

## SCHEDULE 13

### AMENDMENTS AND REVOCATIONS

## PART 1

### Amendments

#### Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

1. The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989<sup>M1</sup> are amended as follows.

##### Marginal Citations

**M1** S.I. 1989/971. In regulation 2, the definition of the “the 2005 Regulations” was inserted by S.I. 2005/3117, [Schedule 9](#), paragraph 1(a)(i) and the definition of “current safety case” was inserted by S.I. 2005/3117, [Schedule 9](#), paragraph 1(a)(ii). Regulation 18A was inserted by S.I. 1992/2885, [Schedule 8](#), paragraph 2 (which is now revoked) and amended by S.I. 2005/3117, [Schedule 9](#), paragraph 1(c)(i) and (ii). S.I. 1992/2885 was revoked by S.I. 2005/3117, its being implicit that the revocation was not intended to remove the effect of the insertion of regulation 18A by S.I. 1992/2885, given the amendment made to regulation 18A by S.I. 2005/3117. Regulation 23(2)(c)(i) was amended by S.I. 2005/3117, [Schedule 9](#), paragraph 1(d). There are other amending instruments but none is relevant.

2. In regulation 2 (interpretation)—

(a) after the definition of “the 2005 Regulations” insert—

““the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;”;

(b) at the end of the definition of “current safety case” insert “ or regulation 2(1) of the 2015 Regulations; ”.

3. In regulation 18A(1)(a) (safety representative entitlement to summary of current safety case), after “the 2005 Regulations” insert “ or the 2015 Regulations ”.

4. In regulation 23(2)(c)(i) (duties of installation operators and owners, and employers) for “the Offshore Installations (Safety Case) Regulations 1992” substitute “ the 2005 Regulations or the 2015 Regulations ”.

#### Offshore Installations and Pipeline Works (First-Aid) Regulations 1989

5. The Offshore Installations and Pipeline Works (First-Aid) Regulations 1989<sup>M2</sup> are amended as follows.

##### Marginal Citations

**M2** S.I. 1989/1671. The definition of “the 1995 Regulations” was inserted in regulation 2 by S.I. 1995/738, [Schedule 2](#), Part 2, paragraph 13(b). The definition of “person in control” in regulation 2 was amended by S.I. 1995/738, [Schedule 2](#), Part 2, paragraph 13(d) and (e). There are other amending instruments but none is relevant.

6. In regulation 2 (interpretation)—

**Changes to legislation:** There are currently no known outstanding effects for the *The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, PART 1*. (See end of Document for details)

- (a) omit the definition of “the 1989 Order”;
  - (b) after the definition of “the 1995 Regulations” insert—  
““the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013;”;
  - (c) in paragraph (b) of the definition of “person in control”—
    - (i) for “section 33(3) of the Petroleum and Submarine Pipe-lines Act 1975” substitute “ section 27(1) of the Petroleum Act 1998 ”; and
    - (ii) for “the said section 33(3)” substitute “ that section ”;
  - (d) in the definition of “pipeline” for “article 5 of the 1989 Order” substitute “ article 6 of the 2013 Order ”; and
  - (e) in the definition of “pipeline works”—
    - (i) for “(d)” substitute “ (e) ”; and
    - (ii) for “article 5 of the 1989 Order” substitute “ article 6 of the 2013 Order ”.
7. In regulation 3(b) (application of Regulations) for “articles 4 and 5 of the 1989 Order” substitute “ articles 4 and 6 of the 2013 Order ”.

## **Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995**

8. The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 <sup>M3</sup> are amended as follows.

### **Marginal Citations**

**M3** [S.I. 1995/738](#), amended by [S.I. 2002/2175](#) and 2005/3117.

9. In regulation 2(1) (interpretation)—
- (a) omit the definition of “the 1995 Order”;
  - (b) before the definition of “apparatus or works” insert—  
““the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005;  
“the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013;  
“the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety case etc.) Regulations 2015;”;
  - (c) in the definition of “apparatus or works” for “1995” substitute “ 2013 ”;
  - (d) after the definition of “duty holder” insert—  
““external waters” means the territorial sea adjacent to Great Britain and any area designated by order under section 1(7) of the Continental Shelf Act 1964;”;
  - (e) after the definition of “installation manager” insert—  
““internal waters” means tidal waters and parts of the sea in, or adjacent to, Great Britain up to the landward limits of the territorial sea;”;
  - (f) for the definition of “licensee” substitute—  
““licensee”—

**Changes to legislation:** There are currently no known outstanding effects for the *The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, PART 1*. (See end of Document for details)

- (a) in relation to internal waters, means any person to whom a licence to search and bore for and get petroleum in respect of any area within internal waters is granted pursuant to section 2 of the Petroleum (Production) Act 1934 or section 3 of the Petroleum Act 1998; and
- (b) in relation to external waters, means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”;
- (g) for the definition of “operator” substitute—  
““operator”—
  - (a) in relation to internal waters—
    - (i) in relation to the dismantling of a fixed installation (within the meaning given in the 2005 Regulations), has the meaning given in regulation 11(4) of the 2005 Regulations; and
    - (ii) otherwise, has the meaning given in regulation 2(1) of the 2005 Regulations in relation to a production installation;
  - (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;
- (h) in the definition of “owner”, after “controls” insert “ or is entitled to control ”;
- (i) in the definitions of “pipeline” and “pipeline works” for “2001” substitute “ 2013 ”;
- (j) for the definition of “production installation” substitute—  
““production installation”—
  - (a) in relation to internal waters, has the meaning given in regulation 2(1) of the 2005 Regulations; and
  - (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;
- (k) for the definition of “relevant waters” substitute—  
““relevant waters” means internal waters and external waters;”.

**10.—**(1) Regulation 3 (meaning of “offshore installation”) is amended as follows.

(2) In paragraph (1)—

- (a) after sub-paragraph (c) (but before the “or” immediately following it) insert—  
“(ca) for undertaking activities that involve mechanically entering the pressure containment boundary of a well;”;
- (b) in sub-paragraph (d) for “mainly” substitute “ primarily ”.

(3) For paragraph (2)(d) substitute—

- “(d) a mobile structure which has ceased to be used for any of the purposes specified in paragraph (1), and has since been used for a purpose not so specified;
- (da) a fixed structure which has ceased to be used for any of the purposes specified in paragraph (1), for so long as it is used for a purpose not so specified;”.

**11.—**(1) Regulation 4 (application) is amended as follows.

(2) At the start of paragraph (1) insert “ Except for regulations 21F and 21G (which provide for their own application), ”.

(3) In paragraph (1)(b)—

**Changes to legislation:** There are currently no known outstanding effects for the The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, PART 1. (See end of Document for details)

- (a) for “and (2)(b)” substitute “ and (2) ”; and
- (b) for “1995” substitute “ 2013 ”.
- (4) After paragraph (3) insert—
  - “(4) Regulations 21A to 21E do not apply to an offshore installation—
    - (a) registered as a vessel (whether registered in the United Kingdom or elsewhere); or
    - (b) which is in transit to or from a station; or
    - (c) which is unmanned.”.
- 12. In regulation 5(1) (notification concerning offshore installations) for “no later than” substitute “ before ”.
- 13. In regulation 20(1) (certificates of exemption) after “workers at work” insert “ , and in particular, of Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive [2004/35/EC](#) ”.
- 14. After regulation 21 insert—

**“Obligation to notify death or loss of person**

**21A.—(1) Where any person—**

- (a) dies on an offshore installation or is lost from such an installation; or
- (b) dies in or on a lifeboat, liferaft or other emergency survival craft belonging to an offshore installation or is lost from any of those places; or
- (c) otherwise dies or is lost in the neighbourhood of an offshore installation while engaged in any operation connected with the installation,

and the death or loss is not required to be registered under any regulations made under section 108 of the Merchant Shipping Act 1995 (which relates to returns of births and deaths in ships), a return of death in the form set out in Schedule 3 must be made in accordance with regulation 21B.

(2) In this regulation and regulations 21B and 21C ‘lost’ means lost in circumstances such that it is reasonable to believe that the person has died and ‘loss’ is to be construed accordingly.

**Notification of death or loss to the Registrar General of Shipping and Seamen**

**21B.—(1) Where an obligation to make a return of death arises under regulation 21A, the manager of the relevant offshore installation must—**

- (a) complete and sign Part 1 of a form of return of death (see Schedule 3); and
- (b) despatch the form to the duty holder as soon as is practicable and in any event within ten days of becoming aware of the death or loss to which the return relates.

(2) Where a duty holder receives a form of return of death from a manager, the duty holder must within ten days of receipt complete Part 2 of the form and send the form duly signed (whether by or on behalf of the duty holder) to the Registrar General of Shipping and Seamen <sup>M4</sup>.

(3) Without prejudice to the preceding provisions of this regulation or to regulation 21E, a return of death which is not made within the periods specified in this regulation for making it is not invalid by reason only that it is not made within those periods.

### **Notification of death or loss to other persons**

**21C.** When a person dies or is lost in circumstances in which an obligation to make a return of death arises under regulation 21A, the duty holder of the relevant installation must as soon as is practicable and in any event within 48 hours of first becoming aware of the death or loss—

- (a) if the duty holder was the employer of the dead or lost person, notify any person known to the duty holder to be, or nominated to the duty holder as, the next-of-kin of the dead or lost person; or
- (b) if the duty holder was not the employer of the dead or lost person, notify any person known to the duty holder to have been the employer of the dead or lost person at the time of death or loss.

### **Registration of death or loss**

**21D.**—(1) When the Registrar General of Shipping and Seamen receives a return made pursuant to regulation 21B, the Registrar must send a copy of that return, certified as being a true copy of that return (whether by the Registrar or a person authorised by the Registrar)—

- (a) where the deceased was immediately before death ordinarily resident in Scotland or Northern Ireland, to the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland, as the case may be; and
- (b) in any other case, to the Registrar General for England and Wales.

(2) If the Registrar General of Shipping and Seamen is satisfied that there is an error or omission in any return received pursuant to regulation 21B, the Registrar may, in accordance with evidence of the true state of affairs relating to the return, send corrected or supplementary particulars in respect of that evidence to the appropriate Registrar General.

(3) A Registrar General who receives a certified copy under paragraph (1) must record the information contained in it in the marine register kept by that Registrar General, together with such additional information as appears to that Registrar General desirable for the purpose of ensuring the completeness and correctness of that register.

### **Mode of trial and penalties in relation to registration of death or loss**

**21E.**—(1) In relation to an offence consisting of a contravention of the requirement imposed by regulation 21B(1)—

- (a) proceedings on indictment are excluded; and
- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.

(2) In relation to an offence consisting of a contravention of a requirement imposed by regulation 21B(2) or 21C—

- (a) proceedings on indictment are excluded; and
- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.

(3) It is a defence in any proceedings for an offence consisting of a contravention of a requirement imposed by regulation 21B(1) or (2) or 21C for the person charged to prove—

- (a) that the person exercised all due diligence to prevent the commission of the offence; and
- (b) that the relevant contravention was committed without the person's consent, connivance or wilful default.

**Changes to legislation:** There are currently no known outstanding effects for the The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, PART 1. (See end of Document for details)

### **Power of inspectors of offshore installations; duty to provide accommodation and subsistence for inspectors**

**21F.**—(1) An inspector may exercise the powers in paragraph (2) for the purpose of carrying into effect the relevant statutory provisions within the field of responsibility of the enforcing authority that appointed the inspector.

(2) The powers are—

- (a) to require a duty holder, at any reasonable time, to convey to and from an offshore installation or vessel associated with offshore oil and gas operations—
  - (i) the inspector;
  - (ii) the equipment or materials of the inspector; and
  - (iii) any article or substance of which the inspector has taken possession pursuant to section 20 of the Health and Safety at Work etc. Act 1974;
- (b) to inspect any operation or work in or on the bed of relevant waters and subsoil under or near an offshore installation; and
- (c) to require the duty holder or manager of an offshore installation or the licensee concerned to assist the inspector in carrying out an inspection of the bed of relevant waters or subsoil under or near the offshore installation.

(3) The duty holder must provide an inspector with reasonable accommodation and means of subsistence while on an offshore installation for the purpose stated in paragraph (1).

(4) In paragraphs (2)(a)(i) and (ii), and (3) a reference to an inspector includes a reference to a person acting under the direction of the competent authority who is not an inspector.

(5) In relation to an offence consisting of a contravention of the requirement under paragraph (3)—

- (a) proceedings on indictment are excluded; and
- (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.

(6) In paragraph (2)(a) “offshore oil and gas operations” means all activities associated with an installation relating to exploration and production of petroleum, including the design, planning, construction, operation and decommissioning of the installation, but excluding the conveyance of petroleum from one coast to another.

(7) This regulation applies—

- (a) in Great Britain;
- (b) to the territorial sea adjacent to Great Britain up to the seaward limits of the territorial sea and to the waters in any area designated by order under section 1(7) of the Continental Shelf Act 1964; and
- (c) to places above and below the territorial sea and waters in any area so designated.

### **Powers of inspectors in relation to pipelines**

**21G.**—(1) Subject to paragraph (3), an inspector may exercise the powers in paragraph (2) for the purpose of—

- (a) securing the safety, health and welfare of persons engaged on pipeline works; and
- (b) securing the proper construction and safe operation of pipelines and preventing damage to them.

(2) The powers are—

- (a) to require the owner of a pipeline or the proposed owner of a proposed pipeline, at any reasonable time, to convey to and from premises in relevant waters used or intended to be used in connection with the pipeline or with pipeline works relating to a pipeline or proposed pipeline—
    - (i) the inspector;
    - (ii) the equipment and materials of the inspector; and
    - (iii) any article or substance of which the inspector has taken possession pursuant to section 20 of the Health and Safety at Work etc. Act 1974;
  - (b) to require the owner of a pipeline or the proposed owner of a proposed pipeline to provide the inspector with reasonable accommodation and means of subsistence while on, or in transit to or from, premises in relevant waters used or intended to be used in connection with the pipeline or pipeline works relating to the pipeline or proposed pipeline.
- (3) Nothing in this regulation imposes, or confers power on an inspector to impose, any obligation on any person on a vessel registered outside the United Kingdom as a ship, aircraft or hovercraft when it is not engaged in operations for the purpose of laying or maintaining a pipeline.
- (4) In any proceedings for an offence consisting of a contravention of a requirement imposed under this regulation, it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (5) In relation to an offence consisting of a contravention of a requirement imposed under paragraph (2) by an inspector—
- (a) proceedings on indictment are excluded; and
  - (b) the punishment which can be imposed is restricted to a fine not exceeding level 3 on the standard scale.
- (6) In this regulation—
- “owner”, in relation to a pipeline, means—
- (a) the person for the time being designated as the owner of the pipeline by an order made under section 27(1) of the Petroleum Act 1998; or
  - (b) where no person has been so designated, the person by whom the pipeline is, or is to be, used;
- “pipeline” and “pipeline works” have the meanings given in section 1(4) of the Offshore Safety Act 1992; and
- “proposed owner”, in relation to a proposed pipeline, means—
- (a) the person for the time being designated as the proposed owner of the proposed pipeline by an order made under section 27(1) of the Petroleum Act 1998; or
  - (b) where no person has been so designated, the person for whom the pipeline is to be constructed.
- (7) This regulation applies—
- (a) in Great Britain;
  - (b) to the territorial sea adjacent to Great Britain up to the seaward limits of the territorial sea and to the waters in any area designated by order under section 1(7) of the Continental Shelf Act 1964; and
  - (c) to places above and below the territorial sea and waters in any area so designated.

**Changes to legislation:** There are currently no known outstanding effects for the The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, PART 1. (See end of Document for details)

## Safety Zones

**21H.** The prohibition under section 23(1) of the Petroleum Act 1987 on a vessel entering or remaining in a safety zone established around an installation by virtue of that Act<sup>M5</sup> does not apply to a vessel entering or remaining in the safety zone—

- (a) in connection with the laying, inspection, testing, repair, maintenance, alteration, renewal or removal of any submarine cable or pipe-line in or near that safety zone;
- (b) to provide services for, to transport persons or goods to or from, or under the authority of a government department to inspect, any installation in that safety zone;
- (c) if it is a vessel belonging to a general lighthouse authority (within the meaning given in section 193 of the Merchant Shipping Act 1995) performing duties relating to the safety of navigation<sup>M6</sup>;
- (d) in connection with the saving or attempted saving of life or property;
- (e) owing to stress of weather;
- (f) when in distress; or
- (g) if there is consent from the duty holder.”

### Marginal Citations

- M4** The Registrar General of Shipping and Seamen is the officer so known who continues in existence under section 295(1) of the Merchant Shipping Act 1995.
- M5** See sections 21 and 22 of the [Petroleum Act 1987 \(c. 12\)](#).
- M6** See section 193 of the Merchant Shipping Act 1995 for definition of general lighthouse authority for the purposes of Part 8 of that Act.

**15.** After Schedule 2 insert—

### “SCHEDULE 3

Regulation 21B

### Form to notify the death or loss of a person pursuant to regulation 21B

Form to be completed in respect of the death or loss of a person pursuant to regulation 21B of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995

Part 1

1. Name or other designation of offshore installation .....

2. Date of death or loss .....

3. Place of death or loss(a) .....

4. Full name of deceased or person lost(b) .....

5. Sex of deceased or person lost .....

6. Capacity in which person deceased or lost was engaged or other reason for presence at the installation .....

7. Cause of death or loss(c) .....

I certify that the particulars entered above are true to the best of my knowledge and belief:

Signature of installation manager providing information .....

Name of installation manager furnishing information(b) .....

Status of signatory .....

Date of signing .....

Part 2(d)

8. Date of birth of deceased or person lost .....

9. Usual place of residence of deceased or person lost .....

10. Nationality of deceased or person lost .....

11. Name and address of next-of-kin .....

12. Relationship of next-of-kin .....

I certify that the particulars entered above are true to the best of my knowledge and belief:

Signature of duty holder furnishing information or person acting on behalf of duty holder .....

Name of duty holder furnishing information/on whose behalf information is furnished .....

Status of signatory .....

Date of signing .....



**16. The Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995<sup>M7</sup>** are amended as follows.

**M7** [S.I. 1995/743](#). The definition of “the 2001 Order” was amended by [S.I. 2005/3117](#), [Schedule 9](#), paragraph 3(a)(i). The definition of “licensee” was inserted by [S.I. 2005/3117](#), [Schedule 9](#), paragraph 3(a)(v). The definition of “major accident” was amended by [S.I. 2005/3117](#), [Schedule 9](#), paragraph 3(a)(vi). The definition of “owner” was substituted by [S.I. 2005/3117](#), [Schedule 9](#), paragraph 3(a)(x). The definition of “production installation” was inserted by [S.I. 2005/3117](#), [Schedule 9](#), paragraph 3(a)(xi). Regulation 3(1)(b) was amended by [S.I. 2005/3117](#), [Schedule 9](#), paragraph 3(b).

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**Changes to legislation:** There are currently no known outstanding effects for the The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, PART 1. (See end of Document for details)

- (b) in relation to external waters, means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”;
- (g) for the definition of “major accident” substitute—  
““major accident”—
  - (a) in relation to internal waters, has the meaning given in regulation 2(1) of the 2005 Regulations; and
  - (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;
- (h) for the definition of “operator” substitute—  
““operator”—
  - (a) in relation to internal waters—
    - (i) in relation to the dismantling of a fixed installation (as a fixed installation is defined in the 2005 Regulations), has the meaning given in regulation 11(4) of the 2005 Regulations; and
    - (ii) otherwise, has the meaning given in regulation 2(1) of the 2005 Regulations in relation to a production installation; and
  - (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”;
- (i) in the definition of “owner” after “controls” insert “ or is entitled to control ”;
- (j) for the definition of “production installation” substitute—  
““production installation”—
  - (a) in relation to internal waters, has the meaning given in regulation 2(1) of the 2005 Regulations; and
  - (b) in relation to external waters, has the meaning given in regulation 2(1) of the 2015 Regulations;”.

**18.—**(1) Regulation 3 (application) is amended as follows.

(2) In paragraph (1)(a), before “in Great Britain” insert “ apart from regulations 22A to 22C, ”.

(3) In paragraph (1)(b)—

- (a) for “and (2)(b)” substitute “ and (2) ”;
- (b) for “2001” substitute “ 2013 ”.

(4) In paragraph (2) after “4 to 22” insert “ and 22A to 22C ”.

**19.** In regulation 4(2) (general duty) after “regulations 6 to 21” insert “ and 22A to 22C ”.

**20.** For regulation 5(3)(c) (assessment) substitute—

- “(c) notify—
  - (i) in the case of an installation in internal waters, the Executive;
  - (ii) in the case of an installation in external waters, the competent authority, of such address.”

**21.—**(1) Regulation 6 (preparation for emergencies) is amended as follows.

(2) In paragraph (1)—

- (i) at the end of sub-paragraph (d) insert “ and ”;

(ii) after that sub-paragraph insert—

“(e) in relation to external waters only, for coordinating the emergency response with the response planned pursuant to the external emergency response plan.”

(3) In paragraph (2)(a) after “emergency” insert “, including how to co-ordinate with persons responding to an emergency who are not on the installation when the emergency begins”.

**22.** In regulation 22(1) (certificates of exemption) after “workers at work” insert “or by Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive [2004/35/EC](#)”.

**23.** After regulation 22 insert—

**“Inventory of equipment etc.**

**22A.—**(1) This regulation applies only in relation to external waters.

(2) The duty holder must prepare an inventory of available equipment, its ownership, location, transport to and mode of deployment at the installation and any person relevant to the performance of the duties in these Regulations (except the duties in regulations 5, 9, 10, 12, 13, 14, 18, 19 and 20).

(3) The inventory prepared under paragraph (2) must identify measures in place to ensure equipment and procedures are maintained in operable condition.

(4) The duty holder must ensure all equipment on the installation provided in compliance with paragraph (1) is made available at all times and made available as necessary to the Maritime and Coastguard Agency<sup>M8</sup>.

**Initiation and direction of emergency response and liaison with external response authority**

**22B.—**(1) This regulation applies only in relation to external waters.

(2) The duty holder must authorise one or more persons—

- (a) to initiate an emergency response;
- (b) to direct an emergency response; and
- (c) to liaise with the Maritime and Coastguard Agency.

**Arrangements for early warning of major accidents**

**22C.—**(1) This regulation applies only in relation to external waters.

(2) The duty holder must make arrangements—

- (a) for providing early warning of a major accident to the Maritime and Coastguard Agency; and
- (b) for providing more detailed information about such an accident as soon as it becomes available,

but nothing in this paragraph is to be taken as imposing a requirement which is imposed by regulation 4(3)(c) and paragraph 2(k) of Schedule 2 to the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (arrangements for early warning of major environmental incidents).”

**Changes to legislation:** There are currently no known outstanding effects for the The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, PART 1. (See end of Document for details)

#### Marginal Citations

**M8** The Maritime and Coastguard Agency is an executive agency of the Department for Transport.

### Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996

**24.** The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996 <sup>M9</sup> are amended as follows.

#### Marginal Citations

**M9** [S.I. 1996/913](#). The definition of “licensee” was inserted in regulation 2 by [S.I. 2005/3117](#), [Schedule 9](#), paragraph 5(a)(i)(cc). The definition of “safety case” was amended by [S.I. 2005/3117](#), [Schedule 9](#), paragraph 5(a)(i)(ee). There are other amending instruments but none is relevant.

**25.—**(1) Regulation 2(1) (interpretation) is amended as follows.

(2) In paragraph (1)—

- (a) omit the definition of “the 1995 Order”;
- (b) after the definition of “the 1995 Regulations” insert—
  - ““the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013;
  - “the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;”;
- (c) after the definition of “the Executive” insert—
  - ““external waters” means the territorial sea adjacent to Great Britain and any area designated by order under section 1(7) of the Continental Shelf Act 1964;”;
- (d) for the definition of “licensee” substitute—
  - ““licensee”—
  - (a) in relation to a well in Great Britain and any activity in relation to that well, means any person to whom a licence to search and bore for and get petroleum is granted pursuant to section 2 of the Petroleum (Production) Act 1934 or section 3 of the Petroleum Act 1998; and
  - (b) in relation to a well in external waters and any activity in relation to that well, means an offshore licensee as defined in regulation 2(1) of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”;
- (e) in the definition of “safety case” after “the 2005 Regulations” insert “ or regulation 2(2) of the 2015 Regulations ”;
- (f) for the definition of “well operator” substitute—
  - ““well operator”—
  - (a) in relation to a well in Great Britain, means the person appointed by the licensee for the well to execute the function of organising and supervising all operations to be carried out by means of such well or, where no such person has been appointed, the licensee; and
  - (b) in relation to a well in external waters, has the meaning given in regulation 2 of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015;”.

- (3) In paragraph (4) omit—
- (a) the “and” immediately following sub-paragraph (a)(ii); and
  - (b) sub-paragraph (b).
26. In regulation 3(1)(b) (application)—
- (a) before “to and in relation to installations” insert “ except for regulation 18, ” and
  - (b) for “articles 4(1) and (2)(b) and 5 of the 1995 Order” substitute “ articles 4(1) and (2) and 5 of the 2013 Order ”.
27. In regulation 9 (reporting of danger to an installation)—
- (a) in paragraph (1) omit “within 10 days”; and
  - (b) after paragraph (2) insert—
    - “(3) The report must be made—
    - (a) where the installation is in external waters, within 10 working days after the appearance of evidence of the significant threat; and
    - (b) in any other case, within 10 days after the appearance of that evidence.
- (4) In paragraph (3) “working days” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 <sup>M10</sup> in any part of Great Britain.”

#### Marginal Citations

**M10** 1971 c.80. A relevant amendment was made by the St. Andrew's Day Bank Holiday (Scotland) Act 2007 (2007 asp 2), section 1.

28. In regulation 12 (additional requirements)—
- (a) in paragraph (1) omit “Subject to paragraph (3),”; and
  - (b) omit paragraph (3).
29. In regulation 13(2) (general duty) after “regulations 14 to 19 and 21,” insert “ and regulations 11 and 12 of the 2015 Regulations (examination of wells in external waters) ”.
30. In regulation 18 (arrangements for examination) omit paragraphs (5), (6) and (8).
31. In regulation 23(1) (certificates of exemption) after “safety and health of workers at work” insert “ or under Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC ”.
32. Omit regulation 24 (transitional provisions).

#### Offshore Installations (Safety Case) Regulations 2005

33. The Offshore Installations (Safety Case) Regulations 2005 <sup>M11</sup> are amended as follows.

#### Marginal Citations

**M11** S.I. 2005/3117, amended by S.I. 2006/336 (now revoked), 2007/3224, 2009/229, 2013/1471.

- 34.—(1) Subject to paragraph (2), for “relevant waters” substitute “ internal waters ” in each place occurring.

**Changes to legislation:** There are currently no known outstanding effects for the The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, PART 1. (See end of Document for details)

- (2) Paragraph (1) does not apply to—
  - (a) the definition of “relevant waters” in regulation 2(1);
  - (b) Schedule 9.
- (3) Subject to paragraph (4), for “sea-bed” substitute “ bed of internal waters ” in each place occurring.
- (4) Paragraph (3) does not apply to Schedule 9.

**35.**—(1) Regulation 2 (interpretation) is amended as follows.

- (2) In paragraph (1)—
  - (a) after the definition of “installation” insert—
    - ““internal waters” means tidal waters and parts of the sea in or adjacent to Great Britain up to the landward limits of the territorial sea;”;
  - (b) in the definition of “licensee” after “pursuant to” insert “ section 2 of the Petroleum (Production) Act 1934 or ”;
  - (c) in the definition of “relevant statutory provisions” after “them” insert “ , within internal waters ”;
  - (d) omit the definition of “relevant waters”.

**36.** In regulation 4 (application) omit paragraph (1).

**37.** In regulation 6(2) (design and relocation notifications for production installation) after “new location” insert “ within internal waters ”.

**38.** In regulation 7(1) (safety case for production installation) in the opening words after “operated” insert “ within internal waters ”.

**39.** In regulation 14(3)(c) (revision of safety case) after “location” insert “ within internal waters ”.

**40.** In paragraph 10 of Schedule 1 (particulars to be included in a design notification etc.) after “location” insert “ within internal waters ”.

### **Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013**

**41.**—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013<sup>M12</sup> are amended as follows.

- (2) For regulation 15(3)(c) (restriction on parallel requirements) substitute—
  - “(c) where the requirements have different time limits—
    - (i) in any case where any of those requirements is a requirement to make a report in relation to a reportable incident falling within paragraph 1(3) of Part 1 of Schedule 1, the time limit in relation to that incident is complied with;
    - (ii) in any other case, the shortest time limit is complied with; and”.
- (3) In paragraph 1 of Schedule 1 (reporting and recording procedures)—
  - (a) in sub-paragraph (1)(b) after “incident”, in the second place in which it occurs, insert “ or, in the case of an incident falling within sub-paragraph (3), within 10 working days of the incident ”;
  - (b) after sub-paragraph (2) insert—
    - “(3) A reportable incident falls within this sub-paragraph if it relates to a dangerous occurrence of a class specified in—

- (a) paragraph 20 of Part 1 of Schedule 2 in relation to an offshore workplace; or
- (b) Part 6 of that Schedule.
- (4) For the purposes of—
  - (a) sub-paragraph (1)(b), “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of Great Britain; and
  - (b) sub-paragraph (3), “offshore workplace” has the meaning given in regulation 2(1), but as if the words in parenthesis in that definition had no effect.”

#### Marginal Citations

**M12** [S.I. 2013/1471](#), to which there are amendments not relevant to these Regulations.

### Health and Safety and Nuclear (Fees) Regulations 2015

**42.**—(1) The Health and Safety and Nuclear (Fees) Regulations 2015<sup>M13</sup> are amended as follows.

(2) In regulation 14 (fees payable in respect of offshore installations)—

(a) in paragraph (2) after “2005 Regulations” insert “ or the 2015 Regulations ”.

(b) in paragraph (3)—

(i) after the definition of “the 2005 Regulations” insert—

““the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;”;

(ii) in the definition of “installation”, “current safety case”, “safety case” and “owner”—

(aa) after “owner” insert “, in a case concerning the 2005 Regulations ”; and

(bb) after “those Regulations” omit “and” and insert “ or, in a case concerning the 2015 Regulations, have the same meanings as in the 2015 Regulations ”;

(iii) for the definition of “operator” substitute—

““operator”—

(a) in a case concerning the 2005 Regulations has the meaning—

(i) in the case of the dismantling of a fixed installation under regulation 11 of those Regulations, given in regulation 11(4) of those Regulations;

(ii) in any other case, given in regulation 2(1) of those Regulations in relation to a production installation;

(b) in a case concerning the 2015 Regulations, has the meaning given in those Regulations; and”

(iv) after the definition of “operator” insert—

““competent authority” has the meaning given in the 2015 Regulations.”

(3) In Schedule 10 (fees payable in respect of offshore installations) after the final entry in the Table insert—

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“Assessing a design notification (sent to the competent authority pursuant to regulation 15(1) or 19(1) of the 2015 Regulations) for the purpose of deciding whether The operator or owner who sent the design notification to the competent authority pursuant to that provision

**Changes to legislation:** There are currently no known outstanding effects for the The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, PART 1. (See end of Document for details)

to raise matters relating to health and safety and raising such matters

Assessing a relocation notification (sent to the competent authority pursuant to regulation 15(3) of the 2015 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters

The operator who sent the relocation notification to the competent authority pursuant to that provision

Assessing a safety case or a revision to a current safety case (sent to the competent pursuant to any provision of the 2015 Regulations) for the purpose of deciding whether to accept that safety case or revision and accepting any such safety case or revision

The operator or owner who sent the safety case or revision to the competent authority pursuant to that provision

Providing advice with respect to the preparation of a safety case or a revision to a current safety case which is proposed to be sent to the competent authority pursuant to any provision of the 2015 Regulations

The operator or owner who has requested that advice

Assessing whether to grant an exemption pursuant to regulation 35 of the 2015 Regulations and granting any such exemption

The operator or owner who has requested the exemption”

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#### Marginal Citations

**M13** [S.I. 2015/363](#).



**Changes to legislation:**

There are currently no known outstanding effects for the The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, PART 1.