
SUBSIDIARY LEGISLATION

OFFSHORE MINERALS HEALTH AND SAFETY AT WORK etc

The Offshore Installations and Pipeline Works (Management and Administration) Order 1998

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

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Note: A regulation or schedule the reference to which is italicised in the above table is wholly omitted from application under the following Order

SUBSIDIARY LEGISLATION

OFFSHORE MINERALS HEALTH AND SAFETY AT WORK etc

The Offshore Installations and Pipeline Works (Management and Administration) Order 1998

S. R. & O. No. 8 of 1998

Made: 23 January 1998
Published: 30 January 1998
Coming into force: 1st February 1998

IN EXERCISE of my powers under section 27(1), 36(2)(a) and (b) and 36(6) of the Offshore Minerals Ordinance 1994^(a) and of 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 Offshore Installations and Pipeline Works (Management and Administration) Order 1998 and shall come into force on 1st February 1998.

Interpretation

2. In this Order, “the external application Order” means the Health and Safety at Work etc. Act 1974 (Application outside the Falkland Islands) Order 1998^(b) and “the prescribed provisions of the 1974 Act” has the same meaning as it has in the external application Order.

Application of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995

3. The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 in the form appearing in the Schedule to this Order shall apply—

(a) in the Falkland Islands; and

(b) to and in relation to offshore installations, wells, pipe-lines and activities outside the Falkland Islands to which the prescribed provisions of the 1974 Act apply by virtue of the external application Order.

^(a) No 16 of 1994

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

Made this 23rd day of January 1998

R P Ralph
Governor

SCHEDULE

The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 as applying under under article 3 of this Order

Citation and commencement

1. These Regulations may be cited as the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 in their application under the law of the Falkland Islands and in such application shall come into force on 1st February 1998.

Interpretation

2.—(1) 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(a);

“the prescribed provisions of the 1974 Act” has the same meaning as it has in the external application Order”;

“the principal Order” means the Offshore Health and Safety Order 1998(b);

“apparatus or works” means—

(a) apparatus or works described in paragraphs (a) to (f); and

(b) a structure described in paragraph (g),

of the definition of “pipe-line” in article 6(2) of the external application Order;

“concession owner” in relation to an offshore installation means the person who at any time has the right to exploit or explore mineral resources in any area, or to store gas in any area and to recover gas so stored if, at that time, the installation is, or is to be, used in the exercise of that right;

“designated area” has the same meaning as in Proclamation No 1 of 1991;

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

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

“duty holder” means—

(a) in relation to a fixed installation, the operator; and

(b) in relation to a mobile installation, the owner;

“fixed installation” means an offshore installation other than a mobile installation;

“installation manager” means, in relation to an offshore installation, the person appointed for the purposes of regulation 6(1)(a) who is for the time being in charge of it;

“mobile installation” means an offshore installation (other than a floating production platform) which can be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

“offshore installation” shall be construed in accordance with regulation 3;

“operator” in relation to a fixed installation means the person appointed by a concession owner to execute any function of organising or supervising any operation to be carried out by such installation or, where no such person has been appointed, the concession owner;

“owner” in relation to a mobile installation means the person who controls the operation of the installation;

“pipe-line” means a pipe-line within the meaning of article 6(2) of the external application Order;

“pipe-line works” means pipe-line works within the meaning of article 6(2) of the external application Order;

“relevant waters” means—

(a) tidal waters and parts of the sea in or adjacent to the Falkland Islands up to the seaward limits of the territorial sea; and

(b) any designated area;

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

(2) Any reference in these Regulations to operating an offshore installation is a reference to using the installation for any of the purposes described in regulation 3(1).

(3) For the purpose of these Regulations any structures and devices on top of a well shall be treated as forming part of the well.

(4) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered regulation is a reference to the regulation in these Regulations so numbered;
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears; and
- (c) a numbered Schedule is a reference to the Schedule in these Regulations so numbered.

Meaning of “offshore installation”

3.—(1) Subject to the provisions of this regulation, in these Regulations the expression “offshore installation” means a structure which is, or is to be, or has been used, while standing or stationed in relevant waters, or on the foreshore or other land intermittently covered with water—

- (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
- (b) for the storage of gas in or under the shore or bed of relevant waters or the recovery of gas so stored;
- (c) for the conveyance of things by means of a pipe; or
- (d) 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.

(2) For the purposes of paragraph (1), the excepted structures are—

- (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
- (b) a well;
- (c) a structure or device which does not project above the sea at any state of the tide;
- (d) a structure which has ceased to be used for any of the purposes specified in paragraph (1), and has since been used for a purpose not so specified;
- (e) 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 paragraph (1); and
- (f) any part of a pipe-line.

(3) For the purposes of these Regulations there shall be deemed to be part of an offshore installation—

- (a) any well for the time being connected to it by pipe or cable;
 - (b) such part of any pipe-line connected to it as is within 500 metres of any part of its main structure;
 - (c) any apparatus or works which are situated—
 - (i) on or affixed to its main structure; or
 - (ii) wholly or partly within 500 metres of any part of its main structure and associated with a pipe or system of pipes connected to any part of that installation.
- (4) Where two or more structures are, or are to be, connected permanently above the sea at high tide they shall for the purposes of these Regulations be deemed to comprise a single offshore installation.

Application

4.—(1) (omitted)

(2) Regulation 6 shall not apply in relation to an offshore installation which is in transit to or from a location; and an offshore installation is not in transit to or from a location while it is being manoeuvred at the location.

(3) Save where otherwise expressly provided, nothing in regulations 6 to 13 or 15 to 18 shall impose a duty in relation to an offshore installation while there are no persons aboard.

Notification concerning offshore installations

5.—(1) The duty holder shall, no later than the date on which an offshore installation is due to enter or leave relevant waters, notify the Governor in writing of the date of its intended entry into or departure from such waters.

(2) Where there is a change of duty holder in relation to an offshore installation, the new duty holder shall ensure that it is not operated until the Governor has been notified in writing of—

- (a) the date of such change;
- (b) the name and address of the new duty holder; and
- (c) where the address furnished pursuant to sub-paragraph (b) is outside the Falkland Islands, an address in the Falkland Islands to which communications to him may be sent.

Managers

6.—(1) The duty holder shall ensure that—

(a) the offshore installation is at all times under the charge of a competent person appointed by him to manage on his behalf the installation and the persons on it; and a reference to the installation manager is a reference to such person while he is in charge;

(b) the installation manager is provided with appropriate resources to be able to carry out effectively his function, and the duties he may have to discharge under regulation 8; and

(c) the identity of the installation manager is known to or readily ascertainable by every person on the installation.

(2) For the purpose of paragraph (1)(a), a person is not in charge of an offshore installation when he is not on it unless he remains in communication with it and, in a case where it might be necessary to exercise his functions, is able to reach it promptly.

Restraint and putting ashore

7.—(1) If an installation manager has reasonable cause to believe that it is necessary or expedient to do so for the purpose of securing the safety of the offshore installation or the safety or health of persons on or near it, he may take such measures against a person on the installation, including—

(a) restraint of his person; and

(b) putting him ashore in the Falkland Islands as soon as is practicable thereafter,

as are reasonable.

(2) If it appears likely that a person will not be put ashore within twenty-four hours of being put under restraint, the installation manager shall forthwith give notice to the duty holder of his being kept under restraint and of the reason for it.

Co-operation

8.—(1) Every person shall co-operate—

(a) with the installation manager, and any other person on whom any duty is placed by regulations 5 to 19, so far as is necessary to enable him to comply with the relevant statutory provisions, including this regulation;

(b) with the installation manager, so far as is necessary to enable him to discharge his functions described in regulations 6 and 7; and

(c) with the helicopter landing officer, so far as is necessary to enable him to perform his function referred to in regulation 13.

(2) In addition to the duty placed on him by paragraph (1), an installation manager shall co-operate with the manager of another offshore installation, where an activity carried out from, by

means of, or on one of the installations could affect the health and safety of persons on the other installation or of persons engaged in an activity in connection with the other installation.

(3) The duty in paragraph (1) is without prejudice to any duty owed by a master, captain or person in charge of any vessel or aircraft.

Records

9.—(1) The duty holder shall ensure that there is kept on the offshore installation or at a suitable place nearby a record of the persons who are for the time being on, or working from the installation, and containing, in relation to each such person—

- (a) his full name; and
- (b) the name and address of his employer, if any,

and in this regulation such a record is referred to as “the offshore record”.

(2) The duty holder shall ensure that, as soon as possible after an entry is made in the offshore record, a like entry is made together with the following additional information—

- (a) the nationality of the person working on or from the installation;
- (b) his date of birth;
- (c) his usual residence; and
- (d) the name, address and relationship of any next of kin of his,

in another record, in this regulation referred to as “the onshore record”.

(3) The duty holder shall ensure that an entry in the onshore record relating to any person is thereafter kept readily available at an address in the Falkland Islands until 28 days after he ceases to be on or to work from the installation.

Permits to work

10. In cases where, because of—

- (a) the kind of work which may be done on the offshore installation; or
- (b) the circumstances in which work may be done on the offshore installation,

it is necessary for the health or safety of persons to do so, the duty holder shall introduce arrangements for securing that, in such a case, a person does not do such work save in accordance with the terms of a permit in writing, given by a competent person authorised by or on behalf of the duty holder.

Instructions

11. The duty holder shall ensure that, where necessary for the health and safety of persons—

- (a) comprehensive instructions on procedures to be observed on the offshore installation are put in writing; and
- (b) the relevant part of such instructions is brought to the attention of every person who is to do anything to which that part relates.

Communication

12. The duty holder shall ensure that arrangements, which are appropriate for health and safety purposes, are in place for effective communication—

- (a) between the offshore installation and the shore, vessels, aircraft and other installations; and
- (b) where a helicopter is to land on or take off from an offshore installation aboard which there will be no persons immediately before the landing, or after the take-off, between the helicopter and—
 - (i) a suitable offshore installation with persons on board; or
 - (ii) where there is no such installation, suitable premises ashore.

Helicopters

13. The duty holder shall ensure that—

- (a) a competent person appointed to be in control of helideck operations on the offshore installation (in these Regulations referred to as “the helicopter landing officer”) is present on the installation;
- (b) such person is in control throughout such operations; and
- (c) such procedures are established, and plant provided, as will secure, so far as is reasonably practicable, that helideck operations, including the landing and take-off of helicopters, are without risks to health and safety.

Operational information

14. The duty holder shall make arrangements for the collection and keeping of—

- (a) such meteorological and oceanographic information; and
- (b) such information relating to the motions of the offshore installation, as is necessary for securing, so far as is reasonably practicable, the safe operation of the installation and the safety of persons on or near it.

Information to persons

15.—(1) The duty holder shall ensure that the address and telephone number of the office of the Governor, the Director of Oil and of emergency services in the Falkland Islands (“the contact information”) is known to or readily ascertainable by every person on the installation.

(2) The employer of a person not on an installation who is engaged in a relevant operation (“the employee”) shall ensure that the contact information is known to or readily ascertainable by the employee.

(3) In paragraph (2) “relevant operation” means any of the following operations whenever it takes place otherwise than on an installation—

- (a) an activity in connection with an offshore installation;
- (b) an activity in connection with a well;
- (c) pipe-line works; or
- (d) any of 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.

Health surveillance

16.—(1) An employer of a person engaged in work on an offshore installation shall ensure that he is provided with such health surveillance as is appropriate to the health and safety risks incurred in the work; and, where that person is assigned to the work after the coming into force of these Regulations, the health surveillance shall be commenced before he is so assigned.

(2) In this regulation “appropriate” means appropriate having regard to the nature and magnitude of the risks to the safety and health of the employee created by the relevant work.

Drinking water

17. The duty holder shall ensure that—

- (a) an adequate supply of clean, wholesome drinking water is available at suitable locations on the offshore installation; and
- (b) such locations are clearly marked to show that drinking water is there.

Provisions

18. The duty holder shall ensure that all provisions for consumption by persons on the offshore installation are fit for human consumption, palatable and of good quality.

Identification of the offshore installation

19. Save where the nature of the structure makes it impracticable to do so, the duty holder shall ensure that the offshore installation—

(a) displays its name or other designation in such a manner as to make the installation readily identifiable on approach by sea or air; and

(b) displays no name, letters or figures likely to be confused with the name or other designation of another offshore installation.

Certificates of exemption

20.—(1) Subject to paragraph (2) the Governor may, by a certificate in writing, exempt any person, offshore installation or class of persons or offshore installations from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) The Governor shall not grant any such exemption unless, having regard to the circumstances of the case and, in particular, to—

(a) the conditions, if any, which he proposes to attach to the exemption; and

(b) any other requirements imposed by or under any enactments which apply to the case,

he is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Application of the Employers' Liability (Compulsory Insurance) Act 1969

21. (omitted)

Repeals and modifications of certain provisions of Part III of the Offshore Minerals Ordinance 1994

22.—(1) The provisions of Part III of the Offshore Minerals Ordinance 1994 specified in column 1 of Part I of Schedule 1 are repealed to the extent specified in the corresponding entry in column 3 of that Part.

(2) (omitted)

Revocation and modification of instruments

23. (omitted)

SCHEDULE 1

Part I
Repeals and modifications of provisions of
Part III of the Offshore Minerals Ordinance 1994

Column 1 Provision	Column 2 Description	Column 3 Extent of repeal
section 22	Application of section 22 and sections 23 to 29	The whole section.
section 24	Construction and survey regulations for offshore installations	In sub-section (3) the words “and of the installation manager, and of every person who, in relation to the installation, is a concession owner”; where they next occur, the words “the installation manager and every person who, in relation to the installation, is a concession owner”.
section 25	Managers of offshore installations	The whole section.
section 26	Managers of offshore installation, further provisions	The whole section.

Part II
Modification of section 12(1) of the 1971 Act

(omitted)

SCHEDULE 2
Revocation and modification of instruments

(omitted)

EXPLANATORY NOTE
(this note is not part of the Regulations)

1. These Regulations contain requirements for the management and administration of offshore oil and gas installations, for purposes of health and safety.
2. Most of the duties imposed by the Regulations are on “the duty holder” who is, by regulation 2(1), in relation to a fixed installation, the “operator” and, in relation to a mobile installation, the “owner”.
3. Regulation 5 requires the duty holder to notify the Governor of the date of the intended entry or departure of an installation into or from relevant waters; and, where there is a change of duty holder, prohibits the operation of the installation until details have been notified to the Governor.
4. Regulation 6 requires the appointment of an installation manager and contains other requirements in relation to him.
5. Regulation 7 empowers the installation manager to take reasonable measures against a person, including his restraint or putting him ashore, for certain health and safety reasons.
6. Regulation 8 requires every person to co-operate with the installation manager, and any other person on whom any duty is placed by these Regulations, so far as is necessary to enable them to comply with “the relevant statutory provisions” within the meaning of the Health and Safety at Work etc Act 1974 in its application to the Falkland Islands; and for certain express purposes with the installation manager and helicopter landing officer. Managers of installations are required to co-operate with each other for certain health and safety reasons.
7. Regulation 9 requires a record to be kept on the installation, and ashore, of persons for the time being on the installation.
8. Regulation 10 requires a “permit to work” system on an installation where necessary for health and safety reasons.
9. Regulation 11 requires the giving of written instructions on procedures to be observed for health and safety reasons.
10. Regulation 12 contains requirements for effective communications.
11. Regulation 13 contains requirements in relation to helideck operations.
12. Regulation 14 requires the keeping of information on the weather and other information.
13. Regulation 15 requires that people on an installation, or engaged in certain other offshore activities, have access to relevant addresses and telephone numbers.
14. Regulation 16 contains a requirement for health surveillance.
15. Regulation 17 requires drinking water to be readily available on an installation.

16. Regulation 18 requires that provisions on the installation are of adequate quality.
17. Regulation 19 contains requirements as to the visual identification of an installation.
18. Regulation 20 provides for the granting of certificates of exemption by the Governor.
19. Regulation 22 and Schedule 1 repeals certain provisions of the Offshore Minerals Ordinance 1994.