

SCHEDULE 2

Revocations and Modifications of Statutory Provisions

PART II

MODIFICATIONS

Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976

1. In regulation 1(2) (definitions) of the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976(1) there shall be substituted, for the definition of “responsible person”, the following definition—

““responsible person” means a competent person authorised by or on behalf of the owner;”.

Offshore Installations (Well Control) Regulations 1980

2. In regulation 1(2) (definitions) of the Offshore Installations (Well Control) Regulations 1980(2) there shall be substituted, for the definition of “responsible person”, the following definition—

““responsible person” means a competent person authorised by or on behalf of the owner.”.

Ionising Radiations Regulations (Northern Ireland) 1985

3. After regulation 36 of the Ionising Radiations Regulations (Northern Ireland) 1985(3) there shall be inserted the following regulation—

“Application in territorial waters

36A. In any case where it is not reasonably practicable for the employer to comply with the requirements of these Regulations within United Kingdom territorial waters adjacent to Northern Ireland, in so far as they relate to functions being performed by an employment medical adviser or appointed doctor or by an approved dosimetry service, it shall be sufficient compliance with any such requirements if the employer makes arrangements affording an equivalent standard of protection for his employees and those arrangements are set out in local rules and for the purposes of this regulation “within” United Kingdom territorial waters adjacent to Northern Ireland includes on, over and under them.”.

Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

4. In regulation 2 (interpretation) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989(4) (“the 1989 Regulations”)—

(a) after the definition of “the 1974 Act” there shall be inserted the following definition—

““the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;”;

(1) S.I. 1976/1019; amended by S.I. 1984/419 and S.I. 1989/1672

(2) S.I. 1980/1759; amended by S.I. 1991/308

(3) S.R. 1985 No. 273

(4) S.I. 1989/971; amended by S.R. 1993 No. 221

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- (b) after the definition of “appropriate languages” there shall be inserted the following definition—
 - ““duty holder” in relation to an offshore installation means the person who is the duty holder within the meaning of regulation 2(1) of the 1995 Regulations for the purpose of those Regulations;”;
 - (c) for the definition of “installation manager” there shall be substituted the following definition—
 - ““installation manager” has the meaning given by regulation 2(1) of the 1995 Regulations;”;
 - (d) after the definition of “the prescribed period” there shall be inserted the following definition—
 - ““relevant statutory provisions” has the same meaning as in Article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978;”.
5. For regulation 3 (application) of the 1989 Regulations there shall be substituted the following regulation—

“Application

- 3. These Regulations shall apply to an offshore installation at a working station in controlled waters which normally has persons on board.”.
- 6. In regulations 11, 17, 20, 22, 24, 25 and 28 of the 1989 Regulations, for the words “installation owner” wherever they occur, there shall be substituted the words “duty holder”.
- 7. In regulation 19 of the 1989 Regulations, for the words “owner of” there shall be substituted the words “duty holder in relation to”.
- 8. In regulation 22 (safety committee -functions) of the 1989 Regulations, in paragraph (1)(c), for the word “employers” there shall be substituted the words “duty holder”.
- 9. For regulation 23 (duties of installation owners and installation managers) of the 1989 Regulations there shall be substituted the following regulation—

“Duties of installation operators and owners, and employers

- 23.—(1) The provisions of this regulation shall apply to every offshore installation served by a safety committee.
- (2) It shall be the duty of the duty holder—
 - (a) to facilitate the exercise by the committee of its functions and by the safety representatives of their functions and powers in respect of the installation under these Regulations, and for that purpose to make available the necessary accommodation, facilities for communication and office equipment supplies;
 - (b) to consult safety representatives with a view to the making and maintenance of arrangements which will enable them and the workforce to co-operate effectively in promoting and developing measures to ensure the health and safety of persons working on or from the installation, and in checking the effectiveness of such arrangements; and
 - (c) without prejudice to sub-paragraph (b), to consult safety representatives in good time with regard to—
 - (i) the preparation of a safety case relating to the installation under the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993;

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- (ii) the introduction to the installation of any measure which may substantially affect the health and safety of the workforce; and
- (iii) the health and safety consequences for the workforce of the introduction (including the planning thereof) to the installation of new technologies.

(3) It shall be the duty of the duty holder and any employer of members of a workforce to consult safety representatives in good time with regard to—

- (a) any health and safety information he is required to provide to members of a workforce by or under the relevant statutory provisions; and
- (b) the planning and organisation of any health and safety training he is to provide to members of a workforce by or under the relevant statutory provisions.

(4) It shall be the duty of every employer of members of a workforce to consult safety representatives in good time with regard to his arrangements for appointing persons in accordance with regulation 6(1) of the Management of Health and Safety at Work Regulations (Northern Ireland) 1992.”.

10. For regulation 27 (training) of the 1989 Regulations there shall be substituted the following regulation—

“Training

27. It shall be the duty of the duty holder to ensure that—

- (a) a safety representative for the offshore installation is provided with such training in aspects of the functions of a safety representative as are reasonable in all the circumstances; and
- (b) any costs associated with such training, including travel and subsistence costs, are not borne by the safety representative.”.

Offshore Installations (Emergency Pipe-line Valve) Regulations 1989

11. In regulation 2 (interpretation) of the Offshore Installations (Emergency Pipe-line Valve) Regulations 1989(5)—

- (a) before the definition of “associated installation” there shall be inserted the following definition—

““the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;”;
- (b) for the definition of “installation manager” there shall be substituted the following definition—

““installation manager” means, in relation to an associated installation, the person appointed for the purposes of regulation 6(1)~(a) of the 1995 Regulations who is for the time being in charge of it;”;
- (c) for the definition of “offshore installation” there shall be substituted the following definition—

““offshore installation” means an offshore installation within the meaning of regulation 3 of the 1995 Regulations other than an installation which is—

 - (a) used exclusively for flaring, or

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- (b) used exclusively for the loading of substances into vessels or for their reception and storage prior to such loading and which normally has no persons on board;” and
- (d) for the definition of “owner” there shall be substituted the following definition—
 - ““owner”, in relation to—
 - (a) an offshore installation, means the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation; and
 - (b) a pipe-line in respect of which no person has been designated as its owner in pursuance of section 33(3) of the 1975 Act, means the person in whom the pipe-line is vested;”.

Management of Health and Safety at Work Regulations (Northern Ireland) 1992

12. After regulation 15 of the Management of Health and Safety at Work Regulations (Northern Ireland) 1992⁽⁶⁾ there shall be inserted the following regulation—

“Extension of meaning of “at work” in territorial waters

15A. In the application of these Regulations to and in relation to premises within United Kingdom territorial waters adjacent to Northern Ireland, the meaning of “at work” shall be extended so that an employee or a self-employed person shall be treated as being at work throughout the time that he is present at those premises and for the purposes of this regulation “within” United Kingdom territorial waters adjacent to Northern Ireland includes on, over and under them.”.

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

13. In regulation 2 (interpretation) of the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993⁽⁷⁾ (“the 1993 Regulations”)—

- (a) in paragraph (1) (definitions)—
 - (i) for the definition of “the 1971 Act” there shall be substituted the following definition—
 - ““the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;”;
 - (ii) for the definition of “concession owner”, there shall be substituted the following definition—
 - ““concession owner” in relation to an installation has the same meaning as in regulation 2(1) of the 1995 Regulations;”;
 - (iii) for the definition of “installation” there shall be substituted the following definition—
 - ““installation” means an offshore installation within the meaning of regulation 3 of the 1995 Regulations;” and
 - (iv) for sub-paragraph (a) of the definition of “owner” there shall be substituted the following sub-paragraph—

⁽⁶⁾ S.R. 1992 No. 459 as amended by S.R. 1994 No. 478

⁽⁷⁾ S.R. 1993 No. 221

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- “(a) a mobile installation, means the person who controls the operation of the installation;”;
- (b) for paragraph (5) (reference to operating an installation) there shall be substituted the following paragraph—
- “(5) Any reference in these Regulations to operating an installation is a reference to using the installation for any of the purposes described in regulation 3(1) of the 1995 Regulations.”; and
- (c) for paragraph (8) (reference to an activity in connection with an installation) there shall be substituted the following paragraph—
- “(8) Any reference in these Regulations to an activity in connection with an installation is a reference to any activity, including diving operations, in connection with an 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.”.
14. After regulation 2 of the 1993 Regulations there shall be inserted the following regulation—

“Application

- 2A. Within territorial waters these Regulations shall apply to and in relation to—
- (a) any installation and any activity on or in connection with it; and
- (b) diving operations involving the survey and preparation of the sea bed for an installation.”.
15. In regulation 13 of the 1993 Regulations (co-operation) in paragraph (2)—
- (a) after sub-paragraph (f) the word “and” shall be omitted;
- (b) at the end of sub-paragraph (g) there shall be added the words—
- “; and
- (h) the manager of the first-mentioned installation”.
16. In Schedule 3 to the 1993 Regulations (particulars to be included in a safety case for a mobile installation), in paragraph 1, after the word “name” there shall be added the words “and address”.

Offshore Installations and Pipeline Works (First-Aid) Regulations (Northern Ireland) 1993

17. In regulation 2 (interpretation) of the Offshore Installations and Pipeline Works (First-Aid) Regulations (Northern Ireland) 1993(8)—
- (a) the definition of the 1971 Act shall be revoked;
- (b) after the definition of “the 1978 Order” there shall be inserted the following definition—
- ““the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;”;
- (c) for the definition of “offshore installation” there shall be substituted the following definition—
- ““offshore installation” has the same meaning as in regulation 3 of the 1995 Regulations;”;

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- (d) for sub-paragraph (a) of the definition of “person in control” there shall be substituted the following sub-paragraph—
- “(a) in relation to an offshore installation, the person who is the duty holder as defined by regulation 2(1) of the 1995 Regulations for the purposes of those Regulations;”;
- (e) for sub-paragraph (c) of the definition of “person in control” there shall be substituted the following sub-paragraph—
- “(c) in relation to an activity in connection with an offshore installation—
- (i) the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the 1995 Regulations for the purposes of those Regulations, and
- (ii) the employer of persons engaged in that activity;”;
- (f) for the definition of “pipeline” there shall be substituted the following definition—
- ““pipeline” means any pipeline or part of a pipeline within the meaning of regulation 2(1) of the 1995 Regulations and any pipeline or part of a pipeline which is connected to it or to an offshore installation and which is in, under or over inland waters within Northern Ireland or tidal waters and parts of the sea in or adjacent to Northern Ireland;”;
- (g) for the definition of “pipeline works” there shall be substituted the following definition—
- ““pipeline works” means any of the works mentioned in sub-paragraphs (a) to (e) of the definition of pipeline works in regulation 2(1) of the 1995 Regulations which relate to a pipeline within the meaning of these Regulations;”.

Diving Operations at Work Regulations (Northern Ireland) 1994

18. In regulation 2 (interpretation) of the Diving Operations at Work Regulations (Northern Ireland) 1994⁽⁹⁾ (“the 1994 Regulations”), in paragraph (1)—

- (a) after the definition of “the 1971 Act” there shall be inserted the following definition—
- ““the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;”;
- (b) for the definition of “offshore installation” there shall be substituted the following definition—
- ““offshore installation” means—
- (a) subject to sub-paragraph (b), a structure which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water—
- (i) for the exploitation, or exploration with a view to exploitation, of mineral resources by-means of a well;
- (ii) for the storage of gas in or under the shore or bed of any water or the recovery-of gas so stored;
- (iii) for the conveyance of things by means of a pipe; or
- (iv) 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; and
- (b) for the purposes of this definition, the excepted structures are—

⁽⁹⁾ S.R. 1994 No. 146

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- (i) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
 - (ii) a well;
 - (iii) a structure which has ceased to be used for any of the purposes specified in sub-paragraph (a), and has since been used for a purpose not so specified;
 - (iv) 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 sub-paragraph (a) and;
 - (v) any part of a pipeline:”:
- (c) after the definition of “offshore installation” there shall be inserted the following definition—
- ““owner”, in relation to an offshore installation, means the person who is, in relation to the installation, the duty holder as defined by regulation 2(1) of the 1995 Regulations in relation to that installation;”;
- (d) for the definition of “pipeline” there shall be substituted the following definition—
- ““pipeline” has the same meaning as in regulation 2(1) of the 1995 Regulations;”;
- (e) for the definition of “pipeline works” there shall be substituted the following definition—
- ““pipeline works” has the same meaning as in regulation 2(1) of the 1995 Regulations;”.
19. In regulation 5(4) of the 1994 Regulations for sub-paragraph (b) there shall be substituted the following sub-paragraph—
- “(b) if there is no diving contractor by virtue of sub-paragraph (a) and the operation is carried on—
- (i) from or in connection with an offshore installation, the owner;
 - (ii) in connection with a pipeline, the owner of the pipeline;
 - (iii) in connection with a proposed pipeline, the person who will be the owner of the pipeline when it is laid;”.