
STATUTORY INSTRUMENTS

1990 No. 996

HEALTH AND SAFETY

The Diving Operations at Work (Amendment) Regulations 1990

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| <i>Made</i> | - - - - | <i>25th April 1990</i> |
| <i>Laid before Parliament</i> | | <i>10th May 1990</i> |
| <i>Coming into force</i> | - - | <i>29th April 1991</i> |

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (4)(a) and 82(3)(a) of, and paragraphs 1(1)(a) and (c) and (2), 4(1) and (2), 6(1) and (2), 7, 8(1), 9, 10, 11, 14 and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974⁽¹⁾ (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Diving Operations at Work (Amendment) Regulations 1990 and shall come into force on 29th April 1991.

Amendment of the Diving Operations at Work Regulations 1981

2. The Diving Operations at Work Regulations 1981⁽²⁾ shall be amended as follows—

(a) in regulation 2(1)—

(i) for the definition of “concession owner” substitute the following definition—

““concession owner” means a person who is a concession owner for the purposes of the Mineral Workings (Offshore Installations) Act 1971⁽³⁾ in accordance with section 12(2) of that Act”;

(ii) for the definition of “offshore installation”, substitute the following definition—

““offshore installation” has the meaning assigned by the 1989 Order”;

(iii) for the definitions of “pipe-line” and “pipe-line works”, substitute the following definitions—

(1) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively.

(2) S.I. 1981/399.

(3) 1971 c. 61; section 12(2) was substituted by Schedule 3 of the Oil and Gas (Enterprise) Act 1982 (c. 23), paragraph 11(2).

- ““pipe-line” and “pipe-line works” have the meanings assigned to “pipeline” and “pipeline works” respectively by the 1989 Order”;
- (iv) insert the following definition before the definition of “breathing mixture”—
- ““the 1989 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989(4)
- (v) insert at the appropriate places in alphabetical order the following definitions—
- ““diver’s log book” means the diver’s log book described in Regulation 7(3)
- (a); “first-aid” means—
- (a) in cases where a person will need help from a medical practitioner or nurse, treatment for the purpose of preserving life and minimising the consequences of injury and illness until the appropriate help is obtained, and
- (b) treatment of minor injuries and illnesses which would otherwise receive no treatment or which do not need treatment by a medical practitioner or nurse,
- and in this sub-paragraph “treatment” includes redressing and other follow-up treatment”;
- (b) in regulation 3(1), for sub-paragraph (b) substitute the following sub-paragraph—
- “(b) outside Great Britain in circumstances in which sections 1 to 59 of that Act apply by virtue of the 1989 Order.”;
- (c) in regulation 3(3) omit from “except regulations 5(3)(b)(ii)” to the end and add—
- “except—
- (i) Regulations 7(1)(a), 8(2), (3) and (4), 10, 12(1)(b), (f), (g), (i) and (j), and
- (ii) Regulations 7(1)(b) and 10A where the person is not exposed to a pressure greater than 5,000 millibars above atmospheric pressure,
- but this paragraph shall not apply to a diver engaged in a diving operation or to a person to whom regulation 2(2)(b)(iv) applies.”;
- (d) in regulation 5(1) for the full stop substitute a semi-colon and add the following sub-paragraphs—
- “(f) provide the equipment, facilities, medications and personnel referred to in Regulation 13A(1);
- (g) ensure that persons engaged in the diving operation are informed of the nature of the arrangements that have been made in connection with the provision of first-aid, which information shall include details of—
- (i) the location of first-aid equipment, facilities, medications and personnel, and
- (ii) any standing instructions from a registered medical practitioner (who may or may not be present) in respect of the management and handling of persons who are injured or become ill while engaged in a diving operation.”;
- (e) in regulation 7 for paragraph (1) substitute the following paragraph—
- “(1) A person shall not take part in any diving operation as a diver unless he—
- (a) has a valid certificate of training issued under Regulation 10, and

- (b) has a valid certificate of diving first-aid issued under Regulation 10A or is a suitable person for the purposes of Regulation 13A(1), and
- (c) has a valid certificate of medical fitness to dive issued under Regulation 11, and
- (d) is competent to carry out safely the work which he is called upon to perform in that operation,

but sub-paragraphs (a) and (b) above shall not apply to a person taking part in a diving operation as part of training which if successfully completed would lead to the issue of a certificate such as is mentioned in either of those sub-paragraphs, and sub-paragraphs (b) and (c) above shall not apply to a person who enters a compression chamber in order to provide treatment in an emergency.”;

- (f) in regulation 8 for paragraph (1) substitute the following paragraph—

“(1) At all times when any diving operation is, or is about to be, carried out there shall be present a sufficient number of divers, personnel referred to in Regulation 13A(1) and other competent persons (“the diving team”) necessary to—

- (a) ensure that so far as is reasonably practicable the operation can be undertaken safely;
- (b) operate plant, equipment or other facilities necessary for the safe conduct of the operation;
- (c) render first-aid to, and treat in accordance with the directions of a registered medical practitioner (who may or may not be present), persons who are injured or become ill while engaged in a diving operation.”;

- (g) in regulation 10 omit paragraph (4);

- (h) after regulation 10 add the following new regulation—

“Certificate of diving first-aid

10A.—(1) The certificate of diving first-aid required by Regulation 7(1)(b) shall be valid only if—

- (a) it has been issued by the Health and Safety Executive or by a person or body of persons approved by the Executive for the purpose of this sub-paragraph;
- (b) the date mentioned in sub-paragraph (c) (iv) below has not passed;
- (c) it states—
 - (i) the name of the individual to whom it relates (“the diver”),
 - (ii) the category or categories of diving to which it relates,
 - (iii) that the person or body issuing the certificate is satisfied that the diver has attained a satisfactory standard of competence in first-aid appropriate to the category or categories of diving to which it relates,
 - (iv) the date on which it will cease to be valid unless further training is undertaken and an appropriate endorsement thereon obtained from the Executive or a person or body of persons approved by the Executive for the purposes of this provision; and
- (d) it has not ceased, in accordance with paragraph (2), to be valid.

- (2) If—

- (a) the person or body which issued a certificate declares it to be no longer valid, or
- (b) the Executive declares a certificate to be no longer valid, whether or not the certificate was issued by the Executive,

then that certificate shall cease to be a valid certificate for the purposes of paragraph (1).

(3) The certificate of diving first-aid shall be kept in the diver's log book.

(4) Without prejudice to the generality of paragraph (1)(a), where a person or body approved for the purposes of that paragraph or the Executive—

(a) refuses to issue a certificate of diving first-aid relating to the category or categories of diving requested by the diver;

(b) refuses to endorse a certificate of diving first-aid already issued; or

(c) declares a certificate of diving first-aid it has issued to be no longer valid;

the Executive, upon application being made to it by the person aggrieved, within 28 days of his being notified of the refusal or declaration, shall review the decision and if it is satisfied that it should be reversed or altered issue, re-issue or endorse the certificate.”;

(i) in regulation 11(1) for “Regulation 7(1)(b)” substitute “Regulation 7(1)(c)”;

(j) after regulation 13 add the following new regulation—

“Equipment, facilities, medications and personnel

13A.—(1) The equipment, facilities, medications and personnel mentioned in Regulations 5(1)(f) and 8(1) shall be such equipment, facilities, medications and number of suitable persons (being at least one in the case of mixed gas or bell diving) as are adequate and appropriate in the circumstances for rendering first-aid to, and treating in accordance with the directions of a registered medical practitioner (who may or may not be present), persons who are injured or become ill while engaged in a diving operation.

(2) For the purposes of paragraph (1), a person shall not be suitable unless he—

(a) has a valid certificate of medical fitness to dive issued under Regulation 11, and

(b) has undergone such training, if any, or further training, and has obtained such qualifications or further qualifications as the Health and Safety Executive may from time to time approve in respect of that case or class of case, and

(c) maintains a diver's log book whether or not he is a diver.”;

(k) In Schedule 4 omit—

(i) paragraph 7 in Part I,

(ii) paragraph 8 in Part II,

(iii) paragraph 8 in Part III;

(l) in Schedule 5 sub-paragraph (j) omit the words “first-aid and”;

(m) in Schedule 6 for sub-paragraph (h) substitute the following sub-paragraph—

“(h) without prejudice to the generality of Regulation 13A(1), contain adequate first-aid equipment and facilities and be fitted with lifting equipment sufficient to enable an unconscious or injured diver to be hoisted into the bell by a person inside.”.

Transitional provisions

3. Sub-paragraph (b) of Regulation 7(1) of the Diving Operations at Work Regulations 1981, as substituted by these Regulations, shall not apply until 29th April 1993 to a diver who holds a certificate of training which complied with Regulation 10 before the date of coming into force of that sub-paragraph.

Signed by order of the Secretary of State

25th April 1990

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Diving Operations at Work Regulations 1981 (“the principal Regulations”).

In addition to drafting amendments and updating of references to other legislation, the changes relate to provisions in connection with first-aid.

Regulations 2(d) and (f) require diving contractors to provide equipment facilities, medications and personnel which are adequate and appropriate in the circumstances, and to ensure that persons engaged in the diving operation receive specified information. The diving team required by regulation 8 of the principal Regulations must include sufficient competent persons to render first-aid or give treatment in specified circumstances (regulation 2(f)).

Regulation 2(e) adds a requirement that divers have a valid certificate of diving first-aid which is described in regulation 2(h). Regulation 2(c) deals with the application of the requirement to certain other persons working in surface compression chambers. Regulation 3 contains a transitional provision in respect of the requirement in regulation 7(1)(b) of the principal Regulations.