

SCHEDULE 9

Regulation 38

Premises and activities within territorial waters

Interpretation

1.—(1) In this Schedule—

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

“offshore installation” shall be construed in accordance with paragraph 2(2) and (3);

“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) includes 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) This paragraph applies 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; or
 - (ii) any activity on or from a vessel being used as a stand-by vessel; or
- (c) diving operations involving the survey and preparation of the sea bed for an offshore installation.

(2) Subject to sub-paragraph (3), 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—

- (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;

(1) 1964 c. 29; section 1(7) was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23), Schedule 3, paragraph 1

Status: This is the original version (as it was originally made).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

- (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.
- (3) For the purposes of sub-paragraph (2), 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 (2) 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 (2); and
 - (e) any part of a pipeline.

Wells

- 3.—(1) This paragraph applies to—
- (a) a well and any activity in connection with it; or
 - (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) This paragraph applies to—
- (a) a pipeline;
 - (b) any pipeline works; or
 - (c) 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.
- (2) 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 heads (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 heads (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in heads (a) to (d);
- (f) diving operations in connection with any of the works mentioned in heads (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.

Mines

5.—(1) This paragraph applies to the working of a mine and to 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(2).

Other activities

6.—(1) Subject to sub-paragraph (2), this paragraph applies to—

- (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; or
- (e) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which paragraph 2(3)(d) relates.

(2) This paragraph does not apply to vessels which are registered outside the United Kingdom and are on passage through territorial waters.