

SCHEDULE 14

AMENDMENTS AND REVOCATIONS

PART 1

AMENDMENTS

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

13. After regulation 21 insert—

“Obligation to notify death or loss of person

21A.—(1) Where any person—

- (a) dies on an offshore installation or is lost from such an installation; or
- (b) dies in or on a lifeboat, liferaft or other emergency survival craft belonging to an offshore installation or is lost from any of those places; or
- (c) otherwise dies or is lost in the neighbourhood of an offshore installation while engaged in any operation connected with the installation,

and the death or loss is not required to be registered under any regulations made under section 108 of the Merchant Shipping Act 1995⁽¹⁾ (which relates to returns of births and deaths in ships), a return of death in the form set out in Schedule 3 shall be made in accordance with regulation 21B.

(2) In this regulation and regulations 21B and 21C ‘lost’ means lost in circumstances such that it is reasonable to believe that the person has died and ‘loss’ is to be construed accordingly.

Notification of death or loss to the Registrar General of Shipping and Seamen

21B.—(1) Where an obligation to make a return of death arises under regulation 21A, the manager of the relevant offshore installation shall—

- (a) complete and sign Part 1 of a form of a return of death (see Schedule 3); and
- (b) despatch the form to the duty holder as soon as is practicable and in any event within ten days of becoming aware of the death or loss to which the return relates.

(2) Where a duty holder receives a form of return of death from a manager, the duty holder shall within ten days of receipt complete Part 2 of the form and send the form duly signed (whether by or on behalf of the duty holder) to the Registrar General of Shipping and Seamen⁽²⁾.

(3) Without prejudice to the preceding provisions of this regulation or to regulation 21E, a return of death which is not made within the periods specified in this regulation for making it is not invalid by reason only that it is not made within those periods.

(1) 1995 c. 21

(2) The Registrar General of Shipping and Seamen is the officer so known who continues in existence under section 295(1) of the Merchant Shipping Act 1995

Status: This is the original version (as it was originally made).

Notification of death or loss to other persons

21C. — Where a person dies or is lost in circumstances in which an obligation to make a return of death arises under regulation 21A, the duty holder of the relevant installation shall as soon as is practicable and in any event within 48 hours of first becoming aware of the death or loss—

- (a) if the duty holder was the employer of the dead or lost person, notify any person known to the duty holder to be, or nominated to the duty holder as, the next-of-kin of the dead or lost person; or
- (b) if the duty holder was not the employer of the dead or lost person, notify any person known to the duty holder to have been the employer of the dead or lost person at the time of death or loss.

Registration of death or loss

21D.—(1) When the Registrar General of Shipping and Seamen receives a return made pursuant to regulation 21B, the Registrar shall send a copy of that return, certified as being a true copy of that return (whether by the Registrar or a person authorised by the Registrar)—

- (a) where the deceased was immediately before death ordinarily resident in Scotland or Northern Ireland, to the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland, as the case may be; and
- (b) in any other case, to the Registrar General for England and Wales.

(2) If the Registrar General of Shipping and Seamen is satisfied that there is an error or omission in any return received pursuant to regulation 21B, the Registrar may, in accordance with evidence of the true state of affairs relating to the return, send corrected or supplementary particulars in respect of that evidence to the appropriate Registrar General.

(3) A Registrar General who receives a certified copy under paragraph (1) shall record the information contained in it in the marine register kept by that Registrar General, together with such additional information as appears to that Registrar General desirable for the purpose of ensuring the completeness and correctness of that register.

Mode of trial and penalties in relation to registration of death or loss

21E.—(1) In relation to an offence consisting of a contravention of the requirement imposed by regulation 21B(1) or (2) or 21C—

- (a) proceedings on indictment are excluded; and
- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.

(2) It is a defence in any proceedings for an offence consisting of a contravention of a requirement imposed by regulations 21B(1) or (2) or 21C for the person charged to prove—

- (a) that the person exercised all due diligence to prevent the commission of the offence; and
- (b) that the relevant contravention was committed without the person's consent, connivance or wilful default.

Power of inspectors of offshore installations; duty to provide accommodation and subsistence for inspectors

21F.—(1) An inspector may exercise the powers in paragraph (2) for the purpose of carrying into effect the relevant statutory provisions within the field of responsibility of the enforcing authority that appointed the inspector.

(2) The powers are—

- (a) to require a duty holder, at any reasonable time, to convey to and from an offshore installation or vessel associated with offshore oil and gas operations—
 - (i) the inspector;
 - (ii) the equipment or materials of the inspector; and
 - (iii) any article or substance of which the inspector has taken possession pursuant to Article 22 of the Health and Safety at Work (Northern Ireland) Order 1978;
- (b) to inspect any operation or work in or on the bed of relevant waters and subsoil under or near an offshore installation; and
- (c) to require the duty holder or manager of an offshore installation or the licensee concerned to assist the inspector in carrying out an inspection of the bed of relevant waters or subsoil under or near the offshore installation.

(3) The duty holder shall provide an inspector with reasonable accommodation and means of subsistence while on an offshore installation for the purpose stated in paragraph (1).

(4) In paragraphs (2)(a)(i) and (ii), and (3) a reference to an inspector includes a reference to a person acting under the direction of the competent authority who is not an inspector.

(5) In relation to an offence consisting of a contravention of the requirement under paragraph (3)—

- (a) proceedings on indictment are excluded; and
- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.

(6) In paragraph (2)(a) “offshore oil and gas operations” means all activities associated with an installation relating to exploration and production of petroleum, including the design, planning, construction, operation and decommissioning of the installation, but excluding the conveyance of petroleum from one coast to another.

(7) This regulation applies—

- (a) in Northern Ireland;
- (b) to the territorial sea adjacent to Northern Ireland up to the seaward limits of the territorial sea and to the waters in any area designated by order under section 1(7) of the Continental Shelf Act 1964; and
- (c) to places above and below the territorial sea and waters in any area so designated.

Powers of inspectors in relation to pipelines

21G.—(1) Subject to paragraph (3), an inspector may exercise the powers in paragraph (2) for the purpose of—

- (a) securing the safety, health and welfare of persons engaged on pipeline works; and
- (b) securing the proper construction and safe operation of pipelines and preventing damage to them.

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

(2) The powers are—

- (a) to require the owner of a pipeline or the proposed owner of a proposed pipeline, at any reasonable time, to convey to and from premises in relevant waters used or intended to be used in connection with the pipeline or with pipeline works relating to a pipeline or proposed pipeline—
 - (i) the inspector;
 - (ii) the equipment or materials of the inspector; and
 - (iii) any article or substance of which the inspector has taken possession pursuant to Article 22 of the Health and Safety at Work (Northern Ireland) Order 1978;
- (b) to require the owner of a pipeline or the proposed owner of a proposed pipeline to provide the inspector with reasonable accommodation and means of subsistence while on, or in transit to or from, premises in relevant waters used or intended to be used in connection with the pipeline or pipeline works relating to the pipeline or proposed pipeline.

(3) Nothing in this regulation imposes, or confers power on an inspector to impose, any obligation on any person on a vessel registered outside the United Kingdom as a ship, aircraft or hovercraft when it is not engaged in operations for the purpose of laying or maintaining a pipeline.

(4) In any proceedings for an offence consisting of a contravention of a requirement imposed under this regulation, it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(5) In relation to an offence consisting of a contravention of a requirement imposed under paragraph (2) by an inspector—

- (a) proceedings on indictment are excluded; and
- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.

(6) In this regulation—

“owner”, in relation to a pipeline, means—

- (a) the person for the time being designated as the owner of the pipeline by an order made under section 27(1) of the Petroleum Act 1998; or
- (b) where no person has been so designated, the person by whom the pipeline is, or is to be, used;

“pipeline” and “pipeline works” have the meanings given in paragraph 4(2) of Schedule 1; and

“proposed owner”, in relation to a proposed pipeline, means—

- (a) the person for the time being designated as the proposed owner of the proposed pipeline by an order made under section 27(1) of the Petroleum Act 1998; or
- (b) where no person has been so designated, the person for whom the pipeline is to be constructed.

(7) This regulation applies—

- (a) in Northern Ireland;
- (b) to the territorial sea adjacent to Northern Ireland up to the seaward limits of the territorial sea and to the waters in any area designated by order under section 1(7) of the Continental Shelf Act 1964; and

(c) to places above and below the territorial sea and waters in any area so designated.”