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STATUTORY INSTRUMENTS

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**2009 No. 1750**

**HEALTH AND SAFETY**

**The Health and Safety at Work etc. Act 1974 (Application  
outside Great Britain) (Variation) Order 2009**

<i>Made</i>	- - - -	<i>8th July 2009</i>
<i>Laid before Parliament</i>		<i>15th July 2009</i>
<i>Coming into force</i>	- -	<i>5th August 2009</i>

At the Court at Buckingham Palace, the 8th day of July 2009

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 84(3) and (4) of the Health and Safety at Work etc. Act 1974(1), is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation and commencement**

1. This Order may be cited as the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) (Variation) Order 2009 and comes into force on 5th August 2009.

**Variation of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001**

2.—(1) The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001(2) is varied as follows.

- (2) Article 4(2)(a) is omitted.
- (3) After article 8, insert—

**“Other activities within a designated area**

8A.—(1) The prescribed provisions of the 1974 Act 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

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(1) 1974 c.37. The general purposes of Part I of the Act were extended by section 1(1) of the Offshore Safety Act 1992 (c.15).  
(2) S.I. 2001/2127.

installation were it not a structure to which paragraph 3(c) of article 4 of this Order applies, or any preparation for any such activity.

(2) This article shall cease to have effect on 6th April 2011, unless revoked with effect from an earlier date by a subsequent order.

#### **Activities within a renewable energy zone**

**8B.**—(1) Subject to paragraph (2), the prescribed provisions of the 1974 Act 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 Great Britain;
- (e) a diving project associated with any of the works mentioned in sub-paragraphs (a) to (d) of this paragraph.

(2) This article shall not apply—

- (a) to a case where article 4, 5, 6 or 7 of this Order applies; or
- (b) to vessels which are registered outside the United Kingdom and are on passage through the renewable energy zone.

(3) In this article—

“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 Great Britain; 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<sup>(3)</sup> and “within a renewable energy zone” includes over and under it.

(4) This article shall cease to have effect on 6th April 2011, unless revoked with effect from an earlier date by a subsequent order.”.

(4) The Schedule is omitted.

*Judith Simpson*  
Clerk of the Privy Council

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

1. This Order varies the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 (“the 2001 Order”), which applies sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 (“the prescribed provisions”) to certain premises and activities in the territorial sea adjacent to Great Britain and beyond the territorial sea to areas designated by order under section 1(7) of the Continental Shelf Act 1964. This Order makes the following changes of substance to the 2001 Order.

2. Article 4(2)(a) and the Schedule to the 2001 Order, which included certain fixed structures within the definition of “offshore installation”, are revoked (*article 2(2) and (4)*).

3. The Order adds a new article 8A to the 2001 Order to apply the prescribed provisions to certain activities within a designated area involving structures which would be offshore installations but for the application of article 4(3)(c) of the 2001 Order, which relates to change of an installation’s use (*article 2(3)*).

4. Article 2(3) also adds a new article 8B to the 2001 Order to extend the application of the prescribed provisions to activities within a renewable energy zone. A renewable energy zone is an area, beyond the territorial sea, designated under section 84(4) of the Energy Act 2004 which can be exploited for the production of energy from water or winds.

5. These new articles 8A and 8B will cease to apply on 6th April 2011, unless revoked with effect from an earlier date.

6. A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Offshore and Diving Policy Team, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS and is annexed to the Explanatory Memorandum which is available alongside this instrument on the website of the Office of Public Sector Information.