STATUTORY RULES OF NORTHERN IRELAND

2007 No. 247

HEALTH AND SAFETY

The Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007

Made - - - -	*19th April 2007*
Coming into operation	*21st May 2007*

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), makes the following Regulations in exercise of the powers conferred by Articles 17(1) to (6)(**3**) and 55(2) of, and paragraphs 1(1) and (2), 7(1), 8, 13, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**4**) ("the 1978 Order") and Article 3(2) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992(**5**).

In accordance with Article 46(1)(**6**) of the 1978 Order, the powers exercised give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland(**7**) under Article 13(1A)(**8**) of the 1978 Order.

In accordance with Article 46(3) of the 1978 Order, the Executive has consulted the bodies which appeared to it to be appropriate.

Citation and commencement

1. These Regulations may be cited as the Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007 and shall come into operation on 21st May 2007.

Interpretation

2.—(1) In these Regulations—

(**1**) Formerly the Department of Economic Development; *see*S.I. 1982/846 (N.I. 11), Article 3 and S.I. 1999/283 (N.I. 1), Article 3(5)
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Article 3(2)
(**4**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Article 3(1)
(**5**) S.I. 1992/1728 (N.I. 17)
(**6**) Article 46 was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
(**7**) Formerly the Health and Safety Agency for Northern Ireland; *see*S.I. 1998/2795 (N.I. 18), Article 3(1)
(**8**) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

"the 1993 Regulations" means the Offshore Installations (Safety Case) Regulations (Northern Ireland)1993(**9**);

"current safety case" means a safety case in respect of an installation which has been accepted by the Executive pursuant to these Regulations or, subject to regulation 27, the 1993 Regulations and includes any revision thereto which—

(a) may take effect without the acceptance of the Executive; and

(b) has been accepted by the Executive;

"dismantling" means the dismantling or removal of the main and secondary structure of a fixed installation at the place at which it was operated;

"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;

"duty holder" means—

(a) in relation to a production installation, the operator; and

(b) in relation to a non-production installation, the owner;

"field development programme" means the support document for development and production authorisations to be submitted to the Department of Trade and Industry pursuant to the *Guidance Notes on Procedures for Regulating Offshore Oil and Gas Field Developments* as published on the Department of Trade and Industry's website and revised or reissued from time to time(**10**);

"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;

"installation" means an offshore installation within the meaning of regulation 3 of the Management Regulations;

"licensee" means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998(**11**);

"major accident" means—

(a) a fire, explosion or the release of a dangerous substance involving death or serious personal injury to persons on the installation or engaged in an activity on or in connection with it;

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

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

(d) 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; or

(e) 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 in connection with it;

"management system" means the organisation and arrangements established by a person for managing his undertaking;

(**9**) S.R. 1993 No. 221, as amended by S.R. 1995 No. 340, S.R. 1995 No. 345, S.R. 1996 No. 228, S.R. 1999 No. 150 and S.R. 2005 No. 45

(**10**) http://www.og.dti.gov.uk/regulation/guidance/reg_offshore/index.htm

(**11**) 1998 c.17

"the Management Regulations" means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995(**12**);

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

"notified" means notified in writing;

"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 he 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;

"operator", in relation to a production installation, means—

(a) the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or

(b) the licensee, where—

(i) it is not clear to the Executive that one person has been appointed to perform the functions described in paragraph (a); or

(ii) in the opinion of the Executive, any person appointed to perform the functions described in paragraph (a) is incapable of performing those functions satisfactorily;

"owner" means the person who controls the operation of a non-production installation;

"petroleum"—

(a) includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata; and

(b) does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;

"the PFEER Regulations" means the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations (Northern Ireland) 1995(**13**);

"pipeline" shall be construed in accordance with regulation 3 of the Pipelines Safety Regulations (Northern Ireland) 1997(**14**);

"production installation" means an installation which—

(a) extracts petroleum from beneath the sea-bed by means of a well;

(b) stores gas in or under the shore or bed of relevant waters and recovers gas so stored; or

(c) 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;

(iii) production installation which has not come into use; and

(**12**) S.R. 1995 No. 340, as amended by S.R. 1996 No. 228 and S.R. 1999 No. 150
(**13**) S.R. 1995 No. 345, as amended by S.R. 1996 No. 228 and S.R. 1999 No. 150
(**14**) S.R. 1997 No. 193, as amended by S.R. 1999 No. 150

(b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the sea-bed for the purposes of well testing;

"relevant waters" means tidal waters and parts of the sea in or adjacent to Northern Ireland up to the seaward limits of the territorial sea;

"safety-critical elements" means such parts of an installation and such of its plant (including computer programmes), or any part thereof—

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

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

a major accident;

"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 means required to be provided by regulation 10 of the PFEER Regulations—

(i) for detecting fire; and

(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—

(d) plant which is part of the safety-critical elements for that installation; and

(e) aircraft or equipment to which regulation 18 of the PFEER Regulations applies.

"territorial sea" means the territorial sea of the United Kingdom adjacent to Northern Ireland and "within the territorial sea" includes on, over and under it;

"vessel" includes a hovercraft and any floating structure which is capable of being staffed;

"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 shall be deemed to include any device on it for containing the pressure in it;

"well operation" means—

(a) the drilling of a well, including the recommencement of drilling after a well has been completed, suspended or abandoned by plugging at the sea-bed; and

(b) any operation in relation to a well during which there may be an accidental release of fluids from that well which could give rise to the risk of a major accident; and

"well operator", in relation to a well or proposed well, means—

(a) the person appointed by the licensee for that well or proposed well to execute the function of organising and supervising the drilling of that well and all operations to be carried out by means of that well; or

(b) where no such person has been appointed, the licensee.

(2) Any reference in these Regulations to a design notification, a relocation notification, a safety case or a notification of combined operations or well operations 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 12.

(3) Any reference in these Regulations to operating an installation is a reference to using the installation for any of the purposes described in regulation 3(1)(a) to (d) of the Management Regulations.

(4) For the purposes of these Regulations, an installation other than a production installation, the operation of which has not been treated as having commenced in accordance with regulation 7(2), shall be treated as engaged in a combined operation with another such installation or other such installations if an activity carried out from, by means of or on, that installation is carried out temporarily for a purpose related to the other installation or installations and could affect the health or safety of persons on the other installation or installations, and the expression "combined operation" shall be construed accordingly.

(5) Any reference in these Regulations to a verification scheme is a reference to a suitable written scheme for ensuring, by means described in paragraph (6), that the safety-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.

(6) The means referred to in paragraph (5) are—

(a) examination, including testing where appropriate, of the safety-critical elements and the specified plant by independent and competent persons;

(b) examination of any design, specification, certificate, CE marking or other document, marking or standard relating to those elements or that plant by such persons;

(c) examination by such persons of work in progress;

(d) the taking of appropriate action following reports by such persons;

(e) the taking of other such steps as may be properly provided for pursuant to regulation 19 and Schedule 7; and

(f) the taking of any steps incidental to the means described in sub-paragraphs (a) to (e).

(7) For the purposes of paragraph (6) and regulations 19 and 20, a person shall be regarded as independent only where—

(a) his function will not involve the consideration by him of an aspect, of a thing liable to be examined, for which he bears or has borne such responsibility as might compromise his objectivity; and

(b) he will be sufficiently independent of a management system, or of a part thereof, which bears or has borne any responsibility for an aspect of which he might consider, of a thing liable to be examined, to ensure that he will be objective in discharging his function.

(8) Any reference in these Regulations to an activity in connection with an installation is a reference to any activity in connection with an installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, in or from a vessel or in any other manner, other than—

(a) transporting, towing or navigating the installation; and

(b) any activity in or from a vessel which is ready to give assistance in the event of an emergency on or near the installation.

(9) 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 shall, for the purposes of these Regulations, be treated as having been done by his successor.

Communication and storage of information by electronic means

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.