

1974 No. 338

OFFSHORE INSTALLATIONS

**The Offshore Installations (Public Inquiries)
Regulations 1974**

Made - - - 27th February 1974

** To be laid before Parliament*

Coming into Operation 15th April 1974

Whereas the Secretary of State has consulted pursuant to section 7(1) of the Mineral Workings (Offshore Installations) Act 1971(a) (hereinafter referred to as "the Act") with organisations in the United Kingdom appearing to him to be representative of those persons who will be affected by the following Regulations:

Now, therefore, the Secretary of State in exercise of his powers under sections 6 and 7 of, and paragraph 10(1)(b) of the Schedule to, the Act and of all other powers enabling him in that behalf hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Offshore Installations (Public Inquiries) Regulations 1974 and shall come into operation on 15th April, 1974.

(2) In these Regulations "offshore installation" includes any part of an offshore installation whether or not capable of being manned by one or more persons.

(3) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Accidents into which an inquiry may be held

2.—(1) Subject to paragraph (2), the Secretary of State may direct that a public inquiry be held into any casualty or other accident involving loss of or danger to life which occurs on, or in connection with the presence or operations of, an offshore installation which is in waters to which the Act applies.

(2) Nothing in paragraph (1) shall authorise the holding of a public inquiry where the installation involved is a registered vessel (whether registered in the United Kingdom or elsewhere) which at the time of the casualty or other accident is in transit to or from a station.

Form and conduct of an inquiry

3.—(1) Any inquiry directed to be held under Regulation 2 shall be held by a competent person appointed by the Secretary of State for that purpose

* This instrument was laid before Parliament on 7th March 1974.

(a) 1971 c. 61.

(b) 1889 c. 63.

and he shall either conduct the inquiry alone or, where the Secretary of State has appointed one or more assessors to assist him, with the assistance of the assessor or assessors so appointed.

(2) A person appointed to hold an inquiry under these Regulations, any assessor appointed to assist him and any person employed in accordance with Regulation 5 shall be paid by the Secretary of State such remuneration and allowances as the Secretary of State, with the approval of the Minister for the Civil Service, may determine.

4. A person appointed to hold an inquiry under these Regulations (hereinafter referred to as "the court") shall hold the inquiry in public in such a manner and in such conditions as the court thinks most effectual for enabling it to make the report required by Regulation 9:

Provided that, if the court is of the opinion that it is in the public interest that any part of the evidence or any argument relating thereto should be heard in camera, it may direct that such evidence or argument be so heard.

Powers of the court

5. The court shall, for the purposes of an inquiry, have power to employ a person or persons having expert knowledge of any matter relevant to the inquiry to assist it in respect of that matter in such manner as the court may direct.

6. The court, any assessor and any person employed by the court under Regulation 5 shall, for the purposes of an inquiry, have power—

- (a) to board, and to obtain access to any part of, any offshore installation which is or has been in waters to which the Act applies;
- (b) to board, and to obtain access to any part of, any vessel which is or has been employed in connection with operations carried out or to be carried out on or from any such installation;
- (c) to inspect any such installation or vessel or any part thereof or anything which is or has been thereon; and
- (d) to enter any land or premises the entry whereof appears to the court to be requisite for the said purposes.

7. The court shall, for the purposes of an inquiry, have power—

- (a) by summons or citation signed by the court to require any person to attend, at such time and place as may be specified, to give evidence or produce any document in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine;
- (b) where it appears to the court that in order to resolve any conflict of evidence or that it is expedient to do so, to permit any person appearing before the court to call evidence and examine witnesses;
- (c) to take evidence on oath, and for that purpose to administer oaths, or to require any person examined to make and subscribe a declaration of the truth of his evidence;
- (d) to require any person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document produced, or proposed to be produced, in evidence by the first mentioned person;

- (e) to adjourn the inquiry from time to time; and
- (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.

Witnesses' expenses

8. A person attending as a witness before the court shall be paid by the Secretary of State such expenses as would be allowed to a witness attending on subpoena before the High Court or, in the case of an inquiry held in Scotland, on a citation before the Court of Session and any dispute as to the amount to be so allowed shall be referred by the court to a master of the Supreme Court, or to the Auditor of the Court of Session, or to the Taxing Master of the Supreme Court of Northern Ireland as appropriate who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.

Report and costs of an inquiry

9.—(1) The court shall make a report to the Secretary of State stating fully the circumstances of the casualty or other accident and the opinion of the court as to cause together with any observations and recommendations which the court thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in the future.

(2) The court may direct that the costs of an inquiry shall be paid in whole or in part by any person who in the opinion of the court, by reason of any act or default on his part or on the part of any agent or servant of his, caused or contributed to the casualty or other accident the subject of the inquiry.

(3) Any costs which a person is ordered to pay under paragraph (2) may be recovered from him by the Secretary of State.

(4) No direction shall be given pursuant to paragraph (2) against a person who has not been given an opportunity to be present at all hearings held by the court, or to address the court, or to produce his own witnesses or cross-examine all other witnesses, or generally to adduce evidence or make representations to the court.

(5) The costs of an inquiry, other than any costs paid by any person pursuant to a direction of the court under paragraph (2), shall be treated as expenses of the Secretary of State under the Act.

Offences and penalty

10. Any person who without reasonable excuse (proof whereof shall lie on him) and after having any expenses to which he is entitled tendered to him fails to comply with any summons, citation or requirement of the court and any person who impedes the court in the execution of its duty shall be guilty of an offence punishable on summary conviction by a fine not exceeding £200.

Peter Emery,
Parliamentary Under-Secretary of State,
Department of Energy.

27th February 1974.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the holding of a public inquiry into any accident involving loss of or danger to life which occurs on or in connection with an offshore installation in waters to which the Mineral Workings (Offshore Installations) Act 1971 applies.

The Regulations set out the powers and duties of the court of inquiry which is appointed by the Secretary of State. Provision is made for the payment of the costs of the inquiry including the expenses of witnesses. The court is empowered to order any person whom it considers to have caused or contributed to the accident to pay in whole or in part the costs of the inquiry.

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