
STATUTORY INSTRUMENTS

1992 No. 1728

**The Offshore, and Pipelines, Safety
(Northern Ireland) Order 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.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954⁽¹⁾ 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⁽²⁾;

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

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 subparagraphs (a), (b) and (c) of that paragraph, were specified in the third column of Schedule 1 to that Order.

(1) 1954 c. 33 (N.I.)

(2) 1978 NI 9

(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⁽³⁾;
- (b) sections 26, 27 and 32 (safety, inspectors and regulations) of the Petroleum and Submarine Pipe-lines Act 1975⁽⁴⁾;
- (c) in the Petroleum Act 1987⁽⁵⁾, section 11(2)(a) (regulations) so far as relating to safety requirements and 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;

“pipe-line” and “pipe-line works” have the same meanings as in section 26(1) of the Petroleum and Submarine Pipe-lines Act 1975.

(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;
- (b) section 20(2) of the Petroleum and Submarine Pipe-lines Act 1975; or
- (c) section 16(1) or 21(7) of the Petroleum Act 1987,

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⁽⁶⁾ were omitted; and
- (iii) to the sea in any designated area within the meaning of that Act were omitted.

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

(3) 1971 c. 61

(4) 1975 c. 74

(5) 1987 c. 12

(6) 1964 c. 29

- (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—

- (a) in the Gas (Northern Ireland) Order 1977(7), Article 7 (standards of quality) so far as relating to standards affecting safety and Article 27(2) and (3) (provision which may be made by regulations) so far as relating to regulations under Article 7 so far as so relating; and
- (b) the provisions of any regulations made or having effect under any enactment mentioned in sub-paragraph (a).

(4) In this Article—

“gas” means—

- (a) any substance in a gaseous state which consists wholly or mainly of—
 - (i) methane, ethane, propane, butane, hydrogen or carbon monoxide;
 - (ii) a mixture of two or more of those gases; or
 - (iii) a combustible mixture of one or more of those gases and air; and
- (b) any other substance in a gaseous state which—
 - (i) is gaseous at a temperature of 15°C and a pressure of 1013.25 millibars; and
 - (ii) is specified in an order made by the Department which shall be subject to negative resolution;
- (c) any substance which, if it were in a gaseous state, would be gas as defined in paragraph (a) or (b) of this definition;

“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(8) 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

(7) 1977 NI 7

(8) 1965 c. 20 (N.I.)

- (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.

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⁽⁹⁾, 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
 - (b) in the Oil and Gas (Enterprise) Act 1982⁽¹⁰⁾, section 27(4) (prosecutions) so far as relating to prosecutions for offences under the Mineral Workings (Offshore Installations) Act 1971⁽¹¹⁾ or section 23 of the Petroleum Act 1987⁽¹²⁾.
- (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;
 - (b) any functions of the Department under a licence, or under section 2 of the Petroleum (Production) Act (Northern Ireland) 1964⁽¹³⁾, may be exercised without regard to safety considerations; and
 - (c) nothing done in the exercise of any such functions shall prejudice or affect the operation of the relevant statutory provisions within the meaning of Part II of the 1978 Order or any requirements imposed under those provisions.

In this paragraph “licence” means a licence granted under section 2 of the Petroleum (Production) Act (Northern Ireland) 1964, whether before or after the coming into operation of this paragraph.

(9) 1975 c. 74
 (10) 1982 c. 23
 (11) 1971 c. 61
 (12) 1987 c. 12
 (13) 1964 c. 28 (N.I.)

(3) In consequence of the provision made by Article 4, in the Gas (Northern Ireland) Order 1977(14), in Article 10(1) (safety regulations) the words “or distribution” and from “, or from” onwards shall cease to have effect.

Increased penalties under Part II of 1978 Order

6.—(1) The 1978 Order shall have effect subject to the following provisions of this Article.

(2) In Article 17(6) (health and safety regulations) after sub-paragraph (d) there shall be added the following sub-paragraph—

“(e) in the case of regulations made for any purpose mentioned in Article 3(1) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992, may provide that any offence consisting of a contravention of the regulations, or of any requirement or prohibition imposed by or under them, shall be punishable on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.”.

(3) In Article 31 (offences under Part II) after paragraph (1) there shall be inserted the following paragraph—

“(1A) Subject to any provision made by virtue of Article 17(6)(d), a person guilty of an offence under paragraph (1)(a) consisting of failure to discharge a duty to which he is subject by virtue of Articles 4 to 7 shall be liable—

- (a) on summary conviction, to a fine not exceeding £20,000;
- (b) on conviction on indictment, to a fine.”.

(4) In Article 31 after paragraph (2) there shall be inserted the following paragraph—

“(2A) A person guilty of an offence under sub-paragraph (g) or (o) of paragraph (1) shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding £20,000, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.”.

(5) In Article 31(4) for the words from the beginning to “paragraph (2));” there shall be substituted the words “Subject to any provision made under Article 17(6)(d) or (e), a person guilty of an offence under paragraph (1) not falling within paragraph (1A), (2) or (2A)”.

(6) Article 31(5)(d) and (6) shall cease to have effect.

(7) This Article does not affect the punishment for any offence committed before it comes into operation.

Directions for preserving security of petroleum and petroleum products

7.—(1) The Department may, after consultation with a person to whom this Article applies, give to that person such directions of a general character as appear to the Department to be requisite or expedient for the purpose of preserving the security of any offshore installation, onshore terminal or oil refinery.

(2) If it appears to the Department to be requisite or expedient to do so for the purpose mentioned in paragraph (1), it may, after consultation with a person to whom this Article applies, give to that person a direction requiring him (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction.

(3) A person to whom this Article applies shall give effect to any direction given to him by the Department under this Article notwithstanding any other duty imposed on him by or under any statutory provision.

(4) The Department shall lay before the Assembly a copy of every direction given under this Article unless it is of the opinion that disclosure of the direction is against the interests of national security or the commercial interests of any person.

(5) A person shall not disclose, or be required by virtue of any statutory provision or otherwise to disclose, anything done by virtue of this Article if the Department has notified him that the Department is of the opinion that disclosure of that thing is against the interests of national security or the commercial interests of some other person.

(6) This Article applies to any person who is the operator of an offshore installation, onshore terminal or oil refinery.

(7) In this Article—

“offshore installation” has the same meaning as in Article 3;

“oil refinery” includes an installation for processing petroleum products;

“onshore terminal” means an onshore terminal which receives petroleum directly or indirectly from an offshore installation;

“petroleum” has the same meaning as in the Petroleum (Production) Act (Northern Ireland) 1964⁽¹⁵⁾;

“petroleum products” has the same meaning as in the Energy Act 1976⁽¹⁶⁾.

Repeals

8. The statutory provisions mentioned in Schedule 2 are hereby repealed to the extent specified in the third column of that Schedule.

G. I. de Deney
Clerk of the Privy Council

⁽¹⁵⁾ 1964 c. 28 (N.I.)

⁽¹⁶⁾ 1976 c. 76