

SCHEDULE 1

Regulation 4(1)

PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA

Interpretation

1.—(1) In this Schedule—

“activity” includes a diving project;

“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;

“diving project” has the meaning assigned to it by regulation 2(1) of the Diving at Work Regulations (Northern Ireland) 2005(2) save that it includes an activity in which a person takes part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;

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

“supplementary unit” means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation;

“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) Any reference in this Schedule to premises and activities 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 shall apply to and in relation to—

(a) any offshore installation and any activity on it;

(b) any activity 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 in or from a vessel being used as a stand-by vessel;

(c) a diving project involving—

(i) the survey and preparation of the sea bed for an offshore installation;

(ii) the survey and restoration of the sea bed consequent on the removal of an offshore installation.

(2) Subject to sub-paragraph (3), in this paragraph, “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;

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

(2) S.R. 2005 No. 45

Status: This is the original version (as it was originally made).

- (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,

together with any supplementary unit which is ordinarily connected to it, and all the connections.

- (3) Any reference in sub-paragraph (2) to a structure or unit does not include—
 - (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 yet being moved with a view to its being used for any of the purposes specified in sub-paragraph (2); and
 - (e) any part of a pipeline.

Wells

3.—(1) Subject to sub-paragraph (2), this paragraph applies to and in relation to—

- (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) This paragraph applies to and in relation to—

- (a) any pipeline;
- (b) any pipeline works;
- (c) 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 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, within the territorial sea adjacent to the United Kingdom, or within 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) a diving project 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.

SCHEDULE 2

Regulations 6(1) and (2) and 9(1) and (2)

PARTICULARS TO BE INCLUDED IN A DESIGN NOTIFICATION OR A RELOCATION NOTIFICATION

1. The name and address of the operator of the installation.
2. A description of the design process from an initial concept to the submitted design and the design philosophy used to guide the process.
3. A description of—
 - (a) the chosen design concept, including suitable diagrams, and a summary of the other design options which were considered;
 - (b) how the chosen design concept is intended to ensure—
 - (i) compliance with the requirements set out in regulations 5 and 10 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996⁽³⁾; and
 - (ii) that risks with the potential to cause a major accident are reduced to the lowest level that is reasonably practicable; and
 - (c) the criteria used to select the chosen design concept and the process by which the selection was made.
4. A description of—
 - (a) the principal systems on the installation;
 - (b) the installation layout;
 - (c) the process technology to be used;

(3) S.R. 1996 No. 228, to which there are amendments not relevant to these Regulations

- (d) the principal features of any pipeline;
 - (e) any petroleum-bearing reservoir intended to be exploited using the installation; and
 - (f) the basis of design for any wells to be connected to the installation.
5. A suitable plan of the intended location of the installation and of anything which may be connected to it, and particulars of—
- (a) the meteorological and oceanographic conditions to which the installation may foreseeably be subject; and
 - (b) the properties of the sea-bed and subsoil at its location.
6. Particulars of the types of operation, and activities in connection with an operation, which the installation may perform.
7. A general description of the means by which the management system of the operator will ensure that the structure and plant of the installation will be designed, selected, constructed and commissioned in a way which will control major accident risks to comply with the relevant statutory provisions.
8. A summary of the verification scheme prepared pursuant to regulation 19(2)(b).
9. Where a non-production installation is to be converted for use as a production installation, an explanation of why the owner considers the installation suitable for conversion.
10. Where a production installation is to be moved to a new location, an explanation of why the operator considers the installation suitable for the new location.

SCHEDULE 3

Regulations 7(1) and 9(5)

PARTICULARS TO BE INCLUDED IN A SAFETY CASE FOR THE OPERATION OF A PRODUCTION INSTALLATION

- 1. The name and address of the operator of the installation.
- 2. A description of the extent to which the duty holder has taken into account any matters raised by the Executive pursuant to regulations 6(1) and (4)(a) and 9(1) and (4).
- 3. A summary of how any safety representatives for that installation were consulted with regard to the revision, review or preparation of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989(4).
- 4. A description, with suitable diagrams, of—
 - (a) the main and secondary structure of the installation and its materials;
 - (b) its plant;
 - (c) the layout and configuration of its plant;
 - (d) the connections to any pipeline or installation; and
 - (e) any wells connected or to be connected to the installation.
- 5. A suitable plan of the location of the installation and of anything connected to it, and particulars of—
 - (a) the meteorological and oceanographic conditions to which the installation may foreseeably be subjected; and

(4) S.I. 1989/971, as amended by S.I. 1992/2885, S.R. 1993 No. 221, S.R. 1995 No. 345 and S.I. 1995/738

- (b) the properties of the sea-bed and subsoil at its location.
- 6. Particulars of the types of operation, and activities in connection with an operation, which the installation is capable of performing.
- 7. The maximum number of persons—
 - (a) expected to be on the installation at any time; and
 - (b) for whom accommodation is to be provided.
- 8. Particulars of the plant and arrangements for the control of well operations, including those—
 - (a) to control pressure in a well;
 - (b) to prevent the uncontrolled release of hazardous substances; and
 - (c) to minimise the effects of damage to subsea equipment by drilling equipment.
- 9. A description of any pipeline with the potential to cause a major accident, including—
 - (a) the fluid which it conveys;
 - (b) its dimensions and layout;
 - (c) its contained volume at declared maximum allowable operating pressure; and
 - (d) any apparatus and works intended to secure safety,

together with a summary of the document prepared under regulation 23 of the Pipelines Safety Regulations (Northern Ireland) 1997⁽⁵⁾.

10. A description of how the duty holder has ensured, or will ensure, compliance with regulation 4(1) of the PFEER Regulations.

11. A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.

12. A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards of explosion, fire, heat, smoke, toxic gas or fumes during any period while they may need to remain on the installation following an incident which is beyond immediate control and for enabling such persons to be evacuated from the installation where necessary, including provision for—

- (a) temporary refuge;
- (b) routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;
- (c) means of evacuation at those points; and
- (d) facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.

13. A description of the main requirements in the specification for the design of the installation and its plant, which shall include—

- (a) any limits for safe operation or use specified therein;
- (b) a description of how the duty holder has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996;
- (c) a description of how the duty holder has ensured, or will ensure, the suitability of the safety-critical elements; and

(5) [S.R. 1997 No. 193](#), to which there are amendments not relevant to these Regulations

Status: This is the original version (as it was originally made).

- (d) a description of how the duty holder—
 - (i) where he is also the operator in relation to a pipeline, has ensured, or will ensure, compliance with regulation 11 of the Pipelines Safety Regulations (Northern Ireland) 1997; or
 - (ii) where he is not also the operator in relation to a pipeline, has co-operated or will co-operate with the operator in relation to a pipeline to ensure compliance with regulation 11 of the Pipelines Safety Regulations (Northern Ireland) 1997.
14. Particulars of any combined operations which may involve the installation, including—
- (a) a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;
 - (b) a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which shall include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;
 - (c) the plant likely to be used during any such combined operation; and
 - (d) the likely impact any such combined operation may have on the installations involved.

SCHEDULE 4

Regulation 8

PARTICULARS TO BE INCLUDED IN A SAFETY CASE FOR A NON-PRODUCTION INSTALLATION

1. The name and address of the owner of the installation.
2. A summary of how any safety representatives for that installation were consulted with regard to the revision, review or preparation of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.
3. A description, with suitable diagrams, of—
 - (a) the main and secondary structure of the installation and its materials;
 - (b) its plant; and
 - (c) the layout and configuration of its plant.
4. Particulars of the types of operation, and activities in connection with an operation, which the installation is capable of performing.
5. The maximum number of persons—
 - (a) expected to be on the installation at any time; and
 - (b) for whom accommodation is to be provided.
6. Particulars of the plant and arrangements for the control of well operations, including those—
 - (a) to control pressure in a well;
 - (b) to prevent the uncontrolled release of hazardous substances; and
 - (c) to minimise the effects of damage to subsea equipment by drilling equipment.
7. A description of how the duty holder has ensured, or will ensure, compliance with regulation 4(1) of the PFEER Regulations.

8. A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.

9. A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards of explosion, fire, heat, smoke, toxic gas or fumes during any period while they may need to remain on the installation following an incident which is beyond immediate control and for enabling such persons to be evacuated from the installation where necessary, including provision for—

- (a) temporary refuge;
- (b) routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;
- (c) means of evacuation at those points; and
- (d) facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.

10. A description of the main requirements in the specification for the design of the installation and its plant, which shall include—

- (a) any limits for safe operation or use specified therein;
- (b) a description of how the duty holder has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996; and
- (c) a description of how the duty holder has ensured, or will ensure, the suitability of the safety-critical elements.

11. Particulars of—

- (a) the limits of the environmental conditions beyond which the installation cannot safely be stationed or operated;
- (b) the properties of the sea-bed and subsoil which are necessary for the safe stationing and operation of the installation; and
- (c) the locations in which the installation may be stationed and operated safely.

12. A description of the arrangements for—

- (a) identifying the routes and locations of pipelines, wells and other subsea equipment; and
- (b) assessing the risks that they pose to the installation.

13. Particulars of any combined operations which may involve the installation, including—

- (a) a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;
- (b) a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which shall include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;
- (c) the plant likely to be used during any such combined operation; and
- (d) the likely impact any such combined operation may have on the installations involved.

SCHEDULE 5

Regulation 10(1)

PARTICULARS TO BE INCLUDED IN A NOTIFICATION OF COMBINED OPERATIONS

1. The name and address of each duty holder preparing the notification and a confirmation that every such duty holder has agreed to the contents of the notification.
2. A description of how the management systems for the installations involved in the combined operation will be co-ordinated so as to reduce the risks from a major accident to comply with the relevant statutory provisions.
3. Particulars of any plant to be used in connection with the combined operation but which is not described in the current safety case for any of the installations involved in the combined operation.
4. A summary of the joint review referred to in paragraph 14(b) of Schedule 3 or paragraph 13(b) of Schedule 4, which shall include—
 - (a) a description of any activities during the combined operation which may involve hazards with the potential to cause a major accident on or in connection with an installation; and
 - (b) a description of any risk control measures introduced as a result of that review.
5. A description of the combined operation and a programme of work, which shall include the dates on which the combined operation is expected to commence and finish.

SCHEDULE 6

Regulation 11(1)

PARTICULARS TO BE INCLUDED IN A SAFETY CASE
FOR THE DISMANTLING OF A FIXED INSTALLATION

1. The name and address of the operator of the installation.
2. The dates on which dismantling is expected to commence and finish.
3. A summary of how any safety representatives for that installation were consulted with regard to the revision of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.
4. The maximum number of persons expected to be on the installation at any time during its dismantling.
5. A description of how the duty holder will comply with regulation 4(1) of the PFEER Regulations with regard to the dismantling of the installation.
6. A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.
7. A description of how the proposed arrangements, methods and procedures for dismantling the installation and connected pipelines take adequate account of the design and method of construction of the installation and its plant.

SCHEDULE 7

Regulation 17

PARTICULARS TO BE INCLUDED IN A NOTIFICATION OF WELL OPERATIONS

1. The name and address of the well operator.

2. Where the well operation is to be carried out—
 - (a) from an installation, the name of the installation and the name and address of the duty holder for that installation; or
 - (b) by means of a vessel, the name of that vessel.
3. Particulars of the fluids to be used to control the pressure of the well.
4. Particulars of any plant, not described in the current safety case for the installation, which is to be used in connection with the well operation.
5. Particulars of the type of well, its number, and slot number, and the name of any field development of which it may be part.
6. A description of the well operation and a programme of works which includes—
 - (a) the date on which each well operation is expected to commence and finish; and
 - (b) the intended operational state of the well at the end of each well operation.
7. A description of—
 - (a) any activities on or in connection with an installation or a vessel during the well operation described pursuant to paragraph 6 which may involve any hazards with the potential to cause a major accident; and
 - (b) such hazards.
8. In the case of a well which is to be drilled—
 - (a) particulars, with suitable diagrams, of—
 - (i) the location of the top of the well;
 - (ii) the directional path of the well-bore;
 - (iii) its terminal depth and location; and
 - (iv) its position, and that of nearby wells, relative to each other;
 - (b) particulars of the geological strata and formations, and of fluids within them, through which it will pass, and of any hazards with the potential to cause a major accident which they may contain;
 - (c) the procedures for effectively monitoring the direction of the well-bore, and for minimising the likelihood and effects of intersecting nearby wells; and
 - (d) a description of the design of the well, including the limits on its safe operation and use.
9. In the case of an existing well—
 - (a) a diagram of the well;
 - (b) a summary of earlier operations in relation to it;
 - (c) the purposes for which it has been used;
 - (d) its current operational state;
 - (e) its state of repair;
 - (f) the physical conditions within it; and
 - (g) its production capacity.
10. Where a well operation is to be carried out by means of a non-production installation or a vessel—
 - (a) particulars of—

Status: This is the original version (as it was originally made).

- (i) the meteorological and oceanographic conditions to which that installation or, as the case may be, vessel may foreseeably be subjected;
 - (ii) the depth of water; and
 - (iii) the properties of the sea-bed and subsoil,
- at the location at which the well operation will be carried out; and
- (b) a description of how the well operator and—
 - (i) the owner of the installation; or
 - (ii) the operator and owner of the vessel,involved in the well operation will co-ordinate their management systems so as to reduce the risks from a major accident to comply with the relevant statutory provisions.

SCHEDULE 8

Regulation 19(2)

MATTERS TO BE PROVIDED FOR IN A VERIFICATION SCHEME

1. The principles to be applied by the duty holder for the installation in selecting persons—
 - (a) to perform functions under the scheme; and
 - (b) to keep the scheme under review.
2. Arrangements for the communication of information necessary for the proper implementation, or revision, of the scheme to the persons referred to in paragraph 1.
3. The nature and frequency of examination and testing.
4. Arrangements for review and revision of the scheme.
5. The arrangements for the making and preservation of records showing—
 - (a) the examination and testing carried out;
 - (b) the findings;
 - (c) remedial action recommended; and
 - (d) remedial action performed.
6. Arrangements for communicating the matters specified in paragraph 5 to an appropriate level in the management system of the duty holder for the installation.

SCHEDULE 9

Regulation 24(2)

APPEALS

PART 1

1. In this Schedule—
 - “appeal” means an appeal under regulation 24;
 - “appellant” means a person who has brought an appeal;
 - “appointed person” means a person appointed in accordance with paragraph 2;

“hearing” means a hearing to which Part 2 applies; and

“the parties” means the appellant and the Executive.

2. The Department shall direct that an appeal shall be determined by a person appointed by it for the purpose and the Department shall notify the parties in writing of the name of the appointed person.

3. Before the determination of an appeal, the appointed person shall ask the parties whether they wish to appear and be heard on the appeal and—

(a) the appeal may be determined without a hearing of the parties if both of them express a wish not to be heard as aforesaid; or

(b) the appointed person shall, if either party expresses a wish to appear and be heard, afford both of them an opportunity of so doing, in which case the provisions of Part 2 shall apply.

4. An appointed person may give such directions as he thinks appropriate to give effect to his determination.

5. The Department may pay to an appointed person such remuneration and allowances as the Department may, with the approval of the Department of Finance and Personnel, determine.

PART 2

6.—(1) Subject to sub-paragraphs (2) and (3), a date, time and place for the holding of the hearing shall be fixed by the appointed person, who shall give not less than 28 days’ notice in writing of such date, time and place to the parties.

(2) With the consent of the parties, the appointed person may give such lesser period of notice as shall be agreed with the parties and in that event he may specify a date for service of the statement referred to in paragraph 7(1) later than the date determined in accordance with that paragraph.

(3) Where it becomes necessary or advisable to vary the date, time or place fixed for the hearing, the appointed person shall give such notice of the variation as may appear to him to be reasonable in the circumstances.

7.—(1) Not later than 21 days before the date of the hearing, or such later date as the appointed person may specify in accordance with paragraph 6(2), the Executive shall serve on the appellant a written statement of any submission which the Executive proposes to put forward at the hearing and shall supply a copy of the statement to the appointed person.

(2) Where the Executive intends to refer to or put in evidence documents (including photographs and plans) at the hearing—

(a) the statement of the Executive shall be accompanied by a list of those documents together with a written notice stating the times and place at which the documents may be inspected by the appellant; and

(b) the Executive shall afford the appellant a reasonable opportunity to inspect and, where practicable, to take copies of those documents.

(3) If so required by the appointed person, the appellant shall—

(a) serve on the Executive and on the appointed person, within such time before the hearing as the appointed person may specify, a written statement of the submissions which he proposes to put forward at the hearing accompanied by a list of any documents (including photographs and plans) which he intends to refer to or put in evidence at the hearing; and

(b) afford the Executive a reasonable opportunity to inspect and, where practicable, to take copies of those documents.

8.—(1) The parties shall be entitled to appear at the hearing.

(2) Any other person may appear at the discretion of the appointed person provided that he has, not later than 7 days before the date of the hearing, served on the Executive a statement of his proposed submissions.

(3) The Executive shall send a copy of every statement served on it in accordance with sub-paragraph (2) to the appointed person and to the appellant.

(4) A body corporate may appear by its clerk or secretary or by any other officer appointed for the purpose by that body, or by counsel or a solicitor.

(5) A person may appear in his own behalf or be represented by counsel, a solicitor or any other person.

(6) Where there are two or more persons having a similar interest in the subject matter of the hearing, the appointed person may allow one or more persons to appear for the benefit of some or all persons so interested.

9.—(1) All hearings shall be held in private.

(2) Except as otherwise provided in this Part, the procedure of the hearing shall be such as the appointed person shall in his discretion determine and the appointed person shall state at the commencement of the hearing the procedure which, subject to consideration of any submission by the parties, he proposes to adopt.

(3) Unless in a particular case the appointed person, with the consent of the appellant, otherwise determines, the appellant shall be heard first and shall have the right of final reply.

(4) The parties shall be entitled to make an opening statement, call evidence and cross-examine persons giving evidence but any other person appearing at the hearing may only do so to the extent permitted by the appointed person.

(5) Subject to sub-paragraph (6), any evidence may be admitted at the discretion of the appointed person, who may direct that documents tendered in evidence may be inspected by any person entitled or permitted to appear at the hearing and that facilities be afforded him to take or obtain copies thereof.

(6) The appointed person shall not require or permit the giving or production of any evidence, whether written or oral, which would be contrary to the public interest.

(7) The appointed person may allow the parties to alter or add to the submissions contained in any statement served under paragraph 7(1) or (3), or to any list of documents which accompanied such statement, so far as may be necessary for the purpose of determining the questions in controversy between them, but shall (if necessary, by adjourning the hearing) give the other party an adequate opportunity of considering any such fresh submission or document.

(8) If any person entitled to appear at the hearing fails to appear, the appointed person may proceed with the hearing at his discretion.

(9) The appointed person shall be entitled (subject to disclosure thereof at the hearing) to take into account any written representations or statements received by him before the hearing from any person.

(10) The appointed person may from time to time adjourn the hearing, and where he does so, shall give reasonable notice to every person entitled or permitted to appear at the hearing of the date, time and place of the adjourned hearing.

10.—(1) Where, after the hearing, the appointed person proposes to take into consideration—

(a) any new evidence, including expert opinion on a matter of fact; or

- (b) any new issue of fact, not being a matter of government policy or a matter affecting the safety of the State,

which was not raised at the hearing and which he considers to be material to his decision, he shall not come to a decision without first notifying the parties of the substance of the new evidence or of the new issue of fact and affording them an opportunity of making representations thereon in writing within 21 days or of asking within that time for the re-opening of the hearing.

(2) If he thinks fit, the appointed person may cause the hearing to be re-opened and shall cause it to be re-opened if asked to do so in accordance with sub-paragraph (1).

(3) Where a hearing is re-opened, paragraph 6(1) shall apply as it applied to the original hearing.

11. The appointed person shall notify the decision on the appeal, and the reasons therefor, in writing to the parties and to any person who, having appeared at the hearing, has asked to be notified of the decision.

SCHEDULE 10

Regulation 25

AMENDMENTS

1. In the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989⁽⁶⁾—

(a) in regulation 2(1) (interpretation)—

(i) after the definition of “the 1995 Regulations” insert—

““the 2007 Regulations” means the Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007(7);” and

(ii) after the definition of “appropriate languages” insert—

““current safety case” means a current safety case within the meaning of regulation 2(1) of the 2007 Regulations;”;

(b) in regulation 18 (documents) for the words “safety case or revision” substitute “current safety case”;

(c) in regulation 18A—

(i) in each place where they occur for the words “safety case or revision” substitute “current safety case”; and

(ii) in paragraph (1)(a), for the words “the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993” substitute “the 2007 Regulations”; and

(d) in regulation 23(2)(c)(i) (duties of installation operators and owners, and employers) before the word “preparation” insert “revision, review or”.

2. In the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995⁽⁸⁾—

(a) in regulation 2(1)—

(i) omit the definition of “concession owner”;

(ii) for the definition of “duty holder”, substitute—

““duty holder” means—

⁽⁶⁾ S.I. 1989/971; as amended by S.I. 1992/2885, S.R. 1993 No. 221, S.R. 1995 No. 345 and S.I. 1995/738

⁽⁷⁾ S.R. 2007 No. 247

⁽⁸⁾ S.R. 1995 No. 340, to which there are amendments not relevant to these Regulations

Status: This is the original version (as it was originally made).

- (a) in relation to a production installation, the operator; and
- (b) in relation to a non-production installation, the owner;”;
- (iii) omit the definition of “fixed installation”;
- (iv) after the definition of “installation manager”, insert—
 - ““licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998;”;
- (v) omit the definition of “mobile installation”;
- (vi) before the definition of “offshore installation”, insert—
 - ““non-production installation” means an installation other than a production installation;”;
- (vii) for the definition of “operator”, substitute—
 - ““operator” means—
 - (a) the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or
 - (b) the licensee, where—
 - (i) it is not clear to the Executive that one person has been appointed to perform the functions described in sub-paragraph (a); or
 - (ii) in the opinion of the Executive, any person appointed to perform the functions described in sub-paragraph (a) is incapable of performing those functions satisfactorily;”;
- (viii) for the definition of “owner”, substitute—
 - ““owner” means the person who controls the operation of a non-production installation;”;
- (ix) before the definition of “pipeline”, insert—
 - ““petroleum”—
 - (a) includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata; and
 - (b) does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;”;
- (x) after the definition of “pipeline works”, insert—
 - ““production installation” means an installation which—
 - (a) extracts petroleum from beneath the sea-bed by means of a well;
 - (b) stores gas in or under the shore or bed of relevant waters and recovers gas so stored; or
 - (c) is used for the conveyance of things by means of a pipe,and—
 - (d) includes a—
 - (i) non-production installation converted for use as a production installation for so long as it is so converted;
 - (ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and

- (iii) production installation which has not come into use; and
 - (e) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the sea-bed for the purposes of well testing;” and
 - (b) omit paragraphs 13, 15 and 16 of Part II of Schedule 2 (modifications).
3. In the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations (Northern Ireland)1995(9)—
- (a) in regulation 2(1)—
 - (i) omit the definition of “concession owner”;
 - (ii) for the definition of “duty holder”, substitute—
 - ““duty holder” means—
 - (a) in relation to a production installation, the operator; and
 - (b) in relation to a non-production installation, the owner;”;
 - (iii) omit the definition of “fixed installation”;
 - (iv) after the definition of “installation”, insert—
 - ““licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998;”;
 - (v) in the definition of “major accident”, replace “1993” with “2007”;
 - (vi) omit the definition of “mobile installation”;
 - (vii) after the definition of “muster areas”, insert—
 - ““non-production installation” means an installation other than a production installation;”;
 - (viii) for the definition of “operator”, substitute—
 - ““operator” means—
 - (a) the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or
 - (b) the licensee where—
 - (i) it is not clear to the Executive that one person has been appointed to perform the functions described in paragraph (a); or
 - (ii) in the opinion of the Executive, any person appointed to perform the functions described in paragraph (a) is incapable of performing those functions satisfactorily;”;
 - (ix) for the definition of “owner”, substitute—
 - ““owner” means the person who controls the operation of a non-production installation;”;
 - (x) after the definition of “personal protective equipment”, insert—
 - ““petroleum”—
 - (a) includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata; and

(9) [S.R. 1995 No. 345](#), to which there are amendments not relevant to these Regulations

Status: This is the original version (as it was originally made).

- (b) does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation; and
- “production installation” means an installation which—
 - (a) extracts petroleum from beneath the sea-bed by means of a well;
 - (b) stores gas in or under the shore or bed of relevant waters or recovers gas so stored; or
 - (c) is used for the conveyance of things by means of a pipe,

and—

- (d) includes a—
 - (i) non-production installation converted for use as a production installation for so long as it is so converted;
 - (ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and
 - (iii) production installation which has not come into use; and
- (e) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the sea-bed for the purposes of well testing;”;
- (b) in regulation 17 (arrangements for recovery and rescue) before the word “include” insert “shall”;
- (c) omit paragraphs (2) to (8) of regulation 19 (suitability and condition of plant); and
- (d) omit regulation 24 (amendment of the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993).

4. In regulation 2(1) (interpretation) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997⁽¹⁰⁾, for sub-paragraph (a)(vi) of the definition of “responsible person”, substitute—

“(vi) a dangerous occurrence at a well, the person appointed by a licensee to execute the function of organising and supervising the drilling of, and all operations to be carried out by means of, that well or, where no such person has been appointed, the licensee (and, for this purpose, “licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters (as defined in regulation 2(1) (interpretation) of the Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007) is granted pursuant to section 3 of the Petroleum Act 1998);”.

5. In the Offshore Installations and Wells (Design and Construction, etc.) Regulations (Northern Ireland) 1996⁽¹¹⁾—

- (a) in regulation 2(1) (interpretation)—
 - (i) in the definition of “the 1993 Regulations” for the words “1993” substitute “2007”;
 - (ii) omit the definition of “concession owner”;
 - (iii) after the definition of “integrity” insert—
 - ““licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters (as defined in regulation 2(1) (interpretation) of the Offshore Installations (Safety Case)

⁽¹⁰⁾ S.R. 1997 No. 455, to which there are amendments not relevant to these Regulations

⁽¹¹⁾ S.R. 1996 No. 228, to which there are amendments not relevant to these Regulations

- Regulations (Northern Ireland) 2007) is granted pursuant to section 3 of the Petroleum Act 1998;”;
- (iv) in the definition of “mobile installation” omit the words “(other than a floating production platform)”;
 - (v) in the definition of “safety case” for the words “1993” substitute “2007”;
 - (vi) in the definition of “well-operator” in each place in which they occur for the words “concession owner” substitute “licensee”; and
- (b) omit paragraph (1) of regulation 26 (modifications of statutory provisions) and Schedule 2 (modification of the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993).
6. In the Diving at Work Regulations (Northern Ireland) 2005⁽¹²⁾ omit paragraph 3 of Schedule 3.
7. In the Health and Safety (Fees) Regulations (Northern Ireland) 2007⁽¹³⁾—
- (a) in regulation 10 (fees payable in respect of offshore installations)—
 - (i) in paragraph (2), replace the words “who has prepared” with “with regard to”;
 - (ii) in paragraphs (2) and (3) in each place in which they occur for the words—
 - (aa) “1993” substitute “2007”; and
 - (bb) “safety case” substitute “current safety case”;
 - (b) in Schedule 8 (fees payable in respect of offshore installations)—
 - (i) for the first row of the table substitute—

“Assessing a design notification (sent to the Executive The operator or owner who pursuant to regulation 6(1) or 9(1) of the 2007 Regulations) for the purpose of deciding whether to the Executive pursuant to that raise matters relating to health and safety and raising provision such matters

Assessing a relocation notification (sent to the The operator who sent the Executive pursuant to regulation 6(2) of the 2007 relocation notification to the Regulations) for the purpose of deciding whether to Executive pursuant to that raise matters relating to health and safety and raising provision”; such matters

-
- (ii) in the fourth row in column 1 for the word “16” substitute “23”; and
 - (iii) in each place in which they occur for the words—
 - (aa) “1993” substitute “2007”; and
 - (bb) “safety case” substitute “current safety case”.

⁽¹²⁾ S.R. 2005 No. 45
⁽¹³⁾ S.R. 2007 No. 62