
STATUTORY INSTRUMENTS

1993 No. 1823

HEALTH AND SAFETY

**The Offshore Safety (Repeals and
Modifications) Regulations 1993**

<i>Made</i>	- - - -	<i>19th July 1993</i>
<i>Laid before Parliament</i>		<i>27th July 1993</i>
<i>Coming into force</i>	- -	<i>23rd August 1993</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1) and (3)(a) and 82(3)(a) of the Health and Safety at Work etc. Act 1974⁽¹⁾ and sections 1(2)(a) and 2(2)(a) of the Offshore Safety Act 1992⁽²⁾ and of all other powers enabling him in that behalf, and for the purpose of giving effect without modifications to the proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the said Act of 1974 after the carrying out by the Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Offshore Safety (Repeals and Modifications) Regulations 1993.

(2) These Regulations shall come into force on 23rd August 1993.

Interpretation

2. In these Regulations—

“the 1962 Act” means the Pipe-lines Act 1962⁽³⁾;

“the 1971 Act” means the Mineral Workings (Offshore Installations) Act 1971⁽⁴⁾;

“the 1974 Act” means the Health and Safety at Work etc. Act 1974⁽⁵⁾;

“the 1975 Act” means the Petroleum and Submarine Pipe-lines Act 1975⁽⁶⁾;

(1) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1971 (c. 71), paragraphs 6 and 16 respectively; the general purposes of Part I referred to in section 15(1) were extended by section 1(1) of the Offshore Safety Act 1992 (c. 15).

(2) 1992 c. 15.

(3) 1962 c. 58.

(4) 1971 c. 61.

(5) 1974 c. 37.

(6) 1975 c. 74.

“the 1987 Act” means the Petroleum Act 1987(7);

“the Executive” means the Health and Safety Executive.

Repeals and revocations

3.—(1) In the 1971 Act, the following are hereby repealed, namely—

- (a) section 2 (registration of offshore installations);
- (b) in section 3 (construction and survey regulations for offshore installations), subsections (1) to (3);
- (c) in section 4 (managers of offshore installations), subsection (2) and, in subsection (7), the words “in relation to any class or description of installation by regulations under this Act, or”;
- (d) in section 5 (further provisions as to managers), in subsection (9), the words “in relation to any class or description of installation by regulations under this Act, or”;
- (e) section 6 (safety regulations);
- (f) in section 7 (regulations: general provisions), subsections (1) and (2), in subsection (4), the words “in relation to any class or description of installation by the regulations, or”, in subsection (5), the words “by regulations under this Act, or” and “regulations or”, and subsections (7) and (8); and
- (g) the Schedule (subject matter of regulations).

(2) In the 1975 Act, the following are hereby repealed, namely—

- (a) section 26 (safety) except in so far as it is applied by or under any enactment or instrument; and
- (b) in section 27 (inspectors etc.) in subsection (2), the words from “and, without prejudice” to the end, and subsections (3) to (6).

(3) In section 11(2)(a) of the 1987 Act (regulations), the words “and safety requirements” are hereby repealed.

(4) The Offshore Installations (Public Inquiries) Regulations 1974(8) and the Submarine Pipelines (Diving Operations) Regulations 1976(9) are hereby revoked.

Modifications with respect to Executive and Commission

4.—(1) In sections 25 and 37(1) of the 1962 Act, references to the Minister shall be construed as references to the Executive.

(2) In sections 4(1), (4) and (7), 5(9) and 7(4) and (5) of the 1971 Act, references to the Secretary of State shall be construed as references to the Executive; and in section 5(8) of that Act, after “the Secretary of State” there shall be added “or the Executive”.

(3) In section 32(4) of the 1975 Act, the reference to the Secretary of State shall be construed as a reference to the Executive.

(4) In the 1987 Act—

- (a) in section 23(1)(b), for the words “or a consent given by the Secretary of State” there shall be substituted the words “by the Secretary of State or a consent given by the Health and Safety Executive”; and
- (b) in section 24, after subsection (2) there shall be inserted the following subsection—

(7) 1987 c. 12.

(8) S.I. 1974/338.

(9) S.I. 1976/923.

“(2A) It shall be the duty of the Health and Safety Commission to submit from time to time to the Secretary of State such proposals as the Commission considers appropriate for the making of orders under section 21 or 22.”

(5) In the regulations specified in the Schedule to these Regulations, references to the Secretary of State shall be construed as references to the Executive.

(6) In regulations 2(1) and 3(1) and (4) of the Submarine Pipe-lines (Inspectors etc.) Regulations 1977⁽¹⁰⁾, after “the Secretary of State” in each case there shall be inserted “or the Executive”.

Modifications with respect to inspectors

5.—(1) Subject to paragraph (2) below, in any provision of an enactment, instrument or other document, references to an inspector appointed under—

- (a) section 6(4) of the 1971 Act; or
- (b) section 27(1) of the 1975 Act,

shall, unless the contrary intention appears, be construed as references to an inspector appointed by the Executive under section 19 of the 1974 Act who is authorised to act for the purposes of the provision in question.

(2) In the Submarine Pipe-lines (Inspectors etc.) Regulations 1977, references to an inspector appointed under section 27(1) of the 1975 Act shall be construed as including references to an inspector appointed by the Executive under section 19 of the 1974 Act who is authorised to act for the purposes of the Regulations.

(3) After subsection (2) of section 27 of the 1975 Act there shall be inserted the following subsection—

“(2A) For the purpose of enforcing regulations made under subsection (2) above, an inspector appointed under subsection (1) above shall have the same powers under section 38 of the Health and Safety at Work etc. Act 1974 (institution of proceedings in England and Wales) as he would have if he were an inspector appointed by the Health and Safety Executive under section 19 of that Act who is authorised to act for the purposes of the regulations.”

Savings

6.—(1) Regulations made under any provision repealed by these Regulations and in force immediately before the coming into force of these Regulations shall, subject to regulation 3(4) above, continue in force notwithstanding the repeal of that provision.

(2) Any exemption, approval, authorisation or direction granted or given or other thing done for the purposes of any provision modified by these Regulations shall, if in force immediately before the coming into force of these Regulations, continue in force and have effect as if granted, given or done in accordance with that provision as so modified.

(10) S.I. 1977/835, to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by order of the Secretary of State.

19th July 1993

Michael Forsyth
Minister of State,
Department of Employment

THE SCHEDULE

Regulation 4(5)

MODIFICATION OF INSTRUMENTS

Title of instrument	Reference
The Offshore Installations (Registration) 1972.	S.I. 1972/702 amended Regulations by S.I. 1991/679 .
The Offshore Installations (Managers) Regulations 1972.	S.I. 1972/703 amended by S.I. 1991/679 .
The Offshore Installations (Logbooks and Registration of Death) Regulations 1972.	S.I. 1972/1542 amended by S.I. 1991/679 .
The Offshore Installations (Inspectors and Casualties) Regulations 1973.	S.I. 1973/1842 amended by S.I. 1991/679 .
The Offshore Installations (Construction and Survey) Regulations 1974.	S.I. 1974/289 .
The Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976 except regulation 19.	S.I. 1976/1019 .
The Offshore Installations (Emergency Procedures) Regulations 1976.	S.I. 1976/1542 .
The Offshore Installations (Life-saving Appliances) Regulations 1977.	S.I. 1977/486 .
The Offshore Installations (Fire-fighting Equipment) Regulations 1978.	S.I. 1978/611 .
The Offshore Installations (Well Control) Regulations 1980.	S.I. 1980/1759 amended by S.I. 1991/308 .
The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.	S.I. 1989/971 .
The Offshore Installations and Pipeline Works (First-Aid) Regulations 1989.	S.I. 1989/1671 .

EXPLANATORY NOTE*(This note is not part of the Regulations)*

These Regulations contain repeals and modifications of the Pipe-lines Act 1962, the Mineral Workings (Offshore Installations) Act 1971 (“the 1971 Act”), the Petroleum and Submarine Pipe-lines Act 1975, the Petroleum Act 1987 (“the 1987 Act”) and certain instruments made thereunder.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Regulations are made in consequence of the coming into force of sections 1 and 2 of the Offshore Safety Act 1992 (“the 1992 Act”) which made provision for Part I of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) to have effect as if the provisions and instruments referred to in those sections were “existing statutory provisions” within the meaning of that Part.

The Regulations—

- (a) repeal the powers to appoint inspectors under the 1971 Act and powers to make regulations in the 1971 Act, the 1975 Act and the 1987 Act, and those powers are now replaced by powers in the 1974 Act;
- (b) change various references to the Minister or to the Secretary of State in certain provisions of the Acts and instruments referred to in the first paragraph above to, or to include, the Health and Safety Executive. By virtue of section 18 of the 1974 Act the Executive is the enforcing authority for the provisions which have in effect been made “existing statutory provisions” by the 1992 Act;
- (c) insert a provision into the 1987 Act requiring the Health and Safety Commission to submit from time to time to the Secretary of State such proposals as it considers appropriate for the making of orders (relating to safety zones) under section 21 or 22 of that Act;
- (d) revoke the Offshore Installations (Public Inquiries) Regulations 1974 and the Submarine Pipe-lines (Diving Operations) Regulations 1976 which are superseded by provisions in and under the 1974 Act; and
- (e) modify certain provisions relating to inspectors (*regulations 3 to 5*).

The Regulations also contain savings provisions (*regulation 6*).