
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 340

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

Compulsory Insurance) (Northern Ireland) Order 1972

21.—(1) The 1972 Order shall apply to employers of relevant employees employed for work on or from offshore installations, or on or from associated structures in the course of activities undertaken on or in connection with such installations, subject to such modifications and extensions as are prescribed in paragraphs (2) to (5).

(2) In Article 5 of the 1972 Order as applied by paragraph (1)—

- (a) in paragraph (1), for the words from “his employees” to the end of the paragraph, there shall be substituted the words “those of his relevant employees who are employed by him for work on or from an offshore installation, or on or from an associated structure in the course of an activity undertaken on or in connection with an offshore installation and arising out of and in the course of their employment for that work”; and
- (b) in paragraph (3) at the end of sub-paragraph (c), there shall be added the following sub-paragraph—
 - “(d) any expression to which a meaning is given by the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995, and to which a meaning is not given by this Order, shall have the same meaning in this Order”.

(3) Article 6(b) of the 1972 Order as applied by paragraph (1) shall have no effect.

(4) In Article 8(2)(a) of the 1972 Order as applied by paragraph (1), after the word “insurance” there shall be inserted the words “or make arrangements to secure the maintenance of such copies on offshore installations or associated structures”.

(5) After Article 9 of the 1972 Order as applied by paragraph (1) there shall be inserted the following Articles—

“Liability of owners of offshore installations

9A.—(1) In respect of any offshore installation, it shall be the duty of the owner of the installation to ensure that requirements imposed by or under this Order are complied with and where, in respect of that installation—

- (a) any employer is on any day not insured in accordance with this Order, the owner of the installation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; or
- (b) any person fails to comply with a requirement imposed by or under Article 8, the owner of the installation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) In proceedings against the owner of an installation for an offence under this Article it shall be a defence for the accused to prove—

- (a) that he used all due diligence to prevent the commission of the offence; and
- (b) that any relevant contravention was committed without his consent, connivance or wilful default.

(3) In proceedings for an offence under this Article an averment in any process of the fact that anything done or situated within relevant waters shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment.

(4) Proceedings for any offence under this Article may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Northern Ireland.

(5) References in this Article to “the owner”, in relation to an offshore installation, are to the person who controls the operation of the installation.

Prosecutions

9B. Proceedings shall not be instituted in Northern Ireland for any offence under this Order in respect of an offshore installation except by the Secretary of State or by a person authorised in that behalf by the Secretary of State.”.