
STATUTORY INSTRUMENTS

2002 No. 1587

The Merchant Shipping (Diving Safety) Regulations 2002

Inquiries and investigations into marine accidents

17.—(1) The provisions of Part XI of the Merchant Shipping Act 1995 shall apply in relation to accidents in the course of a diving project involving any submersible or supporting apparatus which is not a ship as they apply to ships (subject to the modifications in paragraphs (2) and (3)) as if references in those provisions, on whatever terms, to a ship or a ship's boat or activities connected therewith included references to submersible or supporting apparatus or activities connected therewith.

(2) Section 267 of the Merchant Shipping Act 1995 shall have effect subject to the modification that for paragraph (2) there is substituted the following paragraph:

“(2) The accidents referred to in subsection (1) above are any accidents involving a submersible or supporting apparatus to which section 88 applies.”

(3) Section 268 of the Merchant Shipping Act 1995 shall have effect subject to the modification that for paragraph (1) there is substituted the following paragraph:

“(1) Where any accident has occurred in connection with any diving project to which the Merchant Shipping (Diving Safety) Regulations 2002 applies, the Secretary of State may (whether or not an investigation into it has been carried out under section 267) cause a formal investigation into the casualty to be held:

- (a) if in England, Wales or Northern Ireland, by a wreck commissioner, and
- (b) if in Scotland, by the sheriff,

and in this section “accident” means any accident which involves loss of, or danger to, the life of any person engaged in, or in connection with, a diving operation, and which occurs in the course of that diving operation.”