
SUBSIDIARY LEGISLATION

OFFSHORE MINERALS EMPLOYMENT

The Offshore Minerals (Application of Employers' Liability (Compulsory Insurance) Act 1969) Regulations 1998

S. R. & O. No. 15 of 1998

Made: 23 January 1998
Published: 30 January 1998
Coming into force: in accordance with regulation 1

IN EXERCISE of my powers under section 27(3) of and paragraph 4(2)(b) of Schedule 2 to the Offshore Minerals Ordinance 1994(a), and with the consent of the Secretary of State, I make the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Offshore Minerals (Application of Employers' Liability (Compulsory Insurance) Act 1969) Regulations 1998 and shall come into force on such date as may be notified by the Governor by notice published in the *Gazette*.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“the external application Order” means the Health and Safety at Work etc Act 1974 (Application outside the Falkland Islands) Order 1998(b);

“the 1969 Act” means the Employers' Liability (Compulsory Insurance) Act 1969(c) in the form it applies to the Falkland Islands under section 2 of the Employers' Liability (Compulsory Insurance) Ordinance 1996(d) and includes the Employers' Liability (Compulsory Insurance) Exemption Regulations 1996(e) and the Employers' Liability (Compulsory Insurance) General Regulations 1996(f) made under section 6 of the said Act in such application;

(a) No. 16 of 1994

(b) S.R.&O. No. 6 of 1998

(c) 1969 c.57

(d) No. 9 of 1996

(e) S.R.&O. No. 31 of 1996

(f) S.R.&O. No. 32 of 1996

“the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995^(g) in their application as part of the law of the Falkland Islands under the Offshore Installations and Pipeline Works (Management and Administration) Order 1998^(h); and

“installation” means an offshore installation within the meaning of regulation 3 of the 1995 Regulations.

Application of these Regulations

3. These Regulations shall apply—

(a) in the Falkland Islands; and

(b) as specified in regulation 4.

Application of the 1969 Act

4.—(1) The 1969 Act shall apply to employers of relevant employees employed for work on or from offshore installations, or on or from associated structures in the course of activities undertaken on or in connection with such installations, subject to such modifications and extensions as are hereafter in this regulation prescribed.

(2) In section 1 of the 1969 Act applied as aforesaid—

(a) in subsection (1) the words “carrying on any business in the Falkland Islands” shall be omitted and, for the words from “his employees” to the end of the subsection, there shall be substituted the words “those of his relevant employees who are employed by him for work on or from an offshore installation, or on or from an associated structure in the course of an activity undertaken on or in connection with an offshore installation, and arising out of and in the course of their employment for that work”; and

(b) at the end of paragraph (d) of subsection (3) there shall be added the following paragraph—

“(e) any expression to which a meaning is given by the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 in their application to the Falkland Islands, and to which a meaning is not given by this Act, shall have the same meaning in this Act.”

(3) Section 2(2) of the 1969 Act applied as aforesaid shall have no effect.

(4) In section 4(2)(a) of the 1969 Act applied as aforesaid, after the word “insurance” there shall be inserted the words “or make arrangements to secure the maintenance of such copies on offshore installations or associated structures”.

^(g) SI 1995/738

^(h) S.R.&O. No. 8 of 1998

(5) After section 5 of the 1969 Act applied as aforesaid there shall be inserted the following sections—

“Liability of owners of offshore installations

5A.—(1) In respect of any offshore installation, it shall be the duty of the owner of the installation to ensure that requirements imposed by or under this Act are complied with and where, in respect of that installation—

(a) any employer is on any day not insured in accordance with this Act, the owner of the installation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; or

(b) any person fails to comply with a requirement imposed by or under section 4 of this Act, the owner of the installation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) In proceedings against the owner of an installation for an offence under this section it shall be a defence for the accused to prove—

(a) that he has used all due diligence to prevent the commission of the offence; and

(b) that any relevant contravention was committed without his consent, connivance or wilful default.

(3) Section 37 of the Health and Safety at Work etc Act 1974 in its application under the law of the Falkland Islands by virtue of the external application Order shall apply in relation to an offence under this section as if it were an offence under that Act.

(4) In proceedings for an offence under this section an averment in any process of the fact that anything was done or situated within relevant waters shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment.

(5) Proceedings for any offence under this section may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Great Britain.

(6) References in this section to “the owner”, in relation to an offshore installation, are to the person who controls the operation of the installation.

5B. No proceedings shall be instituted in the Falkland Islands for any offence under this Act in respect of an offshore installation except by the Attorney General or by a person authorised in that behalf by the Attorney General.”.

Made this 23rd day of January 1998

R P Ralph
Governor

EXPLANATORY NOTE

(not forming part of the above Regulations)

Section 27(3) and Schedule 2 paragraph 4(2)(b) of the Offshore Minerals Ordinance 1994 (“the 1994 Ordinance”) enable the Employers’ Liability (Compulsory Insurance) Act 1969 (“the 1969 Act”) to be applied to employment on offshore installations and associated activities, whether on an offshore installation or not. Subsequent to the enactment of the 1994 Ordinance, the 1969 Act was applied to the Falkland Islands, with modifications and exceptions by the Employers’ Liability (Compulsory Insurance) Ordinance 1996.