
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 406

**The Offshore Installations (Offshore Safety Directive)
(Safety Case etc.) Regulations (Northern Ireland) 2016**

Enforcement

36.—(1) To the extent they would not otherwise do so, the following provisions of the 1978 Order apply to these Regulations as if they were health and safety regulations for the purposes of that Order and any function of the Executive under any other provision of the 1978 Order under or in respect of health and safety regulations (including their enforcement) is exercisable as if these Regulations were, to the extent they would not otherwise be so, health and safety regulations for the purposes of that Order—

- (a) Articles 18 to 24 (Approval of codes of practice and enforcement);
- (b) Article 25 (Provisions supplementary to Articles 23 and 24) and Article 26 (Appeal against improvement or prohibition notice);
- (c) Article 28 (Power to indemnify inspectors); and
- (d) subject to regulation 40, Articles 31 to 39 (Provisions as to offences).

(2) A failure to discharge a duty placed on the competent authority by these Regulations is not an offence and Article 31(1)(c) of the 1978 Order has effect accordingly.

(3) Article 20(1) of the 1978 Order (Duty to make adequate arrangements for enforcement) applies in relation to enforcement of these Regulations as if the reference to the Department concerned and the Executive included a reference to the Secretary of State, but nothing in this paragraph has the effect of making the Secretary of State an enforcing authority for the purposes of the 1978 Order.

(4) Without prejudice to the provisions of the 1978 Order referred to in paragraph (1)—

- (a) section 256 of the 1995 Act (Appointment of inspectors and surveyors) has effect as if the reference in subsection (1)(b) of that section to any requirements, restrictions or prohibitions imposed by or under that Act included a reference to any requirements, restrictions or prohibitions imposed by or under these Regulations or the PFEER Regulations;
- (b) section 259 of the 1995 Act (Powers of inspectors in relation to premises and ships) has effect in relation to a Departmental inspector—
 - (i) as if the reference in subsection (1)(a) of that section to any premises in the United Kingdom included a reference to any premises to which paragraphs 2(1) and (2), 3 and 4 of Schedule 1 apply (other than premises which come within subsection (1)(b) of section 259 of the 1995 Act);
 - (ii) as if the reference to any instrument made under the 1995 Act in subsection (2)(h)(iii) of that section included a reference to these Regulations and the PFEER Regulations; and
 - (iii) as if the reference in subsection (2)(j)(i) of that section to any books or documents which by virtue of any provision of the 1995 Act are required to be kept included

a reference to any books or documents which by virtue of any provision of these Regulations are required to be kept.

(5) Paragraph (4)(b)(i) has effect only in relation to the requirements, restrictions, prohibitions and functions imposed or conferred by or under these Regulations or the PFEER Regulations.

(6) Without prejudice to the functions of an inspector appointed under Article 21 of the 1978 Order, a Departmental inspector may, even though that person is not an inspector appointed under that Article, serve—

- (a) an improvement notice under Article 23 of that Order in respect of a contravention of these Regulations or the PFEER Regulations; or
- (b) a prohibition notice under Article 24 of that Order, as modified in relation to such an inspector in accordance with paragraph (7),

and the reference to an inspector in Article 25(5) and (6) of that Order has effect accordingly.

(7) Article 24 of the 1978 Order applies in relation to a Departmental inspector as if—

- (a) any reference to the relevant statutory provisions were a reference to these Regulations or the PFEER Regulations; and
- (b) in subsection (2) the reference to a risk of serious personal injury were a reference to the risk of serious pollution from an installation in external waters.

(8) The following provisions of the 1978 Order apply to the EU Reporting Regulation as if it were health and safety regulations for the purposes of that Order and any function of the Executive under any other provision of that Order under or in respect of health and safety regulations (including their enforcement) is exercisable as if the EU Reporting Regulation were health and safety regulations for the purposes of that Order—

- (a) Articles 20 to 23 (Enforcement);
- (b) Article 25 (Provisions supplementary to Articles 23 and 24) and Article 26 (Appeal against improvement or prohibition notice), so far as they relate to an improvement notice;
- (c) Article 28 (Power to indemnify inspectors); and
- (d) Articles 31 to 39 (Provisions as to offences).

(9) Article 20(1) of the 1978 Order (Duty to make adequate arrangements for enforcement) applies in relation to enforcement of the EU Reporting Regulation and as if the reference in that Article to the Department concerned and the Executive included a reference to the Secretary of State, but nothing in this paragraph has the effect of making the Secretary of State an enforcing authority for the purposes of the 1978 Order.

(10) Without prejudice to the provisions of the 1978 Order referred to in paragraph (8) section 256 of the 1995 Act (Appointment of inspectors and surveyors) has effect as if the reference in subsection (1)(b) of that section to any requirements, restrictions or prohibitions imposed by or under that Act included a reference to any requirements, restrictions or prohibitions imposed by or under the EU Reporting Regulation.

(11) Without prejudice to the functions of an inspector appointed under Article 21 of the 1978 Order, a Departmental inspector may, even though that person is not an inspector appointed under that Article, serve an improvement notice under Article 23 of that Order in respect of a contravention of the EU Reporting Regulation and the reference to an inspector in Article 25(5) and (6) of that Order has effect accordingly.

(12) In regulation 40 the reference to a requirement or prohibition imposed by or under these Regulations includes a reference to a requirement imposed by the EU Reporting Regulation.

(13) A failure to discharge a duty placed on the competent authority or the Member State by the EU Reporting Regulation is not an offence and Article 31(1)(c) of the 1978 Order has effect accordingly.

(14) In this regulation—

“Departmental inspector” has the meaning given in section 256(9)(a) of the 1995 Act; and

“EU Reporting Regulation” means Commission Implementing Regulation (EU) No 1112/2014 of 13 October 2014 determining a common format for sharing of information on major hazard indicators by the operators and owners of offshore oil and gas installations and a common format for the publication of the information on major hazard indicators by the Member States⁽¹⁾.

Commencement Information

II Reg. 36 in operation at 19.12.2016, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2016, Section 36.