<p>426 Particulars relevant to paragraph 5(b) include the potential for shallow gas and other adverse geological conditions.</p>
Schedule	5	<p>6. <i>A description of any environmental, meteorological and seabed limitations on safe operations, and the arrangements for identifying risks from seabed and marine hazards such as pipelines and the moorings of adjacent installations.</i></p> <p>7. <i>Particulars of the types of operation, and activities in connection with an operation, which the installation is capable of performing.</i></p>
Guidance Schedule	5	<p>427 The notification should identify all reasonably foreseeable operations and activities that may be undertaken during the operational lifetime of the installation. This includes activities relating to all connected wells, other vessels and other installations. Particular attention should be paid to any potentially hazardous simultaneous activities and any novel techniques or equipment planned for use. It may not be feasible to describe fully, in the notification, all the foreseeable operating conditions and hazards.</p>
Schedule	5	<p>8. <i>A description of –</i></p> <p style="margin-left: 40px;">(a) <i>the principal systems on the installation;</i></p> <p style="margin-left: 40px;">(b) <i>the installation layout;</i></p> <p style="margin-left: 40px;">(c) <i>the process technology to be used;</i></p> <p style="margin-left: 40px;">(d) <i>the principal features of any pipeline;</i></p> <p style="margin-left: 40px;">(e) <i>any petroleum-bearing reservoir intended to be exploited using the installation; and</i></p> <p style="margin-left: 40px;">(f) <i>the basis of design for any well to be connected to the installation.</i></p> <p>9. <i>A description of the verification scheme which complies with regulation 13(1) and an initial list of the safety and environmental-critical elements and their required performance.</i></p> <p>10. <i>A general description of the safety and environmental management system by which the intended major accident risk control measures are to be maintained in good effect.</i></p>
Guidance Schedule	5	<p>428 This is a description of the SEMS which will be in operation. This description should demonstrate that major accident risks associated with a change in location or operation will be identified and adequate arrangements put in place to manage them.</p>
Schedule	5	<p>11. <i>Where a non-production installation is to be converted for use as a production installation, a justification demonstrating that the installation is suitable for such conversion.</i></p> <p>12. <i>Where a production installation is to be moved to a new location to serve a different production operation, a demonstration that the installation is suitable for the proposed production operation.</i></p>

Guidance Schedule 5

429 A demonstration of suitability should detail the findings of any new or revised assessments as required by PFEER regulation 5. It should also include evidence that the SEMS arrangements for monitoring and review will remain suitable for the new operating conditions.

430 The explanation should show how the existing risk control measures are affected by the new circumstances, and whether changes are needed to SECEs (either by changing existing ones or adding new ones).

Schedule 6 Particulars to be included in a safety case for the operation of a production installation

Regulations 17(1)(a) and 19(7)(a)

Schedule 6

1. *The name and address of the operator of the installation.*
2. *The maximum number of persons –*
 - (a) *expected to be on the installation at any time;*
 - (b) *that may, in normal operating conditions and within design constraints, be on the installation at any time; and*
 - (c) *for whom accommodation is to be provided.*
3. *A copy of the operator’s corporate major accident prevention policy, where the operator is required to have one.*

Guidance Schedule 6

431 A copy of the CMAPP should be included with the safety case submission. This should be a standalone policy document distinct from the content of the SEMS, should meet the specific requirements of regulation 7 and Schedule 1, and be prepared in accordance with Schedule 2.

Schedule 6

4. *A summary of any worker involvement in the preparation of the safety case, including how any safety representatives for that installation were consulted with regard to the revision, review or preparation of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.*

Guidance Schedule 6

432 The summary should include an outline of how the workforce were consulted in the development of the safety case. It should demonstrate that major accident hazard information was communicated in a manner accessible to all so that informed comment could be made. The summary should include a description of how safety and, where present, environmental representatives were consulted and what procedures were used to encourage them to offer their views. It should demonstrate that sufficient time was allowed for safety representatives to discuss matters with the workforce. It should also explain how the views of the workforce were taken into account in the preparation of installation safety cases or their subsequent amendments. The summary does not need to be very detailed providing it covers these points.

433 Safety representatives should be kept informed of progress and on the outcome of discussions and decisions. It is reasonable to share with them the matters raised by the competent authority during the process and arrangements should be put in place to enable this. Matters relating to the safety case should be a standing agenda item for safety committee meetings.

Schedule 6

5. *An adequate description of the operator's safety and environmental management system, including information from it that is relevant to the production installation.*

Guidance Schedule 6

434 The safety case submission should include an adequate description of the operator's SEMS. The description should demonstrate a link between the objectives of the CMAPP and the practical arrangements within the SEMS which will help to deliver them. On occasions a SEMS may be part of a wider corporate safety and environmental management system. If so, the description should illustrate how elements of the SEMS are applicable to the production installation detailed in the submission.

435 The description should illustrate how the organisation's SEMS integrates with the corporate management system, ensuring the principles of the CMAPP are implemented. It should also refer to arrangements for reviewing both the CMAPP and SEMS on a regular basis to ensure they remain effective and aligned.

436 The description should summarise the policies, procedures, organisational arrangements, monitoring arrangements and audit practices in place to ensure the SEMS is and remains suitable. The description should clearly illustrate how these arrangements directly contribute to the effective management and control of major accident hazards and the specific objectives of the CMAPP.

437 It should also detail the arrangements in place to ensure notifications and other documents are submitted in accordance with the legal requirements.

438 Further to the description of the verification scheme referenced below in paragraph 6, the SEMS description should explain how the verification and (if applicable) the well operator's well examination scheme will integrate into the wider SEMS. For example, the description may illustrate how aspects of the management of change procedure will trigger a review of the verification scheme and performance standards to ensure they remain suitable.

Schedule 6

6. *A description of the verification scheme which complies with regulation 13(1).*

Guidance Schedule 6

439 The safety case should contain a description of the verification scheme in operation which should very clearly detail the specific points raised in regulation 13(1). The provision of an adequate description will require detail from the actions undertaken to comply with regulations 9, 10 and 13.

440 Where the operator submitting a safety case will also be fulfilling the role of well operator, it is acceptable to include a description of the well examination scheme at the same time. This will require detail from the actions undertaken to comply with regulations 11, 12 and 13.

441 Where the operator is submitting details for both a verification scheme and well examination scheme it is essential to distinguish between the two to ensure clarity over which scheme is being referred to. It may prove useful to separate the two schemes within the description to ensure no confusion arises during the assessment process but this remains at the operator's discretion.

Schedule 6

7. *A description of the extent to which the operator has taken into account any matters raised by the competent authority pursuant to regulations 15(2) or 19(2).*

Guidance Schedule	6	442 The description should make reference to any specific matters raised by the competent authority during the design or conversion stage. It should summarise how these points were evaluated and appropriate action determined. The summary should also detail any additional work that has been undertaken in response to matters raised, and should explain the adequacy of the current installation arrangement and layout with regard to each matter.
Schedule	6	8. <i>A description of the main requirements in the specification for the design of the installation and its plant, which must include –</i>
Guidance Schedule	6	443 The safety case should provide a summary of the design philosophy for ensuring the continuing safe operation of the installation, and any significant features incorporated into the initial design to enhance health, safety and protection of the environment. This summary may incorporate information that was presented in the design notification and explain how the arrangements may have changed during the design process as improved knowledge has developed about the installation, the hazards, and the ways in which those hazards are to be controlled. Information relating to matters raised by the competent authority, as referenced in paragraph 7 above, is also likely to be relevant.
Schedule	6	(a) <i>any limits for safe operation or use specified therein;</i>
Guidance Schedule	6	444 The safety case should summarise the approach taken to ensure the level of integrity of the installation is as high as reasonably practicable throughout its life cycle, and how the appropriate safeguards are put into effect.
Schedule	6	(b) <i>a description of how the operator has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996;</i> (c) <i>a description of how the duty holder has ensured, or will ensure, the suitability of the safety and environmental-critical elements;</i>
Guidance Schedule	6	445 A summary of the verification scheme arrangements will assist in describing how the suitability of the SECEs is ensured. This could include a list of the SECEs and their key attributes, as well as a description of the management arrangements that will put the scheme into effect.
Guidance Schedule	6	446 Further to the requirements of paragraph 6 above, the description should summarise the actions taken to ensure compliance with regulation 9(1) and Schedule 4 relating to suitability.
Schedule	6	(d) <i>a description of how the duty holder –</i> (i) <i>where the duty holder is also the pipeline operator, has ensured, or will ensure, compliance with regulation 11 of the Pipelines Safety Regulations 1996; or</i> (ii) <i>where the duty holder is not also the pipeline operator, has co-operated or will cooperate with the operator in relation to a pipeline to ensure compliance with regulation 11 of the Pipelines Safety Regulations 1996; and</i>
Guidance Schedule	6	447 For pipelines the safety case should describe the arrangements, including the plant used, that ensure they are operated within their safe limits. This includes instrumentation and high-integrity pressure protection systems, if applicable. The safety case should also describe the set points of alarms and trips, and the setting of relief systems for these pipelines. Some of this equipment may be operated by others and be located sub-sea or on other installations.

Schedule	6
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- (e) *any relevant codes, standards and guidance used in the construction and commissioning of the installation.*
9. *In paragraph 8(d) "pipeline operator", in relation to a pipeline, means –*
- (a) *the person who is to have or (once fluid or any mixture of fluids is conveyed) has control over the conveyance of fluid or any mixture of fluids in the pipeline;*
 - (b) *until that person is known (should there be a case where at a material time that person is not yet known) the person who is to commission or (where commissioning has started) commissions the design and construction of the pipeline; or*
 - (c) *when a pipeline is no longer used or is not for the time being used, the person last having control over the conveyance of fluid or any mixture of fluids in it.*
10. *A suitable plan of the location of the installation and of anything connected to it, and particulars of –*
- (a) *the meteorological and oceanographic conditions to which the installation may foreseeably be subjected; and*
 - (b) *the properties of the seabed and subsoil at its location.*

Guidance Schedule	6
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448 Particulars relevant to paragraph 10(b) include the potential for shallow gas and other adverse geological conditions.

Schedule	6
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11. *A description, with suitable diagrams, of the installation, including a description of –*
- (a) *the main and secondary structure of the installation and its materials;*
 - (b) *its plant;*

Guidance Schedule	6
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449 Plant includes any machinery, equipment or appliance including drilling, well maintenance and production testing plant provided on the installation.

Schedule	6
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- (c) *the layout and configuration of its plant;*
- (d) *any connections to any pipeline or other installation; and*
- (e) *any well connected or to be connected to the installation.*

Guidance Schedule	6
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- 450 Where applicable, the following can be illustrated diagrammatically:
- (a) *the main elements of the structure of the installation and the wells, including the geological strata penetrated and contacted;*
 - (b) *the positions of the main items of plant and equipment in relation to each other, including the orientation of such items where this might affect ventilation, drainage, fire spread or the degree of turbulence generated in an explosion;*
 - (c) *the positions of the main sources of hazard, surface and subsurface, including the routes of pipelines and risers connected to other installations and wells (see Schedule 6, paragraph 14) in relation to each other and to vulnerable safety and environmental-critical systems, such as critical structural members, shutdown systems and casing shoes;*
 - (d) *the positions of physical barriers that are likely to impair ventilation or that are intended to protect vulnerable systems from well pressure, fire or blast;*
 - (e) *an outline flow diagram of any process plant showing the inventories of the main items of equipment, their normal operating temperatures and pressures,*

**Guidance
Schedule 6**

- the safe limits for these variables, and the positions of the process emergency shutdown valves;
- (f) a schematic diagram of the well completions;
 - (g) a schematic diagram to show the connection of wells, including sub-sea wells, to the process facilities, including gas-lift systems where applicable;
 - (h) any other significant matters relevant to risk control.

451 Diagrams showing the positions of the main sources of hazard, including positions relative to vulnerable, safety and environmental-critical systems (item (c) above), could also usefully include details of escape routes, temporary refuge, communications and evacuation systems. This would contribute both to meeting the information requirements of the relevant schedules and towards achieving the safety demonstration required under regulation 16.

452 Under paragraph 11(e) it is appropriate to include a more detailed description of wells that will be pre-drilled for tie-back or connection to the installation as the main hazard is subsurface and some details of well type and completion are necessary. It is important to have a link between the well notification and the safety case.

Schedule 6

12. *Particulars of the types of operation, and activities in connection with an operation, including both those –*

- (a) *which the installation is capable of performing; and*
- (b) *which are to be carried out.*

**Guidance
Schedule 6**

453 The safety case must provide particulars of all the reasonably foreseeable operations and activities that are intended to be undertaken, or may need to be undertaken, during the operating lifetime of the installation. This includes activities relating to all connected wells, any occasional activities such as major maintenance projects or diving work and any planned construction or alteration projects. The safety case must also take into account the implications for health and safety on the installation of any likely activities involving other vessels (eg nearby diving support, supply and service vessels), shuttle tankers, helicopters or other installations. Particular attention should be paid to any potentially hazardous simultaneous activities and any novel techniques or equipment planned for use.

454 The safety case should provide information on activities that the installation is capable of performing, even though there may be no current plans to do so.

Schedule 6

13. *Particulars of the plant and arrangements for –*

- (a) *the control of any well operations, including those –*
 - (i) *to control pressure in a well;*
 - (ii) *to prevent the uncontrolled release of hazardous substances; and*
 - (iii) *to minimise the effects of damage to subsea equipment by drilling equipment;*
- (b) *process safety;*
- (c) *the containment of hazardous substances (not already addressed under subparagraph (a)(ii));*
- (d) *the prevention of fire and explosion; and*
- (e) *the protection of the environment from a major accident.*

**Guidance
Schedule 6**

455 'Arrangements' refers to policies and procedures to control all well operations (as defined by regulation 2(1)) such as prevention and mitigation relating to shallow gas occurrences, well completion and well maintenance, tying back template wells and continuing well integrity monitoring.

Guidance Schedule	6	<p>456 The well notification will address the specific hazards associated with the well to which it relates. The installation’s safety case should outline the hazards specific to the installation, and the hazards associated with the activities the installation is expected to be involved in. However, the detail of the well-specific hazards will be contained within the well notification. Where the well operator is not also the installation operator, the well operator must share this information with the installation operator to ensure that the necessary control measures are in place. The installation operator’s safety case must outline the arrangements to manage and control these major accident hazards, including well control equipment provided by the well operator or third parties. The well-specific assessment may identify the potential for a major accident, not previously identified in the safety case, or temporary additional controls to be implemented on the installation. This information will normally be included in the well notification for the well operation. The production installation operator must consider whether this would constitute a material change under regulation 24.</p>
Schedule	6	<p>14. <i>A description of any pipeline with the potential to cause a major accident, including –</i></p> <ul style="list-style-type: none"> <i>(a) the fluid which it conveys;</i> <i>(b) its dimensions and layout;</i> <i>(c) its contained volume at declared maximum allowable operating pressure;</i> <i>and</i> <i>(d) any apparatus and works intended to secure safety,</i> <p><i>together with a summary of the document prepared under regulation 23 of the Pipelines Safety Regulations 1996.</i></p>
Guidance Schedule	6	<p>457 The potential for major accidents caused by either the operation of the pipeline, or damage to it, should be fully addressed in the safety case, as should the means by which such risks can be avoided or mitigated. Work undertaken by operators to comply with the requirement under regulation 8 of PFEER to prepare and revise an emergency response plan in consultation with, among others, pipeline operators, is relevant here. Some of the apparatus and works to secure safety may be located sub-sea or on other installations. The routes of pipelines and risers should be shown. The locations of riser emergency shutdown valves, fitted in compliance with PSR regulation 19, should be shown, along with other measures of compliance with this regulation.</p> <p>458 Regulation 23 of PSR requires, for major accident hazard pipelines, the preparation of an MAPD to demonstrate that the pipeline operator’s safety management system is adequate to ensure that the risk of a major accident is ALARP. Such material will be relevant to installation safety cases and a summary of it must be included. Pipeline operators have a duty under regulation 8 of MAR to co-operate with installation operators to enable the latter to prepare the installation safety case. Further information on the interface between the installation safety case regime and pipelines is given in the introduction.</p>
Schedule	6	<p>15. <i>A description of how the operator has ensured, or will ensure, compliance with regulation 4(1) of the PFEER Regulations.</i></p>
Guidance Schedule	6	<p>459 The safety case should summarise the assessment process for ensuring that people on the installation are protected from fires and explosions, and for ensuring provision of effective emergency response. The safety case should explain why it is believed that the measures and arrangements in place are suitable for their purpose and how they achieve the objectives set out in the more specific requirements of the other PFEER regulations.</p>

<p>Schedule 6</p>	<p>16. <i>Particulars of information obtained pursuant to the PFEER Regulations and the Management Regulations, so far as –</i></p> <p>(a) <i>relevant to the prevention of a major accident, and</i> (b) <i>not otherwise required to be provided pursuant to this Schedule.</i></p>
<p>Guidance Schedule 6</p>	<p>460 Operators should consider the general requirements of PFEER and MAR which are outside the specific requirements of this schedule. Where such measures demonstrate or contribute to the operator’s management and control of major accident hazards this should be included in the safety case submission.</p>
<p>Schedule 6</p>	<p>17. <i>In respect of operations to be conducted from the installation, any information relating to the prevention of major accidents resulting in significant or serious damage to the environment relevant to other requirements under the relevant statutory provisions, obtained pursuant to Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment.</i></p>
<p>Guidance Schedule 6</p>	<p>461 The safety case should provide a description of information required under Directive 2011/92/EU relating to the prevention of major accidents which may result in significant or serious damage to the environment. In this context, the description could relate to, but need not be limited to, potential environmental effects from a major accident and a description of technical and non-technical measures envisaged to prevent, reduce or offset them, including monitoring.</p>
<p>Schedule 6</p>	<p>18. <i>A description of the plant used and arrangements made for protecting persons on the installation from hazardous substances, including toxic gas, at all times.</i></p>
<p>Guidance Schedule 6</p>	<p>462 This paragraph requires a description of the arrangements for protecting people on the installation from toxic gas, including hydrogen sulphide and other toxic substances, at times other than during an emergency covered by paragraph 19 below. This fulfils a requirement of Directive 92/91/EEC concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling.</p>
<p>Schedule 6</p>	<p>19. <i>A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards, including explosion, fire, heat, smoke, toxic gas or fumes in particular during any period while they may need to remain on the installation following an incident which is beyond immediate control and for enabling such persons to be evacuated or rescued from the installation where necessary, including provision for –</i></p> <p>(a) <i>temporary refuge;</i> (b) <i>routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;</i> (c) <i>means of evacuation at those points; and</i> (d) <i>facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.</i></p>
<p>Guidance Schedule 6</p>	<p>463 The relevant information will be detailed in the assessment carried out under regulation 5 of PFEER. Further guidance can be found in the PFEER ACOP¹⁹ and associated guidance. Additionally, guidance on the management procedures and systems, including a model design life cycle for fire and explosion hazards, is provided in <i>Fire and explosion guidance</i>³⁵ published by Oil & Gas UK.</p>

**Guidance
Schedule** **6**

464 The safety case should include a description of the management system and procedure for establishing appropriate standards of performance for the arrangements made for protecting people on the installation from an incident involving explosion, fire etc wherever they may be. This includes performance standards established for structures and plant provided for protecting people. Further information on performance standards can be found in the PFEER ACOP.

Schedule **6**

20. *Arrangements for the maintenance of control systems to prevent damage to the installation and the environment in the event that all personnel are evacuated.*

**Guidance
Schedule** **6**

465 The safety case should contain information to demonstrate that, in the event that all personnel are evacuated, control systems designed to prevent damage to the installation and the environment should continue to fulfil their function.

466 The safety case should demonstrate that control systems will continue to perform across the range of major accident scenarios or other situations which may have led to such an evacuation. The arrangements should demonstrate that:

- (a) the correct equipment (including back-up systems) is in place for the range of demands which may be placed on it;
- (b) adequate fail-safe arrangements are in place;
- (c) satisfactory levels of performance and reliability are assured in the event of an incident requiring evacuation of personnel. This demonstration should illustrate the link between identified major accident scenarios, performance standards and verification activities which underpin it;
- (d) where they exist, the role of onshore or remote monitoring and control arrangements is understood and integrated into relevant operational procedures, the SEMS and emergency response arrangements.

467 The safety case should provide information on the arrangements to close in a well remotely, when appropriate, in the event that the installation has been evacuated.

Schedule **6**

21. *The description of the internal emergency response arrangements.*

**Guidance
Schedule** **6**

468 The safety case should contain a description of the internal emergency response arrangements for the installation. This description should cover the specific requirements of regulation 30 and the arrangements for responding to an oil pollution event (ie the OPEP), and demonstrate how these emergency response arrangements will be consistent with the external emergency response plan.

Schedule **6**

22. *The assessment produced pursuant to paragraph 2(j) of Schedule 2 to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998.*

23. *Particulars of any combined operations which may involve the installation, including –*

- (a) *a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;*
- (b) *a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which must include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;*
- (c) *the plant likely to be used during any such combined operation; and*

Schedule 6

(d) *the likely impact any such combined operation may have on the installations involved.*

Guidance Schedule 6

469 The safety case should provide generic information on how combined operations will be effectively co-ordinated between the dutyholders involved. Information should be included on how compliance with the supporting regulatory framework (in respect of those hazards with the potential to cause a major accident) is to be ensured. For example, it may be necessary to revisit the assessments made under PFEER regulation 5 for each of the installations, to evaluate the impact of the combined operation on the measures taken to protect people from a major accident involving fire and explosion, or to ensure effective evacuation, escape or rescue.

470 As the description of the internal emergency response arrangements includes the OPEP, information should be included with regard to how all relevant OPEPs interface during combined operations.

471 The generic information in the safety case will be supplemented by a combined operations notification under regulation 22.

Schedule 6

24. *Any other relevant details.*

Guidance Schedule 6

472 All hazards which may arise within these limiting conditions should be fully considered as part of the demonstration of adequate control required by regulation 16(c), (d) and (e). These hazards may include any pipelines in the area of operations.

Schedule 7 Particulars to be included in a safety case for a non-production installation

Regulation 18(1)(a)

Schedule 7

1. *The name and address of the owner of the installation.*
2. *The maximum number of persons –*
 - (a) *expected to be on the installation at any time;*
 - (b) *that may, in normal operating conditions and within design constraints, be on the installation at any time; and*
 - (c) *for whom accommodation is to be provided.*
3. *A copy of the owner’s corporate major accident prevention policy, where the operator is required to have one.*

Guidance Schedule 7

473 A copy of the CMAPP should be included with the safety case submission. This should be a standalone policy document distinct from the content of the SEMS, should meet the specific requirements of regulation 7 and Schedule 1, and be prepared in accordance with Schedule 2.

Schedule 7

4. *A summary of any worker involvement in the preparation of the safety case, including how any safety representatives for that installation were consulted with regard to the revision, review or preparation of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.*

**Guidance
Schedule** 7

474 The summary should include an outline of how the workforce were consulted in the development of the safety case. It should demonstrate that major accident hazard information was communicated in a manner accessible to all so that informed comment could be made. The summary should include a description of how safety and, where present, environmental representatives were consulted and what procedures were used to encourage them to offer their views. It should demonstrate that sufficient time was allowed for safety representatives to discuss matters with the workforce. It should also explain how the views of the workforce were taken into account in the preparation of installation safety cases or their subsequent amendments. The summary does not need to be very detailed providing it covers these points.

475 Safety representatives should be kept informed of progress and on the outcome of discussions and decisions. It is reasonable to share with them what the competent authority has said during the process of assessment and arrangements should be put in place to enable this. Matters relating to the safety case should be a standing agenda item for safety committee meetings.

Schedule 7

5. *An adequate description of the owner's safety and environmental management system, including information from it that is relevant to the non-production installation.*

**Guidance
Schedule** 7

476 The safety case submission should include an adequate description of the operator's SEMS. The description should demonstrate a link between the objectives of the CMAPP and the practical arrangements within the SEMS which will help to deliver them. On occasions a SEMS may be part of a wider corporate safety and environmental management system. If so, the description should illustrate how elements of the SEMS are applicable to the non-production installation detailed in the submission.

477 The description should illustrate how the organisation's SEMS integrates with the corporate management system, ensuring the principles of the CMAPP are implemented. It should also refer to arrangements for reviewing both the CMAPP and SEMS on a regular basis to ensure they remain effective and aligned.

478 The description should summarise the policies, procedures, organisational arrangements, monitoring arrangements and audit practices in place to ensure the SEMS is and remains suitable. The description should clearly illustrate how these arrangements directly contribute to the effective management and control of major accident hazards and the specific objectives of the CMAPP.

479 It should also detail the arrangements in place to ensure notifications and other documents are submitted in accordance with the legal requirements.

480 Further to the description of the verification scheme referenced in paragraph 6 below, the SEMS description should explain how the verification and (if applicable) the well operator's well examination scheme will integrate into the wider SEMS. This will require co-operation from the well operator and arrangements in place to secure this co-operation on a timely basis should also be documented. For example, the description may illustrate how aspects of the management of change procedure will trigger a review of the verification scheme and performance standards to ensure they remain suitable.

Schedule 7

6. *A description of the verification scheme which complies with regulation 13(1).*

**Guidance
Schedule** 7

481 The safety case should contain a description of the verification scheme in operation which should very clearly detail the specific points raised in regulation

**Guidance
Schedule** 7

13(1). The provision of an adequate description will require detail from actions undertaken to comply with regulations 9, 10 and 13.

Schedule 7

7. *A description of the main requirements in the specification for the design of the installation and its plant, which must include –*

- (a) *any limits for safe operation or use specified therein;*
- (b) *a description of how the owner has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996;*
- (c) *a description of how the owner has ensured, or will ensure, the suitability of the safety and environmental-critical elements; and*
- (d) *any relevant codes, standards and guidance used in the construction and commissioning of the installation.*

**Guidance
Schedule** 7

482 SCR 2015 does not require a design notification for new non-production installations. However, the safety case must include sufficient details of the original design philosophy for the installation to allow a clear understanding of the safety policies and parameters to which the installation was designed and of the safety features incorporated into that design. Where the description is by reference to type design or other international standards, any individual features of the installation, or subsequent modifications, which differ from the type or standard should be identified. Where relevant, information relating to limiting specifications and layout criteria for temporary plant should also be included. Sufficient information should be provided to give an understanding of the way in which any constraints imposed by the design have been taken into account in the arrangements made for controlling major hazards (including arrangements for evacuation, escape and rescue) and in the SEMS.

483 The safety case should summarise the approach taken to ensuring the level of integrity of the installation is as high as is reasonably practicable throughout its life cycle, and how the appropriate safeguards are put into effect.

484 A summary of the verification scheme will assist in describing how the suitability of the SECEs is ensured. This could include a list of the SECEs and their key attributes, as well as a description of the management arrangements that will put the scheme into effect. Where relevant, reference may be made to the arrangements that have been adopted for classification purposes, and how these will relate to the verification scheme for the installation.

Schedule 7

8. *Particulars of –*

- (a) *the limits of the environmental and meteorological conditions beyond which the installation cannot safely be stationed or operated;*
- (b) *the properties of the seabed and subsoil which are necessary for the safe stationing and operation of the installation; and*
- (c) *the locations in which the installation may be stationed and operated safely.*

**Guidance
Schedule** 7

485 All hazards which may arise within these limiting conditions should be fully considered as part of the demonstration of adequate control required by regulation 16(c), (d) and (e). These hazards may include any pipelines in the area of operations.

Schedule 7

9. *A description of the arrangements for –*

- (a) *identifying the risks from seabed and marine hazards, including the routes and locations of pipelines, moorings of adjacent installations, wells and other subsea equipment; and*

Schedule	7
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(b) *assessing the risks that they pose to the installation.*

10. *A description, with suitable diagrams, of the installation, including a description of –*

- (a) *the main and secondary structure of the installation and its materials;*
- (b) *its plant;*
- (c) *the layout and configuration of its plant; and*
- (d) *in the case of a mobile installation, its means of transfer between locations and its stationing system.*

Guidance Schedule	7
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486 Plant includes any machinery, equipment or appliance including drilling, well maintenance and production testing plant provided on the installation.

Schedule	7
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11. *Particulars of the types of operation, and activities in connection with an operation, which the installation is capable of performing.*

Guidance Schedule	7
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487 The safety case should include the range of possible locations, environmental and subsurface conditions (required under paragraph 8 of this schedule) and activities in relation to the situations in which the installation is designed to operate. This information may relate to positioning, repositioning and maintaining on station, as well as drilling, well testing and template installation. While not all activities can be foreseen in detail, the safety case should describe as fully as possible the limiting conditions within which the installation and its plant can be demonstrated to operate safely. Particular attention should be paid to any potentially hazardous simultaneous activities and any novel techniques or equipment planned for use.

Schedule	7
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12. *Particulars of the plant and arrangements for the control of –*

- (a) *any well operations, including those –*
 - (i) *to control pressure in a well;*
 - (ii) *to prevent the uncontrolled release of hazardous substances; and*
 - (iii) *to minimise the effects of damage to subsea equipment by drilling equipment;*
- (b) *process safety;*
- (c) *the containment of hazardous substances (not already addressed under subparagraph (a)(ii));*
- (d) *the prevention of fire and explosion; and*
- (e) *the protection of the environment from a major accident.*

Guidance Schedule	7
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488 'Arrangements' refers to policies and procedures to control all well operations (as defined by regulation 2(1)) such as prevention and mitigation relating to shallow gas occurrences, well completion and well maintenance, and tying back template wells. Where the well is also connected to a production installation, continuing well integrity monitoring is the responsibility of the production installation operator, and the well is covered by the production installation safety case.

489 The well notification will address the specific hazards associated with the well to which it relates. The installation's safety case should outline the hazards specific to the installation, and the hazards associated with the activities the installation is expected to be involved in. However, the detail of the well-specific hazards will be contained within the well notification. The installation's safety case should outline the arrangements to manage and control these major accident hazards, including the well control equipment provided by the installation.

Schedule	7
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13. *A description of how the duty holder has ensured, or will ensure, compliance with regulation 4(1) of the PFEER Regulations.*

**Guidance
Schedule** **7**

490 The safety case should summarise the assessment process for ensuring that people on the installation are protected from fires and explosions, and for ensuring provision of effective emergency response. The case should explain why it is believed that the measures and arrangements in place are suitable for their purpose and how they achieve the objectives set out in the more specific requirements of the other PFEER regulations.

Schedule **7**

14. *In respect of operations to be conducted from the installation, any information relating to the prevention of major accidents resulting in significant or serious damage to the environment relevant to other requirements under the relevant statutory provisions, obtained pursuant to Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment.*

**Guidance
Schedule** **7**

491 The safety case should provide a description of major environmental hazards identified and the controls in place for the protection of the environment. The description will include an assessment on the likelihood of major accident events and the potential environmental consequence across the range of activities the installation is capable of performing.

492 It is recognised that site-specific information may not be available at the time of the safety case submission. The owner must ensure arrangements are in place to obtain information from relevant parties which could help prevent a major environmental incident. These arrangements should include a means to obtain information such as the potential:

- (a) release volumes of hydrocarbons from a major accident;
- (b) for hydrocarbons to impact environmentally sensitive areas;
- (c) environmental impact;
- (d) for this impact to be a major environmental incident.

This information may be available via the well notification produced by the well operator.

493 When assessing the potential for a major environmental incident from the installation the owner should consider activities the non-production installation is capable of performing and associated operating parameters. This should ensure that the major accident scenarios developed consider the potential for environmental impact and are relevant to the variety of locations and operations that the non-production installation may undertake while working in external waters. The well and site-specific assessment, conducted by the well operator, of the potential for a major environmental incident from a release from a well must be shared with the owner to ensure that the necessary control measures are in place. The installation owner's safety case must outline the arrangements to manage and control these major accident hazards, including arrangements to manage and control the hazards through well control equipment provided by the well operator or third parties.

494 The well and site-specific assessment may identify the potential for a major accident, not previously identified in the safety case, or temporary additional controls to be implemented on the installation. This information will normally be included in the well notification for the well operation. The owner must consider whether this would constitute a material change under regulation 24.

Schedule **7**

15. *A description of the plant used and arrangements made for protecting persons on the installation from hazardous substances including toxic gas at all times.*

**Guidance
Schedule** 7

495 This paragraph requires a description of the arrangements for protecting people on the installation from toxic gas, including hydrogen sulphide and other toxic substances, at times other than during an emergency covered by paragraph 16. This fulfils a requirement of Directive 92/91/EEC concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling.

Schedule 7

16. *A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards, including explosion, fire, heat, smoke, toxic gas or fumes in particular during any period while they may need to remain on the installation following an incident which is beyond immediate control and for enabling such persons to be evacuated or rescued from the installation where necessary, including provision for –*

- (a) *temporary refuge;*
- (b) *routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;*
- (c) *means of evacuation at those points; and*
- (d) *facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.*

**Guidance
Schedule** 7

496 The relevant information will be detailed in the assessment carried out under regulation 5 of PFEER. Further guidance can be found in the PFEER ACOP and associated guidance. Additionally, guidance on the management procedures and systems, including a model design life cycle for fire and explosion hazards, is provided in *Fire and explosion guidance*.³⁵

497 The safety case should include a description of the management system and procedure for establishing appropriate standards of performance for the arrangements made for protecting people on the installation from an incident involving explosion, fire etc, wherever they may be. This includes performance standards established for structures and plant provided for protecting people. Further information on performance standards can be found in the PFEER ACOP.

Schedule 7

17. *The description of the internal emergency response arrangements.*

**Guidance
Schedule** 7

498 The safety case should contain a description of the internal emergency response arrangements for the installation. This description should cover the specific requirements of regulation 30 and the arrangements for responding to an oil pollution event (ie the OPEP), and demonstrate how these emergency response arrangements will be consistent with the external emergency response plan.

Schedule 7

18. *The assessment produced pursuant to paragraph 2(j) of Schedule 2 to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998.*

19. *Particulars of any combined operations which may involve the installation, including –*

- (a) *a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;*
- (b) *a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which must include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;*
- (c) *the plant likely to be used during any such combined operation; and*

Schedule	7
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(d) *the likely impact any such combined operation may have on the installations involved.*

Guidance Schedule	7
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499 The safety case should provide generic information on how combined operations will be effectively co-ordinated between the dutyholders involved. Information should be included on how compliance with the supporting regulatory framework (in respect of those hazards with the potential to cause a major accident) is to be ensured. For example, it may be necessary to check and revise the assessments made under PFEER regulation 5, for each of the installations, to evaluate the impact of the combined operation on the measures taken to protect people from a major accident involving fire and explosion, or to ensure effective evacuation, escape or rescue.

500 As the description of the internal emergency response arrangements includes the OPEP, information should be included on how all relevant OPEPs interface during combined operations.

501 The generic information in the safety case will be supplemented by a combined operations notification under regulation 22.

Schedule	7
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20. *Any other relevant details.*

Guidance Schedule	7
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502 All hazards which may arise within these limiting conditions should be fully considered as part of the demonstration of adequate control required by regulation 16(c), (d) and (e). These hazards may include any pipelines in the area of operations.

Schedule 8 Particulars to be included in a current safety case in respect of the dismantling of a fixed installation

Regulation 20(1)(a)

Schedule	8
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1. *The name and address of the operator of the installation.*
2. *The maximum number of persons expected to be on the installation at any time during its dismantling.*

Guidance Schedule	8
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503 The safety case should consider how the number of persons on board will fluctuate throughout the duration of the dismantling project and how this may impact on emergency response arrangements. Dutyholders should ensure the maximum number of persons on board will not exceed that of the current safety case without consideration of submission of a material change, if appropriate.

Schedule	8
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3. *A summary of any worker involvement in the revised safety case, including how any safety representatives for that installation were consulted with regard to the revision of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.*

Guidance Schedule	8
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504 The workforce, including the safety representatives, should be consulted on plans for the dismantling of the installation. Significant aspects of the project and any associated risks should be communicated to the workforce via safety representatives. They should be given the opportunity to comment on these plans with a structured mechanism put in place for raising any concerns with senior management. This process should be repeated, as necessary, to reflect any significant changes in operational plans.

Schedule	8
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4. *The dates on which dismantling is expected to commence and finish.*
5. *A description of how the proposed arrangements, methods and procedures for dismantling the installation and connected pipelines take adequate account of the design and method of construction of the installation and its plant.*
6. *In the case of the dismantling of a fixed production installation –*
 - (a) *information on the means of isolating all hazardous substances and, in the case of any well connected to the installation, the permanent sealing of the well from the installation and the environment;*
 - (b) *a description of the risks of a major accident associated with the decommissioning of the installation to workers and the environment, the total exposed population, and the risk control measures;*
 - (c) *information on the emergency response arrangements to secure safe evacuation and rescue of personnel and to maintain control systems for preventing a major accident to the environment.*

Guidance Schedule	8
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505 The dismantling safety case should demonstrate that the risks associated with dismantling activities, and any remaining decommissioning works not addressed under a material change as required by regulation 24(2), have been assessed to meet the requirements of PFEER regulation 4. In particular, the safety case should demonstrate that safe methods of isolating and containing hydrocarbons, at various stages of the project, have been assessed. The safety case should demonstrate that the changing major accident risk profile has been considered and appropriate control measures put in place.

506 The dismantling safety case should also demonstrate that the risk of a major environmental incident arising from dismantling activities has also been fully assessed, and suitable risk control measures put in place.

507 It should be recognised that a reduction in major accident risks may be replaced by an increased risk of personal injury which should be assessed by competent persons.

508 Consideration must also be given to the impact on emergency response arrangements as the dismantlement project progresses. Adequate arrangements should be put in place to update them accordingly. Among other things consideration may have to be given to the following:

- (a) dispersal of the persons on board throughout the installation;
- (b) changes in access to evacuation routes or lifeboats;
- (c) reliance on portable or localised toxic gas detection systems;
- (d) removal of platform communication systems.

509 Where combined operations are undertaken to allow dismantling, a review of emergency response arrangements must be undertaken and a bridging/interface document developed which adequately represents emergency response practice throughout various stages of the programme.

510 The safety case should provide information on the arrangements to plug and abandon wells attached to the installation. Since the plugging and abandonment of any well is subject to detailed notification to the competent authority, it will be sufficient for the safety case to include an outline of how the work is to be conducted and the standards that will be followed.

Schedule	8	7. <i>A description of how the operator will comply with regulation 4(1) of the PFEER Regulations with regard to the dismantling of the installation.</i>
Guidance Schedule	8	511 Major accident hazards associated with the installation will change as the dismantling project progresses. The description should explain how the operator will ensure ongoing compliance with PFEER regulation 4 throughout the project's duration.
Schedule	8	8. <i>A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.</i>
Guidance Schedule	8	512 The safety case must recognise that opportunities for exposure to toxic gas during dismantling activities may vary from normal operations. An evaluation of plant changes, such as the planned removal of fixed toxic gas detection systems should be identified, the risk assessed and controls implemented to ensure an adequate level of safety is maintained. A description of these arrangements should be included with the safety case to demonstrate all relevant factors have been considered including: <ul style="list-style-type: none"> (a) suitability of selected equipment; (b) positioning to ensure adequate coverage; (c) acoustic or visual conditions which may affect performance; (d) information, instruction and training requirements for the workforce.
Schedule	8	9. <i>Sufficient details to update the description of the internal emergency response arrangements –</i> <ul style="list-style-type: none"> (a) <i>in the case of a production installation, under paragraph 21 of Schedule 6; or</i> (b) <i>in the case of a non-production installation, paragraph 17 of Schedule 7.</i>
Guidance Schedule	8	513 These particulars are to revise the current safety case where they are not already covered. Many other details will remain unchanged. The revision needs to cover the period from the start of dismantling operations to their completion. The revision can draw upon the work required to comply with the obligation in DCR regulation 10 to decommission and dismantle an installation in such a way that, so far as is reasonably practicable, will possess sufficient integrity to enable those activities to be carried out safely. 514 All approved OPEPs must be updated as required to accurately describe oil spill response arrangements during the decommissioning process. 515 If, as a result of the dismantling activities, the emergency response arrangements change, then the description of the internal emergency response arrangements in the safety case should be updated.

Schedule 9 Particulars to be included in a notification of well operations

Regulation 21(1) and (2)

Schedule	9	<ol style="list-style-type: none"> 1. <i>The name and address of the well operator.</i> 2. <i>Where the well operation is to be carried out –</i> <ol style="list-style-type: none"> (a) <i>from an installation, the name of the installation and the name and address of the duty holder for that installation; or</i> (b) <i>by means of a vessel (not being an installation), the name of that vessel.</i> 3. <i>Particulars of the fluids to be used to control the pressure of the well.</i>
Guidance Schedule	9	<p>516 The particulars required include the generic fluid type and fluid density for drilling each hole section for production testing, completion and workover operations. Details of packer fluids are also required where appropriate.</p>
Schedule	9	<ol style="list-style-type: none"> 4. <i>Particulars of any plant, not described in the current safety case for the installation, which is to be used in connection with the well operation.</i>
Guidance Schedule	9	<p>517 This may include particulars of equipment that may influence the level of risk of a major accident such as blowout, fire or explosion. Examples of such equipment are: well test packages; workover pressure control equipment; hydraulic fracturing equipment; coiled tubing and/or wireline equipment; and cutting injection systems. In principle, these particulars would include the service and rating of major items (pressure, temperature, types of fluids, flow rates etc, as appropriate), any safety features and, for complex setups, a simple diagram showing the configuration.</p>
Schedule	9	<ol style="list-style-type: none"> 5. <i>Particulars of the type of well, its number, and slot number, association with installations, and the name of any field development of which it may be part.</i> 6. <i>A description of the well operation and a programme of works which includes –</i> <ol style="list-style-type: none"> (a) <i>the date on which the well operation is expected to commence and finish;</i> (b) <i>the intended operational state of the well at the end of the well operation, including whether it is intended to be permanently or temporarily abandoned and whether production equipment is to be placed into the well for future use;</i> (c) <i>details of barriers against loss of well control (including the equipment, drilling fluids and cement);</i> (d) <i>directional control of the well path; and</i> (e) <i>limitations on safe operations in keeping with the risk management.</i>
Guidance Schedule	9	<p>518 The description should include the sequence of operations which can be reasonably foreseen, emphasising details of the safety-related steps, such as: casing/tubing pressure tests; formation integrity tests; details of cementing/cement tops; blowout preventer function and pressure tests; and barrier inflow and pressure tests.</p>

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Schedule 9**

519 The description of the operational state at the end of the operations can be restricted to:

- (a) 'completed – operating';
- (b) 'completed – shut in';
- (c) 'completed – operations suspended';
- (d) 'operations suspended';
- (e) 'well abandoned'.

520 Details of barriers should identify all barriers in annuli and in the well bore, temporary and permanent, created during the operations covered by the notification. Details should include the type of barrier and how its pressure integrity is to be verified.

521 Details of the directional control of the well path should include the directional survey programme for each hole section and a description of, or reference to, the procedures for avoiding and minimising the consequences of unplanned well intersection. The risk of intersection should be addressed, identifying all wells at risk of intersection and the steps to be taken to reduce the risk.

522 Subsurface conditions which may limit continued safe operations should be clearly identified. These will include the possible presence of shallow gas, adverse down-hole temperature, abnormal pore pressure, drilling fluid loss zones, low kick tolerance windows or concentrations of hazardous substances, such as hydrogen sulphide, in well fluids. Proposed contingency plans should be identified.

Schedule 9

7. *A description of –*

- (a) *any activities on or in connection with an installation or a vessel (not being an installation) during the well operation described pursuant to paragraph 6 which may involve any hazards with the potential to cause a major accident; and*
- (b) *such hazards.*

**Guidance
Schedule 9**

523 Unusually hazardous activities should be highlighted, for example: production testing high-pressure wells with an un-weighted packer fluid; use of long perforating assemblies; well testing with high flow rates; and extending the scope of simultaneous operations. Hazardous activities and hazards may be described by referring to the information and the demonstrations in any relevant installation safety case.

Schedule 9

8. *In the case of a well which is to be drilled –*

- (a) *particulars, with suitable diagrams, of –*
 - (i) *the location of the top of the well;*
 - (ii) *the directional path of the well-bore;*
 - (iii) *its terminal depth and location; and*
 - (iv) *its position, and that of nearby wells, relative to each other;*

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Schedule 9**

524 Critical depths should be given as measured along the hole and vertically.

525 The diagram of the directional path should include a plot with vertical section and horizontal plan. This is not required for wells planned as vertical.

526 The diagram showing the relative positions would be most effective in the form of a map showing the surface location and the entire lateral position of the well and of all other wells in the vicinity with their identification.

Schedule	9
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(b) *particulars of the geological strata and formations, and of fluids within them, through which it will pass, and of any hazards with the potential to cause a major accident which they may contain;*

Guidance Schedule	9
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527 This information would normally include a geological column from surface to total depth. This would show the measured and vertical depths of critical strata, estimated formation pressures of all permeable and porous formations, and estimated fracture pressures at intended casing points. The particulars of fluids should include: prognoses of fluid types; fluid gradient; presence of reservoir gas caps; and presence and concentration of toxic fluid components. The particulars should also identify the potential producing formation(s) and include a prognosis of the temperature in these zones and at total depth of the well.

528 The geological hazards specifically associated with the well should be highlighted, for example: shallow gas potential; squeezing salts; major loss zones; overpressures and unusual geological uncertainty.

Schedule	9
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(c) *the procedures for effectively monitoring the direction of the well-bore, and for minimising the likelihood and effects of intersecting nearby wells; and*

Guidance Schedule	9
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529 These procedures may take the form of a description of the system for programming surveys and for monitoring these in relation to nearby wells, together with the associated action plan. Alternatively, a survey programme for each hole section and the separation factors for significant nearby wells may be included.

Schedule	9
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(d) *a description of the design of the well, including the limits on its safe operation and use.*

Guidance Schedule	9
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530 The description would normally include, for each hole section, the design hole size(s) and the size and specification of the casing string to be run with design setting depth, hanger depth (if applicable) and design kick tolerance. It should identify the formations in which the casing should be set if this is critical to the design. It should also include critical specification details if the pipe or coupling codes are not American Petroleum Institute (API) specified.

531 The description would also include the well-head design specifications, details of the casing cementing design, and principles of the design of temporary plugging or decommissioning barriers, if carried out in conjunction with the drilling activities.

532 For the design of the well test completion, the description should include: the hanging-off arrangements; the string configuration; all safety devices incorporated; the perforating system and the packer fluid.

533 For a development well, there should be a description of the completion design.

534 The description should include the limits on safe operation and use that are dictated by:

- (a) the pressure;
- (b) flow rate;
- (c) temperature and metallurgical limitations (arising from the chemical composition of well bore fluids) of the well design;
- (d) the flow testing or production completion equipment design;
- (e) the proposed well control equipment.

Schedule	9	9. <i>In the case of an existing well –</i>
		<i>(a) a diagram of the well;</i>
Guidance Schedule	9	535 A current casing diagram and completion/suspension diagram will suffice.
Schedule	9	<i>(b) a summary of earlier operations in relation to it;</i>
Guidance Schedule	9	536 This summary should identify the dates and brief details of previous notifiable operations.
Schedule	9	<i>(c) the purposes for which it has been used;</i>
Guidance Schedule	9	537 This should include all previous uses of the well. The current use should be identified.
Schedule	9	<i>(d) its current operational state;</i>
Guidance Schedule	9	538 This can be restricted to ‘completed – operating’ (ie on production, or injection), ‘completed – shut in’ or ‘plugged’.
Schedule	9	<i>(e) its state of repair;</i>
Guidance Schedule	9	539 It is important to include details of any known or suspected safety-related failure or defect in the well and potential environmental consequences, for example valve failures, leaks, wear, corrosion and unintended plugging or pressure communication.
Schedule	9	<i>(f) the physical conditions within it; and</i>
Guidance Schedule	9	540 This refers to the physical details of barriers and fluids in the well and the actual or estimated shut-in pressures and temperatures. Conditions to be highlighted are those which will prevent installing or employing well control equipment according to accepted standards, such as those described in industry guidelines or any relevant safety case. This should include details of hazardous substances, for example hydrogen sulphide.
Schedule	9	<i>(g) its production capacity.</i>
Guidance Schedule	9	541 Estimate of the maximum flow potential from the well.
Schedule	9	10. <i>Where a well operation is to be carried out from a non-production installation or a vessel (not being an installation) –</i>
		<i>(a) particulars of –</i>
		<i>(i) the meteorological and oceanographic conditions to which that installation or, as the case may be, vessel may foreseeably be subjected;</i>
Guidance Schedule	9	542 Any foreseeable conditions approaching the limiting conditions described in any relevant installation safety case should be highlighted. These should include sea state, riser tensioning, riser vortex shedding and currents.
Schedule	9	<i>(ii) the depth of water; and</i>

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Schedule** 9

543 For reference purposes it is important to include the depth of the sea floor below the well reference level.

Schedule 9

- (iii) *the properties of the seabed and subsoil at the location at which the well operation will be carried out; and*

**Guidance
Schedule** 9

544 This should include the conclusions of site-specific shallow seismic surveys showing the potential for shallow gas at and in the vicinity of the well location. It may also include information relating to any seabed obstructions at and in the vicinity of the well location, for example: pipelines; cables; wrecks and unexploded ordnance; and details of site survey(s) showing, for example, anchoring conditions and jack-up foundation integrity.

Schedule 9

- (b) *a description of how the well operator and –*
 - (i) *the owner of the installation; or*
 - (ii) *the operator and owner of the vessel,*

involved in the well operation will co-ordinate their management systems so as to reduce the risks from a major accident to comply with the relevant statutory provisions.

11. *The report made under regulation 11(2)(b) in relation to the well operation, addressing in particular the matters in paragraph 6(c) to (e), together with a description of the actions of the well operator in response to the report.*

12. *A risk assessment incorporating a description of –*

- (a) *the particular hazards associated with the well operation including any environmental, meteorological and seabed limitations on safe operations;*
- (b) *the subsurface hazards;*
- (c) *any surface or subsea operations which introduce simultaneous major hazard potential; and*
- (d) *suitable control measures.*

13. *Where a well is to be constructed, modified or maintained by means of a non-production installation, additional information as follows –*

- (a) *a description of any environmental, meteorological and seabed limitations on safe operations, and arrangements for identifying risks from seabed and marine hazards such as pipelines and the moorings of adjacent installations;*
- (b) *a description of environmental conditions that have been taken into account within the internal emergency response arrangements for the installation;*
- (c) *the description of the internal emergency response arrangements and a description of arrangements for responding in cases of major environmental incidents that are not described in the safety case; and*
- (d) *a description of how the management systems of the well operator and the owner are to be coordinated to ensure effective control of major hazards at all times.*

14. *Particulars of information obtained pursuant to the PFEER Regulations and the Management Regulations, so far as –*

- (a) *relevant to the prevention of a major accident, and*
- (b) *not otherwise required to be provided pursuant to this Schedule.*

Guidance Schedule	9	545 Information should be included that is relevant to the prevention of a major accident, that has not been described elsewhere in the notification, and has been obtained to enable compliance with PFEER and MAR.
Schedule	9	15. <i>In respect of a well operation to be conducted, particulars of information relevant to the relevant statutory provisions obtained pursuant to Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment.</i>
Guidance Schedule	9	546 The well notification should provide a description of information required under the Directive 2011/92/EU relating to the prevention of major accidents that may result in significant or serious damage to the environment. In this context, the description could relate to, but not be limited to, potential environmental effects from a major accident, and a description of technical and non-technical measures envisaged to prevent, reduce or offset them, including monitoring.
Schedule	9	16. <i>An adequate description of the well operator's safety and environmental management system (unless such a description has already been submitted by the well operator under another provision of these Regulations).</i>
Guidance Schedule	9	547 The description requires information on the management structure indicating the roles and responsibilities of key personnel involved with the well operation. This includes the operator's representatives and representatives of subcontractors on board the installation or vessel. This entails identifying who has overall charge of the well operations and specifying the arrangements made for communication between responsible persons both on and offshore, during normal operations and in emergency conditions. The notification should refer to the safety-related systems, codes and procedures which will be applied during operations, for example: well control procedures; permit-to-work systems; barrier policies; standards and procedures relating to both well and completion design; and material or equipment selection. 548 A description of the well operator's SEMS should be included with the notification if it has not been submitted to the competent authority with a previous notification or with a safety case for which the well operator is the installation dutyholder. A material change to the SEMS, which renders that description inadequate, must be notified as soon as practicable if it takes place prior to completion of the relevant well operation (see regulation 21(5)). The CMAPP and the description of the SEMS are 'live' documents, and once submitted in a notification you can refer to this in subsequent notifications, rather than submitting these documents each time. However, any material change to these documents should be submitted to the competent authority as soon as practicable. 549 The well notification should include the well examiner's report and the planned actions of the well operator should be noted against each finding or comment. Where recommendations of the well examiner have not been accepted or implemented by the well operator, the reason for non-acceptance or non-implementation should be given. 550 The well notification should include a risk assessment, as required by paragraph 12 of this schedule. The risk assessment should identify the hazards specific to the well and with the potential to cause a major accident; it should summarise the arrangements to control the risk. 551 In addition to the hazards arising from the subsurface conditions, it should cover those arising from the environmental, meteorological and seabed conditions at the well location and the conduct of the operation or the planned use of the well.

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Schedule 9**

Examples would include: the hazards associated with temporary well test equipment; the risk of collision due to the presence of a hydraulic fracturing vessel; an increase in gas inventory due to installation of a gas lift; and the simultaneous conduct of operations on adjacent wells.

552 The well operator, if not itself the dutyholder for the installation, has a duty to co-operate with the dutyholder to enable them to comply with relevant statutory requirements. This applies in particular to the requirements of PFEER to prevent and mitigate fire and explosion and the release of flammable or explosive substances, for example during well testing using mobile surface test equipment. The arrangements will normally be fully covered by other requirements of this schedule.

Schedule 10 Particulars to be included in a notification of combined operations

Regulation 22(1)

Schedule 10

1. *The name and address of the duty holder submitting the notification.*
2. *The name and address of each duty holder preparing the notification and a confirmation that every such duty holder has agreed to the contents of the notification.*
3. *A description of the combined operation and a programme of work, which must include the dates on which the combined operation is expected to commence and finish.*
4. *Particulars of any plant to be used in connection with the combined operation but which is not described in the current safety case for any of the installations involved in the combined operation.*
5. *A summary of the joint review referred to in paragraph 23(b) of Schedule 6 or paragraph 19(b) of Schedule 7, which must include –*
 - (a) *a description of any activities during the combined operation which may involve hazards with the potential to cause a major accident on or in connection with an installation; and*
 - (b) *a description of any risk control measures introduced as a result of that review.*
6. *A description, by reference to a bridging document authorised by all parties to the document, of how the management systems for the installations involved in the combined operation will be co-ordinated so as to reduce the risks from a major accident to comply with the relevant statutory provisions.*

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Schedule 10**

553 A review of the risks associated with combined operations must be undertaken before submitting the notification. Representatives from all dutyholders should participate to ensure all foreseeable risks are identified. Particulars of any combined operations which may involve the installation must be outlined within the safety case as required by paragraph 23 of Schedule 6 and paragraph 19 of Schedule 7. Dutyholders should make use of these arrangements when undertaking any review. Where all dutyholders have not participated in this exercise this should be made clear in the submission. However, before engaging in

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Schedule

10

combined operations the dutyholder for each installation must make arrangements for co-ordinating escape, evacuation and rescue between the installations concerned (see regulation 30(4)). A summary of the significant findings of this assessment process, including agreed actions, should be included with the notification.

554 A bridging document should be developed which addresses the findings of the dutyholders' combined operations risk assessment and demonstrates how each dutyholder's SEMS will integrate to ensure major accident potential will be adequately managed. The notification should indicate that specific consideration has been given to the hazards and risks arising from the combined operation and that there will be effective co-ordination of management arrangements. This will include describing or referring to documents or other arrangements for temporarily linking the management systems of the installations concerned.

555 The risk analysis undertaken for the purpose of the joint review, referred to in paragraph 23(b) of Schedule 6 or paragraph 19(b) of Schedule 7, should address any new or previously disregarded source of major accident risk which increases the threat to health, safety and the environment from the combined operations proposed. Particular attention should be paid to situations where two or more hazardous operations are performed at the same time. The co-ordination arrangements for managing situations where a potentially hazardous activity is carried out simultaneously with other activities that may be hazardous should be described. It should be shown why it is not reasonably practicable to shut down one operation or to operate sequentially rather than simultaneously.

556 Combined operations notifications should consider not just the operations being undertaken, but other factors which may increase risk to any of the dutyholders, including those to persons on board the installations and the environment. Examples include where working in close proximity to another installation may increase the potential for fire and explosion by virtue of a party's hydrocarbon inventory. Information from PFEER regulation 5 assessments should be reviewed to inform this assessment process and identify any new hazards arising. Location-specific risk assessments may be necessary to capture unique environmental characteristics of the operation.

557 The use of a suitable diagram(s) showing the location of risers, pipelines and other sub-sea equipment in relation to the layout and safe operating limits of the installations, mooring lines, crane radii etc should be provided in support of risk analysis. Such information can assist in understanding the potential hazards to risers, pipelines and other sub-sea equipment, and the risk control measures to be introduced.

558 Consideration should also be given to combined operations undertaken as part of dismantling and decommissioning activities. Dutyholders should consider the cumulative effect of multiple parties engaging in activities during changing operational conditions and demonstrate that effective controls will be implemented to manage risk.

559 The bridging document should confirm that the emergency response arrangements of all involved dutyholders have been reviewed. It should clearly detail the agreed approach to be implemented and who will take the lead on decision making in the event of an incident.

Schedule 11 Matters to be considered in preparing and revising standards and guidance on best practice in relation to the control of major hazards

Regulation 32(4)

Schedule	11
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1. *Effective risk management.*
2. *Management and supervision of major hazard operations.*
3. *Competency of key post holders.*
4. *Reliable decision making.*
5. *Effectively integrating safety and environmental management systems between operators and owners and other entities involved in oil and gas operations.*
6. *Key performance indicators.*
7. *Improving well integrity, well control equipment and barriers and monitoring their effectiveness.*
8. *Improving primary containment.*
9. *Improving secondary containment that restricts escalation of an incipient major accident, including well blow-outs.*
10. *Reliability assessment for safety and environmental-critical systems.*

Guidance Schedule	11
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560 Dutyholders should make arrangements to participate in the development of new guidance materials. When determining which guidance needs to be developed it is anticipated that the topics listed above will be considered. Dutyholders should identify areas where they have expertise and communicate this information either directly to guidance groups or via trade and industry representatives if more appropriate.

Schedule 12 Appeals

Regulation 37(2)

Schedule	12
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PART 1 General

1. *In this Schedule –*
“appeal” means an appeal under regulation 37;
“appellant” means a person who has brought an appeal;
“appointed person” means a person appointed in accordance with paragraph 2;
“hearing” means a hearing to which Part 2 of this Schedule applies; and
“the parties” means the appellant and the competent authority.

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2. *The Secretary of State must direct that an appeal be determined by a person whom the Secretary of State appoints for the purpose and the Secretary of State must notify the parties in writing of the name of the appointed person.*

3. *Before the determination of an appeal, the appointed person must ask the parties whether they wish to appear and be heard on the appeal and –*

- (a) the appeal may be determined without a hearing of the parties if both of them express a wish not to be heard; or*
- (b) the appointed person must, if either party expresses a wish to appear and be heard, afford both of them an opportunity of so doing, in which case the provisions of Part 2 of this Schedule apply.*

4. *An appointed person may give such directions as the appointed person considers are appropriate to give effect to the determination.*

5. *The Secretary of State may pay to an appointed person such remuneration and allowances as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.*

PART 2 Hearing

6. (1) *Subject to the following sub-paragraphs of this paragraph, a date, time and place for the holding of the hearing must be fixed by the appointed person, who must give not less than 28 days' notice in writing of such date, time and place to the parties.*

(2) *With the consent of the parties, the appointed person may give such lesser period of notice as is agreed with the parties and in that event the appointed person may specify a date for service of the statement referred to in paragraph 7(1) later than the date determined in accordance with that paragraph.*

(3) *Where it becomes necessary or advisable to vary the date, time or place fixed for the hearing, the appointed person must give such notice of the variation as may appear to the appointed person to be reasonable in the circumstances.*

7. (1) *Not later than 21 days before the date of the hearing, or such later date as the appointed person may specify in accordance with paragraph 6(2), the competent authority must serve on the appellant a written statement of any submission which the competent authority proposes to put forward at the hearing and supply a copy of the statement to the appointed person.*

(2) *Where the competent authority intends to refer to or put in evidence documents (including photographs and plans) at the hearing –*

- (a) the statement of the competent authority must be accompanied by a list of those documents together with a written notice stating the times and place at which the documents may be inspected by the appellant; and*
- (b) the competent authority must afford the appellant a reasonable opportunity to inspect and, where practicable, to take copies of those documents.*

(3) *If so required by the appointed person, the appellant must –*

- (a) serve on the competent authority and on the appointed person, within such time before the hearing as the appointed person may specify, a written statement of the submissions which the appellant proposes to*

Schedule 12

put forward at the hearing accompanied by a list of any documents (including photographs and plans) which the appellant intends to refer to or put in evidence at the hearing; and

(b) afford the competent authority a reasonable opportunity to inspect and, where practicable, to take copies of those documents.

8. (1) *The parties are entitled to appear at the hearing.*

(2) *Any other person may appear at the discretion of the appointed person provided that the person has, not later than seven days before the date of the hearing, served on the competent authority a statement of the person's proposed submissions.*

(3) *The competent authority must send a copy of every statement served on it in accordance with subparagraph (2) to the appointed person and to the appellant.*

(4) *A body corporate may appear by its clerk or secretary or by any other officer appointed for the purpose by that body, or by counsel or a solicitor.*

(5) *A person may appear in person or be represented by counsel, a solicitor or any other person.*

(6) *Where there are two or more persons having a similar interest in the subject matter of the hearing, the appointed person may allow one or more persons to appear for the benefit of some or all persons so interested.*

9. (1) *All hearings must be held in private.*

(2) *Except as otherwise provided in this Part, the procedure of the hearing is to be such as the appointed person determines and the appointed person must state at the commencement of the hearing the procedure which, subject to consideration of any submission by the parties, it is proposed to adopt.*

(3) *Unless in a particular case the appointed person, with the consent of the appellant, otherwise determines, the appellant must be heard first and must have the right of final reply.*

(4) *The parties must be entitled to make an opening statement, call evidence and cross-examine persons giving evidence but any other person appearing at the hearing may only do so to the extent permitted by the appointed person.*

(5) *Subject to sub-paragraph (6), any evidence may be admitted at the discretion of the appointed person, who may direct that documents tendered in evidence may be inspected by any person entitled or permitted to appear at the hearing and that facilities be afforded to take or obtain copies of those documents.*

(6) *The appointed person may not require or permit the giving or production of any evidence, whether written or oral, which would be contrary to the public interest.*

(7) *The appointed person may allow the parties to alter or add to the submissions contained in any statement served under paragraph 7(1) or (3), or to any list of documents which accompanied such statement, so far as may be necessary for the purpose of determining the questions in controversy between*

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them, but must (if necessary, by adjourning the hearing) give the other party an adequate opportunity of considering any such fresh submission or document.

(8) If any person entitled to appear at the hearing fails to appear, the appointed person may proceed with the hearing.

(9) The appointed person is entitled to take into account any written representations or statements received by the appointed person before the hearing from any person, subject to disclosure of such representations or statements at the hearing.

(10) The appointed person may from time to time adjourn the hearing, and where this occurs, must give reasonable notice to every person entitled or permitted to appear at the hearing of the date, time and place of the adjourned hearing.

10. (1) Where, after the hearing, the appointed person proposes to take into consideration –

- (a) any new evidence, including expert opinion on a matter of fact; or
- (b) any new issue of fact, not being a matter of government policy or a matter affecting the safety of the State,

which was not raised at the hearing and which the appointed person considers to be material to a decision, the appointed person must not come to a decision without first notifying the parties of the substance of the new evidence or of the new issue of fact and affording them an opportunity of making representations on the new evidence or new issue of fact in writing within 21 days or of asking within that time for the re-opening of the hearing.

(2) If the appointed person thinks fit, the appointed person may cause the hearing to be re-opened and must cause it to be re-opened if asked to do so in accordance with sub-paragraph (1).

(3) Where a hearing is re-opened, paragraph 6(1) applies as it applied to the original hearing.

11. The appointed person must notify the decision on the appeal, and the reasons for the decision, in writing to the parties and to any person who, having appeared at the hearing, has asked to be notified of the decision.

Schedule 13 Amendments and revocations

Regulation 38

<p>Schedule 13</p>	<p>PART 1 Amendments</p> <p><i>Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989</i></p> <p>1. <i>The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 are amended as follows.</i></p> <p>2. <i>In regulation 2 (interpretation) –</i></p> <p style="padding-left: 40px;">(a) <i>after the definition of “the 2005 Regulations” insert –</i></p> <p style="padding-left: 80px;"><i>“the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;”;</i></p> <p style="padding-left: 40px;">(b) <i>at the end of the definition of “current safety case” insert “or regulation 2(1) of the 2015 Regulations;”.</i></p> <p>3. <i>In regulation 18A(1)(a) (safety representative entitlement to summary of current safety case), after “the 2005 Regulations” insert “or the 2015 Regulations”.</i></p> <p>4. <i>In regulation 23(2)(c)(i) (duties of installation operators and owners, and employers) for “the Offshore Installations (Safety Case) Regulations 1992” substitute “the 2005 Regulations or the 2015 Regulations”.</i></p>
<p>Guidance Schedule 13</p>	<p>561 These amendments enable OSRSCR to apply to the SCR 2005 regime in relation to internal waters and the SCR 2015 regime for offshore oil and gas operations within external waters.</p>
<p>Schedule 13</p>	<p><i>Offshore Installations and Pipeline Works (First-Aid) Regulations 1989</i></p> <p>5. <i>The Offshore Installations and Pipeline Works (First-Aid) Regulations 1989 are amended as follows.</i></p> <p>6. <i>In regulation 2 (interpretation) –</i></p> <p style="padding-left: 40px;">(a) <i>omit the definition of “the 1989 Order”;</i></p> <p style="padding-left: 40px;">(b) <i>after the definition of “the 1995 Regulations” insert –</i></p> <p style="padding-left: 80px;"><i>“the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013;”;</i></p> <p style="padding-left: 40px;">(c) <i>in paragraph (b) of the definition of “person in control” –</i></p> <p style="padding-left: 80px;">(i) <i>for “section 33(3) of the Petroleum and Submarine Pipe-lines Act 1975” substitute “section 27(1) of the Petroleum Act 1998”; and</i></p> <p style="padding-left: 80px;">(ii) <i>for “the said section 33(3)” substitute “that section”;</i></p> <p style="padding-left: 40px;">(d) <i>in the definition of “pipeline” for “article 5 of the 1989 Order” substitute “article 6 of the 2013 Order”; and</i></p> <p style="padding-left: 40px;">(e) <i>in the definition of “pipeline works” –</i></p> <p style="padding-left: 80px;">(i) <i>for “(d)” substitute “(e)”;</i> and</p> <p style="padding-left: 80px;">(ii) <i>for “article 5 of the 1989 Order” substitute “article 6 of the 2013 Order”.</i></p>

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7. In regulation 3(b) (application of Regulations) for “articles 4 and 5 of the 1989 Order” substitute “articles 4 and 6 of the 2013 Order”.

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562 These amendments are to update legislative references.

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Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995

8. The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 are amended as follows.

9. In regulation 2(1) (interpretation) –

- (a) omit the definition of “the 1995 Order”;
- (b) before the definition of “apparatus or works” insert –

““the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005;

“the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013;

“the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety case etc.) Regulations 2015;”;

- (c) in the definition of “apparatus or works” for “1995” substitute “2013”;
- (d) after the definition of “duty holder” insert –

““external waters” means the territorial sea adjacent to Great Britain and any area designated by order under section 1(7) of the Continental Shelf Act 1964;”;

- (e) after the definition of “installation manager” insert –

““internal waters” means tidal waters and parts of the sea in, or adjacent to, Great Britain up to the landward limits of the territorial sea;”;

- (f) for the definition of “licensee” substitute –

““licensee” –

- (a) in relation to internal waters, means any person to whom a licence to search and bore for and get petroleum in respect of any area within internal waters is granted pursuant to section 2 of the Petroleum (Production) Act 1934 or section 3 of the Petroleum Act 1998; and
- (b) in relation to external waters, means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”;

- (g) for the definition of “operator” substitute –

““operator” –

- (a) in relation to internal waters –
 - (i) in relation to the dismantling of a fixed installation (within the meaning given in the 2005 Regulations), has the meaning given in

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- regulation 11(4) of the 2005 Regulations; and*
(ii) otherwise, has the meaning given in regulation 2(1) of the 2005 Regulations in relation to a production installation;
- (b) *in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;*
- (h) *in the definition of “owner”, after “controls” insert “or is entitled to control”;*
- (i) *in the definitions of “pipeline” and “pipeline works” for “2001” substitute “2013”;*
- (j) *for the definition of “production installation” substitute –*
““production installation” –
(a) in relation to internal waters, has the meaning given in regulation 2(1) of the 2005 Regulations; and
(b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;
- (k) *for the definition of “relevant waters” substitute –*
““relevant waters” means internal waters and external waters;”.
10. (1) *(Regulation 3 (meaning of “offshore installation”) is amended as follows.*
- (2) *In paragraph (1) –*
- (a) *after sub-paragraph (c) (but before the “or” immediately following it) insert –*
“(ca) for undertaking activities that involve mechanically entering the pressure containment boundary of a well;”;
- (b) *in sub-paragraph (d) for “mainly” substitute “primarily”.*
- (3) *For paragraph (2)(d) substitute –*
“(d) a mobile structure which has ceased to be used for any of the purposes specified in paragraph (1), and has since been used for a purpose not so specified;
(da) a fixed structure which has ceased to be used for any of the purposes specified in paragraph (1), for so long as it is used for a purpose not so specified;”.
11. (1) *Regulation 4 (application) is amended as follows.*
- (2) *At the start of paragraph (1) insert “Except for regulations 21F and 21G (which provide for their own application),”.*
- (3) *In paragraph (1)(b) –*
- (a) *for “and (2)(b)” substitute “and (2)”; and*
 (b) *for “1995” substitute “2013”.*
- (4) *After paragraph (3) insert –*
 “(4) *Regulations 21A to 21E do not apply to an offshore installation –*
 (a) *registered as a vessel (whether registered in the United Kingdom or elsewhere); or*

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- (b) which is in transit to or from a station; or
- (c) which is unmanned.”.

12. In regulation 5(1) (notification concerning offshore installations) for “no later than” substitute “before”.

13. In regulation 20(1) (certificates of exemption) after “workers at work” insert “, and in particular, of Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC”.

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563 As well as updating references to legislation, these amendments enable MAR to apply to the SCR 2005 regime in relation to internal waters and the SCR 2015 regime for offshore oil and gas operations within external waters.

564 In addition, the amendments to the definition of offshore installation in the AOGBO which clarify what is and is not an offshore installation, have been included in the definition of offshore installation in MAR to ensure consistency.

565 The definition of offshore installation has been amended to make it clear that when a fixed structure, which is an offshore installation because it has been used for a purpose specified in the definition, ceases to be used for that purpose and is used for a different purpose (eg as a wind farm), it is not an offshore installation for so long as it is used for that different purpose. When the structure is no longer used for the different purpose it reverts back to being an offshore installation. This is to ensure that high-risk dismantling operations on such structures are subject to the safety case regime.

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14. After regulation 21 insert –

“Obligation to notify death or loss of person

21A— (1) Where any person –

- (a) dies on an offshore installation or is lost from such an installation; or
- (b) dies in or on a lifeboat, liferaft or other emergency survival craft belonging to an offshore installation or is lost from any of those places; or
- (c) otherwise dies or is lost in the neighbourhood of an offshore installation while engaged in any operation connected with the installation,

and the death or loss is not required to be registered under any regulations made under section 108 of the Merchant Shipping Act 1995 (which relates to returns of births and deaths in ships), a return of death in the form set out in Schedule 3 must be made in accordance with regulation 21B.

(2) In this regulation and regulations 21B and 21C ‘lost’ means lost in circumstances such that it is reasonable to believe that the person has died and ‘loss’ is to be construed accordingly.

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Notification of death or loss to the Registrar General of Shipping and Seamen

21B— (1) *Where an obligation to make a return of death arises under regulation 21A, the manager of the relevant offshore installation must –*

- (a) *complete and sign Part 1 of a form of return of death (see Schedule 3); and*
- (b) *despatch the form to the duty holder as soon as is practicable and in any event within ten days of becoming aware of the death or loss to which the return relates.*

(2) *Where a duty holder receives a form of return of death from a manager, the duty holder must within ten days of receipt complete Part 2 of the form and send the form duly signed (whether by or on behalf of the duty holder) to the Registrar General of Shipping and Seamen.*

(3) *Without prejudice to the preceding provisions of this regulation or to regulation 21E, a return of death which is not made within the periods specified in this regulation for making it is not invalid by reason only that it is not made within those periods.*

Notification of death or loss to other persons

21C *When a person dies or is lost in circumstances in which an obligation to make a return of death arises under regulation 21A, the duty holder of the relevant installation must as soon as is practicable and in any event within 48 hours of first becoming aware of the death or loss –*

- (a) *if the duty holder was the employer of the dead or lost person, notify any person known to the duty holder to be, or nominated to the duty holder as, the next-of-kin of the dead or lost person; or*
- (b) *if the duty holder was not the employer of the dead or lost person, notify any person known to the duty holder to have been the employer of the dead or lost person at the time of death or loss.*

Registration of death or loss

21D— (1) *When the Registrar General of Shipping and Seamen receives a return made pursuant to regulation 21B, the Registrar must send a copy of that return, certified as being a true copy of that return (whether by the Registrar or a person authorised by the Registrar) –*

- (a) *where the deceased was immediately before death ordinarily resident in Scotland or Northern Ireland, to the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland, as the case may be; and*
- (b) *in any other case, to the Registrar General for England and Wales.*

(2) *If the Registrar General of Shipping and Seamen is satisfied that there is an error or omission in any return received pursuant to regulation 21B, the Registrar may, in accordance with evidence of the true state of affairs relating to the return, send corrected or supplementary particulars in respect of that evidence to the appropriate Registrar General.*

- (3) *A Registrar General who receives a certified copy under paragraph*

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(1) must record the information contained in it in the marine register kept by that Registrar General, together with such additional information as appears to that Registrar General desirable for the purpose of ensuring the completeness and correctness of that register.

Mode of trial and penalties in relation to registration of death or loss

21E— (1) In relation to an offence consisting of a contravention of the requirement imposed by regulation 21B(1) –

- (a) proceedings on indictment are excluded; and
- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.

(2) In relation to an offence consisting of a contravention of a requirement imposed by regulation 21B(2) or 21C –

- (a) proceedings on indictment are excluded; and
- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.

(3) It is a defence in any proceedings for an offence consisting of a contravention of a requirement imposed by regulation 21B(1) or (2) or 21C for the person charged to prove –

- (a) that the person exercised all due diligence to prevent the commission of the offence; and
- (b) that the relevant contravention was committed without the person's consent, connivance or wilful default.

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566 These amendments to MAR (regulations 21A to 21E and the new Schedule 3) all relate to the notification and registration of death or loss of a person on an offshore installation. These are not new requirements, but have been placed in MAR to enable the Offshore Installations (Logbooks and Registration of Death) Regulations 1972 to be revoked.

567 Where there is a need for a return of death to be made, regulation 21C requires the dutyholder who was the employer of a dead or lost person to notify the next-of-kin of the death or loss of the person.

568 It is recognised that the police are often better placed (through training and experience) than the dutyholder to notify the next-of-kin in such circumstances. For this reason it is recommended that the dutyholder contacts the police about the death or loss and obtains confirmation from the police that they have informed the next-of-kin. It must be remembered that the obligation is imposed on the dutyholder alone and must be carried out as soon as is practicable and in any event within 48 hours. Obtaining the assistance of the police does not obviate the need to meet this timeframe, but where the assistance of the police is obtained as described above, and within this timeframe, HSE will regard the dutyholder's obligation as having been met.

569 If the dutyholder was not the employer of the dead or lost person at the time of death or loss, it should notify any person known to have been the employer of the dead or lost person at the time of death or loss. The notification must be made as soon as is practicable and in any event within 48 hours.

Schedule 13

Power of inspectors of offshore installations; duty to provide accommodation and subsistence for inspectors

21F— (1) *An inspector may exercise the powers in paragraph (2) for the purpose of carrying into effect the relevant statutory provisions within the field of responsibility of the enforcing authority that appointed the inspector.*

(2) *The powers are –*

- (a) *to require a duty holder, at any reasonable time, to convey to and from an offshore installation or vessel associated with offshore oil and gas operations –*
 - (i) *the inspector;*
 - (ii) *the equipment or materials of the inspector; and*
 - (iii) *any article or substance of which the inspector has taken possession pursuant to section 20 of the Health and Safety at Work etc. Act 1974;*
- (b) *to inspect any operation or work in or on the bed of relevant waters and subsoil under or near an offshore installation; and*
- (c) *to require the duty holder or manager of an offshore installation or the licensee concerned to assist the inspector in carrying out an inspection of the bed of relevant waters or subsoil under or near the offshore installation.*

(3) *The duty holder must provide an inspector with reasonable accommodation and means of subsistence while on an offshore installation for the purpose stated in paragraph (1).*

(4) *In paragraphs (2)(a)(i) and (ii), and (3) a reference to an inspector includes a reference to a person acting under the direction of the competent authority who is not an inspector.*

(5) *In relation to an offence consisting of a contravention of the requirement under paragraph (3) –*

- (a) *proceedings on indictment are excluded; and*
- (b) *the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.*

(6) *In paragraph (2)(a) “offshore oil and gas operations” means all activities associated with an installation relating to exploration and production of petroleum, including the design, planning, construction, operation and decommissioning of the installation, but excluding the conveyance of petroleum from one coast to another.*

(7) *This regulation applies –*

- (a) *in Great Britain;*
- (b) *to the territorial sea adjacent to Great Britain up to the seaward limits of the territorial sea and to the waters in any area designated by order under section 1(7) of the Continental Shelf Act 1964; and*
- (c) *to places above and below the territorial sea and waters in any area so designated.*

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570 The requirements to provide accommodation and subsistence to offshore inspectors are not new. These amendments to MAR enable the Offshore Installations (Inspectors and Casualties) Regulations 1973 to be revoked.

571 It should be noted that due to the Directive on the safety of offshore oil and gas operations, these requirements have been extended to cover vessels associated with offshore oil and gas operations.

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Powers of inspectors in relation to pipelines

21G— (1) *Subject to paragraph (3), an inspector may exercise the powers in paragraph (2) for the purpose of –*

- (a) *securing the safety, health and welfare of persons engaged on pipeline works; and*
- (b) *securing the proper construction and safe operation of pipelines and preventing damage to them.*

(2) *The powers are –*

- (a) *to require the owner of a pipeline or the proposed owner of a proposed pipeline, at any reasonable time, to convey to and from premises in relevant waters used or intended to be used in connection with the pipeline or with pipeline works relating to a pipeline or proposed pipeline –*
 - (i) *the inspector;*
 - (ii) *the equipment and materials of the inspector; and*
 - (iii) *any article or substance of which the inspector has taken possession pursuant to section 20 of the Health and Safety at Work etc. Act 1974;*
- (b) *to require the owner of a pipeline or the proposed owner of a proposed pipeline to provide the inspector with reasonable accommodation and means of subsistence while on, or in transit to or from, premises in relevant waters used or intended to be used in connection with the pipeline or pipeline works relating to the pipeline or proposed pipeline.*

(3) *Nothing in this regulation imposes, or confers power on an inspector to impose, any obligation on any person on a vessel registered outside the United Kingdom as a ship, aircraft or hovercraft when it is not engaged in operations for the purpose of laying or maintaining a pipeline.*

(4) *In any proceedings for an offence consisting of a contravention of a requirement imposed under this regulation, it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.*

(5) *In relation to an offence consisting of a contravention of a requirement imposed under paragraph (2) by an inspector –*

- (a) *proceedings on indictment are excluded; and*
- (b) *the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.*

(6) *In this regulation –*

“owner”, in relation to a pipeline, means –

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- (a) *the person for the time being designated as the owner of the pipeline by an order made under section 27(1) of the Petroleum Act 1998; or*
- (b) *where no person has been so designated, the person by whom the pipeline is, or is to be, used;*

“pipeline” and “pipeline works” have the meanings given in section 1(4) of the Offshore Safety Act 1992; and

“proposed owner”, in relation to a proposed pipeline, means –

- (a) *the person for the time being designated as the proposed owner of the proposed pipeline by an order made under section 27(1) of the Petroleum Act 1998; or*
 - (b) *where no person has been so designated, the person for whom the pipeline is to be constructed.*
- (7) *This regulation applies –*
- (a) *in Great Britain;*
 - (b) *to the territorial sea adjacent to Great Britain up to the seaward limits of the territorial sea and to the waters in any area designated by order under section 1(7) of the Continental Shelf Act 1964; and*
 - (c) *to places above and below the territorial sea and waters in any area so designated.*

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572 These are not new provisions, but have been placed in MAR to enable the Submarine Pipe-lines (Inspectors etc) Regulations 1977 and the Submarine Pipe-lines Safety Regulations 1982 to be revoked.

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Safety Zones

21H— *The prohibition under section 23(1) of the Petroleum Act 1987 on a vessel entering or remaining in a safety zone established around an installation by virtue of that Act does not apply to a vessel entering or remaining in the safety zone –*

- (a) *in connection with the laying, inspection, testing, repair, maintenance, alteration, renewal or removal of any submarine cable or pipe-line in or near that safety zone;*
- (b) *to provide services for, to transport persons or goods to or from, or under the authority of a government department to inspect, any installation in that safety zone;*
- (c) *if it is a vessel belonging to a general lighthouse authority (within the meaning given in section 193 of the Merchant Shipping Act 1995) performing duties relating to the safety of navigation;*
- (d) *in connection with the saving or attempted saving of life or property;*
- (e) *owing to stress of weather;*
- (f) *when in distress; or*
- (g) *if there is consent from the duty holder.”*

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573 These are not new requirements, but have been placed in MAR to enable the Offshore Installations (Safety Zones) Regulations 1987 to be revoked.

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574 The purpose of the safety zone is to protect the safety of people working on or in the immediate vicinity of the installation, and the installation itself, against damage which may be incurred by vessel impact.

575 They also provide the additional benefit of protecting fishermen and other mariners by reducing the risk of collision with the installation and preventing loss of gear which can become snagged on underwater equipment.

576 Where consent to access is given by the dutyholder, it is the responsibility of the operator to determine when access is to be allowed and how this will be managed safely. Further guidance on safety zones is available in *Safety zones around oil and gas installations in waters around the UK*.³⁶

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15. After Schedule 2 insert –

“SCHEDULE 3

Regulation 21B

Form to notify the death or loss of a person pursuant to regulation 21B

Form to be completed in respect of the death or loss of a person pursuant to regulation 21B of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995

Part 1

1. Name or other designation of offshore installation

2. Date of death or loss

3. Place of death or loss(a)

4. Full name of deceased or person lost(b)

5. Sex of deceased or person lost

6. Capacity in which person deceased or lost was engaged or other reason for presence at the installation

7. Cause of death or loss(c).....

I certify that the particulars entered above are true to the best of my knowledge and belief:

Signature of installation manager providing information

Name of installation manager furnishing information(b)

Status of signatory

Date of signing

Part 2(d)

8. Date of birth of deceased or person lost

9. Usual place of residence of deceased or person lost

10. Nationality of deceased or person lost

11. Name and address of next-of-kin

12. Relationship of next-of-kin

I certify that the particulars entered above are true to the best of my knowledge and belief:

Signature of duty holder furnishing information or person acting on behalf of duty holder

Name of duty holder furnishing information/on whose behalf information is furnished

Status of signatory

Date of signing

Notes

(a) To be given by geographical co-ordinates.

(b) Forename(s) in full, followed by surname, all in block capitals.

(c) To be accompanied by the certificate of a registered medical practitioner who holds a licence to practise as to the cause of death or a statement of the reason why such a certificate is not available.

(d) This part of the form to be completed so far as the information available to the duty holder permits.

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

16. *The Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 are amended as follows.*

17. *In regulation 2(1) (interpretation) –*

- (a) *in the definition of the “2001 Order” replace the words “2001” with “2013” in both places in which they occur;*
- (b) *after the definition of “the 1995 Regulations” insert –*

“the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005;

“the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;”;

- (c) *after the definition of “acoustic signal” insert –*

““competent authority” means the Executive and the Secretary of State acting jointly;”;

- (d) *after the definition of “explosion” insert –*

““external emergency response plan” means the Search and Rescue Framework for the United Kingdom of Great Britain and Northern Ireland as published by the Secretary of State, as revised or re-issued from time to time;

“external waters” means the territorial sea adjacent to Great Britain and any area designated by order under section 1(7) of the Continental Shelf Act 1964;”;

- (e) *after the definition of “installation” insert –*

““internal waters” means tidal waters and parts of the sea in or adjacent to Great Britain up to the landward limits of the territorial sea;”

- (f) *for the definition of “licensee” substitute –*

““licensee” –

- (a) *in relation to internal waters, means any person to whom a licence to search and bore for and get petroleum in respect of any area within internal waters is granted pursuant to section 2 of the Petroleum (Production) Act 1934 or section 3 of the Petroleum Act 1998; and*
- (b) *in relation to external waters, means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”;*

- (g) *for the definition of “major accident” substitute –*

““major accident” –

- (a) *in relation to internal waters, has the meaning given in regulation 2(1) of the 2005 Regulations; and*
- (b) *in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;*

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- (h) for the definition of “operator” substitute –
- ““operator” –
- (a) in relation to internal waters –
- (i) in relation to the dismantling of a fixed installation (as a fixed installation is defined in the 2005 Regulations), has the meaning given in regulation 11(4) of the 2005 Regulations; and
- (ii) otherwise, has the meaning given in regulation 2(1) of the 2005 Regulations in relation to a production installation; and
- (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;
- (i) in the definition of “owner” after “controls” insert “or is entitled to control”;
- (j) for the definition of “production installation” substitute –
- ““production installation”—
- (a) in relation to internal waters, has the meaning given in regulation 2(1) of the 2005 Regulations; and
- (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”.
18. (1) Regulation 3 (application) is amended as follows.
- (2) In paragraph (1)(a), before “in Great Britain” insert “apart from regulations 22A to 22C,”.
- (3) In paragraph (1)(b) –
- (a) for “and (2)(b)” substitute “and (2)”;
- (b) for “2001” substitute “2013”.
- (4) In paragraph (2) after “4 to 22” insert “and 22A to 22C”.

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577 As well as updating references to legislation, these amendments enable PFEER to apply to the SCR 2005 regime in relation to internal waters and the SCR 2015 regime for offshore oil and gas operations within external waters.

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19. In regulation 4(2) (general duty) after “regulations 6 to 21” insert “and 22A to 22C”.
20. For regulation 5(3)(c) (assessment) substitute –
- “(c) notify –
- (i) in the case of an installation in internal waters, the Executive;
- (ii) in the case of an installation in external waters, the competent authority, of such address.”
21. (1) Regulation 6 (preparation for emergencies) is amended as follows.
- (2) In paragraph (1) –
- (i) at the end of sub-paragraph (d) insert “and”;
- (ii) after that sub-paragraph insert –

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“(e) in relation to external waters only, for coordinating the emergency response with the response planned pursuant to the external emergency response plan.”

(3) In paragraph (2)(a) after “emergency” insert “, including how to co-ordinate with persons responding to an emergency who are not on the installation when the emergency begins”.

22. In regulation 22(1) (certificates of exemption) after “workers at work” insert “or by Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC”.

23. After regulation 22 insert –

“Inventory of equipment etc.

22A— (1) *This regulation applies only in relation to external waters.*

(2) The duty holder must prepare an inventory of available equipment, its ownership, location, transport to and mode of deployment at the installation and any person relevant to the performance of the duties in these Regulations (except the duties in regulations 5, 9, 10, 12, 13, 14, 18, 19 and 20).

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578 An inventory of emergency response equipment relevant to the execution of internal emergency response duties (see regulation 30(14)), including equipment available for use in an evacuation, must be prepared.

579 It is intended that this information be available to the MCA, along with further information on oil spill response equipment obtained under DECC’s OPRC, to form an overview of emergency response equipment available for use in the event of a large-scale incident within external waters.

580 Examples of equipment for inclusion in the inventory required under PFEER include:

- (a) totally enclosed motor propelled survival craft (TEMPSC) – number and kind;
- (b) life rafts;
- (c) external communication systems;
- (d) personal devices for controlled descent;
- (e) alternative descent mechanisms;
- (f) contracted standby vessel provision including access to fast rescue craft;
- (g) evacuation, rescue and recovery services including those contracted.

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(3) The inventory prepared under paragraph (2) must identify measures in place to ensure equipment and procedures are maintained in operable condition.

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581 These measures should include putting in place inspection, maintenance and where appropriate verification arrangements to ensure both equipment and associated procedures remain suitable and in operable condition. This should also include audit arrangements to ensure the element of the management system relating to these measures remains effective.

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(4) The duty holder must ensure all equipment on the installation provided in compliance with paragraph (1) is made available at all times and made available as necessary to the Maritime and Coastguard Agency.

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Initiation and direction of emergency response and liaison with external response authority

- 22B**— (1) *This regulation applies only in relation to external waters.*
- (2) *The duty holder must authorise one or more persons –*
- (a) *to initiate an emergency response;*
 - (b) *to direct an emergency response; and*
 - (c) *to liaise with the Maritime and Coastguard Agency.*

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582 Installation emergency response procedures should ensure the above activities are allocated named positions in the event of an incident. In practice, this is likely to be the offshore installation manager, members of the emergency response team and may include members of the dutyholder’s onshore emergency response team. Those appointed to such role(s) must be fully aware of their responsibilities and capable of performing them. Consideration should be given to onshore emergency response arrangements to ensure no conflict arises. Compliance with PFEER regulation 6 (Preparation for emergencies) and regulation 8 (Emergency response plan) will assist dutyholders in complying with this requirement.

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Arrangements for early warning of major accidents

- 22C**— (1) *This regulation applies only in relation to external waters.*
- (2) *The duty holder must make arrangements –*
- (a) *for providing early warning of a major accident to the Maritime and Coastguard Agency; and*
 - (b) *for providing more detailed information about such an accident as soon as it becomes available,*
- but nothing in this paragraph is to be taken as imposing a requirement which is imposed by regulation 4(3)(c) and paragraph 2(k) of Schedule 2 to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (arrangements for early warning of major environmental incidents)."*

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583 Further to the responsibilities outlined above it should be clear to the postholder when these actions are to be taken. Although emergency response procedures should give guidance on this action it is conceivable that scenarios will arise that go beyond those detailed in the procedures. For that reason, a combination of emergency response procedures and information, instruction and training should enable an accurate decision on when to notify the MCA.

Schedule 13

Offshore Installations and Wells (Design and Construction, etc) Regulations 1996

24. *The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996 are amended as follows.*

25. (1) *Regulation 2(1) (interpretation) is amended as follows.*
- (2) *In paragraph (1) –*
- (a) *omit the definition of “the 1995 Order”;*
 - (b) *after the definition of “the 1995 Regulations” insert –*

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“the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013;

“the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;”;

(c) after the definition of “the Executive” insert –

“external waters” means the territorial sea adjacent to Great Britain and any area designated by order under section 1(7) of the Continental Shelf Act 1964;”;

(d) for the definition of “licensee” substitute –

“licensee” –

(a) in relation to a well in Great Britain and any activity in relation to that well, means any person to whom a licence to search and bore for and get petroleum is granted pursuant to section 2 of the Petroleum (Production) Act 1934 or section 3 of the Petroleum Act 1998; and

(b) in relation to a well in external waters and any activity in relation to that well, means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”; and

(e) in the definition of “safety case” after “the 2005 Regulations” insert “or regulation 2(2) of the 2015 Regulations”;

(f) for the definition of “well operator” substitute –

“well operator” –

(a) in relation to a well in Great Britain, means the person appointed by the licensee for the well to execute the function of organising and supervising all operations to be carried out by means of such well or, where no such person has been appointed, the licensee; and

(b) in relation to a well in external waters, has the meaning given in regulation 2 of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”.

(3) In paragraph (4) omit –

(a) the “and” immediately following sub-paragraph (a)(ii); and

(b) sub-paragraph (b).

26. In regulation 3(1)(b) (application) –

(a) before “to and in relation to installations” insert “except for regulation 18,” and

(b) for “articles 4(1) and (2)(b) and 5 of the 1995 Order” substitute “articles 4(1) and (2) and 5 of the 2013 Order”.

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584 As well as updating references to legislation, these amendments enable DCR to apply to the SCR 2005 regime in relation to internal waters and the SCR 2015 regime for offshore oil and gas operations within external waters.

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27. *In regulation 9 (reporting of danger to an installation) –*
- (a) *in paragraph (1) omit “within 10 days”; and*
 - (b) *after paragraph (2) insert –*
- “(3) *The report must be made –*
- (a) *where the installation is in external waters, within 10 working days after the appearance of evidence of the significant threat; and*
 - (b) *in any other case, within 10 days after the appearance of that evidence.*
- (4) *In paragraph (3) “working days” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of Great Britain.”*

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585 This amendment removes any conflict with Commission Implementing Regulation (EU) No 1112/2014,³⁷ which requires reports to be submitted within 10 working days.

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28. *In regulation 12 (additional requirements) –*
- (a) *in paragraph (1) omit “Subject to paragraph (3),”; and*
 - (b) *omit paragraph (3).*
29. *In regulation 13(2) (general duty) after “regulations 14 to 19 and 21,” insert “and regulations 11 and 12 of the 2015 Regulations (examination of wells in external waters)”.*

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586 These amendments highlight that requirements to establish a well examination scheme (see regulations 11 and 12) must not prevent the timely implementation of proposed changes where they are necessary to prevent the unplanned escape of fluids (also see regulation 13 of DCR).

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30. *In regulation 18 (arrangements for examination) omit paragraphs (5), (6) and (8).*
31. *In regulation 23(1) (certificates of exemption) after “safety and health of workers at work” insert “or under Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC”.*
32. *Omit regulation 24 (transitional provisions).*
- Offshore Installations (Safety Case) Regulations 2005**
33. *The Offshore Installations (Safety Case) Regulations 2005 are amended as follows.*
34. (1) *Subject to paragraph (2), for “relevant waters” substitute “internal waters” in each place occurring.*
- (2) *Paragraph (1) does not apply to –*
- (a) *the definition of “relevant waters” in regulation 2(1);*
 - (b) *Schedule 9.*
- (3) *Subject to paragraph (4), for “sea-bed” substitute “bed of internal waters” in each place occurring.*

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- (4) Paragraph (3) does not apply to Schedule 9.
35. (1) Regulation 2 (interpretation) is amended as follows.
- (2) In paragraph (1) –
- (a) after the definition of “installation” insert –
- ““internal waters” means tidal waters and parts of the sea in or adjacent to Great Britain up to the landward limits of the territorial sea;”;
- (b) in the definition of “licensee” after “pursuant to” insert “section 2 of the Petroleum (Production) Act 1934 or”;
- (c) in the definition of “relevant statutory provisions” after “them” insert “, within internal waters”;
- (d) omit the definition of “relevant waters”.
36. In regulation 4 (application) omit paragraph (1).
37. In regulation 6(2) (design and relocation notifications for production installation) after “new location” insert “within internal waters”.
38. In regulation 7(1) (safety case for production installation) in the opening words after “operated” insert “within internal waters”.
39. In regulation 14(3)(c) (revision of safety case) after “location” insert “within internal waters”.
40. In paragraph 10 of Schedule 1 (particulars to be included in a design notification etc.) after “location” insert “within internal waters”.

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587 As well as updating references to legislation, these amendments restrict the application of the SCR 2005 regime to internal waters. The SCR 2015 regime applies to offshore oil and gas operations within external waters.

Schedule 13

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

41. (1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 are amended as follows.
- (2) For regulation 15(3)(c) (restriction on parallel requirements) substitute –
- “(c) where the requirements have different time limits –
- (i) in any case where any of those requirements is a requirement to make a report in relation to a reportable incident falling within paragraph 1(3) of Part 1 of Schedule 1, the time limit in relation to that incident is complied with;
- (ii) in any other case, the shortest time limit is complied with; and”.
- (3) In paragraph 1 of Schedule 1 (reporting and recording procedures) –
- (a) in sub-paragraph (1)(b) after “incident”, in the second place in which it occurs, insert “or, in the case of an incident falling within sub-paragraph (3), within 10 working days of the incident”;
- (b) after sub-paragraph (2) insert –

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“(3) A reportable incident falls within this sub-paragraph if it relates to a dangerous occurrence of a class specified in –

- (a) paragraph 20 of Part 1 of Schedule 2 in relation to an offshore workplace; or
- (b) Part 6 of that Schedule.

(4) For the purposes of –

- (a) sub-paragraph (1)(b), “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of Great Britain; and
- (b) sub-paragraph (3), “offshore workplace” has the meaning given in regulation 2(1), but as if the words in parenthesis in that definition had no effect.”

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588 This amendment removes any conflict with the Commission Implementing Regulation (EU) No 1112/2014, which requires reports to be submitted within 10 working days.

Schedule 13

Health and Safety and Nuclear (Fees) Regulations 2015

42. (1) The Health and Safety and Nuclear (Fees) Regulations 2015 are amended as follows.

(2) In regulation 14 (fees payable in respect of offshore installations) –

- (a) in paragraph (2) after “2005 Regulations” insert “or the 2015 Regulations”.
- (b) in paragraph (3) –

(i) after the definition of “the 2005 Regulations” insert –

““the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;”;

(ii) in the definition of “installation”, “current safety case”, “safety case” and “owner” –

(aa) after “owner” insert “, in a case concerning the 2005 Regulations”; and

(bb) after “those Regulations” omit “and” and insert “ or, in a case concerning the 2015 Regulations, have the same meanings as in the 2015 Regulations”;

(iii) for the definition of “operator” substitute –

““operator” –

(a) in a case concerning the 2005 Regulations has the meaning –

(i) in the case of the dismantling of a fixed installation under regulation 11 of those Regulations, given in regulation 11(4) of those Regulations;

(ii) in any other case, given in regulation 2(1) of those Regulations in relation to a production installation;

(b) in a case concerning the 2015 Regulations, has the meaning given in those Regulations; and”

(iv) after the definition of “operator” insert –

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“competent authority” has the meaning given in the 2015 Regulations.”

(3) In Schedule 10 (fees payable in respect of offshore installations) after the final entry in the Table insert –

<p>“Assessing a design notification (sent to the competent authority pursuant to regulation 15(1) or 19(1) of the 2015 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters</p>	<p>The operator or owner who sent the design notification to the competent authority pursuant to that provision</p>
<p>Assessing a relocation notification (sent to the competent authority pursuant to regulation 15(3) of the 2015 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters</p>	<p>The operator who sent the relocation notification to the competent authority pursuant to that provision</p>
<p>Assessing a safety case or a revision to a current safety case (sent to the competent pursuant to any provision of the 2015 Regulations) for the purpose of deciding whether to accept that safety case or revision and accepting any such safety case or revision</p>	<p>The operator or owner who sent the safety case or revision to the competent authority pursuant to that provision</p>
<p>Providing advice with respect to the preparation of a safety case or a revision to a current safety case which is proposed to be sent to the competent authority pursuant to any provision of the 2015 Regulations</p>	<p>The operator or owner who has requested that advice</p>
<p>Assessing whether to grant an exemption pursuant to regulation 35 of the 2015 Regulations and granting any such exemption</p>	<p>The operator or owner who has requested the exemption”</p>

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589 These amendments will enable HSE to recover costs for relevant activities under both the SCR 2005 and SCR 2015 regimes.

Schedule 13

PART 2 Revocations and Instruments

(1) <i>Regulations revoked</i>	(2) <i>References</i>	(3) <i>Extent of revocation</i>
<i>The Offshore Installations (Logbooks and Registration of Death) Regulations 1972</i>	S.I. 1972/1542	<i>The whole Regulations</i>
<i>The Offshore Installations (Inspectors and Casualties) Regulations 1973</i>	S.I. 1973/1842	<i>The whole Regulations</i>
<i>The Submarine Pipe-lines (Inspectors etc.) Regulations 1977</i>	S.I. 1977/835	<i>The whole Regulations</i>
<i>The Submarine Pipe-lines Safety Regulations 1982</i>	S.I. 1982/1513	<i>The whole Regulations</i>
<i>The Offshore Installations (Safety Zones) Regulations 1987</i>	S.I. 1987/1331	<i>The whole Regulations</i>
<i>The Offshore Installations and Pipeline Works (First-Aid) Regulations 1989</i>	S.I. 1989/1671	<i>In regulation 2, the definition of "the 1989 Order"; regulation 5(2)(b) and (c)</i>
<i>The Offshore Safety (Repeals and Modifications) Regulations 1993</i>	S.I. 1993/1823	<i>Regulation 4(6); regulation 5(2); in the Schedule, all entries except those relating to the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 and the Offshore Installations and Pipeline Works (First Aid) Regulations 1989</i>
<i>The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995</i>	S.I. 1995/738	<i>In regulation 2, the definition of "the 1995 Order"; Part 2 of Schedule 2, paragraphs 1, 2, 3, 4 and 12</i>
<i>The Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995</i>	S.I. 1995/743	<i>In regulation 6(1)(c) the word "and"</i>
<i>The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996</i>	S.I. 1996/913	<i>In regulation 2(1) the definition of "the 1995 Order"; in regulation 2(4)(a)(ii) the word "and"; regulation 2(4)(b); regulation 12(3); regulation 18(5), (6) and (8); regulation 24</i>

Schedule	13	(1) <i>Regulations revoked</i>	(2) <i>References</i>	(3) <i>Extent of revocation</i>
		<i>The Offshore Safety (Miscellaneous Amendments) Regulations 2002</i>	<i>S.I. 2002/2175</i>	<i>Regulation 3(a)(i)</i>
		<i>The Offshore Installations (Safety Case) Regulations 2005</i>	<i>S.I. 2005/3117</i>	<i>In regulation 2 the definition of "relevant waters"; regulation 4(1); Schedule 9, paragraph (2)(a)(iv) and (vii), paragraph 3(a)(i), (vi), (ix); paragraph 5(a)(i)(ff); regulation 27</i>
		<i>The Health and Safety and Nuclear (Fees) Regulations 2015</i>	<i>S.I. 2015/363</i>	<i>In regulation 14, in the definition of "installation", "current safety case", "safety case" and "owner", after the words "those regulations" the word "and"</i>

Schedule 14 Transitional provisions and savings

Regulation 39

Schedule	14	PART 1 Interpretation
		<p>Interpretation</p> <p>1. (1) <i>In this Schedule –</i></p> <p><i>"the 2005 regime" means –</i></p> <ul style="list-style-type: none"> (a) <i>the legislation modified by Schedule 13 to these Regulations; and</i> (b) <i>the 1974 Act as it applied in relation to the legislation mentioned in paragraph (a),</i> <p><i>to the extent that that Act and that legislation had effect in relation to external waters immediately before the commencement date;</i></p> <p><i>"the 2005 Regulations" means the Offshore Installations (Safety Case) Regulations 2005 as they had effect immediately before the commencement date;</i></p> <p><i>"the commencement date" means 19th July 2015;</i></p> <p><i>"corresponding provision" means any provision of these Regulations –</i></p> <ul style="list-style-type: none"> (a) <i>as it has effect on or after the commencement date; and</i> (b) <i>so far as it corresponds (with or without modification) to a provision of the 2005 Regulations in relation to external waters;</i> <p><i>"current safety case," unless the context otherwise provides, has the meaning given in the 2005 Regulations;</i></p>

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“the date of thorough review” means the date immediately before the fifth anniversary of –

- (a) the date on which the Executive first accepted the current safety case pursuant to the 2005 Regulations; or*
- (b) where there has been at least one review of that safety case under regulation 13 of the 2005 Regulations immediately before the commencement date, the date –*
 - (i) of that review, or*
 - (ii) if there has been more than one review, the last of those reviews;*

“design notification”, unless the context otherwise provides, has the meaning given in the 2005 Regulations;

“duty holder”, except in paragraph 8, has the meaning given in the 2005 Regulations;

“field development programme” means a field development programme within the meaning given in the 2005 Regulations;

“existing non-production installation” means a non-production installation for which there was a current safety case immediately before 18 July 2013;

“existing production installation” means a production installation for which there was a current safety case immediately before 18 July 2013;

“operator”, has the meaning given in the 2005 Regulations;

“owner” has the meaning given in the 2005 Regulations;

“transitional period” means, in relation to an owner, operator or well-operator (as the case may be) the period for which the 2005 regime continues to apply in relation to that person.

(2) For the purposes of this Schedule –

- (a) “notification” means a notification under a provision of the 2005 Regulations specified in the first column of the Table below; and*
- (b) a notification is completed if the event specified in the second column of the Table corresponding to the entry for that notification in the first column of the Table has occurred.*

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Notifications and completion

<i>Notification under the 2005 Regulations</i>	<i>Event on which notification is completed</i>
<i>Regulation 6(1) (design)</i>	<i>Submission of the field development programme</i>
<i>Regulation 6(2) (relocation of a production installation)</i>	<i>Submission of the field development programme</i>
<i>Regulation 9 (conversion of non-production installation to operate as a production installation)</i>	<i>Completion of the design</i>
<i>Regulation 10 (combined operation)</i>	<i>Engagement in the combined operation</i>
<i>Regulation 17(1) (general well operation)</i>	<i>Commencement of well operation</i>
<i>Regulation 17(2) (specific well operation)</i>	<i>Commencement of well operation</i>

PART 2 Continued application of the 2005 regime in relation to external waters during the transitional period

General saving of the 2005 regime

2. *Despite the coming into force of these Regulations, the 2005 regime continues to apply in relation to external waters during the transitional period as provided for in this Part of this Schedule.*

Continued application of the 2005 regime to existing and proposed non-production installations

3. *The 2005 regime continues to apply in relation to the owner of a non-production installation, in respect of that installation, for the period which starts on the commencement date and ends –*

- (a) *where the installation is an existing non-production installation –*
 - (i) *immediately before 19th July 2016; or*
 - (ii) *if earlier, on the date of thorough review provided that that date falls on or after the commencement date;*
- (b) *where the installation is not an existing non-production installation and is established on or after the commencement date but before 19th July 2016, immediately before 19th July 2016.*

Continued application of the 2005 regime to existing and proposed production installations

4. *The 2005 regime continues to apply in relation to the operator of a production installation, in respect of that installation, for the period which starts on the commencement date and ends –*

- (a) *where the production installation is an existing production installation –*
 - (i) *immediately before 19th July 2018; or*
 - (ii) *if earlier, on the date of thorough review provided that that date falls on or after the commencement date;*

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- (b) where the production installation is not an existing production installation and is established on or after the commencement date but before 19th July 2016, immediately before 19th July 2016.

Continued application of the 2005 regime to well operations

5. (1) The 2005 regime continues to apply to the submission of a well notification by a well operator in respect of, or execution by such an operator of a well operation from –

- (a) a non-production installation to which paragraph 3 applies, for the period that it applies to the owner of that installation in accordance with that paragraph;
- (b) from a production installation to which paragraph 4 applies, for the period that it applies to the operator of that installation in accordance with that paragraph; and
- (c) (a vessel that is not an installation, for the period which starts on the commencement date and ends immediately before 19th July 2016.

(2) Despite sub-paragraph (1)(b) the 2005 regime ceases to apply to –

- (a) the submission of a well notification in respect of a production installation; or
- (b) the execution of a well operation from such an installation,

on 19th July 2016.

(3) Nothing in sub-paragraph (2) affects the application of paragraph 4 to the operator of the relevant production installation.

Design notification for production installations to be established during transitional period

6. Where a production installation is to be established on or after the commencement date but before 19th July 2016, the 2005 regime applies to the preparation and sending to the Executive of the design notification for that installation.

Design notification: Election to prepare notification under these Regulations

7. (1) Despite paragraph 6, the operator of a production installation which is to be established on or after the commencement date but before 19th July 2016 may elect to prepare and send a design notification to the competent authority under these Regulations.

(2) Where an operator elects to prepare and send a design notification under these Regulations, the 2005 regime ceases to apply to that operator in relation to that installation on the date on which that notification is sent to the competent authority.

Election to prepare a safety case under these Regulations

8. (1) Subject to sub-paragraph (2), nothing in paragraph 3(b), 4(b) or 5(1) prevents a duty holder who would otherwise be or continue to be subject to the 2005 regime as a consequence of any of those provisions from preparing and sending a safety case to the competent authority under these Regulations.

(2) Sub-paragraph (1) does not apply if there is a current safety case for the installation.

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(3) Where a duty holder elects in accordance with sub-paragraph (1) to prepare and send a safety case to the competent authority under these Regulations –

- (a) the 2005 regime ceases to apply to that operator in relation to that installation on the date on which the operator sends the safety case to the competent authority; and
- (b) these Regulations apply to that operator in relation to that installation on and after that date.

Treatment of current safety cases for installations continuing under the 2005 regime

9. (1) Sub-paragraph (2) applies to the duty holder of an installation, in respect of that installation, where –

- (a) paragraph 3 or 4 continues to apply to the duty holder in respect of that installation;
- (b) there is a period of no more than four months, or such longer period as the competent authority may specify, remaining until the end of the transitional period;
- (c) there is a current safety case; and
- (d) there is an intention, after the transitional period ends –
 - (i) in the case of a non-production installation, to operate it in external waters or move it in external waters with a view to its being operated there; or
 - (ii) in the case of a production installation, to operate it in external waters.

(2) Where this sub-paragraph applies the duty holder may make revisions to the current safety case –

- (a) containing particulars, not required pursuant to the 2005 Regulations, but specified in –
 - (i) regulation 16 of and Schedule 7 to these Regulations, in the case of a non-production installation; or
 - (ii) in regulation 16 of and Schedule 6 to these Regulations in relation to a production installation; and
- (b) which are otherwise appropriate in consequence of any revision made under paragraph (a).

(3) Revisions made under sub-paragraph (2) which make a material change to the current safety case are not effective unless –

- (a) the duty holder sends a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least three months, or such shorter period as the competent authority may specify, before the revisions are to be made; and
- (b) the competent authority accepts the revisions.

10. Where revisions to current safety case under paragraph 9(2) may take effect without the acceptance of the competent authority or are accepted by the competent authority, the current safety case together with those revisions has effect –

- (a) as a current safety case until the end of the relevant transitional period; and

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- (b) *subject to paragraph 11, on and after the end of that transitional period for the purposes of these Regulations as a current safety case within the meaning of regulation 2(1).*

11. *Where paragraph 10(b) applies to a safety case, paragraph (1)(a) of regulation 23 has effect as if the reference in that paragraph to the date on which the current safety case was first accepted by the competent authority were a reference to the date on which the Executive first accepted that safety case under the 2005 Regulations.*

PART 3 Transition from the 2005 regime

Improvement notices issued before the end of the transitional period

12. (1) *An improvement notice to which this paragraph applies has effect on and after the relevant date as an improvement notice issued in respect of a contravention of a corresponding provision of these Regulations.*

(2) *This paragraph applies to an improvement notice if –*

- (a) *it was in force or effective immediately before the relevant date; and*
- (b) *it was served on an owner, operator or well operator by an inspector under the 2005 regime.*

(3) *In this paragraph “relevant date” means the date on which the transitional period ends.*

Prohibition notices issued before the end of the transitional period

13. (1) *Where –*

- (a) *a prohibition notice –*
 - (i) *is served on an owner, operator or well operator by an inspector as regards activities to which the 2005 regime applied or would have applied;*
 - (ii) *is in force or effective immediately before the relevant date; and*
- (b) *the activities mentioned in paragraph (i) are activities to which a corresponding provision of these Regulations applies, or will, if carried on, apply on and after the relevant date,*

that notice continues to have effect on and after the relevant date as if served as regards activities to which these Regulations apply or will apply.

(2) *In this paragraph “relevant date” means the date on which the transitional period ends.*

Design etc notifications

14. *A notification under the 2005 regime which is completed immediately before the date on which the transitional period ends has effect on and after that date as a notification made under the corresponding provision of these Regulations.*

15. *Where a notification under the 2005 regime is not completed before the date on which the transitional period ends (“the relevant date”), but particulars of it have been notified before the relevant date in accordance with the 2005 regime –*

- (a) *the particulars notified have effect on and after the relevant date as particulars notified pursuant to the corresponding provision of these Regulations;*

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(b) *the absence from particulars falling within paragraph (a) of any particulars required pursuant to a corresponding provision of these Regulations but not required pursuant to the 2005 regime is to take effect as a material change in those particulars on the relevant date.*

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Safety cases: Non-production installations

Existing non-production installation

590 Must have an accepted safety case by 19 July 2016 or by the thorough review due date (whichever comes first). SCR 2005 applies until that date. The date for thorough review is five years after the acceptance of original safety case or the date of previous thorough review.

591 Time slots allocated by the competent authority to ensure adequate time for assessment of the material change.

592 An existing non-production installation is defined as ‘a non-production installation for which there was a current safety case immediately before 18 July 2013’.

New non-production installation

593 Must have an accepted safety case by 19 July 2016. SCR 2005 applies until that date.

594 Time slots allocated by the competent authority to ensure adequate time for assessment of the material change.

Production installations

Existing production installation

595 Must have an accepted safety case by 19 July 2018 or by the thorough review due date (whichever comes first). SCR 2005 applies until that date.

596 The date for thorough review is five years after the acceptance date of the original safety case or the date of the previous thorough review.

597 Time slots allocated by the competent authority to ensure adequate time for assessment of the material change.

598 An existing production installation is defined as ‘a production installation for which there was a current safety case immediately before 18 July 2013’.

New production installation

599 Must have an accepted safety case by 19 July 2016. SCR 2005 applies until that date. Time slots allocated by the competent authority to ensure adequate time for acceptance.

600 An operator with a pending safety case can either apply afresh under the new regime or await acceptance of the safety case under the old SCR 2005 regime, within the transitional period, and then make material changes to it to bring it into line with the new regime when their transitional period ends.

601 If the operator already has an accepted safety case under the 2005 regime, from the point in time starting four months before the end of the transitional period – or a longer period if agreed with the competent authority – the operator can make

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material changes to its 2005 regime current safety case to bring it into line with the 2015 regime and then submit it for acceptance under the new regime.

602 If for any reason it is decided not to complete the necessary material changes to a 2005 regime current safety case to comply with the new regulations within the transitional period (eg in the case of a non-production installation working outside of external waters during the transitional period), there will be no current safety case when the new regime applies. Under such circumstances, a new safety case would be required when the dutyholder is ready to resume operations in external waters under the SCR 2015 regime. Please note that it is important when mobile installations are submitting a new safety case, or a material change to one, that there is an intention to operate the installation in external waters after the transitional period ends.

603 Schedule 14 prevents a dutyholder from applying too early, which could defeat the purpose of the booking system created by the competent authority for the transitional period. However, it is flexible enough to enable the competent authority to allow for earlier submissions when appropriate. Generally, an operator may submit a safety case which meets the requirements of the new regulations in advance of the safety case due date. However, to ensure that all safety cases are reviewed and approved within the agreed timescale, the competent authority has allocated submission dates. If safety cases are submitted outside these allocated dates they may well be retained until closer to their original due date for assessment.

604 Dutyholders whose transitional periods end very soon after the implementation date will have to agree with the competent authority for their documentation to be scrutinised in advance.

605 An installation dutyholder should determine what elements of Schedule 14 apply to them. When appropriate, a review of the safety case should be undertaken to ensure the requirements of the new regulations and the associated schedule are addressed.

606 As part of the review process consideration should be given to whether changes made to the safety case result in a material change which can then be submitted for assessment and acceptance.

607 Thorough review due dates are being used by the competent authority to allocate assessment slots to operators. These slots will ensure adequate time to assess any material changes to the safety case resulting from the new legislative requirements. These dates are being used to support the transitional arrangements and thorough reviews will still be completed to the timescales required by SCR 2015.

608 The operator of a production installation or the owner of a non-production installation to whom the 2005 regime continues to apply, where there is no current safety case for the installation under the 2005 regime, may elect under paragraph 8(1) of Schedule 14 to submit a 2015 safety case. The 2005 regime ceases to apply to the operator or owner in relation to the installation concerned on the date they send the 2015 safety case to the competent authority and the 2015 regime applies. The submission of a well notification in respect of the installation or the execution of a well operation from the installation will also be governed by the 2015 regime from the date the 2015 safety case is sent to the competent authority. For this reason it is recommended that the operators or owners in question liaise with their well operator before making such an election. The 2005 regime may continue to apply beyond 19 July 2016 (possibly up to 19 July 2018) to the operator in respect of some production installations. Whether or not there is a subsequent

election to come into the 2015 regime by the operator, the 2015 regime will apply to the submission of a well notification in respect of the installation or the execution of a well operation from the installation from 19 July 2016.

609 Dutyholders should give due consideration to the guidance associated with a safety case review and a material change to ensure that material changes related to these transitional arrangements are both recognised and appropriately managed by the dutyholder. Revisions which cause a material change are only effective if appropriately submitted and accepted by the competent authority.

Well notifications

Existing production installations

610 SCR 2015 well notification duties in relation to existing production installations apply from the earliest of the dates that SCR 2015 applies to that installation from which the well operations will be carried out, or 19 July 2016.

611 All well notifications should meet the requirements of SCR 2015 by this date irrespective of when the installation safety case transitional date is (it may be up to July 2018).

612 Where a well notification is made before the end of the transitional period, and the well operation which is the subject of the notification is not commenced before the end of the transitional period, this will require a material change to the notification to bring it in line with SCR 2015.

New production installations

613 SCR 2005 well notifications apply until 18 July 2016. From 19 July 2016, the new well notification requirements in SCR 2015 apply.

614 Where a well notification is made before the end of the transitional period, and the well operation which is the subject of the notification is not commenced before the end of the transitional period, this will require a material change to the notification to bring it in line with SCR 2015.

Non-production installations

615 SCR 2015 well notification duties in relation to existing non-production installations apply from the earliest of the dates that SCR 2015 applies to that installation from which the well operations will be carried out, or 19 July 2016. All well notifications should meet the requirements of SCR 2015 by this date.

616 Where a well notification straddles the point in time marking the end of the transitional period and the start of the full application of SCR 2015, this will require a material change to the notification to bring it in line with the new requirements.

617 Where the new requirements of SCR 2015 apply to the installation before 19 July 2016, due to the timing of the thorough review date, the new well notification requirements will also apply to the well operations for that installation.

618 However, if an existing production installation has until after 18 July 2016 to comply with SCR 2015, this longer timeframe will not extend to well operations and associated notifications. It is expected that any well notification submitted after 18 July 2016 will comply with SCR 2015 while the safety case for the installation will remain under SCR 2005 until the end of the transitional period applicable to the installation.

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619 Every notification serves a purpose, and when that occurs the notification may be regarded as being completed. The table in the definitions, Part 1 of Schedule 14, sets out when each of the different types of notification are regarded as completed.

620 Provided the notification has served its purpose by the end of the transitional period, there is no need for it to be re-examined under the SCR 2015 regime, and it is acceptable for the purposes of SCR 2015.

621 Where the transitional period ends before the purpose of the notification has been completed, the particulars of the SCR 2005 notification are treated as having been notified under SCR 2015. However, if matters required by SCR 2015 have not been included in the notification, a review of its contents should be made and a material change to the notification submitted to address them.

Design notifications

622 SCR 2015 design notification duties apply from 19 July 2016. Any design notifications submitted prior to the above date, subject to what is said below, may be made under SCR 2005.

623 From 19 July 2016, the operator of a production installation which is to be established has to prepare a design notification containing the particulars specified in Schedule 5. They must send the notification to the competent authority at such a time before the submission of a field development plan to the licensing authority as will enable them to take account in the design of the installation of any health, safety and environmental matters raised by the competent authority within three months (or such shorter period if specified) of the design notification being submitted.

624 Where, by the end of the transitional period, a design notification under the 2005 regime has not been 'completed', that is the field development plan has not been submitted, having properly taken account in the design of any matters relating to health and safety raised by the competent authority, SCR 2015 applies. In these circumstances, the particulars notified in the SCR 2005 design notification are regarded as ones notified under the new regime (see paragraph (15) of Schedule 14). However, if matters required by SCR 2015 have not been included in the notification, a review of its contents should be made and a material change to the notification submitted to address them.

625 Design notifications under the 2005 regime which have been completed by the end of the transitional period are classed as having been made under the new regime.

626 Operators may submit design notifications in advance of 19 July 2016, which meet the requirements of SCR 2015, to minimise the requirement for this material change to be made. If this course of action is taken, the requirements of the new regime will apply from the date the notification is sent.

Notifications of combined operations

627 The transition date for a notification of combined operations is linked to the transition date of the installation for which the notification of combined operations is submitted. If the installation has transitioned to SCR 2015 the notification of combined operations should be submitted in line with the 2015 Regulations; if not, it will be submitted under SCR 2005. Where there are combined operations between an installation with a safety case under the 2005 regime and one with a safety case under the 2015 regime, the bridging document should be used to explain this situation.

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