STATUTORY INSTRUMENTS

2015 No. 386

MARINE POLLUTION

The Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) (Amendment) Regulations 2015

Made - - - -	*19th March 2015*
Laid before Parliament	*23rd March 2015*
Coming into force - -	*19th July 2015*

The Secretary of State, being a Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to matters relating to the environment, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) (Amendment) Regulations 2015 and come into force on 19th July 2015.

Transitional provisions

2.—(1) Where an installation is a planned production installation, these Regulations apply in relation to an operator in respect of such an installation and its connected infrastructure, from 19th July 2016.

(2) These Regulations apply to an operator of a production installation which is an existing installation, in respect of that installation, from the earlier of—

(a) the date of thorough review in relation to that installation; or

(b) 19th July 2018.

(3) Where a production installation which is not a planned production installation or an existing production installation, but in respect of which a current safety case applied before 19th July 2016, these Regulations apply to an operator in respect of such a production installation and its connected infrastructure from the 19th July 2016.

(**1**) S.I. 2008/301.

(**2**) 1972 c. 68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). The power of Ministers to make regulations in relation to matters in or regards Scotland is preserved by section 57(1) of the Scotland Act 1998 (c. 46).

(4) In relation to a well operator who is planning or executing well operations, the provisions of these Regulations relating to the carrying out of well operations apply from the earlier of—

(a) the date of thorough review in relation to the installation from which the well operations were planned or executed; or

(b) 19th July 2016.

(5) These Regulations apply to the owner of a non-production installation which is—

(a) an existing installation, in respect of that installation, from the earlier of—

(i) the date of thorough review in relation to that installation; and

(ii) 19th July 2016; and

(b) not an existing installation, in respect of that installation, from 19th July 2016.

(6) In this regulation—

(a) "current safety case" has the meaning given in the Offshore Installations (Safety Case) Regulations 2005(**3**);

(b) "date of thorough review in relation to an installation" means the date of thorough review in relation to that installation within the meaning given in the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015(**4**), but only where that date is after 18th July 2015;

(c) "existing installation" means an installation in respect of which a current safety case applied on 18th July 2013; and

(d) "planned production installation" means a production installation in respect of which a design notification had been sent to the Health and Safety Executive in accordance with regulation 6 of the Offshore Installations (Safety Case) Regulations 2005 before 18th July 2013, but which had not commenced operations at that date.

Amendments to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998

3. These Regulations amend the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998(**5**) ("the 1998 Regulations").

Amendment of regulation 2

4.—(1) Regulation 2(interpretation) of the 1998 Regulations is amended as follows.

(2) Before the definition of "GT" insert—

""the 2013 Directive" 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(**6**);

"combined operation" has the meaning given in Article 2(25) of the 2013 Directive;

"connected infrastructure" means—

(a) any well or supplementary unit connected to an offshore installation; and

(b) within an offshore installation's safety zone—

(i) any associated structure or device which is connected to the installation;

(ii) any apparatus or works on, or affixed to, the main structure of the installation; and

(**3**) S.I. 2005/3117.
(**4**) S.I. 2015/398.
(**5**) S.I. 1998/1056.
(**6**) O.J. No. L178, 28.06.13, p.66.

(iii) any pipeline apparatus or works attached to the installation;".

(3) After the definition of "GT" insert—

""major environmental incident arising from a major accident" means a major environmental incident (which has the meaning given in Article 2(37) of the 2013 Directive) which is caused by—

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

(b) an event involving major damage to the structure of the offshore installation or plant affixed to it or any loss in the stability of the offshore installation;

(c) the collision of a helicopter with the offshore installation;

(d) the failure of life support systems for diving operations in connection with the offshore 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; or

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

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

(4) After the definition of "National Contingency Plan" insert—

""non-production installation" means an offshore installation other than a production installation;".

(5) For the definition of "offshore installation" substitute—

""offshore installation" means a stationary, fixed or mobile facility, or a combination of facilities permanently inter-connected by bridges or other structures, which is—

(a) in offshore waters; and

(b) used for offshore oil and gas operations or in connection with such operations,

but only includes mobile offshore drilling units (that term having the same meaning as in the 2013 Directive) when they are stationed in offshore waters for drilling, production or other activities associated with offshore oil and gas operations;.".

(6) After the definition of "offshore installation" insert—

""offshore licence" has the meaning given in the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015(**7**);

"offshore oil and gas operations" has the meaning given in Article 2(3) of the 2013 Directive;

"offshore waters" means—

(a) the waters comprising the territorial sea of the United Kingdom; or

(b) the sea in any area for the time being designated under section 1(7) of the Continental Shelf Act 1964(**8**);".

(7) In the definition of "oil handling facility" after "installation" insert "or its connected infrastructure;".

(8) After the definition of "oil pollution incident" insert—

(**7**) S.I. 2015/385.
(**8**) 1964 c. 29.

""oil spill response effectiveness" has the meaning given in Article 2(32) of the 2013 Directive;".

(9) For the definition of "operator" substitute—

""operator"—

(a) in relation to an oil handling facility means a person having, for the time being, the management of such facility in the United Kingdom;

(b) subject to paragraph (c), in relation to a production installation and its connected infrastructure, means an "installation operator" as that term is defined in the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015; or

(c) in relation to well operations, means the well operator;".

(10) After the definition of "operator" insert—

""production installation" means an offshore installation used for the offshore extraction of oil and gas from the underground strata of the area covered by a licence, including offshore processing of oil and gas and its conveyance through connected infrastructure;

"responsible person" means in relation to—

(a) a production installation and its connected infrastructure, subject to paragraph (c), the operator in relation to the installation or connected infrastructure;

(b) a non-production installation and its connected infrastructure, subject to paragraph (c), the person entitled to control the operation of the installation; and

(c) well operations, the well operator,

and "matters for which a responsible person is responsible" shall be construed accordingly;

"safety zone" means a safety zone within the meaning of Part 3 of the Petroleum Act 1987(**9**);".

(11) After the definition of "United Kingdom Ship" insert—

""well operation" has the meaning given in the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015(**10**); and

"well operator" has the meaning given in the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015.".

Amendment of regulation 3

5.—(1) Regulation 3(application) of the 1998 Regulations is amended as follows.

(2) In paragraph (1)(a), for the words "the Schedule" substitute "Schedule 1".

(3) For paragraph (2), substitute—

"(2) These Regulations apply to—

(a) every offshore installation and its connected infrastructure in offshore waters; and

(b) every oil handling facility which—

(i) is a pipeline; or

(ii) would be an offshore installation were it in offshore waters,

in United Kingdom waters and in any area designated under the Continental Shelf Act 1964.".

(**9**) 1987 c. 12.
(**10**) S.I. 2015/398.

Amendment of regulation 4

6.—(1) Regulation 4 (oil pollution emergency plans) of the 1998 Regulations is amended as follows.

(2) For sub-paragraph (c) of paragraph (1) substitute—

"(c) responsible person, in respect of the matters for which that person is responsible,".

(3) For sub-paragraph (b) of paragraph (2) substitute—

"(b) there may be joint plans in respect of a number of offshore installations and their connected infrastructure; and".

(4) After sub-paragraph (b) of paragraph (2) insert—

"(c) there may be joint plans in respect of an offshore installation and its connected infrastructure and any of their related oil handling facilities where such a facility—

(i) would be an offshore installation were it in offshore waters; or

(ii) is a pipeline.".

(5) In paragraph (3)—

(a) in sub-paragraph (a)—

(i) after "operator" insert "of an oil handling facility and every responsible person"; and

(ii) after "offshore installation" insert "and its connected infrastructure or well operations";

(b) in sub-paragraph (b) for "or operator" substitute ", an operator of an oil handling facility or a responsible person"; and

(c) after sub-paragraph (b) insert—

"(c) An oil pollution emergency plan in respect of an offshore installation must comply with Schedule 2.".

(6) In paragraph (4)—

(a) for the words in sub-paragraph (a)(iii) substitute "operations relating to an offshore installation, its connected infrastructure or well operations are to be commenced,";

(b) for the words in sub-paragraph (bb) substitute "operations relating to the offshore installation or connected infrastructure are to be commenced; or";

(c) after sub-paragraph (bb) insert—

"(cc) well operations are to be commenced."; and

(d) after sub-paragraph (b) insert—

"(c) Where an oil pollution emergency plan is submitted in accordance with sub-paragraph (a), any approval by the Secretary of State of that plan is valid only when that installation is in United Kingdom waters or in any area designated under the Continental Shelf Act 1964.".

(7) In paragraph (5)—

(a) in sub-paragraph (a), for the words "harbour authority and every operator" substitute "person required to submit an oil pollution emergency plan under these Regulations, except where paragraph (5B) applies,"; and

(b) in sub-paragraph (b), after the word "operator" insert "of the oil handling facility or responsible person".

(8) After paragraph (5) insert—

"(5A) Paragraph (5B) applies to—