
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 47

HEALTH AND SAFETY

**Offshore Noise and Electricity
Regulations (Northern Ireland) 1998**

Made - - - - *20th February 1998*

Coming into operation *1st April 1998*

The Department of Economic Development, being the Department concerned⁽¹⁾, in exercise of the powers conferred on it by Articles 17(1) to (6) and 55(2) of, and paragraphs 1(1) and (2), 5, 6, 7, 8, 9, 10, 11, 12, 13, 14(1), 15, 17, 19 and 20(b) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978⁽²⁾ (“the 1978 Order”), Article 3(2) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992⁽³⁾ and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of the 1978 Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Offshore Noise and Electricity Regulations (Northern Ireland) 1998 and shall come into operation on 1st April 1998.

Amendment of the Noise at Work Regulations (Northern Ireland) 1990

2.—(1) In regulation 2(1) (interpretation) of the Noise at Work Regulations (Northern Ireland) 1990⁽⁴⁾ (“the 1990 Regulations”)—

- (a) in the definition of “daily personal noise exposure”, for the words “the Schedule” there shall be substituted the words “Schedule 1”;
- (b) after the definition of “the second action level” there shall be inserted the following definition—

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

(1) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(2) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by Article 3(1) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992, S.I. 1992/1728 (N.I. 17)

(3) S.I. 1992/1728 (N.I. 17)

(4) S.R. 1990 No. 147 to which there are amendments not relevant to these Regulations

(2) For regulation 3 (disapplication of duties) of the 1990 Regulations there shall be substituted the following regulation—

“Application

3.—(1) Within territorial waters these Regulations shall, subject to paragraph (2), apply only to and in relation to the premises and activities mentioned in paragraphs 2 to 6 of Schedule 2.

(2) The duties imposed by these Regulations shall not extend to—

- (a) the master or crew of a sea-going ship or to the employer of such persons, in relation to the normal ship-board activities of a ship’s crew under the direction of the master; or
- (b) the crew of any aircraft or hovercraft which is moving under its own power or any other person on board any such aircraft or hovercraft who is at work in connection with its operation.”.

(3) In regulation 13(1)(a) and (b)(i) of the 1990 Regulations, for the words “the Schedule” there shall be substituted the words “Schedule 1”.

(4) The Schedule to the 1990 Regulations shall be renumbered Schedule 1 and after that Schedule there shall be inserted Schedule 2 set out in the Schedule to these Regulations.

Amendment of the Electricity at Work Regulations (Northern Ireland) 1991

3.—(1) In regulation 1 (citation and commencement) of the Electricity at Work Regulations (Northern Ireland) 1991(5) (“the 1991 Regulations”), for the words “Schedules 1 and 2” there shall be substituted the words “Schedules 1 and 3”.

(2) In regulation 2 of the 1991 Regulations, after the definition of “system” there shall be inserted the following definition—

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

(3) After regulation 30 (exemption certificates) of the 1991 Regulations there shall be inserted the following regulation—

“Application

30A. Within territorial waters these Regulations shall, subject to regulation 31, apply only to and in relation to the premises and activities mentioned in paragraphs 2 to 6 of Schedule 2.”.

(4) In regulation 32(1) and (2) of the 1991 Regulations, for the words “Schedule 2” there shall be substituted the words “Schedule 3”.

(5) In regulation 32(3) and (4) of the 1991 Regulations, for the words “Schedule 3” there shall be substituted the words “Schedule 4”.

(6) Schedules 2 and 3 to the 1991 Regulations shall be renumbered Schedules 3 and 4 respectively and after Schedule 1 thereto there shall be inserted Schedule 2 set out in the Schedule to these Regulations but as if for the side-note “Regulation 3” there was substituted the side-note “Regulation 30A”.

(5) S.R. 1991 No. 13 to which there are amendments not relevant to these Regulations

Revocations

4.—(1) The following provisions of the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976⁽⁶⁾ are hereby revoked—

(a) in regulation 1(2) the definitions of “electrical equipment”, “fixed installation”, “hazardous area”, “helicopter landing officer”, “mechanical equipment”, “mobile installation”, “radiotelephone operator” and “work permit”; and

(b) regulations 11 and 17.

(2) In paragraph 67 of Schedule 1 to the Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996⁽⁷⁾—

(a) the words “Noise and” in the shoulder note; and

(b) the words “noise or” in sub-paragraph (1),

are hereby revoked.

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

20th February 1998.

P. B. Strong
Assistant Secretary

⁽⁶⁾ S.I. 1976/1019; relevant amending statutory provisions are S.R. 1995 No. 340 and S.R. 1996 No. 119

⁽⁷⁾ S.R. 1996 No. 228

SCHEDULE

Regulations 2(4) and 3(6)

Schedule to be inserted as Schedule 2 to the Noise at Work Regulations (Northern Ireland) 1990 and Schedule 2 to the Electricity at Work Regulations (Northern Ireland) 1991

“SCHEDULE 2

Regulation 3

Application

Interpretation

1.—(1) In this Schedule—

“designated area” means any area designated by order under section 1(7) of the Continental Shelf Act 1964⁽⁸⁾ and “within a designated area” includes over and under it;

“offshore installation” shall be construed in accordance with paragraph 2(4) and (5);

“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) For the purposes of this Schedule, a person shall be deemed to be engaged in diving operations throughout any period from the time when he commences to prepare for diving until the time when—

- (a) he is no longer subjected to raised pressure;
- (b) he has normal inert gas partial pressure in his tissues; and
- (c) if he entered the water, he has left it,

and diving operations include the activity of any person in connection with the health and safety of a person who is, or is deemed to be, engaged in diving operations.

(4) Any reference in this Schedule to premises and activities (howsoever described) shall include 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) Any offshore installation and any activity on it.

(2) 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—

- (a) transporting, towing or navigating the installation; and
- (b) any activity on or from the vessel being used as a stand-by vessel.

(3) Diving operations involving the survey and preparation of the sea bed for an offshore installation.

(4) Subject to sub-paragraph (5), in this Schedule “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—

⁽⁸⁾ 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23), Schedule 3, paragraph 1

- (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,
- and which is not an excepted structure.

(5) For the purposes of sub-paragraph (4), 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 which has ceased to be used for any of the purposes specified in sub-paragraph (4) 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 for the time being intended to be used for any of the purposes specified in sub-paragraph (4); and
- (e) any part of a pipeline.

Wells

3.—(1) Subject to sub-paragraph (2)—

- (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) Any pipeline.

(2) Any pipeline works.

(3) The following activities in connection with pipeline works—

- (a) the loading, unloading, fuelling or provisioning of a vessel;
- (b) 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.

(4) 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 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 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 paragraphs (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in paragraphs (a) to (d);
- (f) diving operations in connection with any of the works mentioned in paragraphs (a) to (e) or for the purposes 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) The working of a mine, and work for the purpose of or in connection with the working of any part of a mine.

(2) In this paragraph “mine” and “working of a mine” have the same meaning as in the Mines Act (Northern Ireland) 1969(9).

Other activities

6.—(1) Subject to sub-paragraph (2)—

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, demolition and dismantling of any building or other structure not being a vessel, or any preparation for any such activity;
- (b) the loading, unloading, fuelling or provisioning of a vessel;
- (c) diving operations;
- (d) 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; and
- (e) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which paragraph 2(5)(d) relates.

(2) Sub-paragraph (1) shall not apply to vessels which are registered outside the United Kingdom and are on passage through territorial waters.”

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Noise at Work Regulations (Northern Ireland) 1990 and the Electricity at Work Regulations (Northern Ireland) 1991 so that, within United Kingdom territorial waters adjacent to Northern Ireland, they now apply only in relation to certain premises and activities.

The Regulations revoke regulations 11 and 17 (electrical equipment) of the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976, insofar as they apply to Northern Ireland, and certain definitions in regulation 1(2) of those Regulations which are redundant by reason of the revocation effected by this or earlier statutory provisions. They also revoke references to noise in paragraph 67 (noise and vibration of plant) of Schedule 1 to the Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996.

In Great Britain, the corresponding Regulations are the Offshore Electricity and Noise Regulation 1997, S.I.1997/1993. The Health and Safety Executive has prepared a cost benefit assessment in relation to those Regulations and a copy of that assessment, together with the Northern Ireland Supplement prepared by the Department of Economic Development, is held at 83 Ladas Drive, Belfast, BT6 9FJ, from where copies may be obtained on request.