SCHEDULE Regulation 7

PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA

## Interpretation

1.—(1) In this Schedule—

"activity" includes a diving project;

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

"diving project" has the meaning assigned to it by regulation 2(1) of the Diving at Work Regulations (Northern Ireland) 2005(**2**) save that it includes an activity in which a person takes part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;

"energy structure" means a fixed or floating structure, other than a vessel, for producing energy from wind or water;

"offshore installation" shall be construed in accordance with paragraph 2(2) and (3);

"supplementary unit" means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation;

"stand-by vessel" means a vessel which is ready to give assistance in the event of an emergency on or near an offshore installation;

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

(2) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(3) Any reference in this Schedule to premises and activities includes a reference to any person, article or substance on those premises or engaged in, or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

## Offshore installations

2.—(1) This paragraph shall apply to and in relation to—

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

(b) any activity 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 in or from a vessel being used as a stand-by vessel;

(c) a diving project involving—

(i) the survey and preparation of the sea bed for an offshore installation;

(ii) the survey and restoration of the sea bed consequent on the removal of an offshore installation.

(2) Subject to sub-paragraph (3), in this paragraph, "offshore installation" means 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—

(**1**) 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (1982 c. 23), Schedule 3, paragraph 1
(**2**) S.R. 2005 No. 45, as amended by S.R. 2007 No. 247

(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 any water or 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 sub-paragraph,

together with any supplementary unit which is ordinarily connected to it, and all the connections.

(3) Any reference in sub-paragraph (2) to a structure or unit does not include—

(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 which has ceased to be used for any of the purposes specified in sub-paragraph (2) and has since been used for a purpose not so specified;

(d) a mobile structure which has been taken out of use and is not yet being moved with a view to its being used for any of the purposes specified in sub-paragraph (2); and

(e) any part of a pipeline.

**Wells**

3.—(1) Subject to sub-paragraph (2), this paragraph applies to and in relation to—

(a) a well and any activity in connection with it; and

(b) an activity which is immediately preparatory to any activity in head (a).

(2) Sub-paragraph (1) 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.

**Pipelines**

4.—(1) This paragraph applies to and in relation to—

(a) any pipeline;

(b) any pipeline works;

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

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

(ii) 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) In this paragraph—

"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 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 heads (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, within the territorial sea adjacent to the United Kingdom, or within a designated area;

"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 heads (a) to (c), and tunnelling or boring for those purposes;

(e) any activities incidental to the activities described in heads (a) to (d);

(f) a diving project in connection with any of the works mentioned in heads (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.

**Mines**

5.—(1) This paragraph applies to and in relation to a mine within the territorial sea or extending beyond it, and any activity in connection with it, while it is being worked.

(2) In this paragraph "mine" has the same meaning as in the Mines Act (Northern Ireland) 1969(**3**).

**Other activities**

6.—(1) Subject to sub-paragraph (2), this paragraph applies to and in relation to—

(a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any building, energy structure or other structure, not being in any case a vessel, or any preparation for any such activity;

(b) the transfer of people or goods between a vessel or aircraft and a structure (including a building) mentioned in head (a);

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

(d) a diving project;

(e) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel;

(f) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which paragraph 2(3)(d) applies;

(g) the operation of a cable for transmitting electricity from an energy structure to shore;

(h) the transfer of people or goods between a vessel or aircraft and a structure mentioned in head (f).

(**3**) 1969 c. 6 (N.I.)

(2) This paragraph shall not apply—

(a) to a case where paragraph 2, 3, 4 or 5 applies; or

(b) to vessels which are registered outside the United Kingdom and are on passage through the territorial sea.

**Other activities within a designated area**

7. This paragraph shall apply within a designated area to and in relation to the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any structure which would be an offshore installation were it not a structure to which paragraph 2(3)(c) applies, or any preparation for any such activity.

**Activities within a renewable energy zone**

8.—(1) Subject to sub-paragraph (2), this paragraph shall apply within a renewable energy zone to and in relation to—

(a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any energy structure or related structure, or any preparation for any such activity;

(b) the transfer of people or goods between a vessel or aircraft and an energy structure or related structure;

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

(d) the operation of a cable for transmitting electricity from an energy structure or related structure to shore;

(e) a diving project associated with any of the works mentioned in heads (a) to (d) of this sub-paragraph.

(2) This paragraph shall not apply—

(a) to a case where paragraph 2, 3, 4 or 5 applies; or

(b) to vessels which are registered outside the United Kingdom and are on passage through the renewable energy zone.

(3) In this paragraph—

"related structure" means a structure, not being in any case a vessel, related to an energy structure, including—

(a) a structure for converting energy produced by an energy structure into a form suitable for transmission to shore; and

(b) a structure mainly for the provision of accommodation for persons carrying out work activities in relation to an energy structure or related structure;

"renewable energy zone" means any area designated by order under section 84(4) of the Energy Act 2004(**4**) and "within a renewable energy zone" includes over and under it.

(**4**) 2004 c.20.