1983 No. 209

HEALTH AND SAFETY

Diving Operations at Work Regulations (Northern Ireland) 1983

Made . . . . . *3rd August 1983*

Coming into operation . . . *1st January 1984*

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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), (3), (4) and (5), 54(1), (2) and (5) and 55(2) of, and paragraphs 1(1) and (2), 3(1), 5, 6, 7, 8, 9, 10, 13, 14, 15, 19, 20 (*a*), (*b*) and (*c*) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(b) (''the Order of 1978'') and of every other power enabling it in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appear to it to be appropriate hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Diving Operations at Work Regulations (Northern Ireland) 1983 and shall come into operation on 1st January 1984.

(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—

"breathing mixture" means air or any other mixture of gases which is fit for breathing;

"concession owner" means a person who has been granted a licence pursuant to the Petroleum Production (Licences) Regulations (Northern Ireland) 1965(**a**);

"the Department" means the Department of Economic Development;

"diver" shall be construed in accordance with paragraph (2)(*b*);

"diving bell" means any 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 subjected to a pressure of more than 300 millibars above atmospheric pressure during normal operation; and "bell diving" shall be construed accordingly;

"diving contractor" has the meaning assigned by Regulation 5(4);

"diving operation" shall be construed in accordance with paragraph (2)(*a*) and (*c*);

"diving rules" means the rules required by Regulation 5(1)(*b*);

"diving supervisor" referred to in Regulation 6, means, in relation to any diving operation, the person who has been appointed in relation to that operation by the diving contractor in accordance with Regulation 5(3);

"emergency" means an emergency affecting or likely to affect the health or safety of a diver engaged in a diving operation;

"off shore installation" means any installation or part of an installation, whether floating or not, which—

(*a*) is intended for underwater exploitation of mineral resources or exploration with a view to such exploitation; and

(*b*) is at, or within 500 metres of, its working station;

"pipe-line" and "pipe-line works" have the meanings assigned respectively by section 26(2) of the Petroleum and Submarine Pipe-lines Act 1975(**b**) with the addition of the provision of internal or external protection for a pipe-line;

"self-contained" in relation to any diving plant and equipment, means diving plant and equipment in which the supply of breathing mixture is carried by the diver independently of any other source.

(2) For the purposes of these Regulations—

(*a*) a diver shall be deemed to be engaged in a diving operation from the time when he commences to prepare to dive until—

(i) if he entered the water he has left it and returned to a place from which the diving operations are being carried on, and

(ii) he is no longer subject to raised pressure, and

(iii) it may reasonably be anticipated that he will not need therapeutic recompression,

except that heads (ii) and (iii) shall not apply when for the purposes of receiving medical treatment he has been transferred to a hospital or other place which is not under the control of the diving contractor or the diving supervisor;

(*b*) a person shall be deemed not to be a diver if he—

(i) is in a submersible chamber or craft or in a pressure-resistant diving suit, and is not exposed to a pressure exceeding 300 millibars above atmospheric pressure during normal operation, or

(**a**) S.R. & O. (N.I.) 1965 No. 47
(**b**) 1975 c. 74

(ii) uses no underwater breathing apparatus or uses only snorkel type apparatus, or

(iii) is taking part in the diving operation in a capacity other than as an employee or self-employed person, or

(iv) is on duty as a member of the armed forces of the Crown or visiting forces and is engaged in operations or operational training;

(*c*) a person who is engaged in any activity as a diving supervisor, or as a member of a diving team or in connection with the recompression or decompression of a diver engaged in a diving operation shall be deemed to be engaged in a diving operation.

Applications of these Regulations

3.—(1) Subject to paragraph (2), these Regulations shall apply to and in relation to all diving operations in which any diver taking part is at work as an employee or a self-employed person within the meaning of Article 2 of the Order of 1978.

(2) These Regulations shall apply to a diving operation only if at least one of the persons going under water is a diver for the purposes of the Regulations.

(3) Where a person is exposed to a pressure greater than 300 millibars above atmospheric pressure in a surface compression chamber in connection with—

(*a*) any diving operation, or

(*b*) the testing or evaluation of any plant or equipment designed for use in diving operations,

then these Regulations shall apply to, and in relation to, him as if he were a diver engaged in a diving operation except Regulations 5(3)(*b*)(ii), 7(1)(*a*), 8(2), (3) and (4), 10 and 12(1)(*b*), (*f*), (*g*), (*i*) and (*j*); but this paragraph shall not apply to a diver engaged in a diving operation or to a person to whom Regulation 2(2)(*b*)(iv) applies.

Duty to ensure compliance with these Regulations

4.—(1) In addition to any specific duty placed on him by these Regulations—

(*a*) every diving contractor and every other person who to any extent is responsible for, has control over or is engaged in a diving operation, and

(*b*) in the case of—

(i) an offshore installation, the owner,

(ii) a proposed offshore installation, the concession owner,

(iii) a pipe-line, the owner,

(iv) a proposed pipe-line, the person who will be the owner when it is laid,

shall ensure so far as is reasonably practicable—

(*c*) that these Regulations are complied with, and

(*d*) that they are complied with in such a way that persons involved are not exposed to risks to their health or safety.

(2)(*a*) An employer shall not permit any employee of his to take part in a diving operation as a diver unless there is a diving contractor for that operation.

(*b*) A person employed under a contract for services or who would be diving on his own account shall not take part in a diving operation as a diver unless there is a diving contractor for that operation.

Diving contractors

5.—(1) Every diving contractor shall in respect of each diving operation—

(*a*) appoint one or more diving supervisors in accordance with paragraph (3) to be in immediate control of the operation;

(*b*) issue diving rules in accordance with Regulation 9 and Schedule 1 for regulating the conduct of all persons engaged in the diving operation;

(*c*) provide a diving operations log book, which is to be maintained in accordance with Regulation 6, and shall keep it for at least two years after the date of the last entry in it;

(*d*) ensure that all plant and equipment, including any plant and equipment required by Regulation 12, which is necessary for the safe conduct of the diving operation is available for immediate use;

(*e*) not permit the use of compressed natural air as the breathing mixture in any diving operation at a depth exceeding 50 metres except where the use is for therapeutic purposes.

(2) Every diving contractor shall so far as is reasonably practicable ensure that—

(*a*) each diving operation is carried out from a suitable and safe place with the consent of any person having control of that place;

(*b*) emergency services are available including in particular in the cases of diving—

(i) using saturation techniques, or

(ii) at a depth exceeding 50 metres,

facilities for transferring the divers safely under a suitable pressure to a place where treatment can be given safely under pressure;

(*c*) there are effective means of communication between the place at which operations are being or are to be carried out and—

(i) persons having control of that place, and

(ii) the emergency services.

In this paragraph—

"saturation techniques" means procedures by means of which a diver avoids repeated decompressions to atmospheric pressure by being continuously subjected to an ambient pressure greater than atmospheric pressure so that his body tissues and blood becomes saturated with inert elements of the breathing mixture.

(3)(*a*) Each diving supervisor shall be appointed in writing and where two or more diving supervisors are appointed in respect of any diving operation, the diving contractor shall specify which part or parts of the diving operation each is to supervise at any one time; except that the diving contractor may permit two duly appointed supervisors to arrange between themselves the time at which one is to take over from the other.

(*b*) A person shall not be appointed to be a diving supervisor unless—

(i) he is a competent person with adequate knowledge and experience of the diving techniques to be used in the diving operation for which he is appointed, and either—

(ii) he has qualified as a diver, in respect of the diving techniques to be used, under these Regulations or under any of the Regulations revoked or modified by Regulation 16 or under the Submarine Pipe-lines (Diving Operations) Regulations 1976(a), or

(iii) during the period of two years immediately preceding the coming into operation of these Regulations he acted as a diving supervisor of a diving operation in which the same diving techniques were used,

(a) S.I. 1976/923

except that heads (ii) and (iii) shall not apply where the diving operation is to be carried on in water which is not more than 1.5 metres deep.

(4) For the purposes of these Regulations, "diving contractor" in relation to any diving operation, means—

(*a*) in any case where any of the divers taking part are employees—

(i) their employer, or

(ii) if there is more than one employer, such one of them as those employers may appoint in writing;

(*b*) if there is no diving contractor by virtue of the preceding sub-paragraph and the operation is carried on—

(i) from or in connection with an offshore installation, the manager of the installation appointed pursuant to section 4 of the Mineral Workings (Offshore Installations) Act 1971(**a**) or where no such manager has been appointed, the person made responsible by the owner for health and safety on the installation,

(ii) in connection with a proposed offshore installation, the concession owner,

(iii) in connection with a pipe-line, the owner of the pipe-line,

(iv) in connection with a proposed pipe-line, the person who will be the owner of the pipe-line when it is laid;

(*c*) if there is no diving contractor by virtue of either of the preceding sub-paragraphs, any diver employed under a contract for services or diving on his own account and if there is more than one such person, such one of them as they may appoint in writing.

In this paragraph—

"in connection with an offshore installation" and "in connection with a proposed offshore installation" does not include any pipe-line works;

"in connection with a pipe-line" and "in connection with a proposed pipe-line" means in connection with that part of it with which the diving operation is concerned and includes pipe-line works; and "the owner" means the owner of that part.

The diving supervisor

6.—(1) Every diving supervisor shall, so far as is reasonably practicable, ensure that each diving operation for which he is appointed is carried out in accordance with the diving rules and under his immediate control.

(2) In relation to each diving operation the diving supervisor shall—

(*a*) ensure that plant and equipment is not used unless Regulation 13(1)(*c*) and (*d*) have been complied with;

(*b*) comply with Regulation 9(4);

(*c*) enter in the diving operations log book provided under Regulation 5(1)(*c*) an accurate record of the matters specified in Schedule 2 and shall sign the entries daily during the course of the diving operation;

(*d*) countersign the entries relating to the diving operation in the diver's log book of each diver who took part in that operation.

(3) A person shall not dive while he is the diving supervisor for the time being in charge of a diving operation or any part of it.

(a) 1971 c. 61