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STATUTORY RULES OF NORTHERN IRELAND

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**1995 No. 340**

**Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995**

**Citation and commencement**

1. These Regulations may be cited as the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995 and shall come into operation on 9th October 1995 except regulation 23(2), which shall come into operation on 20th June 1997.

**Interpretation**

2.—(1) In these Regulations—

“the 1971 Act” means the Mineral Workings (Offshore Installations) Act 1971(1);

“the 1972 Order” means the Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972(2);

“apparatus or works” means—

(a) apparatus or works described in sub-paragraphs (a) to (f); and

(b) a structure described in sub-paragraph (g), of the definition of “pipeline”;

“associated structure” means, in relation to an offshore installation, a vessel, aircraft or hovercraft attendant on the installation or any floating structure used in connection with the installation;

“concession owner” in relation to an offshore installation means the person who at any time has the right to exploit or explore mineral resources in any area, or to store gas in any area and to recover gas so stored if, at that time, the installation is, or is to be, used in the exercise of that right;

“the Department” means the Department of Economic Development;

“designated area” means any area designated by Order under section 1(7) of the Continental Shelf Act 1964(3) and “within a designated area” includes over and under it;

“duty holder” means—

(a) in relation to a fixed installation, the operator; and

(b) in relation to a mobile installation, the owner;

“fixed installation” means an offshore installation other than a mobile installation;

“installation manager” means, in relation to an offshore installation, the person appointed for the purposes of regulation 6(1)(a) who is for the time being in charge of it;

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(1) 1971 c. 61; relevant amending statutory provisions are 1975 c. 74, 1982 c. 23, 1987 c. 49 and S.R. 1993 No. 384

(2) S.I. 1972/963 (N.I. 6) to which there are amendments not relevant to this rule

(3) 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23). Schedule 3, paragraph 1

“mobile installation” means an offshore installation (other than a floating production platform) which can be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

“offshore installation” shall be construed in accordance with regulation 3;

“operator” in relation to a fixed installation means the person appointed by a concession owner to execute any function of organising or supervising any operation to be carried out by such installation or, where such a person has not been appointed, the concession owner;

“owner” in relation to a mobile installation means the person who controls the operation of the installation;

“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 a 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 sub-paragraphs (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, or within territorial waters, United Kingdom territorial waters adjacent to Great Britain or 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 sub-paragraphs (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in sub-paragraphs (a) to (d);
- (f) diving operations in connection with any of the works mentioned in sub-paragraphs (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;

“relevant employee” means an employee—

- (a) who is ordinarily resident in the United Kingdom, or
- (b) who is not ordinarily resident in the United Kingdom but who has been present in the United Kingdom and relevant waters in the course of employment there for a continuous period of not less than 7 days;

“relevant waters” means tidal waters and parts of the sea in or adjacent to Northern Ireland up to the seaward limits of territorial waters;

“territorial waters” means United Kingdom territorial waters adjacent to Northern Ireland and “within territorial waters” includes on, over and under them; and

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

(2) Any reference in these Regulations to operating an offshore installation is a reference to using the installation for any of the purposes described in regulation 3(1).

(3) For the purpose of these Regulations any structures and devices on top of a well shall be treated as forming part of the well.

### **Meaning of “offshore installation”**

**3.—(1)** Subject to paragraphs (2) to (4), in these Regulations the expression “offshore installation” means a structure which is, or is to be, or has been, used while standing or stationed in relevant waters, or on the foreshore or other land intermittently covered with water—

- (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 relevant waters or in 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 paragraph,

and which is not an excepted structure.

(2) For the purposes of paragraph (1), the excepted structures are—

- (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 or device which does not project above the sea at any state of the tide;
- (d) a structure which has ceased to be used for any of the purposes specified in paragraph (1), and has since been used for a purpose not so specified;
- (e) 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 paragraph (1); and
- (f) any part of a pipeline.

(3) For the purposes of these Regulations the following shall be deemed to be part of an offshore installation—

- (a) any well for the time being connected to it by pipe or cable;
- (b) such part of any pipeline connected to it as is within 500 metres of any part of its main structure;
- (c) any apparatus or works which are situated—
  - (i) on or affixed to its main structure; or
  - (ii) wholly or partly within 500 metres of any part of its main structure and associated with a pipe or system of pipes connected to any part of that installation.

(4) Where two or more structures are, or are to be, connected permanently above the sea at high tide they shall for the purposes of these Regulations be deemed to comprise a single offshore installation.

## Application

- 4.—(1) Within territorial waters these Regulations shall apply to and in relation to—
- (a) any offshore installation and any activity on it;
  - (b) any activity, including diving operations, 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 on or from a vessel being used as a stand-by vessel;
  - (c) diving operations involving the survey and preparation of the sea bed for an offshore installation;
  - (d) subject to sub-paragraph (e), a well and any activity in connection with it and an activity which is immediately preparatory to any such activity;
  - (e) sub-paragraph (d) 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; and
  - (f)
    - (i) any pipeline;
    - (ii) any pipeline works;
    - (iii) the following activities in connection with pipeline works—
      - (aa) the loading, unloading, fuelling or provisioning of a vessel;
      - (bb) 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) Regulations 6 to 21 shall not apply in relation to an offshore installation which is in transit to or from a location; and an offshore installation is not in transit to or from a location while it is being manoeuvred at the location.
- (3) Save where otherwise expressly provided, nothing in regulations 6 to 13 or 15 to 18 shall impose a duty in relation to an offshore installation while there are no persons aboard.

## Notification concerning offshore installations

- 5.—(1) The duty holder shall, no later than the date on which an offshore installation is due to enter or leave relevant waters, notify the Department in writing of the date of its intended entry into or departure from such waters.
- (2) Where there is a change of duty holder in relation to an offshore installation, the new duty holder shall ensure that it is not operated until the Department has been notified in writing of—
- (a) the date of such change;
  - (b) the name and address of the new duty holder; and
  - (c) where the address furnished pursuant to sub-paragraph (6) is outside Northern Ireland, an address in Northern Ireland to which communications to him may be sent.

## Managers

- 6.—(1) The duty holder shall ensure that—
- (a) the offshore installation is at all times under the charge of a competent person appointed by him to manage on his behalf the installation and the persons on it; and a reference to the installation manager is a reference to such person while he is in charge;

- (b) the installation manager is provided with appropriate resources to be able to carry out effectively his function, and the duties he may have to discharge under regulation 8; and
- (c) the identity of the installation manager is known to or readily ascertainable by every person on the installation.

(2) For the purposes of paragraph (1)(a), a person is not in charge of an offshore installation when he is not on it unless he remains in communication with it and, in a case where it might be necessary to exercise his functions, is able to reach it promptly.

### **Restraint and putting ashore**

7.—(1) If an installation manager has reasonable cause to believe that it is necessary or expedient to do so for the purpose of securing the safety of the offshore installation or the safety or health of persons on or near it, he may take such measures against a person on the installation, including—

- (a) restraint of his person; and
- (b) putting him ashore in the United Kingdom as soon as is practicable thereafter,

as are reasonable.

(2) If it appears likely that a person will not be put ashore within twenty-four hours of being put under restraint, the installation manager shall forthwith give notice to the duty holder of his being kept under restraint and of the reason for it.

### **Co-operation**

8.—(1) Every person shall co-operate—

- (a) with the installation manager, and any other person on whom any duty is placed by regulations 5 to 19, so far as is necessary to enable him to comply with the relevant statutory provisions, including this regulation;
- (b) with the installation manager, so far as is necessary to enable him to discharge his functions described in regulations 6 and 7; and
- (c) with the helicopter landing officer, so far as is necessary to enable him to perform his function referred to in regulation 13.

(2) In addition to the duty placed on him by paragraph (1), an installation manager shall co-operate with the manager of another offshore installation, where an activity carried out from, by means of, or on one of the installations could affect the health and safety of persons on the other installation or of persons engaged in an activity in connection with the other installation.

(3) The duty in paragraph (1) is without prejudice to any duty owed by a master, captain or person in charge of any vessel or aircraft.

### **Records**

9.—(1) The duty holder shall ensure that there is kept on the offshore installation or at a suitable place nearby a record of the persons who are for the time being on, or working from the installation, and containing, in relation to each such person—

- (a) his full name; and
- (b) the name and address of his employer, if any,

and in this regulation such a record is referred to as “the offshore record”.

(2) The duty holder shall ensure that, as soon as possible after an entry is made in the offshore record, a like entry is made together with the following additional information—

- (a) the nationality of the person working on or from the installation;

- (b) his date of birth;
- (c) his usual residence; and
- (d) the name, address and relationship of any next of kin of his,

in another record, in this regulation referred to as “the onshore record”.

(3) The duty holder shall ensure that an entry in the onshore record relating to any person is thereafter kept readily available at an address in Northern Ireland until 28 days after he ceases to be on or to work from the installation.

### **Permits to work**

10. In cases where, because of—

- (a) the kind of work which may be done on the offshore installation; or
- (b) the circumstances in which work may be done on the offshore installation,

it is necessary for the health or safety of persons to do so, the duty holder shall introduce arrangements for securing that, in such a case, a person does not do such work save in accordance with the terms of a permit in writing, given by a competent person authorised by or on behalf of the duty holder.

### **Instructions**

11. The duty holder shall ensure that, where necessary for the health and safety of persons—

- (a) comprehensible instructions on procedures to be observed on the offshore installation are put in writing; and
- (b) the relevant part of such instructions is brought to the attention of every person who is to do anything to which that part relates.

### **Communication**

12. The duty holder shall ensure that arrangements, which are appropriate for health and safety purposes, are in place for effective communication—

- (a) between the offshore installation and the shore, vessels, aircraft and other installations; and
- (b) where a helicopter is to land or take off from an offshore installation aboard which there will be no persons immediately before the landing, , or after the take off, between the helicopter and—
  - (i) a suitable offshore installation with persons on board; or
  - (ii) where there is no such installation, suitable premises ashore.

### **Helicopters**

13. The duty holder shall ensure that—

- (a) a competent person appointed to be in control of helideck operations on the offshore installation (in these Regulations referred to as “the helicopter landing officer”) is present on the installation;
- (b) such person is in control throughout such operations; and
- (c) such procedures are established, and plant provided, as will secure, so far as is reasonably practicable, that helideck operations, including the landing and take off of helicopters, are without risks to health and safety.

### **Operational information**

14. The duty holder shall make arrangements for the collection and keeping of—

- (a) such meteorological and oceanographic information; and
- (b) such information relating to the motions of the offshore installation,

as is necessary for securing, so far as is reasonably practicable, the safe operation of the installation and the safety of persons on or near it.

### **Information to persons**

15.—(1) The duty holder shall ensure that the address and telephone number of the appropriate office of the Department is known to or readily ascertainable by every person on the offshore installation.

(2) The employer of a person who is not on an offshore installation and who is engaged in—

- (a) an activity in connection with an offshore installation;
- (b) an activity in connection with a well;
- (c) pipeline works; or
- (d) any of 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,

shall ensure that the address and telephone number of the appropriate office of the Department is known to or readily ascertainable by such a person.

### **Health surveillance**

16.—(1) An employer of a person engaged in work on an offshore installation shall ensure that he is provided with such health surveillance as is appropriate to the health and safety risks incurred in the work; and, where that person is assigned to the work after 9th October 1995, the health surveillance shall be commenced before he is so assigned.

(2) In this regulation “appropriate” means appropriate having regard to the nature and magnitude of the risks to the safety and health of the employee created by the relevant work.

### **Drinking water**

17. The duty holder shall ensure that—

- (a) an adequate supply of clean, wholesome drinking water is available at suitable locations on the offshore installation; and
- (b) such locations are clearly marked to show that drinking water is there.

### **Provisions**

18. The duty holder shall ensure that all provisions for consumption by persons on the offshore installation are fit for human consumption, palatable and of good quality.

### **Identification of the offshore installation**

19. Save where the nature of the structure makes it impracticable to do so, the duty holder shall ensure that the offshore installation—

- (a) displays its name or other designation in such a manner as to make the installation readily identifiable on approach by sea or air; and
- (b) displays no name, letters or figures likely to be confused with the name or other designation of another offshore installation.

### **Certificates of exemption**

**20.**—(1) Subject to paragraph (2) and to any Community obligation in respect of the encouragement of improvements in the safety and health of workers at work, the Department may, by a certificate in writing, exempt any person, offshore installation or class of persons or offshore installations from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case and, in particular, to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any statutory provisions which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it. Application of the Employers' Liability (Defective Equipment and

### **Compulsory Insurance) (Northern Ireland) Order 1972**

**21.**—(1) The 1972 Order shall apply to employers of relevant employees employed for work on or from offshore installations, or on or from associated structures in the course of activities undertaken on or in connection with such installations, subject to such modifications and extensions as are prescribed in paragraphs (2) to (5).

(2) In Article 5 of the 1972 Order as applied by paragraph (1)—

- (a) in paragraph (1), for the words from “his employees” to the end of the paragraph, there shall be substituted the words “those of his relevant employees who are employed by him for work on or from an offshore installation, or on or from an associated structure in the course of an activity undertaken on or in connection with an offshore installation and arising out of and in the course of their employment for that work”; and
- (b) in paragraph (3) at the end of sub-paragraph (c), there shall be added the following sub-paragraph—

“(d) any expression to which a meaning is given by the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995, and to which a meaning is not given by this Order, shall have the same meaning in this Order”.

(3) Article 6(b) of the 1972 Order as applied by paragraph (1) shall have no effect.

(4) In Article 8(2)(a) of the 1972 Order as applied by paragraph (1), after the word “insurance” there shall be inserted the words “or make arrangements to secure the maintenance of such copies on offshore installations or associated structures”.

(5) After Article 9 of the 1972 Order as applied by paragraph (1) there shall be inserted the following Articles—



### **“Liability of owners of offshore installations**

**9A.**—(1) In respect of any offshore installation, it shall be the duty of the owner of the installation to ensure that requirements imposed by or under this Order are complied with and where, in respect of that installation—

- (a) any employer is on any day not insured in accordance with this Order, the owner of the installation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; or
- (b) any person fails to comply with a requirement imposed by or under Article 8, the owner of the installation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) In proceedings against the owner of an installation for an offence under this Article it shall be a defence for the accused to prove—

- (a) that he used all due diligence to prevent the commission of the offence; and
- (b) that any relevant contravention was committed without his consent, connivance or wilful default.

(3) In proceedings for an offence under this Article an averment in any process of the fact that anything done or situated within relevant waters shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment.

(4) Proceedings for any offence under this Article may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Northern Ireland.

(5) References in this Article to “the owner”, in relation to an offshore installation, are to the person who controls the operation of the installation.

### **Prosecutions**

**9B.** Proceedings shall not be instituted in Northern Ireland for any offence under this Order in respect of an offshore installation except by the Secretary of State or by a person authorised in that behalf by the Secretary of State.”.

### **Repeals and modifications of the Mineral Workings (Offshore Installations) Act 1971**

**22.**—(1) The provisions of the 1971 Act specified in column 1 of Part I of Schedule 1 are repealed as respects Northern Ireland to the extent specified opposite in column 3 of that Part.

(2) Section 12(1) of the 1971 Act shall have effect as respects Northern Ireland subject to the modifications specified in Part II of Schedule 1.

### **Revocations and modifications of statutory provisions**

**23.**—(1) The statutory provisions specified in column 1 of Part I of Schedule 2 shall be revoked as respects Northern Ireland to the extent specified opposite in column 3 of that Part.

(2) Regulation 29 of the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976(4) shall be revoked as respects Northern Ireland.

(3) The statutory provisions specified in Part II of Schedule 2 shall have effect as respects Northern Ireland subject to the modifications specified in that Part.

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

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Sealed with the Official Seal of the Department of Economic Development on

L.S.

31st August 1995.

*Philip B. Strong*  
Assistant Secretary