Status: *This version of this Order contains provisions that are prospective.*
Changes to legislation: *The Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 05 May 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1992 No. 1728 (N.I. 17)

The Offshore, and Pipelines, Safety (Northern Ireland) Order 1992

- - - - - - *15th July 1992*

Title and commencement

1.—(1) This Order may be cited as the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992.

(2) Except as provided by paragraph (3), this Order shall come into operation on the expiration of two months from the day on which it is made.

(3) The following provisions, namely—

(a) Article 4(3); and

(b) Article 5(2),

shall come into operation on such day or days as the Head of the Department may by order appoint[F1].

F1 fully exercised by SR 1993/452; 1996/251

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F2] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the Department" means the Department of Economic Development;

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978[F3];

"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

F2 1954 c.33 (N.I.)
F3 1978 NI 9

Application of Part II of 1978 Order for offshore purposes

3.—(1) The general purposes of Part II of the 1978 Order shall include—

(a) securing the safety, health and welfare of persons on offshore installations or engaged on pipe-line works;

(b) securing the safety of such installations and preventing accidents on or near them;

(c) securing the proper construction and safe operation of pipe-lines and preventing damage to them; and

(d) securing the safe dismantling, removal and disposal of offshore installations and pipe-lines;

and that Part shall have effect as if the provisions mentioned in paragraph (3) were existing statutory provisions within the meaning of that Part and, in the case of the provisions mentioned in sub-paragraphs (a), (b) and (c) of that paragraph, were specified in the third column of Schedule 1 to that Order.

(2) Without prejudice to the generality of paragraph (1) of Article 17 of the 1978 Order (health and safety regulations), regulations under that Article may—

(a) repeal or modify any of the provisions mentioned in paragraph (3); and

(b) make any provision which, but for any such repeal or modification, could be made by regulations or orders made under any provision mentioned in sub-paragraph (a), (b) or (c) of that paragraph.

(3) The provisions referred to in paragraphs (1) and (2) are—

(a) the Mineral Workings (Offshore Installations) Act 1971[F4];

[[F5](b) sections 20 and 25 of the Petroleum Act 1998;**]**

(c) in the Petroleum Act 1987[F6],[F5]. . . sections 21 to 24 (safety zones); and

(d) the provisions of any regulations or orders made or having effect under any enactment mentioned in sub-paragraphs (a) to (c).

(4) In this Article—

"offshore installation" means any installation which is an offshore installation within the meaning of the Mineral Workings (Offshore Installations) Act 1971, or is to be taken to be an installation for the purposes of sections 21 to 23 of the Petroleum Act 1987;

[[F5]"pipe#line" means, subject to paragraph (4A), a controlled pipeline within the meaning of Part III of the Petroleum Act 1998; and

"pipe#line works" means works of any of the following kinds, namely—

(a) assembling or placing a pipe#line or length of pipe#line;

(b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipe#line or length of pipe#line;

(c) changing the position of or dismantling or removing a pipe#line or length of pipe#line;

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

(e) works for the purpose of determining whether a place is suitable as part of the site of a proposed pipe#line and the carrying out of surveying operations for the purpose of settling the route of a proposed pipe#line.**]**

[[F5](4A) Subsection (4A) and (4B) of section 1 of the Offshore Safety Act 1992 apply in relation to the definition of "pipe#line" in paragraph (4) as they apply in relation to the definition "pipe# line" in subsection (4) of that section but as if the reference in subsection (4A) to that section were a reference to this Article.**]**

(5) The provisions mentioned in paragraph (3) and the definitions in paragraph (4) shall have effect as if in—

(a) section 1(4) of the Mineral Workings (Offshore Installations) Act 1971;

(Para)

(c) section[F5]. . . 21(7) of the Petroleum Act 1987**[**[F5]; or**]**

[[F5](d) section 14(2) or 45 of the Petroleum Act 1998,**]**

any reference—

(i) 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;

(ii) to waters in any area designated under section 1(7) of the Continental Shelf Act 1964[F7] were omitted; and

(iii) to the sea in any designated area within the meaning of that Act were omitted.

F4 1971 c.61
F5 1998 c.17
F6 1987 c.12
F7 1964 c.29

Application of Part II of 1978 Order for other purposes

4.—(1) The general purposes of Part II of the 1978 Order shall include—

(a) securing the proper construction and safe operation of pipe-lines and preventing damage to them;

(b) securing that, in the event of the accidental escape or ignition of anything in a pipe-line, immediate notice of the event is given to persons who will or may have to discharge duties or take steps in consequence of the happening of the event; and

(c) protecting the public from personal injury, fire, explosions and other dangers arising from the transmission, distribution, supply or use of gas;

and that Part shall have effect as if the provisions mentioned in paragraph (3) were existing statutory provisions within the meaning of that Part and, in the case of the provisions mentioned in sub-paragraph (a) of that paragraph, were specified in the third column of Schedule 1 to that Order.

(2) Without prejudice to the generality of paragraph (1) of Article 17 of the 1978 Order (health and safety regulations), regulations under that Article may—

(a) repeal or modify any of the provisions mentioned in paragraph (3); and

(b) make any provision which, but for any such repeal or modification, could be made by regulations made under any provision mentioned in sub-paragraph (a) of that paragraph.

(3) The provisions referred to in paragraphs (1) and (2) are—

[[F8](a) in the Gas (Northern Ireland) Order 1996, Articles 50 to 54, 56 to 58,60,64 and 65, Part IV (so far as relating to any of those Articles) and Schedules 4 and 5;**]**

(b) the provisions of any regulations made or having effect under any enactment mentioned in sub-paragraph (a).

(4) In this Article—

"gas"**[**[F8] has the same meaning as in Part III of the Gas (Northern Ireland) Order 1996**]**;

"pipe-line" means a pipe (together with any apparatus and works associated with it), or system of pipes (together with any apparatus and works associated with it), for the conveyance of any thing other than air, water, water vapour or steam, not being—

(a) a drain or sewer; or

(b) a pipe or system of pipes constituting or comprised in apparatus for heating or cooling or for domestic purposes; or

(c) a pipe or system of pipes on the site of any operations or works to which certain provisions of the Factories Act (Northern Ireland) 1965 [M1] apply by virtue of section 125(1) (building operations and works of engineering construction) of that Act; or

(d) a pipe or system of pipes wholly situate within the boundaries of an agricultural unit and designed for use for purposes of agriculture; or

(e) a pipe or system of pipes wholly situate in premises used for the purposes of education or research; or

(f) a pneumatic dispatch-tube.

(5) For the purposes of the definition of "pipe-line" in paragraph (4), the following apparatus and works, and no other, shall be treated as being associated with a pipe, or system of pipes, namely,—

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

(b) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of, the pipe or system;

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

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

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

(f) a structure for the exclusive support of a part of the pipe or system.

(6) In paragraph (4)(d)—

"agriculture" includes dairy farming, the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not), and the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds;

"agricultural unit" means land which is occupied as a unit for agricultural purposes.

F8 1996 NI 2

Marginal Citations

M1 1965 c. 20 N.I.

Provisions consequential on Articles 3 and 4

5.—(1) In consequence of the provision made or authorised to be made by Article 3, the following shall cease to have effect, namely—

(a) in the Petroleum and Submarine Pipe-lines Act 1975[F9], section 28(2)(b) (notices with respect to unsafe works) and, so far as relating to proceedings for offences created by regulations under section 26 or 27, section 29(2) (institution of proceedings); and

Sub#para.(b) rep. by 1998 c.17

(2) Also in consequence of that provision—

(a) any incorporation in a licence of a model clause specified in Schedule 1 shall cease to have effect;