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## SUBSIDIARY LEGISLATION

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### OFFSHORE MINERALS HEALTH AND SAFETY AT WORK etc

#### The Health and Safety at Work etc Act 1974 (Application outside the Falkland Islands) Order 1998

S. R. & O. No. 6 of 1998

*Made:* 23 January 1998

*Published:* 30 January 1998

*Coming into force:* 1st February 1998

IN EXERCISE of my powers under section 36(4) and (6) of the Offshore Minerals Ordinance 1994<sup>(a)</sup> and all other powers enabling me in that behalf, and with the consent of the Secretary of State for Foreign and Commonwealth Affairs, I make the following Order—

#### Citation and commencement

1. This Order may be cited as the Health and Safety at Work etc Act 1974 (Application outside the Falkland Islands) Order 1998 and shall come into force on 1st February 1998.

#### Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“the 1974 Act” means the Health and Safety at Work etc Act 1974 with the same exceptions and modifications as have effect in relation to it by virtue of article 2(2) of and Schedule 2 to the Offshore Health and Safety Order 1998<sup>(b)</sup>;

“the 1994 Ordinance” means the Offshore Minerals Ordinance 1994;

“designated area” has the meaning given by Proclamation No 1 of 1991 and “within a designated area” includes over and under a designated area;

“offshore installation” has the meaning given in section 36(5)(a) of the 1994 Ordinance;

“pipe-line” has the meaning given by section 36(5)(c) of the 1994 Ordinance;

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<sup>(a)</sup> No. 16 of 1994

<sup>(b)</sup> S.R. & O. No. 5 of 1998

“pipe-line works” has the meaning given by section 36(5)(d) of the 1994 Ordinance;

“the prescribed provisions of the 1974 Act” means the provisions of Part 1 of the 1974 Act in the form they have effect in the relevant waters by virtue of article 2(2) of and Schedule 2 to the Offshore Health and Safety Order 1998(c);

“stand-by vessel” means a vessel which is ready to give assistance in the event of an emergency on or near an offshore installation;

“territorial sea” means the Falkland Islands territorial sea and “within the territorial sea” includes on, over and under the territorial sea; and

“vessel” includes a hovercraft and any floating structure which is capable of being staffed.

(2) For the purposes of this Order, any structures and devices on top of a well shall be treated as forming part of the well.

(3) For the purposes of this Order, a person shall be deemed to be engaged in diving operations throughout any period from the time when he commences to prepare for diving until the time when—

- (a) he is no longer subjected to raised pressure;
- (b) he has normal inert gas partial pressure in his tissues; and
- (c) if he entered the water, he has left it,

and diving operations include the activity of any person in connection with the health and safety of a person who is, or is deemed to be, engaged in diving operations.

### **Application of the 1974 Act outside the Falkland Islands**

**3.—**(1) The prescribed provisions of the 1974 Act shall, to the extent specified in the following articles of this Order, apply to and in relation to the premises and activities outside the Falkland Islands which are so specified as those provisions would apply within the Falkland Islands if those provisions had been extended to the Falkland Islands.

(2) The reference in paragraph (1) of this article to premises and activities includes a reference to any person, article or substance on those premises or engaged in or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

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(c) S.R. & O. No. 5 of 1998

### **Offshore installations**

**4.** The prescribed provisions of the 1974 Act shall apply within territorial waters or a designated area to and in relation to—

- (a) any offshore installation and any activity on it;
- (b) any activity, including diving operations, in connection with an offshore installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, on or from a vessel or in any other manner, other than—
  - (i) transporting, towing or navigating the installation; and
  - (ii) any activity on or from a vessel being used as a stand-by vessel;
- (c) diving operations involving the survey and preparation of the sea bed for an offshore installation.

### **Wells**

**5.** (1) Subject to paragraph (2) of this article, the prescribed provisions of the 1974 Act shall apply within the territorial sea or a designated area to and in relation to—

- (a) a well and any activity in connection with it; and
- (b) an activity which is immediately preparatory to any activity in sub-paragraph (a) above.

(2) Paragraph (1) of this article includes keeping a vessel on station for the purpose of working on a well but does not otherwise include navigation or an activity connected with navigation.

### **Pipe-lines**

**6.** The prescribed provisions of the 1974 Act shall apply within the territorial sea or a designated area to and in relation to—

- (a) any pipe-line;
- (b) any pipe-line works;
- (c) the following activities in connection with pipe-line works—
  - (i) the loading, unloading, fuelling or provisioning of a vessel;
  - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel,

being in either case a vessel which is engaged in pipe-line works.

### **Legal proceedings**

7. Proceedings for any offence under section 33 of the 1974 Act, being an offence to which that section applies by virtue of this Order, may be taken, and the offence may for all incidental purposes be treated as having been committed, in the Falkland Islands.

**Miscellaneous provisions**

8. The prescribed provisions of the 1974 Act shall apply in accordance with this Order to individuals whether or not they are British subjects, and to bodies corporate whether or not they are incorporated under the law of the Falkland Islands.

9. Nothing in this Order shall be taken to limit or prejudice the operation which any Act or legislative instrument may, apart from this Order, have in the territorial sea or elsewhere.

Made this 23rd day of January 1998

R P Ralph  
*Governor*

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EXPLANATORY NOTE  
*(not forming part of the above Order)*

This Order applies the provisions of Part I of the Health and Safety at Work etc. Act 1974 to the matters mentioned in articles 4, 5 and 6 of this Order.