STATUTORY RULES OF NORTHERN IRELAND

# 1996 No. 228

# HEALTH AND SAFETY

## Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996

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| *Made - - - -* | *7th June 1996* |
| *Coming into operation* | *21st July 1996* |

The Department of Economic Development, being the Department concerned(**1**), in exercise of the powers conferred on it by Articles 17(1) to (6) and 55(2) of, and paragraphs 1(1) and (2), 5, 7, 8, 9, 10, 11, 12(1) and (3), 13, 14(1), 15, 17 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**2**) ("the 1978 Order") and Article 3(2) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992(**3**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of the 1978 Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

## Part I

### Interpretation and General

**Citation and commencement**

**1.** These Regulations may be cited as the Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996 and shall come into operation on 21st July 1996.

**Interpretation**

**2.**—(1) In these Regulations—

"the 1993 Regulations" means the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993(**4**);

(**1**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**2**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by Article 3(1) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992, S.I. 1992/1728 (N.I. 17)
(**3**) S.I. 1992/1728 (N.I. 17)
(**4**) S.R. 1993 No. 221 as amended by S.R. 1995 No. 340 and S.R. 1995 No. 345

"the 1995 Regulations" means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995(**5**);

"concession owner", in relation to a well, means the person who at any time has the right to exploit or explore mineral resources in any area or to store gas in any area and to recover gas so stored if, at that time, the well is, or is to be, used in the exercise of that right;

"the Department" means the Department of Economic Development;

"duty holder", in relation to an installation, means the person who is the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation;

"environmental conditions" means—

(a) meteorological and oceanographic conditions; and

(b) properties and configuration of the sea-bed and subsoil;

"fixed installation" means an installation other than a mobile installation;

"installation" means an offshore installation within the meaning of regulation 3, except sub-paragraphs (*a*) and (*b*), and paragraph (ii) of sub-paragraph (*c*) of paragraph (3), of the 1995 Regulations;

"integrity" means structural soundness and strength, stability and, in the case of a floating installation, buoyancy insofar as they are relevant to the health and safety of persons;

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

"mobile installation" means an installation (other than a floating production platform) which can be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

"safety case" means a document described in regulation 2(2) of the 1993 Regulations which is required to be prepared pursuant to a provision of those Regulations;

"stand-by vessel", "territorial waters" and "vessel" have the same respective meanings as in regulation 2(1) of the 1995 Regulations;

"traffic route" means a route for pedestrians, vehicles or both and includes any stairs, staircase, fixed ladder, doorway, gateway, loading bay or ramp;

"well" means—

(a) a well, made by drilling; and

(b) a borehole drilled with a view to the extraction of minerals through it or another well,

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

"well intervention operation" means an operation in which a well is re-entered for a purpose other than to continue drilling or to maintain or repair it;

"well-operator", in relation to a well, means the person appointed by the concession owner for a 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 concession owner;

"workover operation" means an operation in which a well is re-entered for the purpose of maintaining or repairing it; and

"workplace" means any workroom or other place on an installation used mainly for the performance of work, and does not include a traffic route.

(2) Any reference in these Regulations to operating an installation is a reference to using it for any of the purposes described in regulation 3(1) of the 1995 Regulations.

(**5**) S.R. 1995 No. 340

(3) Where a duty holder, in relation to an installation, or a well-operator, is succeeded by a new duty holder or well-operator, anything done in compliance with these Regulations by the former duty holder or operator in relation to the installation or the well shall, for the purpose of these Regulations, be treated as having been done by his successor.

(4) For the purposes of these Regulations, a person shall be deemed to be engaged in diving operations throughout any period from the time when he commences to prepare for diving until the time when—

(a) he is no longer subjected to raised pressure;

(b) he has normal inert gas partial pressure in his tissues; and

(c) if he entered the water, he has left it,

and diving operations include the activity of any person in connection with the health and safety of a person who is, or is deemed to be, engaged in diving operations.

**Application**

**3.**—(1) Subject to paragraph (2), within territorial waters these Regulations shall apply to and in relation to—

(a) any installation and any activity on it;

(b) any activity, including diving operations, in connection with an installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, on or from a vessel or in any other manner, other than—

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

(ii) any activity on or from a vessel being used as a stand-by vessel;

(c) diving operations involving the survey and preparation of the sea bed for an installation; and

(d) a well and any activity in connection with it and an activity which is immediately preparatory to any such activity.

(2) Paragraph (1)(*d*) includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation.

(3) These Regulations shall apply to a well in that part of Northern Ireland which does not comprise territorial waters, and activities in relation to it, only if—

(a) it is drilled from an installation; or

(b) it is drilled with a view to the extraction of petroleum.

(4) In paragraph (3) "petroleum" means any mineral oil or relative hydrocarbon and natural gas 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.

# Part II

## Integrity of Installations

**General duty**

**4.**—(1) The duty holder shall ensure that an installation at all times possesses such integrity as is reasonably practicable.

(2) The provisions of regulations 5 to 10 are without prejudice to the generality of the requirement in paragraph (1).

**Design of an installation**

**5.**—(1) The duty holder shall ensure that the designs to which an installation is to be or in the event is constructed are such that, so far as is reasonably practicable—

(a) it can withstand such forces acting on it as are reasonably foreseeable;

(b) its layout and configuration, including those of its plant, will not prejudice its integrity;

(c) fabrication, transportation, construction, commissioning, operation, modification, maintenance and repair of the installation may proceed without prejudicing its integrity;

(d) it may be decommissioned and dismantled safely; and

(e) in the event of reasonably foreseeable damage to the installation it will retain sufficient integrity to enable action to be taken to safeguard the health and safety of persons on or near it.

(2) The duty holder shall ensure that an installation is composed of materials which are—

(a) suitable, having regard to the requirement in regulation 4; and

(b) so far as is reasonably practicable, sufficiently proof against or protected from anything liable to prejudice its integrity.

**Work to an installation**

**6.** The duty holder shall ensure that work of fabrication, construction, commissioning, modification, maintenance and repair of an installation, and activity in preparation for the positioning of an installation, are carried out in such a way that, so far as is reasonably practicable, its integrity will be ensured.

**Operation of an installation**

**7.**—(1) The duty holder shall ensure that the installation is not operated in such a way as may prejudice its integrity.

(2) The duty holder shall ensure that the installation is not operated unless—

(a) appropriate limits within which it is to be operated; and

(b) the environmental conditions in which it may safely operate,

have been recorded.

(3) The duty holder shall ensure that a record of the matters described in paragraph (2) is kept on the installation, readily available to any person involved in its operation.

(4) The duty holder shall ensure that the matters described in paragraph (2) are reviewed as often as may be appropriate.

**Maintenance of integrity**

**8.**—(1) The duty holder shall ensure that suitable arrangements are in place for maintaining the integrity of the installation, including suitable arrangements for—

(a) periodic assessment of its integrity; and

(b) the carrying out of remedial work in the event of damage or deterioration which may prejudice its integrity.

(2) Paragraph (1) shall not apply—

(a) to a fixed installation while its structure is not yet established at the location at which it is to be operated; or

(b) to a mobile installation under construction which is not yet able to be moved.

**Reporting of danger to an installation**

**9.**—(1) Subject to paragraph (2), the duty holder shall ensure that, within 10 days after the appearance of evidence of a significant threat to the integrity of an installation, a report is made to the Department in writing identifying such threat and specifying any action taken or to be taken to avert it.

(2) Paragraph (1) shall not apply to anything of which the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986(**6**) require a report to be made.

**Decommissioning and dismantlement**

**10.** The duty holder shall ensure that an installation is decommissioned and dismantled in such a way that, so far as is reasonably practicable, it will possess sufficient integrity to enable such decommissioning and dismantlement to be carried out safely.

# Part III

## Further Requirements Relating to Installations

**Helicopter landing area**

**11.** The duty holder shall ensure that every helicopter landing area forming part of an installation—

(a) is large enough, and has sufficient clear approach and departure paths, to enable any helicopter intended to use the landing area safely to land thereon and to take off therefrom in any wind and weather conditions permitting helicopter operations; and

(b) is otherwise of a design and construction adequate for its purpose.

**Additional requirements**

**12.**—(1) Subject to paragraph (3), the duty holder shall ensure that the additional requirements set out in Schedule 1 are complied with in relation to an installation, while it is in use, unless in the case of any such requirement it would not prejudice the health, safety or welfare of any person if it were not complied with.

(2) While there are persons on a fixed installation which is—

(a) being completed at the place where it is to be operated; or

(b) being decommissioned or dismantled,

the duty holder shall ensure that such of the requirements contained in Schedule 1 are complied with, and to such extent, as is reasonably practicable in the circumstances.

(3) In the case of an installation which was commissioned before the coming into operation of these Regulations, it shall be sufficient compliance with paragraph (1) where the additional requirements are complied with in each case as soon as possible and no later than 3rd November 1999.

(**6**) S.R. 1986 No. 247 to which there are amendments not relevant to these Regulations