
 STATUTORY INSTRUMENTS

1975 No. 1289

OFFSHORE INSTALLATIONS

The Offshore Installations (Application of the Employers' Liability (Compulsory Insurance) Act 1969) Regulations 1975

Made - - - - 4th August 1975

Laid before Parliament 12th August 1975

Coming into Operation 1st September 1975

Whereas the Secretary of State has consulted pursuant to section 7(1) of the Mineral Workings (Offshore Installations) Act 1971(a) (hereinafter referred to as "the 1971 Act") with organisations in the United Kingdom appearing to him to be representative of those persons who will be affected by the following Regulations:

Now therefore, the Secretary of State, in exercise of his powers under sections 6 and 7 of, and paragraph 4(2)(b) of the Schedule to, the 1971 Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Offshore Installations (Application of the Employers' Liability (Compulsory Insurance) Act 1969) Regulations 1975 and shall come into operation on 1st September 1975.

(2) In these Regulations:—

"the 1969 Act" has the meaning given by Regulation 2;

"the 1971 Act" has the meaning given by the preamble to these Regulations;

"associated structure" means, in relation to an offshore installation, a vessel, aircraft or hovercraft attendant on the installation or any floating structure used in connection with the installation;

"employee" means an individual who has entered into or works under a contract of service or apprenticeship with an employer whether by way of manual labour, clerical work or otherwise, whether such contract is expressed or implied, oral or in writing;

"relevant employee" means an employee—

(a) who is ordinarily resident in the United Kingdom, or

(b) who is not ordinarily resident in the United Kingdom but who has been present in the United Kingdom and waters to which the 1971 Act applies outside the United Kingdom other than territorial waters adjacent to Northern Ireland in the course of employment there for a continuous period of not less than 7 days;

"relevant installation" means an offshore installation in waters to which the 1971 Act applies outside the United Kingdom other than territorial

waters adjacent to Northern Ireland not being an installation registered as a vessel (whether in the United Kingdom or elsewhere) which is a dredging installation or is in transit to or from a station.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Application of the Employers' Liability (Compulsory Insurance) Act 1969

2. The Employers' Liability (Compulsory Insurance) Act 1969(b) (hereafter in these Regulations referred to as "the 1969 Act") shall apply to employers of relevant employees employed for work on or from relevant installations, or on or from associated structures in the course of operations undertaken on or in connection with relevant installations, subject to such modifications and extensions as are hereafter in these Regulations prescribed.

3. In section 1 of the 1969 Act applied as aforesaid—

(a) in subsection (1), the words "carrying on any business in Great Britain" shall be omitted and, for the words from "his employees" to the end of the subsection, there shall be substituted the words "those of his relevant employees who are employed by him for work on or from a relevant installation, or on or from an associated structure in the course of any operation undertaken on or in connection with a relevant installation, and arising out of and in the course of their employment for that work;" and

(b) in sub-paragraph (3)—

(i) in paragraph (b), after the words "1967", there shall be inserted the words "or in Northern Ireland insurance business of any class relevant for the purposes of the Insurance Companies Act (Northern Ireland) 1968"(c), and

(ii) at the end of paragraph (d), there shall be added the following paragraph:—

"(e) any expression to which a meaning is given by the Mineral Workings (Offshore Installations) Act 1971 or the Offshore Installations (Application of the Employers' Liability (Compulsory Insurance) Act 1969) Regulations 1975 to which a meaning is not given by this Act shall have the same meaning in this Act".

4. Section 2(2)(b) of the 1969 Act applied as aforesaid shall have no effect.

5. In section 4(2)(a) of the 1969 Act applied as aforesaid, after the word "insurance" there shall be inserted the words "or make arrangements to secure the maintenance of such copies on relevant installations or associated structures".

6. After section 5 of the 1969 Act applied as aforesaid there shall be inserted the following sections:—

^{“Liability of concession owners and owners of installations.} 5A.—(1) In respect of any relevant installation, it shall be the duty of the concession owner and of the owner of the installation to ensure that requirements imposed by or under this Act are complied with and where, in respect of that installation,—

(a) any employer is on any day not insured in accordance with this Act, the concession owner and the owner of the installation shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £200; or

(b) any person fails to comply with a requirement imposed by or under section 4 of this Act, the concession owner and the owner of the installation shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

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

(a) that he has 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) Subsections (1), (2) and (4) of section 9 of the Mineral Workings (Offshore Installations) Act 1971 shall apply in relation to any offence under this section as if it were an offence under that Act.

Prosecutions. 5B. No proceedings shall be instituted in England and Wales or in Northern Ireland for any offence under this Act in respect of a relevant installation except by the Secretary of State or by a person authorised in that behalf by the Secretary of State.”

John Smith,
Parliamentary Under Secretary of State,
Department of Energy.

4th August 1975.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply the Employers' Liability (Compulsory Insurance) Act 1969 to employers of persons working on or from offshore installations or associated structures in connection with offshore installations in designated areas of the Continental Shelf and the territorial waters adjacent to Great Britain subject to modifications and extensions. In particular they impose duties on the concession owner and the owner of the installation to ensure that the requirements imposed by or under the Act as applied are complied with.

SI 1975/1289
ISBN 0-11-051289-8

