
STATUTORY INSTRUMENTS

1996 No. 913

The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996

PART V

MISCELLANEOUS

Defence

22.—(1) In any proceedings for an offence for a contravention of any of the provisions of regulations 5 and 6 it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove—

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called “the other person”); and
- (b) that he took all reasonable precautions, and exercised all due diligence, to avoid the commission of the offence.

(2) The person charged shall not, without the leave of the court, be entitled to rely on the defence in paragraph (1) unless, within a period ending seven clear days—

- (a) before the hearing to determine mode of trial, where the proceedings are in England or Wales; or
- (b) before the trial, where the proceedings are in Scotland,

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the 1974 Act, a person who establishes a defence under this regulation shall nevertheless be treated for the purposes of that section as having committed the offence.

Certificates of exemption

23.—(1) Subject to paragraph (2) and to any of the provisions imposed by [^{F1}the European Union][^{F2}(as they had effect immediately before IP completion day)] in respect of the encouragement of improvements in the safety and health of workers at work [^{F3}or under Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC], the Executive may, by a certificate in writing, exempt any person, installation, well or class of persons, installations or wells from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and, in particular, to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and

Changes to legislation: There are currently no known outstanding effects for the The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996, PART V. (See end of Document for details)

(b) any other requirements imposed by or under any enactments which apply to the case, it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

- F1** Words in reg. 23 substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 4
- F2** Words in reg. 23(1) inserted (31.12.2020) by [The Health and Safety \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1370\)](#), regs. 1(1), **6(2)** (as amended by S.I. 2020/660, regs. 1(1), **6**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Words in reg. 23(1) inserted (19.7.2015) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 31** (with reg. 4(2), Sch. 14)

Transitional provision

^{F4}**24.**

- F4** Reg. 24 omitted (19.7.2015) by virtue of [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations 2015 \(S.I. 2015/398\)](#), reg. 1, **Sch. 13 para. 32**, **Sch. 13 Pt. 2** (with reg. 4(2), Sch. 14)

Repeal of section 3 of the Mineral Workings (Offshore Installations) Act 1971

25. Section 3 of the Mineral Workings (Offshore Installations) Act 1971 ^{M1} is hereby repealed.

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- Marginal Citations**
- M1** 1971 c.61.

Modification of the Offshore Installations (Safety Case) Regulations 1992

^{F5}**26.**

- F5** Reg. 26 omitted (6.4.2006) by virtue of [The Offshore Installations \(Safety Case\) Regulations 2005 \(S.I. 2005/3117\)](#), reg. 1, **Sch. 9 para. 5(b)** (with reg. 27)

Revocation

27. The instruments specified in column 1 of Schedule 3 are hereby revoked to the extent specified in column 3 of the Schedule.

Changes to legislation:

There are currently no known outstanding effects for the The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996, PART V.