STATUTORY RULES OF NORTHERN IRELAND

1995 No. 340

HEALTH AND SAFETY

Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995

Made - - - -	*31st August 1995*
Coming into operation—	
The whole Regulations except	
regulation 23(2)	*9th October 1995*
regulation 23(2)	*20th June 1997*

The Department of Economic Development, being the Department concerned(**1**), in exercise of the powers conferred on it by Articles 17(1), (2) (3) and (5)(**2**) and 55(2) of, and paragraphs 5, 13, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**) 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 Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995 and shall come into operation on 9th October 1995 except regulation 23(2), which shall come into operation on 20th June 1997.

Interpretation

2.—(1) In these Regulations—

"the 1971 Act" means the Mineral Workings (Offshore Installations) Act 1971(**4**);

"the 1972 Order" means the Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972(**5**);

(**1**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**2**) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Article 3(2)
(**3**) 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)
(**4**) 1971 c. 61; relevant amending statutory provisions are 1975 c. 74, 1982 c. 23, 1987 c. 49 and S.R. 1993 No. 384
(**5**) S.I. 1972/963 (N.I. 6) to which there are amendments not relevant to this rule

"apparatus or works" means—

(a) apparatus or works described in sub-paragraphs (a) to (f); and

(b) a structure described in sub-paragraph (g), of the definition of "pipeline";

"associated structure" means, in relation to an offshore installation, a vessel, aircraft or hovercraft attendant on the installation or any floating structure used in connection with the installation;

"concession owner" in relation to an offshore installation 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 installation is, or is to be, used in the exercise of that right;

"the Department" means the Department of Economic Development;

"designated area" means any area designated by Order under section 1(7) of the Continental Shelf Act 1964(**6**) and "within a designated area" includes over and under it;

"duty holder" means—

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

(b) in relation to a mobile installation, the owner;

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

"installation manager" means, in relation to an offshore installation, the person appointed for the purposes of regulation 6(1)(a) who is for the time being in charge of it;

"mobile installation" means an offshore 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;

"offshore installation" shall be construed in accordance with regulation 3;

"operator" in relation to a fixed installation means the person appointed by a concession owner to execute any function of organising or supervising any operation to be carried out by such installation or, where such a person has not been appointed, the concession owner;

"owner" in relation to a mobile installation means the person who controls the operation of the installation;

"pipeline" means a pipe or system of pipes for the conveyance of any thing, together with—

(a) any apparatus for inducing or facilitating the flow of any thing through, or through a part of, the pipe or system;

(b) any apparatus for treating or cooling any thing which is to flow through. or through part of, the pipe or system;

(c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;

(d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in sub-paragraphs (a) to (c);

(e) apparatus for the transmission of information for the operation of the pipe or system;

(f) apparatus for the cathodic protection of the pipe or system; and

(g) a structure used or to be used solely for the support of a part of the pipe or system,

but not including a pipeline of which no initial or terminal point is situated in the United Kingdom, or within territorial waters, United Kingdom territorial waters adjacent to Great Britain or a designated area;

(**6**) 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23). Schedule 3, paragraph 1

"pipeline works" means—

(a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;

(b) inspecting, testing, maintaining, adjusting. repairing, altering or renewing a pipeline or length of pipeline;

(c) changing the position of or dismantling or removing a pipeline or length of pipeline;

(d) opening the bed of the sea for the purposes of the works mentioned in sub-paragraphs (a) to (c), and tunnelling or boring for those purposes;

(e) any activities incidental to the activities described in sub-paragraphs (a) to (d);

(f) diving operations in connection with any of the works mentioned in sub-paragraphs (a) to (e) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline;

"relevant employee" means an employee—

(a) who is ordinarily resident in the United Kingdom, or

(b) who is not ordinarily resident in the United Kingdom but who has been present in the United Kingdom and relevant waters in the course of employment there for a continuous period of not less than 7 days;

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

"territorial waters" means United Kingdom territorial waters adjacent to Northern Ireland and "within territorial waters" includes on, over and under them; and

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

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

(3) For the purpose of these Regulations any structures and devices on top of a well shall be treated as forming part of the well.

Meaning of "offshore installation"

3.—(1) Subject to paragraphs (2) to (4), in these Regulations the expression "offshore installation" means a structure which is, or is to be, or has been, used while standing or stationed in relevant waters, or on the foreshore or other land intermittently covered with water—

(a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;

(b) for the storage of gas in or under the shore or bed of relevant waters or in the recovery of gas so stored;

(c) for the conveyance of things by means of a pipe; or

(d) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this paragraph,

and which is not an excepted structure.

(2) For the purposes of paragraph (1), the excepted structures are—

(a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;

(b) a well;

(c) a structure or device which does not project above the sea at any state of the tide;

(d) a 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;

(e) a mobile structure which has been taken out of use and is not for the time being intended to be used for any of the purposes specified in paragraph (1); and

(f) any part of a pipeline.

(3) For the purposes of these Regulations the following shall be deemed to be part of an offshore installation—

(a) any well for the time being connected to it by pipe or cable;

(b) such part of any pipeline connected to it as is within 500 metres of any part of its main structure;

(c) any apparatus or works which are situated—

(i) on or affixed to its main structure; or

(ii) wholly or partly within 500 metres of any part of its main structure and associated with a pipe or system of pipes connected to any part of that installation.

(4) Where two or more structures are, or are to be, connected permanently above the sea at high tide they shall for the purposes of these Regulations be deemed to comprise a single offshore installation.

Application

4.—(1) Within territorial waters these Regulations shall apply to and in relation to—

(a) any offshore installation and any activity on it;

(b) any activity, including diving operations, in connection with an offshore 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 offshore installation;

(d) subject to sub-paragraph (e), a well and any activity in connection with it and an activity which is immediately preparatory to any such activity;

(e) sub-paragraph (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; and

(f) (i) any pipeline;

(ii) any pipeline works;

(iii) the following activities in connection with pipeline works—

(aa) the loading, unloading, fuelling or provisioning of a vessel;

(bb) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel,

being in either case a vessel which is engaged in pipeline works.

(2) Regulations 6 to 21 shall not apply in relation to an offshore installation which is in transit to or from a location; and an offshore installation is not in transit to or from a location while it is being manoeuvred at the location.

(3) Save where otherwise expressly provided, nothing in regulations 6 to 13 or 15 to 18 shall impose a duty in relation to an offshore installation while there are no persons aboard.

Notification concerning offshore installations

5.—(1) The duty holder shall, no later than the date on which an offshore installation is due to enter or leave relevant waters, notify the Department in writing of the date of its intended entry into or departure from such waters.

(2) Where there is a change of duty holder in relation to an offshore installation, the new duty holder shall ensure that it is not operated until the Department has been notified in writing of—

(a) the date of such change;

(b) the name and address of the new duty holder; and

(c) where the address furnished pursuant to sub-paragraph (6) is outside Northern Ireland, an address in Northern Ireland to which communications to him may be sent.

Managers

6.—(1) The duty holder shall ensure that—

(a) the offshore installation is at all times under the charge of a competent person appointed by him to manage on his behalf the installation and the persons on it; and a reference to the installation manager is a reference to such person while he is in charge;

(b) the installation manager is provided with appropriate resources to be able to carry out effectively his function, and the duties he may have to discharge under regulation 8; and

(c) the identity of the installation manager is known to or readily ascertainable by every person on the installation.

(2) For the purposes of paragraph (1)(a), a person is not in charge of an offshore installation when he is not on it unless he remains in communication with it and, in a case where it might be necessary to exercise his functions, is able to reach it promptly.

Restraint and putting ashore

7.—(1) If an installation manager has reasonable cause to believe that it is necessary or expedient to do so for the purpose of securing the safety of the offshore installation or the safety or health of persons on or near it, he may take such measures against a person on the installation, including—

(a) restraint of his person; and

(b) putting him ashore in the United Kingdom as soon as is practicable thereafter,

as are reasonable.

(2) If it appears likely that a person will not be put ashore within twenty-four hours of being put under restraint, the installation manager shall forthwith give notice to the duty holder of his being kept under restraint and of the reason for it.

Co-operation

8.—(1) Every person shall co-operate—

(a) with the installation manager, and any other person on whom any duty is placed by regulations 5 to 19, so far as is necessary to enable him to comply with the relevant statutory provisions, including this regulation;

(b) with the installation manager, so far as is necessary to enable him to discharge his functions described in regulations 6 and 7; and