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## SUBSIDIARY LEGISLATION

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### OFFSHORE MINERALS HEALTH AND SAFETY AT WORK ETC

#### Diving at Work Order 1998

S. R. & O. No. 25 of 1998

*Made:* 25 March 1998

*Published:* 31 March 1998

*Coming into force on 1st April 1998*

IN EXERCISE of my powers under sections 27(1) and 36(2)(b) of the Offshore Minerals Ordinance 1994(a) and of all other powers enabling me in that behalf, I make the following Order—

#### **Citation and commencement**

1. This Order may be cited as the Diving at Work Order 1998 and shall come into force on 1st April 1998.

#### **Interpretation**

2. In this Order, a reference to the “external application Order” is a reference to the Health and Safety at Work etc. Act 1974 (Application outside the Falkland Islands) Order 1998(b).

#### **Application of this Order**

3. This Order applies to and in relation to the premises and activities outside the Falkland Islands to which the external application Order applies and, so far only as is necessary for it to have effect in relation to those premises and activities, applies within the Falkland Islands.

#### **Adoption of Diving at Work Regulations**

4. The Diving at Work Regulations 1997(c) shall apply as law of the Falkland Islands with the exceptions and modifications set out in the Schedule to this Order.

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(a) No 16 of 1994

(b) SR & O No 6 of 1998

(c) SI 1997/2776

Made this 25th day of March 1998

R P Ralph  
*Governor*

**SCHEDULE**

(article 4)

**Exceptions and modifications in relation to  
application of Diving at Work Regulations 1997**

1. In this Schedule—

(a) “the Regulations” means the Diving at Work Regulations 1997;

(b) any reference to a numbered regulation is a reference to the regulation in the Regulations so numbered;

(c) any reference to a numbered paragraph of a regulation is a reference to the paragraph so numbered in the regulation to which the reference relates.

2. The definitions in paragraph (1) of regulation 2 of—

(a) “the 1995 Order”; and

(b) “the Executive”,

are omitted.

3. The words “the Executive” wherever they appear in the Regulations are to be construed as if they were the words “the Governor” and the word “it”, referring to the Executive, in paragraph (2) of regulation 16 is to be construed in both instances in which that word occurs so referring as if it were the word “he”.

4.—(1) Paragraph (1) of regulation 3 and regulations 17(2) and (3) and 18 are omitted.

(2) Paragraphs 1 to 4 and 6 and 7 of Schedule 2 are omitted.

5. Paragraph (2) of regulation 3 shall have effect as if it read—

“(2) These Regulations shall apply to and in relation to the premises and activities to which the Diving at Work Order 1998 applies by virtue of article 3 of that Order.”

6. Paragraph 5 of Schedule 2 shall have effect as if it read—

“In the Reporting of Diseases and Dangerous Occurrences Regulations 1995(d) in the form they appear in the Schedule to the Reporting of Diseases and Dangerous Occurrences Order 1998(e)—

(a) in regulation 2(1)—

(i) the definition of “diving contractor” and “diving operation” is replaced by the following definition—

“ “diving contractor” and diving project” have the meaning assigned to it by the Diving at Work Regulations 1997(g) in the form they have effect in the law of the Falkland Islands;”

(ii) in sub-paragraph (a)(vii) of the definition of “responsible person” the words “diving operation” are replaced by the words “diving project”; and

(b) in paragraph 10 of Part I of Schedule 2 the words “diving operation” are replaced by the words “diving project”.”.

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#### EXPLANATORY NOTE

*(not forming part of the above Order)*

This Order applies, with effect from 1st April 1998 and with the exceptions and modifications specified in the Schedule to the Order, the Diving at Work Regulations 1997 (“the Regulations”), which were made in the United Kingdom under provisions of the Health and Safety at Work etc Act 1974, to activities and premises to which sections 1 to 59 of that Act were applied by the Health and Safety at Work etc Act 1974 (Application outside the Falkland Islands) Order 1998. So far only as is necessary for this present Order to have effect in relation to those offshore premises and activities, it and the Regulations will apply within the Falkland Islands.

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(d) SI 1995/3163

(e) SR & O No 14 of 1998