

## **Offshore Minerals (Amendment) Ordinance 1997**

(No: 16 of 1997)

### ARRANGEMENT OF PROVISIONS

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## **OFFSHORE MINERALS (AMENDMENT) ORDINANCE 1997**

(No: 16 of 1997)

### **AN ORDINANCE**

*(assented to: 16 December 1997)*  
*(commencement: on publication)*  
*(published: 24 December 1997)*

To amend the Offshore Minerals Ordinance 1994 so as to make further provision in relation to the application of provisions of the Health and Safety at Work etc. Act 1974

ENACTED by the Legislature of the Falkland Islands as follows—

#### **Short title**

**1.** This Ordinance may be cited as the Offshore Minerals (Amendment) Ordinance 1997.

#### **The principal Ordinance**

**2.** In this Ordinance, “the principal Ordinance” means the Offshore Minerals Ordinance 1994.

#### **Amendment of the principal Ordinance**

**3.—(1)** Section 2(1) of the principal Ordinance is amended—

(a) by replacing the definition of “designated area” with the following—

“ “designated area” means—

- (a) any area which is within the definition of designated area in Proclamation No 1 of 1991; and
- (b) any area to which Proclamation No 1 of 1997 relates”;

(b) by replacing the definition of “offshore installation” appearing therein with the following definition—

“ “offshore installation” has the meaning given by section 36(5)(a)”;

and

(c) by replacing the definition of “relevant offshore activity” appearing therein with the following definition—

“ “relevant offshore activity” means an activity mentioned in sub-paragraphs (i) to (iv) of paragraph (a) of section 36(5);”.

(2) Section 36 of the principal Ordinance is amended—

(a) by inserting the following paragraphs after paragraph (b) of subsection (4)—

“(ba) any pipe-line works;

(bb) 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;”

(b) by inserting the following paragraphs after paragraph (c) of subsection (4)—

“(d) any offshore installation and any activity on it;

(e) 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;

(f) diving operations involving the survey and preparation of the sea-bed for an offshore installation;

(g) any of the following activities within the territorial sea of the Falkland Islands—

(i) the construction, reconstruction, alteration, repair, maintenance, cleaning, demolition and dismantling of any building or other structure not being a vessel, or any preparation for any such activity;

(ii) the loading, unloading, fuelling or provisioning of a vessel;

(iii) diving operations;

(iv) the maintaining on station of a vessel which would be an offshore installation were it not a structure to which sub-paragraph (iv) of paragraph (a) of subsection (5) applies,

but nothing in this paragraph shall enable the Governor to make any Order applying to any vessel which is registered outside the Falkland Islands and is on passage through the territorial sea; and

(h) a well and any activity connected with it, and any activity immediately preparatory to any such activity (and for the purposes of this paragraph “activity” and “activity immediately preparatory to any such activity” both include keeping a vessel on station for the purpose of working on a well but do not otherwise include navigation or an activity connected with navigation).”;

(c) by replacing subsection (5) with the following—

“(5) For the purposes of subsection (4) and this subsection—

(a) “offshore installation” means a structure which is not within the definition of “excepted structure” contained in paragraph (b) of this subsection and which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered by water—

(i) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;

(ii) for the storage of gas in or under the shore or bed of any water or the recovery of gas so stored;

(iii) for the conveyance of things by means of a pipe; or

(iv) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this paragraph and which is not an excepted structure;

(b) “excepted structure” means a structure which is any of the following—

(i) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;

(ii) a well;  
(iii) a structure which has ceased to be used for any of the purposes specified in sub-paragraph (ii) of paragraph (a) of this subsection and has since been used for a purpose not so specified;

(iv) a mobile structure which has been taken out of use and is not for the time being intended to be used for any of the purposes specified in sub-paragraph (ii) of paragraph (a) of this subsection; and

(v) any part of a pipe-line;

(c) “pipe-line” means a pipe or system of pipes for the conveyance of any thing, together with—

(i) any apparatus for inducing or facilitating the flow of anything through, or through a part of, the pipe or system;

(ii) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;

(iii) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;

(iv) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in the preceding sub-paragraphs of this paragraph;

(v) apparatus for the transmission of information for the operation of the pipe or system;

(vi) apparatus for the cathodic protection of the pipe or system; and

(vii) a structure used or to be used solely for the support of a part of the pipe or system,

but does not include a pipe-line of which no initial or terminal point is situated in the Falkland Islands or within the territorial sea or a designated area;

(d) “pipe-line works” means—

(i) assembling or placing a pipe-line or length of pipe-line including the provision of internal or external protection for it;

(ii) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipe-line;

(iii) changing the position of or dismantling or removing a pipe-line or a length of pipe-line;

(iv) opening the bed of the sea for the purposes of the works mentioned in sub-paragraphs (i) to (iii) of this definition, and tunnelling or boring for those purposes;

(v) any activities incidental to the activities described in sub-paragraphs (i) to (iv) of this definition;

(vi) diving operations in connection with any of the works mentioned in sub-paragraphs (i) to (v) of this definition or for the purpose of determining whether a place is suitable as part of the site of a proposed pipe-line and the carrying out of surveying operations for settling the route of a proposed pipe-line;

(e) “gas” means any gas derived from natural strata (including gas originating outside the Falkland Islands and the controlled waters), but does not include such gas in the course of supply (whether by pipes or otherwise) by a public utility or in containers in which it is intended to be supplied to members of the public or other retail consumers.”; and

(f) by the addition thereto of the following subsection—

“(6) An Order under any preceding provision of this section may—

(a) contain such transitional provisions and savings as appear to the Governor, acting with the consent of the Secretary of State, to be necessary or expedient;

(b) so far as is necessary or expedient to give further or better effect to the provisions of the Order, apply the provisions of Part I of the Health and Safety at Work etc. Act 1974 or any regulations made under section 15(1) of that Act, with such modifications and exceptions as may be stated in the Order, in and to the Falkland Islands.”

Passed by the Legislature of the Falkland Islands this 12th day of December 1997.

C. ANDERSON,  
*Clerk of Councils.*

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and is found by me to be a true and correctly printed copy of the said Bill.

C. ANDERSON,  
*Clerk of Councils.*