

SCHEDULE 14

Regulation 39

TRANSITIONAL PROVISIONS AND SAVINGS

PART 1

Interpretation

Interpretation

1.—(1) In this Schedule—

“the 2005 regime” means—

- (a) the legislation modified by Schedule 13 to these Regulations; and
- (b) the 1974 Act as it applied in relation to the legislation mentioned in paragraph (a), to the extent that that Act and that legislation had effect in relation to external waters immediately before the commencement date;

“the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005^{MI} as they had effect immediately before the commencement date;

“the commencement date” means 19th July 2015;

“corresponding provision” means any provision of these Regulations—

- (a) as it has effect on or after the commencement date; and
- (b) so far as it corresponds (with or without modification) to a provision of the 2005 Regulations in relation to external waters;

“current safety case,” unless the context otherwise provides, has the meaning given in the 2005 Regulations;

“the date of thorough review” means the date immediately before the fifth anniversary of—

- (a) the date on which the Executive first accepted the current safety case pursuant to the 2005 Regulations; or
- (b) where there has been at least one review of that safety case under regulation 13 of the 2005 Regulations immediately before the commencement date, the date—
 - (i) of that review, or
 - (ii) if there has been more than one review, the last of those reviews;

“design notification”, unless the context otherwise provides, has the meaning given in the 2005 Regulations;

“duty holder”, except in paragraph 8, has the meaning given in the 2005 Regulations;

“field development programme” means a field development programme within the meaning given in the 2005 Regulations;

“existing non-production installation” means a non-production installation for which there was a current safety case immediately before 18 July 2013;

“existing production installation” means a production installation for which there was a current safety case immediately before 18 July 2013;

“operator”, has the meaning given in the 2005 Regulations;

“owner” has the meaning given in the 2005 Regulations;

Changes to legislation: There are currently no known outstanding effects for the The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, SCHEDULE 14. (See end of Document for details)

“transitional period” means, in relation to an owner, operator or well-operator (as the case may be) the period for which the 2005 regime continues to apply in relation to that person.

(2) For the purposes of this Schedule—

- (a) “notification” means a notification under a provision of the 2005 Regulations specified in the first column of the Table below; and
- (b) a notification is completed if the event specified in the second column of the Table corresponding to the entry for that notification in the first column of the Table has occurred.

Notifications and completion

| <i>Notification under the 2005 Regulations</i> | <i>Event on which notification is completed</i> |
|---|---|
| Regulation 6(1) (<i>design</i>) | Submission of the field development programme |
| Regulation 6(2) (<i>relocation of a production installation</i>) | Submission of the field development programme |
| Regulation 9 (<i>conversion of non-production installation to operate as a production installation</i>) | Completion of the design |
| Regulation 10 (<i>combined operation</i>) | Engagement in the combined operation |
| Regulation 17(1) (<i>general well operation</i>) | Commencement of well operation |
| Regulation 17(2) (<i>specific well operation</i>) | Commencement of well operation |

Marginal Citations

M1 S.I. 2005/3117, amended by S.I. 2006/336, 2007/3224, 2009/229, 2013/1471.

PART 2

Continued application of the 2005 regime in relation to external waters during the transitional period

General saving of the 2005 regime

2. Despite the coming into force of these Regulations, the 2005 regime continues to apply in relation to external waters during the transitional period as provided for in this Part of this Schedule.

Continued application of the 2005 regime to existing and proposed non-production installations

3. The 2005 regime continues to apply in relation to the owner of a non-production installation, in respect of that installation, for the period which starts on the commencement date and ends—

- (a) where the installation is an existing non-production installation—
 - (i) immediately before 19th July 2016; or
 - (ii) if earlier, on the date of thorough review provided that that date falls on or after the commencement date;

- (b) where the installation is not an existing non-production installation and is established on or after the commencement date but before 19th July 2016, immediately before 19th July 2016.

Continued application of the 2005 regime to existing and proposed production installations

4. The 2005 regime continues to apply in relation to the operator of a production installation, in respect of that installation, for the period which starts on the commencement date and ends—

- (a) where the production installation is an existing production installation—
 - (i) immediately before 19th July 2018; or
 - (ii) if earlier, on the date of thorough review provided that that date falls on or after the commencement date;
- (b) where the production installation is not an existing production installation and is established on or after the commencement date but before 19th July 2016, immediately before 19th July 2016.

Continued application of the 2005 regime to well operations

5.—(1) The 2005 regime continues to apply to the submission of a well notification by a well operator in respect of, or execution by such an operator of a well operation from—

- (a) a non-production installation to which paragraph 3 applies, for the period that it applies to the owner of that installation in accordance with that paragraph;
- (b) from a production installation to which paragraph 4 applies, for the period that it applies to the operator of that installation in accordance with that paragraph; and
- (c) a vessel that is not an installation, for the period which starts on the commencement date and ends immediately before 19th July 2016.

(2) Despite sub-paragraph (1)(b) the 2005 regime ceases to apply to—

- (a) the submission of a well notification in respect of a production installation; or
- (b) the execution of a well operation from such an installation,

on 19th July 2016.

(3) Nothing in sub-paragraph (2) affects the application of paragraph 4 to the operator of the relevant production installation.

Design notification for production installations to be established during transitional period

6. Where a production installation is to be established on or after the commencement date but before 19th July 2016, the 2005 regime applies to the preparation and sending to the Executive of the design notification for that installation.

Design notification: election to prepare notification under these Regulations

7.—(1) Despite paragraph 6, the operator of a production installation which is to be established on or after the commencement date but before 19th July 2016 may elect to prepare and send a design notification to the competent authority under these Regulations.

(2) Where an operator elects to prepare and send a design notification under these Regulations, the 2005 regime ceases to apply to that operator in relation to that installation on the date on which that notification is sent to the competent authority.

Election to prepare a safety case under these Regulations

8.—(1) Subject to sub-paragraph (2), nothing in paragraph 3(b), 4(b) or 5(1) prevents a duty holder who would otherwise be or continue to be subject to the 2005 regime as a consequence of any of those provisions from preparing and sending a safety case to the competent authority under these Regulations.

(2) Sub-paragraph (1) does not apply if there is a current safety case for the installation.

(3) Where a duty holder elects in accordance with sub-paragraph (1) to prepare and send a safety case to the competent authority under these Regulations—

- (a) the 2005 regime ceases to apply to that operator in relation to that installation on the date on which the operator sends the safety case to the competent authority; and
- (b) these Regulations apply to that operator in relation to that installation on and after that date.

Treatment of current safety cases for installations continuing under the 2005 regime

9.—(1) Sub-paragraph (2) applies to the duty holder of an installation, in respect of that installation, where—

- (a) paragraph 3 or 4 continues to apply to the duty holder in respect of that installation;
- (b) there is a period of no more than four months, or such longer period as the competent authority may specify, remaining until the end of the transitional period;
- (c) there is a current safety case; and
- (d) there is an intention, after the transitional period ends—
 - (i) in the case of a non-production installation, to operate it in external waters or move it in external waters with a view to its being operated there; or
 - (ii) in the case of a production installation, to operate it in external waters.

(2) Where this sub-paragraph applies the duty holder may make revisions to the current safety case—

- (a) containing particulars, not required pursuant to the 2005 Regulations, but specified in—
 - (i) regulation 16 of and Schedule 7 to these Regulations, in the case of a non-production installation; or
 - (ii) in regulation 16 of and Schedule 6 to these Regulations in relation to a production installation; and
- (b) which are otherwise appropriate in consequence of any revision made under paragraph (a).

(3) Revisions made under sub-paragraph (2) which make a material change to the current safety case are not effective unless—

- (a) the duty holder sends a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least three months, or such shorter period as the competent authority may specify, before the revisions are to be made; and
- (b) the competent authority accepts the revisions.

10. Where revisions to current safety case under paragraph 9(2) may take effect without the acceptance of the competent authority or are accepted by the competent authority, the current safety case together with those revisions has effect—

- (a) as a current safety case until the end of the relevant transitional period; and
- (b) subject to paragraph 11, on and after the end of that transitional period for the purposes of these Regulations as a current safety case within the meaning of regulation 2(1).

11. Where paragraph 10(b) applies to a safety case, paragraph (1)(a) of regulation 23 has effect as if the reference in that paragraph to the date on which the current safety case was first accepted by the competent authority were a reference to the date on which the Executive first accepted that safety case under the 2005 Regulations.

PART 3

Transition from the 2005 regime

Improvement notices issued before the end of the transitional period

12.—(1) An improvement notice to which this paragraph applies has effect on and after the relevant date as an improvement notice issued in respect of a contravention of a corresponding provision of these Regulations.

- (2) This paragraph applies to an improvement notice if—
- (a) it was in force or effective immediately before the relevant date; and
 - (b) it was served on an owner, operator or well operator by an inspector under the 2005 regime.
- (3) In this paragraph “relevant date” means the date on which the transitional period ends.

Prohibition notices issued before the end of the transitional period

13.—(1) Where—

- (a) a prohibition notice—
 - (i) is served on an owner, operator or well operator by an inspector as regards activities to which the 2005 regime applied or would have applied;
 - (ii) is in force or effective immediately before the relevant date; and
- (b) the activities mentioned in paragraph (i) are activities to which a corresponding provision of these Regulations applies, or will, if carried on, apply on and after the relevant date,

that notice continues to have effect on and after the relevant date as if served as regards activities to which these Regulations apply or will apply.

- (2) In this paragraph “relevant date” means the date on which the transitional period ends.

Design etc. notifications

14. A notification under the 2005 regime which is completed immediately before the date on which the transitional period ends has effect on and after that date as a notification made under the corresponding provision of these Regulations.

15. Where a notification under the 2005 regime is not completed before the date on which the transitional period ends (“the relevant date”), but particulars of it have been notified before the relevant date in accordance with the 2005 regime—

- (a) the particulars notified have effect on and after the relevant date as particulars notified pursuant to the corresponding provision of these Regulations;
- (b) the absence from particulars falling within paragraph (a) of any particulars required pursuant to a corresponding provision of these Regulations but not required pursuant to the 2005 regime is to take effect as a material change in those particulars on the relevant date.

Changes to legislation:

There are currently no known outstanding effects for the The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015, SCHEDULE 14.