

2001 No. 2127

HEALTH AND SAFETY

**The Health and Safety at Work etc. Act 1974 (Application
outside Great Britain) Order 2001**

Made - - - - - *9th June 2001*

Laid before Parliament *20th June 2001*

Coming into force - - *11th July 2001*

At the Court at Buckingham Palace, the 9th day of June 2001

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 84(3) and (4) of the Health and Safety at Work etc. Act 1974(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

Citation, commencement and revocation

1.—(1) This Order may be cited as the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 and shall come into force on 11th July 2001.

(2) The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995(b) is hereby revoked.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“activity” includes a diving project;

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

“diving project” has the same meaning as it has in the Diving at Work Regulations 1997(d) 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;

“energy structure” means a fixed or floating structure, other than a vessel, for producing energy from wind or water;

(a) 1974 c. 37. The general purposes of Part I of the Health and Safety at Work etc. Act 1974 were extended by section 1(1) of the Offshore Safety Act 1992 (1992 c. 15).

(b) S.I. 1995/263.

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

(d) S.I. 1997/2776.

“offshore installation” shall be construed in accordance with article 4(2) and (3) of this Order;

“the prescribed provisions of the 1974 Act” means sections 1 to 59 and 80 to 82 of the 1974 Act;

“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;

“territorial sea” means the territorial sea adjacent to Great Britain and “within the territorial sea” includes on, over and under it;

“vessel” includes a hovercraft and any floating structure which is capable of being staffed.

(2) For the purposes of this Order, any structures and devices on top of a well shall be treated as forming part of the well.

Application of the 1974 Act outside Great Britain

3.—(1) The prescribed provisions of the 1974 Act shall, to the extent specified in the following articles of this Order, apply to and in relation to the premises and activities outside Great Britain which are so specified as those provisions apply within Great Britain.

(2) The reference in paragraph (1) of this article 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

4.—(1) The prescribed provisions of the 1974 Act shall apply within the territorial sea or a designated area 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, in 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) In this Order “offshore installation” means—

- (a) the fixed structures consisting of six towers referred to in the Schedule to this Order as NSR M-1, NSR R-1, NSR R-2, NSR R-3, NSR R-4 and NSR R-5 and settled on the sea bed at the locations specified in the Schedule and the related cables between each of those towers at sea bed level and the related cables which lie or extend outside the said locations; or
- (b) subject to paragraph (3) of this article, 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—
 - (i) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
 - (ii) for the storage of gas in or under the shore or bed of any water or the recovery of gas so stored;
 - (iii) for the conveyance of things by means of a pipe; or
 - (iv) 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 paragraph (2)(b) 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 paragraph (2)(b) of this article 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 paragraph (2)(b) of this article; and
 - (e) any part of a pipeline.

Wells

5.—(1) Subject to paragraph (2) of this article, the prescribed provisions of the 1974 Act shall apply within the territorial sea or a designated area 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 sub-paragraph (a) above.

(2) Paragraph (1) of this article 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

6.—(1) The prescribed provisions of the 1974 Act shall apply within the territorial sea or a designated area 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 in a vessel, being in either case a vessel which is engaged in pipeline works.

(2) In this article—

“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 the preceding paragraphs;
- (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 sub-paragraphs (a) to (c) of this definition, and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in sub-paragraphs (a) to (d) of this definition;
- (f) a diving project in connection with any of the works mentioned in sub-paragraphs (a) to (e) of this definition 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

7.—(1) The prescribed provisions of the 1974 Act shall apply to and in relation to a mine within the territorial sea or extending beyond it, and any activity in connection with it, while it is being worked.

(2) In this article “mine” has the same meaning as in the Mines and Quarries Act 1954(a) (“the 1954 Act”).

(3) For the purposes of this article a mine shall be treated as being worked when it is to be so treated for the purposes of the 1954 Act.

Other activities within the territorial sea

8.—(1) Subject to paragraph (2), the prescribed provisions of the 1974 Act shall apply within the territorial sea to and in relation to—

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any building, energy structure or other structure, not being in any case a vessel, or any preparation for any such activity;
- (b) the transfer of people or goods between a vessel or aircraft and a structure (including a building) mentioned in sub-paragraph (a) of this paragraph;
- (c) the loading, unloading, fuelling or provisioning of a vessel;
- (d) a diving project;
- (e) 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;
- (f) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which paragraph (3)(d) of article 4 of this Order applies;
- (g) the operation of a cable for transmitting electricity from an energy structure to Great Britain;
- (h) the transfer of people or goods between a vessel or aircraft and a structure mentioned in sub-paragraph (f) of this paragraph.

(2) This article shall not apply—

- (a) to a case where article 4, 5, 6 or 7 of this Order applies; or
- (b) to vessels which are registered outside the United Kingdom and are on passage through the territorial sea.

Legal proceedings

9.—(1) Proceedings for any offence under section 33 of the 1974 Act, being an offence to which that section applies by virtue of this Order, may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Great Britain.

(2) Section 3 of the Territorial Waters Jurisdiction Act 1878(b) (which requires certain consents for the institution of proceedings) shall not apply to proceedings for any offence to which paragraph (1) of this article relates.

(a) 1954 c. 70; sections 180(1) and 182(3)(a) were amended by S.I. 1993/1897.
 (b) 1878 c. 73.

Miscellaneous provisions

10. The prescribed provisions of the 1974 Act shall apply in accordance with this Order to individuals whether or not they are British subjects, and to bodies corporate whether or not they are incorporated under the law of any part of the United Kingdom.

11. Nothing in this Order except article 9(2) of this Order shall be taken to limit or prejudice the operation which any Act or legislative instrument may, apart from this Order, have in the territorial sea or elsewhere.

A. K. Galloway
Clerk of the Privy Council

SCHEDULE

Article 4(2)(a)

Location of Towers

<i>Title</i>		<i>Degrees</i>	<i>Minutes</i>	<i>Seconds</i>	
NSR M-1	Latitude	53	44	45	N
	Longitude	02	33	30	E
NSR R-1	Latitude	53	56	00	N
	Longitude	02	24	00	E
NSR R-2	Latitude	53	55	45	N
	Longitude	02	51	00	E
NSR R-3	Latitude	53	38	30	N
	Longitude	02	56	45	E
NSR R-4	Latitude	53	29	57	N
	Longitude	02	30	50	E
NSR R-5	Latitude	53	42	00	N
	Longitude	02	08	30	E

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order revokes and re-enacts with amendments the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995 ('the 1995 Order'), which applied sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 ('the prescribed provisions') to certain premises and activities in the territorial sea adjacent to Great Britain and to areas designated under the Continental Shelf Act 1964. In addition to minor and drafting amendments, this Order makes the following changes of substance.

2. The application by article 4(1) of the prescribed provisions to certain premises or activities within the territorial sea or a designated area now extends to a 'diving project' (defined in *article 2(1)*) involving the survey and preparation of the sea bed consequent on the removal of an offshore installation (*article 4(1)(c)*).

3. The definition in *article 4(2)* of 'offshore installation' now includes a supplementary unit (defined in *article 2(1)*) connected to it, and all the connections.

4. The application by article 8 of the prescribed provisions to certain premises and activities within the territorial sea now includes (*article 8(1)(a)*) specified activities in relation to an 'energy structure' (defined in *article 2(1)*), and (*article 8(1)(b)*) the transfer of people or goods to or from any structure mentioned in article 8(1)(a).

5. Article 8 does not now apply (as the Order which the 1995 Order replaced did not apply) to a case where articles 4 to 7 apply (*article 8(2)*).

6. A copy of the regulatory impact assessment prepared in respect of this Order can be obtained from the Health and Safety Executive, Economic Advisers Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. Copies have been placed in the library of each House of Parliament.

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