1993 No. 221

HEALTH AND SAFETY

Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993

Made . . . . . *4th May 1993*

Coming into operation—

The whole Regulations except regulation 10 and Schedule 6	*31st August 1993*
regulation 10 and Schedule 6	*30th November 1995*

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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) to (6) 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(**b**) (''the 1978 Order'') and Article 3(2) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992(**c**) 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:—

Citation and commencement

1. These Regulations may be cited as the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993 and shall come into operation on 31st August 1993, except regulation 10 and Schedule 6 which shall come into operation on 30th November 1995.

Interpretation

2.—(1) In these Regulations—

''the 1971 Act'' means the Mineral Workings (Offshore Installations) Act 1971(**d**);

''approves'' means approves in writing;

''combined operation'' shall be construed in accordance with paragraph (7);

''concession owner'' in relation to a fixed installation means a person who would be a concession owner within the meaning of section 12(2) of the 1971 Act(**e**) if ''or is to be'' appeared after ''there is'' in the subsection;

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

(**b**) 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))

(**c**) S.I. 1992/1728 (N.I. 17)

(**d**) 1971 c. 61

(**e**) Section 12(2) of the 1971 Act was substituted by the Oil and Gas (Enterprise) Act 1982 c. 23, section 37(1) and Schedule 3, paragraph 11(2)

"construction activity" in relation to an installation means—

(*a*) the construction of the installation at the place where it is to be operated;

(*b*) the dismantling or demolition of the installation at the place where it was operated; or

(*c*) any activity on or in connection with the installation which involves the use of a heavy lift vessel;

"decommission" in relation to an installation means to take the installation or any plant thereon out of use with a view to the abandonment of the installation;

"the Department" means the Department of Economic Development;

"diving bell" means a diving bell within the meaning of regulation 2(1) of the Diving Operations at Work Regulations (Northern Ireland) 1983(**a**);

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

"heavy lift vessel" means a vessel whose primary function is to—

(*a*) lift an installation or part thereof, or

(*b*) lift plant onto or off an installation;

"installation" means what would be an offshore installation within the meaning of section 1 of the 1971 Act(**b**) if in the definition of "controlled waters" in section 1(4) of that Act any reference—

(*a*) to tidal waters and parts of the sea in or adjacent to the United Kingdom, or to the territorial sea adjacent to the United Kingdom, were a reference to tidal waters and parts of the sea in or adjacent to Northern Ireland, or to the territorial sea adjacent to Northern Ireland;

(*b*) to waters in any area designated under section 1(7) of the Continental Shelf Act 1964(**c**) were omitted; and

(*c*) to the sea in any designated area within the meaning of that Act were omitted;

"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*) any 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

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(**a**) S.R. 1983 No. 209
(**b**) Section 1 of the 1971 Act was substituted by section 24 of the Oil and Gas (Enterprise) Act 1982 c. 23
(**c**) 1964 c. 29

(*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;

"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;

"notified" means notified in writing;

"operator" in relation to—

(*a*) 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 no such person has been appointed, the concession owner;

(*b*) a mobile installation, means the person for whom the owner has agreed to carry out the operation concerned or, where there is no such agreement, the owner;

"owner" in relation to—

(*a*) a mobile installation, means the person who has registered the installation pursuant to regulations under section 2 of the 1971 Act or, if there is no such person, the person for the time being having the management of the installation, or of its main structure;

(*b*) a pipe-line, means an "owner" within the meaning of section 33(3) of the Petroleum and Submarine Pipe-lines Act 1975(**a**);

"pipe-line" has the same meaning as in section 26(1) of the Petroleum and Submarine Pipe-lines Act 1975;

"quantitative risk assessment" means the identification of hazards and the evaluation of the extent of risk arising therefrom incorporating calculations based upon the frequency and magnitude of hazardous events;

"relevant statutory provisions" means those relevant statutory provisions which apply to or in relation to installations or activities on or in connection with them;

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

"safety case" shall be construed in accordance with paragraph (2);

"stand-by vessel" has the same meaning as in regulation 10 of the Offshore Installations (Emergency Procedures) Regulations 1976(**b**);

"the transitional period" shall be construed in accordance with regulation 12(1).

(2) Any reference in these Regulations to a safety case is, subject to regulation 7(3), a reference to a document containing the particulars specified in regulation 7 and the Schedule referred to in the provision pursuant to which

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(**a**) 1975 c. 74
(**b**) S.I. 1976/1542

the safety case is prepared; and a safety case may contain such particulars by reference to the same particulars in an earlier safety case relating to the same installation and sent to the Department pursuant to these Regulations.

(3) Any provision of these Regulations requiring particulars to be included in a safety case which are also required to be included by virtue of a more general provision of the Regulations is without prejudice to the generality of the more general provision.

(4) Any reference in these Regulations to the Department accepting a safety case or revision is a reference to the Department notifying the person who sent the safety case or revision to the Department that it is satisfied with the case for health and safety made out in the safety case or in the revision, as appropriate.

(5) Any reference in these Regulations to operating an installation is a reference to carrying out from, by means of or on the installation an activity mentioned in section 1(2) of the 1971 Act.

(6) Any reference in these Regulations to the commencement of drilling of a well includes a reference to the recommencement of drilling after the well has been completed, suspended, or abandoned by plugging at the sea bed.

(7) For the purposes of these Regulations two or more installations shall be treated as engaged in a combined operation with each other if an activity carried out from, by means of or on one of the installations—

(*a*) is carried out temporarily for a purpose related to the other installation; and

(*b*) could affect the health or safety of persons on any of the installations or of persons engaged in an activity in connection with any of the installations.

(8) Any reference in these Regulations to an activity in connection with an installation is a reference to any of the following activities in connection with an offshore installation, whether carried on from the installation itself, on or from a vessel or in any other manner, that is to say, inspection, testing, loading, unloading, fuelling, provisioning, construction, reconstruction, alteration, repair, maintenance, cleaning, demolition, dismantling and diving operations and any activity which is immediately preparatory to any of the said activities.

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

Safety cases for fixed installations

3.—(1) The operator of a fixed installation which is to be established shall—

(*a*) prepare a safety case containing the particulars specified in regulation 7 and Schedule 1; and

(*b*) send the safety case to the Department,