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STATUTORY INSTRUMENTS

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**1992 No. 608**

**HEALTH AND SAFETY**

**The Diving Operations at Work (Amendment) Regulations 1992**

<i>Made</i>	- - - -	<i>9th March 1992</i>
<i>Laid before Parliament</i>		<i>16th March 1992</i>
<i>Coming into force</i>	- -	<i>17th June 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), and (4)(a), and 82(3)(a) of, and paragraphs 5 and 15(1) of Schedule 3 to the Health and Safety at Work etc. Act 1974<sup>(1)</sup> (“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 1992 and shall come into force on 17th June 1992.

**Amendment of Diving Operations at Work Regulations 1981**

2.—(1) The Diving Operations at Work Regulations 1981<sup>(2)</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 3(1), after “paragraph (2)”, insert “and regulation 5C(1)”.

(3) After regulation 5, insert the following regulations—

**“Registration of diving contractors**

5A.—(1) No person shall act as a diving contractor unless he is registered in accordance with this regulation.

(2) A person shall be registered in accordance with this regulation if—

(a) he has given written notice to the Executive including the information listed in Schedule 1A; and

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(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, amended by S.I. 1990/996.

- (b) the Executive has issued an acknowledgement under paragraph (4); and
  - (c) the registration has not expired in accordance with paragraph (5) or (7).
- (3) The Executive may approve a form of notice for the purposes of paragraph (2), and where it does so any such notice shall be in the form for the time being so approved.
- (4) The Executive shall serve written acknowledgement on each diving contractor who has given written notice under paragraph (2)(a) and such acknowledgement shall include the date it is issued and the date on which registration will expire.
- (5) Subject to paragraph (7), registration shall expire 12 months after the later of—
- (a) the date the acknowledgement under paragraph (4) is issued; or
  - (b) where notice under paragraph (2)(a) has been received by the Executive no more than one month before the expiry of an existing registration under this regulation of the same diving contractor, the date of expiry of the existing registration.
- (6) Any person who is registered in accordance with this regulation shall give further written notice to the Executive of any change in the information required by paragraph (2)(a) forthwith after such change or at such later time as the Executive may approve in any case or class of case.
- (7) For the purposes of this regulation the Executive may on or before 17th June 1993 approve registration in any case or class of cases for a period longer than 12 months and the registration so approved shall expire at the end of that period.

#### **Only registered diving contractors to be used**

**5B.** No person shall enter into a contract whereby any other person acts as a diving contractor unless he is satisfied that such other person is registered in accordance with regulation 5A.

#### **Notification of projects involving diving operations**

**5C.—**(1) This regulation shall apply to and in relation to diving operations mentioned in regulation 3(1)(b) being diving operations outside Great Britain in circumstances in which sections 1 to 59 of the Health and Safety at Work etc. Act 1974 apply by virtue of article 4, other than article 4(2)(a), and article 5 of the 1989 Order(3).

(2) Every person who enters into a contract whereby any other person acts as a diving contractor shall notify the enforcing authority of each project in which that other person acts as such.

(3) Notification under this regulation shall include the information listed in Schedule 1B.

(4) Subject to paragraph (6), notification of any project under this regulation shall be given not less than 21 days before diving operations which comprise or form part of that project commence.

(5) Subject to paragraph (6), notification under this regulation shall be in writing.

(6) Where it is not reasonable to expect notification under this regulation as required by paragraphs (4) and (5), then—

- (a) notification shall be given forthwith after any information required by paragraph (3) becomes available to the person required by paragraph (2) to notify the enforcing authority;

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(3) The Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 1989, [S.I. 1989/840](#).

(b) notification shall include such of the information required by paragraph (3) as is available to the person required by paragraph (2) to notify the enforcing authority and has not been included in a previous notification in respect of the same project; and

(c) notification shall be given by the fastest means available but, where that means is not in writing, shall also be confirmed in writing without delay.

(7) The Executive may approve a form of notification under this regulation and where it does so any such notification shall, subject to paragraph (6), be in the form for the time being so approved.”

(4) After Schedule 1, insert the following Schedules–

“SCHEDULE 1A

Regulation 5A

PARTICULARS OF DIVING CONTRACTORS

1. The diving contractor’s name and the address where notices may be served on him.
2. A telephone number where the diving contractor may be contacted.
3. Any location where the diving contractor knows or expects he will undertake diving operations in the next year.
4. Whether the diving contractor will undertake diving operations–
  - (a) at any premises or in relation to any activities mentioned in article 4, other than article 4(2) (a), or article 5 of the 1989 Order; or
  - (b) at premises and in circumstances other than those mentioned in sub-paragraph (a); or
  - (c) both.
5. The nature of the work likely to be done during intended diving operations.
6. The level of competence likely to be required of divers (expressed by reference to the relevant Parts of Schedule 4).

SCHEDULE 1B

Regulation 5C

PARTICULARS OF DIVING PROJECTS

1. The diving contractor’s name and the address where notices may be served on him.
2. A telephone number where the diving contractor may be contacted.
3. The date or dates the diving operation or operations will start.
4. The number of days on which it is expected diving operations will take place.
5. The location or locations where diving will take place, including, in particular any offshore installation or pipeline in respect of or in connection with which diving will take place.
6. The total number of persons who will or are expected to comprise the diving team.
7. Whether the breathing mixture will be air or the diving will use saturation techniques.
8. The name or other sufficient identification of each diving support vessel, barge, installation or other place from which divers are intended to be deployed, and the method of maintaining its position at the location where diving will take place.

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

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**9.** A description of the nature and purpose of the diving operation or operations sufficient to show what risks are involved.

**10.** The name of an individual who is able to make arrangements to facilitate any inspection and a telephone number where that individual may be contacted.”

Signed by order of the Secretary of State.

9th March 1992

*Eric Forth*  
Parliamentary Under Secretary of State,  
Department of Employment

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Diving Operations at Work Regulations 1981 (“the principal Regulations”). They add requirements that diving contractors are registered (*inserted regulation 5A*), and that projects involving diving operations are notified to the enforcing authority (*inserted regulation 5C*), in accordance with these Regulations.

The requirement to notify only applies to projects involving diving operations subject to the principal Regulations in relation to offshore installations or pipelines outside Great Britain except for diving operations in relation to the structures and cables mentioned in article 4(2)(a) of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 1989 (S.I. 1989/840).

Persons who engage diving contractors must satisfy themselves that the diving contractor is registered (*inserted regulation 5B*).