# 1995 No. 491

# HEALTH AND SAFETY

## Borehole Sites and Operations Regulations (Northern Ireland) 1995

*Made* . . . . . *21st December 1995*

*Coming into operation* . . *11th March 1996*

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The Department of Economic Development, being the Department concerned(**a**), in exercise of the powers conferred on it by Articles 17(1), (2), (4), (5) and (6) and 55(2) of, and paragraphs 1(1) and (2), 5, 7, 8, 10, 11, 13, 14(1), 15, 17 and 20(*b*) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that 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:—

*Citation and commencement*

**1.** These Regulations may be cited as the Borehole Sites and Operations Regulations (Northern Ireland) 1995 and shall come into operation on 11th March 1996.

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(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9)

*Interpretation*

**2.**—(1) In these Regulations—

"borehole site" means a place at which a borehole operation—

(*a*) is being or is to be undertaken; or

(*b*) has been undertaken, save where all borehole operations have ceased and all boreholes have been abandoned;

"competent" in relation to a person means competent by way of sufficient training and experience or knowledge and other qualities properly to perform or assist in performing the work which that person is required to do;

"the Department" means the Department of Economic Development;

"health and safety document" has the meaning assigned to it by regulation 7;

"mining" does not include open cast mining;

"mining area" means land—

(*a*) within one kilometre, in a horizontal or other direction, of the workings in a mine (whether disused or not); or

(*b*) in relation to which a licence to mine for minerals has been granted;

"operator", in relation to a borehole site, means—

(*a*) a person appointed by the owner in writing to exercise for the time being the function of organising or supervising borehole operations at the site, where that function involves the exercise of overall control of the borehole site; or

(*b*) where for the time being there is no such person, the owner;

"owner", in relation to a borehole site, means the person who has the right to undertake the borehole operations which are being or are to be undertaken at the site; and

"well" includes any borehole associated with that well.

(2) Any reference in these Regulations to a borehole operation is a reference to an activity or operation in the course or furtherance of, or in connection with the cessation of—

(*a*) the extraction of minerals by a borehole;

(*b*) prospecting with a view to such extraction; or

(*c*) prospecting by a borehole, other than a borehole drilled from within the underground workings of a mine which is in use, with a view to the extraction of minerals by means other than a borehole,

or to the preparation for sale, but not the processing, of extracted minerals at the place of any such activity or operation.

*Application*

**3.**—(1) These Regulations shall not apply to offshore installations or activities carried out from such installations.

(2) These Regulations shall apply to a self-employed person as they apply to an employer and as if that self-employed person were both an employer and an employee.

*Furnishing of information to, and general duties of, the operator*

**4.**—(1) Where the owner is not himself the operator of a borehole site, he shall furnish the operator with all information in his possession needed to enable the operator to perform his duties under these Regulations.

(2) In addition to any other duties imposed on the operator by these Regulations, it shall be the duty of the operator to—

(*a*) exercise overall control of the borehole site; and

(*b*) co-ordinate the measures taken by himself and every employer and self-employed person at the site to comply with the requirements and prohibitions imposed upon them by or under the relevant statutory provisions.

(3) In relation to a borehole site, any duty imposed on an employer by these Regulations shall also be imposed on the operator in so far as it relates to matters under his control.

*Co-operation*

**5.** Every employer of persons at work at a borehole site (other than the operator) shall co-operate with the operator to the extent necessary to enable him to comply with the relevant statutory provisions at the site.

*Notice of the commencement of drilling operations and the abandonment of boreholes*

**6.**—(1) In the case of petroleum, the operator of a borehole site shall ensure that a drilling operation, abandonment operation or other operation on a well which would make a significant alteration to it, or involve a risk of the accidental release of fluids from the well or reservoir, is not commenced at that site unless he has notified to the Department the particulars specified in Part I of Schedule 1 at least 21 days in advance, or such shorter time in advance as the Department may agree.

(2) The operator of a borehole site at which a borehole is intended to be drilled with a view to the extraction of minerals by mining shall not commence drilling such borehole unless he has notified to the Department the particulars specified in Part II of Schedule 1 at least 21 days in advance, or such shorter time in advance as the Department may agree.

(3) Where a borehole (not being a borehole to which paragraph (1) or (2) relates) is being drilled within a mining area to a depth of 30 metres or more, the person entitled to drill the borehole shall, within 30 days after the commencement of its drilling, notify to the Department the particulars specified in Part III of Schedule 1.

(4) The operator of a borehole site at which a borehole, drilled with a view to the extraction of minerals by mining, is being abandoned shall, within 21 days after the commencement of its abandonment, notify to the Department the particulars specified in Part IV of Schedule 1.

(5) The operator of a borehole site or, in the case of particulars previously notified under paragraph (3), the person entitled to drill the borehole shall ensure that the Department is notified as soon as reasonably practicable of any material change of circumstances which would affect particulars previously notified under paragraph (1), (2), (3) or (4).

(6) Where, in pursuance of this regulation, plans and other documents have been sent to the Department they shall be retained by the Department or in accordance with arrangements approved by the Department.

(7) In paragraph (1), "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.

(8) Subject to paragraph (9) and to any of the provisions imposed by the Communities in respect of the encouragement of improvements in the safety and health of workers at work, the Department may, by a certificate in writing, exempt any person, borehole, borehole site, or class of persons, boreholes or borehole sites from any requirement or prohibition imposed by the preceding provisions of this regulation and 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.

(9) The Department shall 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 statutory provisions 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.

*Health and safety document*

**7.**—(1) A borehole operation shall not be commenced at a borehole site unless the operator has ensured that a document (in these Regulations referred to as the "health and safety document") has been prepared which—

(*a*) demonstrates that the risks to which persons at the site are exposed whilst they are at work have been assessed in accordance with regulation 3 of the Management Regulations;

(*b*) demonstrates that adequate measures, including measures concerning the design, use and maintenance of the site and of its plant, will be taken to safeguard the health and safety of the persons at work at the site; and

(*c*) includes a statement of how the measures referred to in sub-paragraph (*b*) will be co-ordinated.

(2) In addition to the matters referred to in paragraph (1), the health and safety document shall also include where appropriate—

(*a*) an escape plan with a view to providing employees with adequate opportunities for leaving workplaces promptly and safely in the event

of danger and an associated rescue plan with a view to providing assistance where necessary;

(*b*) a plan for the prevention of fire and explosions including in particular provisions for preventing blowouts and any uncontrolled escape of flammable gases and for detecting the presence of flammable atmospheres;

(*c*) a fire protection plan detailing the likely sources of fire and the precautions to be taken to protect against, detect and combat the outbreak and spread of fire; and

(*d*) in the case of a borehole site where hydrogen sulphide or other harmful gases are or may be present, a plan for the detection and control of such gases and for the protection of employees from them.

(3) The operator shall ensure that the health and safety document is—

(*a*) kept up to date and revised if the borehole site has undergone major changes (including natural changes), extensions or conversions; and

(*b*) made available to each employer of persons at work at the site.

(4) Each employer of persons at work at the borehole site shall have regard to the health and safety document in meeting his obligations under the relevant statutory provisions.

(5) In this regulation, "the Management Regulations" means the Management of Health and Safety at Work Regulations (Northern Ireland) 1992(**a**).

*Additional duties of the operator*

**8.**—(1) The operator shall ensure that every workplace on a borehole site is designed, constructed, erected and maintained and has sufficient stability to afford adequate protection for employees and to withstand the environmental forces anticipated at the site.

(2) The operator shall ensure that adequate means are provided and maintained for—

(*a*) the prompt and swift escape and, where necessary, the rescue of employees from workplaces in the event of danger; and

(*b*) communicating and giving warning when escape or rescue is necessary.

(3) In this regulation, "workplace" has the same meaning as in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993(**b**).

*Additional health and safety requirements*

**9.**—(1) Subject to paragraph (2), it shall be the duty of every employer of persons at work on a borehole site to ensure that the additional health and safety provisions set out in Schedule 2 are applied as they are appropriate

(**a**) S.R. 1992 No. 459 as amended by S.R. 1994 No. 478
(**b**) S.R. 1993 No. 37