

SCHEDULE 2

Regulation 26

MODIFICATION OF THE OFFSHORE INSTALLATIONS (SAFETY CASE) REGULATIONS 1992

1. Paragraph (1) of regulation 2 shall be amended in accordance with paragraphs 2 to 4 of this Schedule.

2. For the definition of “concession owner” there shall be substituted the following definition:

“concession owner” in relation to a fixed installation, or to a well or proposed well means the person who at any time has the right to exploit or explore for mineral resources in any area, or to store gas in any area and to recover gas so stored if, at that time, the installation, or, as the case may be, the well or proposed well is, or is to be, used in the exercise of that right.

3. After the definition of “safety case” there shall be inserted the following definition:

“safety-critical elements” means such parts of an installation and such of its plant (including computer programmes), or any part thereof—

(a) the failure of which could cause or contribute substantially to; or

(b) a purpose of which is to prevent, or limit the effect of,

a major accident.

4. After the definition of “major accident” there shall be inserted the following definition:

“management system” means the organisation and arrangements established by a person for managing his undertaking.

5. After paragraph (7) of regulation 2 there shall be inserted the following paragraphs:

“(7A) Any reference in these Regulations to a verification scheme is a reference to a suitable written scheme for ensuring, by means described in paragraph (7B), that the safety-critical elements—

(a) are or, where they remain to be provided, will be suitable; and

(b) where they have been provided, remain in good repair and condition.

(7B) The means referred to in paragraph (7A) are—

(a) examination, including testing where appropriate, of the safety-critical elements by independent and competent persons;

(b) examination of any design, specification, certificate, CE marking or other document, marking or standard relating to those elements by such persons;

(c) examination by such persons of work in progress;

(d) the taking of appropriate action following reports by such persons;

(e) the taking of such other steps as may properly be provided for pursuant to regulation 15B and Schedule 9; and

(f) the taking of any steps incidental to the means described in sub-paragraphs (a) to (e) of this paragraph.

(7C) For the purposes of paragraph (7B) and regulations 15A and 15C a person shall be regarded as independent only where—

(a) his function will not involve the consideration by him of an aspect, of a thing liable to be examined, for which he bears or has borne such responsibility as might compromise his objectivity; and

(b) he will be sufficiently independent of a management system, or of a part thereof, which bears or has borne any responsibility for an aspect, which he might

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consider, of a thing liable to be examined, to ensure that he will be objective in discharging his function.”.

6. There shall be substituted for paragraph (4) of regulation 8 the following paragraph:

“(4) In this regulation “audit” means systematic assessment of the adequacy of the management system to achieve the purpose referred to in paragraph (1)(a) carried out by persons who are sufficiently independent of the system (but who may be employed by the duty holder) to ensure that such assessment is objective.”.

7. There shall be added to regulation 11 the following paragraphs:

“(5) Where an operation is to be carried out in relation to a well or proposed well by means of a vessel which is not an installation, the well-operator shall ensure that the carrying out of the operation is not commenced unless at least 21 days before its commencement he has sent to the Executive a notification containing the particulars specified in Schedule 6A.

(6) Where there is a material change in any of the particulars notified pursuant to paragraph (5), the person who, at the time of that change, would have had the duty under paragraph (5) to notify those particulars, if they had been required at the time of that change, shall notify the Executive of that change as soon as is practicable after that change.

(7) In this regulation “well-operator”, in relation to a well or proposed well, means the person appointed by the concession owner for the well or proposed well to execute the function of organising and supervising all operations to be carried out by means of such well or, where no such person has been appointed, the concession owner.”.

8. After regulation 13 (transitional provisions) there shall be added the following regulation:

“Transitional provision relating to verification

13A. The provisions of regulations 15A to 15D shall not apply in relation to an installation while provisions of the Offshore Installations (Construction and Survey) Regulations 1974 are deemed to remain in force in relation to that installation by virtue of regulation 24 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996.”.

9. After paragraph (2) of regulation 15 there shall be inserted the following paragraph:

“(2A) The operator or owner of an installation shall ensure that—

- (a) its verification scheme, any modification of that scheme, and any note made pursuant to regulation 15A(1)(d) or (3)(d) or regulation 15C(b), is kept, at an address in Great Britain notified to the Executive, until the expiration of six months after such scheme or, as the case may be, modification of that scheme, has ceased to be current; and
- (b) records, sufficient to show the matters described in paragraph 5 of Schedule 9, are kept at the address notified pursuant to sub-paragraph (a) of this paragraph until the expiration of six months after the scheme, pursuant to which they were compiled, has ceased to be current.”.

10. In paragraph (3) of regulation 15, for the words “paragraph (1)(b), (c), (e) and (g)” there shall be substituted the words:

“sub-paragraphs (b), (c), (e) and (g) of paragraph (1), and with paragraph (2A)”.

11. After regulation 15 there shall be inserted the following regulations:

“Verification schemes for safety-critical elements

15A.—(1) Subject to paragraph (2), the operator of a fixed installation shall, at such time before completion of the design as is identified by regulation 4(1), ensure that—

- (a) a record is made of the safety-critical elements;
- (b) comment on the record by an independent and competent person is invited;
- (c) a verification scheme is drawn up by or in consultation with such person;
- (d) a note is made of any reservation expressed by such person as to the contents of—
 - (i) the record; or
 - (ii) the scheme; and
- (e) such scheme is put into effect.

(2) Where, in the case of a fixed installation, the time referred to in paragraph (1) has at the coming into force of this regulation expired, the operator shall ensure that the installation is not operated unless the provisions of sub-paragraphs (a) to (e) of paragraph (1) and regulation 15B have been complied with.

(3) Subject to paragraph (4), the owner of a mobile installation shall, before the installation is moved in relevant waters with a view to its being operated there, ensure that—

- (a) a record is made of the safety-critical elements;
- (b) comment on the record by an independent and competent person is invited;
- (c) a verification scheme is drawn up by or in consultation with such person;
- (d) a note is made of any reservation expressed by such person as to the contents of—
 - (i) the record; or
 - (ii) the scheme; and
- (e) such scheme is put into effect.

(4) Where, at the coming into force of this regulation, a mobile installation is being operated, the owner shall ensure that it does not continue to be operated unless the provisions of sub-paragraphs (a) to (e) of paragraph (3) and regulation 15B have been complied with.

Matters to be included in a verification scheme

15B. A verification scheme shall provide for the matters contained in Schedule 9.

Review and revision of verification schemes

15C. The operator, in the case of a fixed installation and the owner, in the case of a mobile installation, shall ensure that, as often as may be appropriate—

- (a) the verification scheme is reviewed and, where necessary, revised or replaced by or in consultation with an independent and competent person; and
- (b) a note is made of any reservation expressed by such person in the course of drawing it up.

Continuing effect of verification schemes

15D. The operator of a fixed installation, and the owner of a mobile installation, shall ensure that effect continues to be given to its verification scheme, or any revision or replacement of it, while the installation remains in being.

Defence

15E.—(1) In any proceedings for an offence for a contravention of any of the provisions of regulations 15A to 15D 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.”.

12. After paragraph 9 of Schedule 2 there shall be inserted the following paragraph:

“**9A.** A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during the period described in paragraph 9.”.

13. After paragraph 7 of Schedule 3 there shall be inserted the following paragraph:

“**7A.** A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during the period described in paragraph 7.”.

14. In Schedule 6 there shall be added to the heading the words:

“from an installation”.

15. After Schedule 6 there shall be added the following schedule:

“SCHEDULE 6A

Regulation 11(5)

PARTICULARS TO BE INCLUDED IN NOTIFICATION OF WELL OPERATIONS FROM A VESSEL

- 1.** The name and address of the person notifying the particulars in this Schedule.
- 2.** The name of the vessel by means of which the operation is to be carried out (in this Schedule referred to as “the vessel”).
- 3.** Particulars of the fluids to be used to control the pressure of the well.
- 4.** Particulars of the type of well, its number, and slot number, and the name of any field development of which it may be part.
- 5.** Particulars, with scale diagrams, of—
 - (a) the location of the top of the well;
 - (b) the directional path of the well-bore;
 - (c) its terminal depth and location; and

- (d) its position, and that of nearby wells, relative to each other.
- 6. A description of the operations on the well and a programme of works which includes—
 - (a) the dates on which the operations are expected to commence and finish; and
 - (b) the intended operational state of the well at the end of the operations.
- 7. A description of—
 - (a) any activities on or in connection with the vessel during operations on the well described pursuant to paragraph 6, which will involve any hazards with the potential to cause a major accident;
 - (b) such hazards.
- 8. 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.
- 9. Particulars of—
 - (a) the meteorological and oceanographic conditions to which the vessel may foreseeably be subjected;
 - (b) the depth of water; and
 - (c) the properties of the sea-bed and subsoil,at the location at which the operations will be carried out.
- 10. Sufficient particulars to demonstrate that the arrangements and procedures of the person notifying the particulars in this Schedule, and of the operator and owner of the vessel for managing the operations are co-ordinated to reduce risks from a major accident to the lowest level that is reasonably practicable.”.
- 16. After Schedule 8 there shall be added the following schedule:

“SCHEDULE 9

Regulation 15B

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;

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- (b) the findings;
- (c) remedial action recommended; and
- (d) remedial action performed.

6. Arrangements for communicating the matters contained in sub-paragraphs (a) to (d) of paragraph 5 to an appropriate level in the management system of the duty holder for the installation.”.