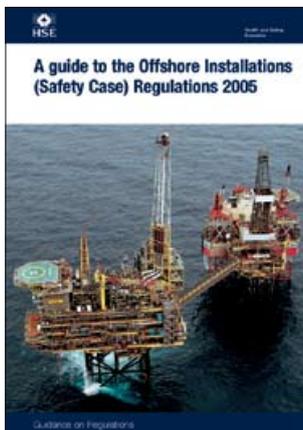


A guide to the Offshore Installations (Safety Case) Regulations 2005

Guidance on Regulations



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This guide will help people understand the requirements of the Offshore Installations (Safety Case) Regulations 2005. It is a simple explanation of the main provisions of the Regulations to assist those who have duties under the Regulations (including licensees, installation operators, installation owners, well operators) and others involved with offshore activities.

The main aim of the Regulations is to reduce the risks from major accident hazards to the health and safety of those working on offshore installations or in connected activities. The Regulations implement the central recommendation of Lord Cullen's report on the public inquiry into the Piper Alpha disaster: that the operator or owner of every offshore installation should be required to prepare a safety case and submit it to HSE for acceptance.

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Preface

This is a guide to the Offshore Installations (Safety Case) Regulations 2005 (SI 2005/3117). The guide is intended to help people who may be affected by the Regulations to understand what the Regulations require. It is a simple explanation of the main provisions of the Regulations to assist those who have duties under the Regulations (including licensees, installation operators, installation owners, well operators) and others involved with offshore activities.

Introduction

1 The Offshore Installations (Safety Case) Regulations 2005 (OSCR)¹ came into force on 6 April 2006. They replace and revoke the previous 1992 Regulations subject to certain transitional arrangements.

2 The primary aim of the Regulations is to reduce the risks from major accident hazards to the health and safety of the workforce employed on offshore installations or in connected activities. The Regulations implement the central recommendation of Lord Cullen's report on the public inquiry into the Piper Alpha disaster.² This was that the operator or owner of every offshore installation should be required to prepare a safety case and submit it to HSE for acceptance.

Requirements to submit safety cases and notifications for installations

3 Safety cases are required for all installations operating, or to be operated, in British waters and in UK designated areas of the continental shelf. It is an offence to operate an installation without a current safety case that has been accepted by HSE - see paragraphs 10-14. Different requirements apply to installations used for producing oil and gas and to those used for other purposes, such as drilling, exploration or providing accommodation. The duty to submit safety cases and notifications is generally placed on a single duty holder in respect of each type of installation, namely the **operator** of a production installation and the **owner** of a non-production installation.

4 For new production installations to be established offshore, operators must send a notification to HSE at the early design stage. Notification is also required if a production installation is to be moved to a new location or if a non-production installation is to be converted to a production installation. Notification must be followed by submission of a safety case, for HSE acceptance, before the installation can be operated. If a production installation moving to a new location already has an accepted safety case, the operator must submit a revision of the case to HSE for acceptance. A revision to the safety case must be submitted to and accepted by HSE before a fixed installation is dismantled.

5 For non-production installations, the owner must submit a safety case for HSE acceptance before moving the installation in UK waters for the purpose of operating it there. If a non-production installation is to be converted to a production installation the owner must send a design notification and the operator must submit a revision of the safety case for HSE acceptance.

6 Further notifications are required when installations engage in combined operations, to cover the specific features of such operations. The combined operations notification complements the existing safety cases by (among other things) identifying any new or changed hazards arising from the combined operation, and describing how the installations' management systems will be co-ordinated to control major accident risks.

Purpose of a safety case

7 A safety case is a document that gives confidence to both the duty holder and HSE that the duty holder has the ability and means to control major accident risks effectively. It provides an extra level of regulatory control on top of regulations such as the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 (PFEER)³ and the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996 (DCR),⁴ justified by the major accident potential of the offshore activities within scope.

8 The OSCR do not set standards for the control of major accident risks. These are set by PFEER, DCR and other regulations, as well as by the Health and Safety at Work etc Act 1974 (the HSW Act)⁵ - see paragraph 26. A safety case demonstrates that the duty holder has arrangements in place which, if implemented, are capable of achieving compliance with these legal objectives. This is what HSE will look for when making a decision on whether or not to accept a safety case - see paragraph 12. The safety case provides a comprehensive core document that can be used as a check by both the duty holder and HSE that the accepted risk control measures and the health and safety management systems are in place and operate as they should.

9 HSC's policy statement on permissioning regimes explains the purpose of permissioning regimes in some detail.⁶ It acknowledges they are an addition to the general legal framework for health and safety, which is why they are only introduced where work activities involve significant hazards, risks or public concern. Paragraph 7 provides information on what is a safety case.

Acceptance of safety cases

10 HSE acceptance is required for all safety cases plus material revisions to safety cases. Acceptance is not defined in the Regulations, but its meaning follows Principle 4 of the HSC policy statement on permissioning regimes. This explains that 'acceptance' requires satisfaction with the duty holder's approach to identifying and meeting health and safety needs. HSE 'accepts' the validity of the described approach as being capable, if implemented as described, of achieving the necessary degree of risk control, but HSE does not confirm the outcomes of that approach. This is in line with Lord Cullen's original concept of the safety case.

11 Thus HSE will accept a safety case or a revision under these Regulations when duty holders demonstrate and describe specified matters to HSE's satisfaction. Acceptance will be based on HSE's judgement that the arrangements and measures described in the safety case taken as a whole are **likely** to achieve compliance if implemented as described. To give acceptance HSE does not need to be satisfied that compliance **will** be achieved - this confirmation will be made by post-acceptance programmes of inspection and enforcement, based on the accepted safety case. Acceptance does not guarantee the safety of the installation or its operations.

12 In making an acceptance decision HSE will take a considered view on which elements of a particular safety case should be examined in greater depth and which need not. The key criterion will be whether a safety case contains sufficient information to enable HSE to make a decision on acceptance. This provides flexibility in the assessment process. HSE's *Assessment principles for offshore safety cases (APOSC)*⁷ provides a detailed list of principles that need to be addressed to ensure the safety case includes the relevant information. *Safety case handling and assessment manual - principles and procedures (SCHAM)*⁸ sets out HSE's approach to assessing safety cases and gives an insight as to how and why decisions are reached by HSE. These principles, safety case assessment procedures and criteria promote proper and consistent assessment of safety cases by HSE and are available on the HSE website.

13 HSE will work with duty holders to ensure safety case submissions are acceptable. However, if HSE is unable to accept a safety case, the Regulations provide the duty holder with a right of appeal to the Secretary of State.

14 Following acceptance, the duty holder has a duty to ensure that the installation is operated in conformity with the management system and other arrangements described in the safety case.

Reviews and revisions

15 Safety cases are intended to be living documents, kept up to date and revised as necessary during the operational life of the installation. The duty holder must revise an accepted safety case whenever appropriate to ensure the case remains current and reflects operational reality on the installation. Revisions that make a material change to the safety case must be submitted to HSE for acceptance. A material change is likely to be one that changes the basis on which the original safety case was accepted. In addition, the duty holder must carry out a thorough review of the current safety case at least every five years or as directed by HSE. HSE has general powers to inspect the conduct of such reviews and to look at current safety cases at any time, supplemented by powers under regulation 15(4) to look at a **developing** safety case and related documents.

16 Once given, HSE acceptance of a safety case may last as long as the installation to which it applies. HSE can prevent material changes taking effect by not accepting the safety case revision describing them. If HSE considers material changes **should** be made, HSE may direct a revision of a safety case that would then be submitted for acceptance. In the unlikely event that a directed revision is unacceptable, HSE may suspend an existing accepted safety case, subject to a right of appeal to the Secretary of State.

Notifications

17 Notifications, whether of design, relocation, combined operations or well operations, do not require HSE acceptance. Apart from design or relocation notifications, for which HSE has three months in which to comment, the duty holder need not wait for any other form of communication from HSE before proceeding. The main aim of notifications, particularly at the early design stage, is to encourage a constructive dialogue between duty holders and HSE. This will help to smooth subsequent development of safety cases and inform HSE's inspection plans. If the information notified gives cause for concern, HSE inspectors may use powers under the HSW Act, for example to request further information or to take enforcement action.

18 The Regulations require the well operator to send prior written notice of well operations from an installation or vessel. Well notifications supplement existing safety cases, and combined operations notifications, by providing well-specific information not likely to be contained in a safety case.

Relationship with other health and safety legislation

19 The OSCR are the cornerstone of the offshore health and safety regime. As explained in paragraph 7, they require duty holders to demonstrate their ability to comply with the objectives set by other health and safety legislation applying to the control of major accident risks offshore. This includes the relevant parts of three sets of offshore-specific regulations, namely the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 (MAR),⁹ PFEER and DCR.

20 MAR covers such matters as the appointment of installation managers, the use of permit-to-work systems, communication arrangements, helideck operations, records of persons on board and the collection of meteorological and oceanographic information. The organisation and arrangements to meet these requirements will form part of the duty holder's management system, for the purposes of the safety case demonstration required under OSCR regulation 12(1)(a).

21 PFEER requires measures to prevent fires and explosions on offshore installations, to protect people from the effects of any which do occur and to secure effective emergency response. The organisation and arrangements to meet these requirements will form part of the management system for the purposes of the safety case demonstration under OSCR regulation 12(1)(a).

22 In addition, the results of the PFEER regulation 5 assessment will contribute to the demonstration required by OSCR regulation 12(1)(c) and (d). This requires the duty holder to show that major accident hazards have been identified, their risks have been evaluated and action has been taken to comply with the relevant statutory provisions. Schedules 2, 3 and 5 require descriptions of the arrangements to comply with PFEER regulation 4(1), the general duty to protect people from fire and explosion, and to secure emergency response.

23 DCR includes requirements for safeguarding the integrity of an installation throughout its life cycle, from design and construction, through operation and maintenance, to decommissioning and dismantling. Both DCR and OSCR verification provisions require consideration of hazards at the design stage to encourage hazard elimination at source or, where this is not feasible, to ensure that risks are reduced to the lowest reasonably practicable level.

24 Compliance with DCR will contribute to compliance with OSCR. For example, DCR does not allow duty holders to operate an installation unless the appropriate operational limits, and the environmental conditions in which the installation may safely operate, have been recorded. These records, which must be kept up to date, will contribute to the documentation needed for the safety case. Schedules 1-3 require descriptions of the arrangements to comply with provisions of DCR.

25 The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 (OSRSCR) are also relevant.¹⁰ These Regulations specify ways in which safety representatives and committees are to be informed and consulted about safety cases and related matters, including preparing, reviewing or revising safety cases. See paragraphs 37-41 on workforce involvement.

26 In addition, the general provisions of the HSW Act and associated regulations such as the Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) (MHSWR)¹¹ and the Provision and Use of Work Equipment Regulations 1998 (SI 1998/2306) (PUWER)¹² apply to all offshore employers, including those who are also duty holders under OSCR and the other offshore-specific regulations.

27 Further guidance on these interfaces is included in the following HSE publications and in the remaining paragraphs of this introduction:

- (a) *A guide to the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995. Guidance on Regulations;*¹³
- (b) *Prevention of fire and explosion, and emergency response on offshore installations. Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995. Approved Code of Practice and guidance;*¹⁴
- (c) *A guide to the integrity, workplace environment and miscellaneous aspects of the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996;*¹⁵
- (d) *A guide to the well aspects of the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996. Guidance on Regulations;*¹⁶
- (e) *Management of health and safety at work. Management of Health and Safety at Work Regulations 1999. Approved Code of Practice;*¹⁷
- (f) *A guide to the Pipelines Safety Regulations 1996. Guidance on Regulations.*¹⁸

Safety cases and verification

28 Regulations 2(5)-(7), 18(3), 19-22 and Schedule 7 of these Regulations and the associated guidance are concerned with the verification of the elements of an installation identified as critical to the safety of the installation. Verification is a vital method of assuring the continued efficient operation of the installation.

29 The overall objective of the verification scheme is to establish a system of independent and competent scrutiny of safety-critical elements throughout the life cycle of an installation, to obtain assurance that satisfactory standards will be achieved and maintained. Apart from helping to provide evidence of a duty holder's compliance with legal obligations such as those arising from DCR and PFEER, the verification scheme will also contribute to a duty holder's demonstration of safety required elsewhere in these Regulations. It will therefore be helpful to include a summary of the scheme in the safety case. The verification requirements apply to new and existing installations, both production and non-production, including those that have been designed and built abroad for use on the UK continental shelf (UKCS).

Safety cases and well examination

30 The safety case must include particulars of plant and arrangements for the control of operations on a well. These safety case requirements are supported by regulation 18 of DCR, which requires the well operator to make and put into effect arrangements for the examination of a well by an independent and competent person to ensure that the well is properly designed, constructed and maintained. The well examination scheme will both support the OSCR duty holder's safety case and contribute towards meeting the well operator's duty to ensure the safety of a well throughout its life. Work done to meet the requirements of the well examination scheme may also contribute to the installation's verification arrangements, and vice versa. The OSCR duty holder must ensure that the well examination scheme contributes to the safety case demonstration even where the OSCR duty holder and the well operator are different corporate entities. Guidance under regulation 18 of DCR provides further guidance on this.

The safety case regime and pipelines

31 The Regulations do not require safety cases for offshore pipelines. However, the Regulations require the installation safety case to address all risks arising from pipelines connected to the installation and any other pipelines with the potential to cause a major accident on the installation.

32 In addition, the definition of 'installation' in the Regulations deems any part of a pipeline connected to the installation, and associated apparatus or works, located within 500 metres of the installation, to be part of the installation. So things which may be controlled from, or which may affect, the installation can be considered together with the installation as a single unit for the purposes of the safety case, MAR and PFEER. This is appropriate when considering the safety of people on the installation in relation to the possible consequences of a pipeline failure. However, the safety case also needs to go wider and take account of the presence of any equipment beyond 500 metres, such as sub-sea isolation valves and pipeline pressure control devices, on which the safety of the installation may depend.

33 Separate requirements for pipelines are set out in the Pipelines Safety Regulations 1996 (SI 1996/825) (PSR).¹⁹ PSR lays down duties on pipeline operators relating to the design, construction, operation, maintenance and decommissioning of pipelines. These requirements are necessary to ensure the integrity and safe operation of pipeline systems as a whole, not just at the interface with installations. PSR regulation 19 requires an installation operator to co-operate with a pipeline operator for the purpose of ensuring compliance with PSR Schedule 3 in respect of emergency shutdown valves.

34 However, the two sets of Regulations do not place double burdens on duty holders. For example, work done to comply with the requirement to identify safety-critical elements of a pipeline at the interface with an installation for safety case purposes could be referenced in the documentation required for major accident hazard pipelines under PSR. Conversely, the installation safety case can refer to relevant material in the major accident prevention document (MAPD) prepared under PSR. Work does not have to be done twice.

35 Taken together, OSCR, PFEER, MAR and PSR establish a network of interrelated duties to address the installation/pipeline interface. Pipeline operators are among those required by regulation 8 of MAR to co-operate with installation duty holders to enable the latter to comply with health and safety law, including OSCR. For example, Schedule 2 requires details of pipelines with the potential to cause a major accident, plus descriptions of arrangements to comply with provisions of PSR, including a summary of the MAPD.

The safety case regime and the environment

36 The primary purpose of OSCR is to reduce risks to the offshore workforce. The Regulations do not deal with protection of the marine environment from the consequences of a major accident. However, safeguarding the integrity of offshore installations and reducing the risks to the workforce from major accident hazards will also help to reduce threats to the marine environment from the accidental release of hydrocarbons.

Workforce involvement

37 Regulation 23 of OSRSCR places a duty on the installation operator or owner to consult safety representatives appointed under those Regulations on the preparation, review and revision of a safety case for the installation in question. This is without prejudice to the general duty in regulation 23(b) to consult safety representatives with a view to making and maintaining health and safety arrangements.

38 A safety case prepared or revised under the 2005 OSCR must contain a summary of how this consultation was carried out. This includes existing safety cases revised under the transitional arrangements. Consultation must be a genuine attempt to seek the views and contributions of workforce representatives. Duty holders are not obliged to accept any comments made, but they must consider them properly. The safety case should show how this was done. Paragraphs 258 and 278-279 of the guidance supporting Schedule 2, paragraph 3, and Schedule 3, paragraph 2, give a more detailed account of what is required.

39 Regulation 18 of OSRSCR entitles safety representatives to see and be supplied with copies of documents required by law to be kept on the installation. Regulation 18 of OSCR requires several documents to be kept on the installation (including the current safety case, notifications and audit reports) where they are accessible to safety representatives. Under regulation 22(1)(g) a statutory safety committee has the function to consider such documents.

40 As safety cases may be bulky documents, regulation 18A of OSCSCR gives safety representatives the further right to:

- (a) see the complete safety case;
- (b) be supplied with a summary of its key features, including necessary remedial work and the timescales for such work; and
- (c) be supplied with copies of extracts of the safety case where this is necessary and reasonable for the purpose of performing their functions under the 1989 Regulations.

41 Further information is contained in the HSE publication *A guide to the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989*.²⁰

Charging for HSE activities under the safety case regime

42 HSE assessment of safety cases and associated activities are chargeable activities under the annual Fees Regulations.

Disclosure of information

43 The Freedom of Information Act 2000 came into force on 1 January 2005.²¹ The Act creates a right of access to official information and places a duty on HSE, as a public authority, to publish information in accordance with a publication scheme. The Act enables any person to obtain information from public authorities, including information obtained from other parties such as duty holders, subject to certain exemptions. More details can be found on the HSE website.²¹

Main changes between the 1992 Regulations and the 2005 Regulations

Resubmission

44 Under the 1992 OSCR a safety case lasted three years before it had to be resubmitted for acceptance. Under the 2005 OSCR it will last the life of the installation, without the need for routine resubmissions. However, the duty to revise as appropriate remains. A new duty to carry out a 'thorough review' at five-year intervals or as directed by HSE has been introduced. HSE also has powers to direct a revision and to suspend a current safety case if a directed revision is unacceptable. Material change revisions to a safety case still need to be submitted and accepted.

Combined operations

45 The 1992 OSCR required a combined operations safety case (COSC) before any combined operation took place. Under the 2005 OSCR that is no longer necessary. The COSC is replaced by a simpler notification and a requirement that the safety case includes a generic description of the management of combined operations. If generic details are not included in the safety case but combined operations are planned after the transitional period, a material change revision will have to be submitted and accepted beforehand.

Design

46 The 1992 OSCR required a Design Safety Case (DSC) to be submitted to HSE before a new fixed design was completed. Under the 2005 OSCR this has been replaced by a simpler, earlier, design notification. A design notification does not need to be accepted by HSE; however, a duty holder must give proper consideration to HSE's comments. The aim is to start a dialogue between duty holders and HSE as early as possible. This also applies to some conversions.

Decommissioning

47 The 1992 OSCR required an abandonment safety case (ASC) before starting to decommission a fixed installation (defined to include, for example, activities for end of production such as plugging wells). The 2005 OSCR require duty holders, instead, to revise the safety case, giving details of each phase of the decommissioning process and submit it to HSE for acceptance.

Workforce consultation

48 The 2005 OSCR require dutyholders to summarise in the safety case how they consulted safety representatives on preparing, reviewing or revising the safety case, as required by the amended Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.

Definition of installation operator

49 The operator of a production installation (ie the primary duty holder) is defined in the 2005 OSCR as the person appointed by the licensee to manage the day-to-day control of the main functions of the installation (or the licensee, if there is no appointment). The licensee has a duty to monitor the appointed operator to ensure he carries out his functions satisfactorily. If HSE believes that the person appointed is incapable of carrying out their legal obligations under the 2005 OSCR satisfactorily, the duty to submit the safety case and all other related duties will revert to the licensee.

Other definitions

50 For most purposes, references to fixed and mobile installations have been replaced by production and non-production installations respectively.

Demonstration of 'as low as is reasonably practicable' (ALARP)

51 The 1992 OSCR required a safety case to include a demonstration that major hazard risks are ALARP. Instead, the 2005 OSCR require the safety case to demonstrate that major hazard risks are identified and evaluated and that, in respect of these risks, the 'relevant statutory provisions' will be complied with. This is more consistent with the principle that OSCR does not set standards for the control of major accident risks (see 'Purpose of a safety case', paragraphs 7-9). In practice the ALARP standard remains for acceptance except where the law requires a stronger standard.

Appeals

52 The 2005 OSCR introduce a statutory right of appeal to the Secretary of State for a duty holder who is dissatisfied with an HSE decision, such as not to accept a safety case.

Verification

53 The 2005 OSCR combine the requirements of the verification scheme with that of the written scheme of examination formerly required by PFEER to create a single scheme.

Guidance on the Regulations and Schedules

54 The remaining sections of this publication include an explanation of individual regulations and schedules. Other relevant source material is listed in the references.

Regulations and guidance

Regulation

1

Regulation 1 Citation and commencement

These Regulations may be cited as the Offshore Installations (Safety Case) Regulations 2005 and shall come into force on 6 April 2006.

Guidance

2

Regulation 2 Interpretation

55 Regulation 2 defines certain words and phrases in the Regulations. Many of these definitions are essential to understanding the requirements of the Regulations and should be referred to when considering individual regulations. In addition, 'plant' has the meaning given in section 53 of the HSW Act, ie it includes any machinery, equipment or appliance.

Regulation

2

(1) *In these Regulations –*

“the 1992 Regulations” means the Offshore Installations (Safety Case) Regulations 1992^(a);

“current safety case” means a safety case in respect of an installation which has been accepted by the Executive pursuant to these Regulations or, subject to regulation 27, the 1992 Regulations and includes any revision thereto which –

- (a) *may take effect without the acceptance of the Executive; or*
- (b) *has been accepted by the Executive;*

(a) *S.I. 1992/2885, as amended by S.I. 1995/738, 1995/743, 1996/913 and 1997/2776.*

Guidance

2

56 This definition means that each installation will have one current safety case throughout its life, which will be kept up to date and revised as necessary. The safety case includes any revisions made to the accepted safety case, whether or not those revisions have to be accepted by HSE. Regulation 16 of OSCR requires a duty holder to ensure that the procedures and arrangements described in the current safety case are followed.

Regulation

2

“dismantling” means the dismantling or removal of the main and secondary structure of a fixed installation at the place at which it was operated, and “dismantled” shall be construed accordingly;

Guidance 2

57 This definition is for the purposes of regulation 11. It focuses on the final operations to remove a fixed installation.

Regulation

2

“diving bell” means a compression chamber which is capable of being manned and is used or designed for use under the surface of water in supporting human life, being a chamber in which any occupant is or may be subject to a pressure of more than 300 millibars above atmospheric pressure during normal operations;

“duty holder” means –

- (a) *in relation to a production installation, the operator; and*
- (b) *in relation to a non-production installation, the owner;*

Guidance

2

58 The expression ‘duty holder’ is used in these Regulations to refer to the person (whether the owner or the operator of an installation) on whom duties are placed by OSCR in respect of installations, particularly to prepare the safety case. It does not mean that these are the only people with duties under health and safety law.

Regulation

2

“the Executive” means the Health and Safety Executive;

“field development programme” means the support document for development and production authorisations to be submitted to the Department of Trade and Industry pursuant to the Guidance Notes on Procedures for Regulating Offshore Oil and Gas Field Developments, as published on the Department of Trade and Industry’s website, and revised or reissued from time to time^(a);

“fixed installation” means an installation which cannot be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

(a) http://www.og.dti.gov.uk/regulation/guidance/reg_offshore/index.htm.

Guidance 2

59 This definition is for the purposes of regulation 11 on dismantling. Floating production platforms do not fall within this definition.

Regulation 2

“installation” means an offshore installation within the meaning of regulation 3 of the Management Regulations;

Guidance

2

60 The definition of ‘installation’ for the purpose of these Regulations is as set out in regulation 3 of MAR. The definition is also that used for the purposes of PFEER and, with some variations, DCR.

61 An offshore installation is defined in regulation 3(1) of MAR as a structure used for any one of a number of activities related to the exploitation of oil and gas resources in ‘relevant waters’, meaning British waters and UK-designated areas of the continental shelf (see paragraph 82). The activities covered are:

- (a) exploring for, or exploiting, mineral resources by means of a well;
- (b) the offshore storage of gas and the recovery of stored gas;
- (c) the conveyance of anything by means of a pipe; and
- (d) the provision of accommodation for workers on offshore installations where this activity is the main purpose for which the structure is being used.

62 A detailed explanation of the definition is set out in paragraphs 14-33 of HSE’s *A guide to the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995*. HSE will supplement this guidance from time to time (for example through Operations Notices) to keep up to date with technical and operational developments offshore.

Regulation

2

“licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998^(a);

(a) 1998 c.17.

Guidance

2

63 This definition replaced the definition of ‘concession owner’ used in the 1992 Regulations. It defines essentially the same person as the ‘concession owner’, but is much clearer in referring to someone who has been granted a licence under section 3 of the Petroleum Act 1998.²² Under this Act a licensee may consist of more than one entity bearing joint and several responsibility. The definition is relevant both to the definition of ‘operator’ on page 13 and to regulation 5, which sets out duties on licensees.

Regulation

2

“major accident” means –

- (a) a fire, explosion or the release of a dangerous substance involving death or serious personal injury to persons on the installation or engaged in an activity on or in connection with it;
- (b) any event involving major damage to the structure of the installation or plant affixed thereto or any loss in the stability of the installation;
- (c) the collision of a helicopter with the installation;
- (d) the failure of life support systems for diving operations in connection with the installation, the detachment of a diving bell used for such operations or the trapping of a diver in a diving bell or other subsea chamber used for such operations; or
- (e) any other event arising from a work activity involving death or serious personal injury to five or more persons on the installation or engaged in an activity in connection with it;

Guidance

64 The definition of ‘major accident’ lists types of accident involving or with the potential for serious injury or loss of life. Preventing such accidents is the primary aim of OSCR. A key requirement in regulation 12(1)(c) and (d) is for duty holders to demonstrate in their safety cases that:

- (a) all hazards with the potential to cause a major accident as defined have been identified;
- (b) the risks have been evaluated; and
- (c) measures have been, or will be, taken to control those risks so as to ensure compliance with the relevant statutory provisions.

65 Also, as noted in paragraph 83, the identification of major accident hazards forms the basis for determining the safety-critical elements to be covered by the installation’s verification scheme.

66 Regarding part (b) of the definition, events likely to involve major damage to the structure of the installation include, for example:

- (a) vessel impact (support vessels, mobile installations, through traffic etc);
- (b) dropped loads or dropped objects;
- (c) well-related events including shallow gas blow-outs and activities on sub-sea wells; and
- (d) severe environmental events.

67 However, accidents that occur in the vicinity of an installation while posing no risk to the installation, for example a collision between two supply ships or a helicopter crash into the sea, are outside the scope of the Regulations.

68 Part (e) of the definition contains a numerical criterion that does not apply to the other categories of major accident in parts (a)-(d). This numerical criterion is to exclude lower-consequence hazards that, while potentially serious for the individuals concerned, are unlikely to lead to the type of escalating incident for which the full rigour of the safety case regime would be appropriate.

2

Regulation

2

“management system” means the organisation and arrangements established by a person for managing his undertaking;

“the Management Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995^(a);

“non-production installation” means an installation other than a production installation;

(a) S.I. 1995/738, as amended by S.I. 2002/2175.

Guidance

2

69 Non-production installations include mobile drilling units (MODUs), flotels, floating storage units (FSUs) and other offshore installations that do not fall into the definition of a production installation - see paragraphs 77-79. Non-production installations are required to have safety cases under regulation 8. The duty holder for a non-production installation is the ‘owner’ as defined in paragraph 75.

Regulation

2

“notified” means notified in writing, and related expressions shall be construed accordingly;

“operator”, in relation to a pipeline, means –

- (a) *the person who is to have or (once fluid or any mixture of fluids is conveyed) has control over the conveyance of fluid or any mixture of fluids in the pipeline;*
- (b) *until that person is known (should there be a case where at a material time he is not yet known) the person who is to commission or (where commissioning has started) commissions the design and construction of the pipeline; or*
- (c) *when a pipeline is no longer used or is not for the time being used, the person last having control over the conveyance of fluid or any mixture of fluids in it;*

“operator”, in relation to a production installation, means –

- (a) *the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or*
- (b) *the licensee, where –*
 - (i) *it is not clear to the Executive that one person has been appointed to perform the functions described in paragraph (a); or*
 - (ii) *in the opinion of the Executive, any person appointed to perform the functions described in paragraph (a) is incapable of performing those functions satisfactorily;*

Guidance

2

70 Guidance on the operatorship of pipelines is given in *A guide to the Pipelines Safety Regulations 1996*.

71 The operator of a production installation is one of the main duty holders under these Regulations as well as other offshore health and safety regulations such as PFEER. This definition targets the person, appointed by the licensee, who manages the operation of the installation. The operator may either manage the installation directly or contract out some or all functions to another person (ie a contractor). The definition of operator here is different to the DTI definition in the 1998 Petroleum Act (which targets the operator of the field as opposed to the installation). Nevertheless they could be the same person.

Guidance

72 Contracting out the functions does not affect the operator's responsibilities to ensure the safe operation of the installation, which cannot be delegated. The operator must therefore have adequate systems in place to manage contractors and sub-contractors and these systems will be described in the safety case (see regulation 12). Contractors who have workers on the installation or who supply equipment for use in operations have their own responsibilities under health and safety law as employers, including the duty under regulation 8 of MAR to co-operate with the operator.

73 As indicated above, the installation operator may also be the field operator (whose appointment by the licensee is approved by DTI), but in some cases the licensee will appoint an installation operator separately from the field operator. For example, the licensee may appoint a contractor directly to be the operator. In this arrangement the contractor takes on the legal responsibilities of the operator, unlike the arrangement (above) whereby the operator delegates functions to a contractor. In most cases, but not always, the installation operator is also the operator of a connected well and in this capacity is the well operator as defined below. On occasion the licensee may remain as equipment owner, and be the well operator for certain stages of the well life cycle and hence will be responsible for calling out service contractors. Such a licensee will have responsibilities under the HSW Act and the relevant statutory provisions, irrespective of who is appointed as installation operator.

74 If no one is clearly appointed or the person appointed by the licensee is not capable of satisfactorily performing the management and control functions, the relevant legal duties of the operator will revert to the licensee. It is in the licensee's interest to ensure operator appointments are made clearly (for example in writing) and licensees may find it helpful to inform HSE of such appointments. No qualifications are specified for the operator, other than the ability to perform the specified functions. Regulation 5 requires licensees to ensure their appointees are capable and continue to perform their functions satisfactorily, for example monitoring the status of safety critical equipment. If HSE decides that an appointee is not capable, the licensee has a right of appeal under regulation 24.

2

Regulation 2

"owner" means the person who controls the operation of a non-production installation;

Guidance

75 The owner of a non-production installation is also a main duty holder under these Regulations. The owner is the person who contracts with the field operator (above) to use the installation for oil- and gas-related activity and is in direct operational control of that activity. This may not be the owner in the ordinary financial sense. The term does not refer to the operator (who contracts with the owner) or to the installation manager, who is appointed by the owner.

76 The operator may exercise some degree of control over operations through the contract. If so, the owner retains the primary legal responsibility for the safety of the installation and the operator has a duty to co-operate with the owner under regulation 8 of MAR to enable the owner to carry out this responsibility. If the operator exercises so much control as to take over operational control of the installation the operator will become the owner for the purposes of these Regulations and of other offshore health and safety law.

2

Regulation

“petroleum” –

- (a) includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata; and
- (b) does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;

“the PFEER Regulations” means the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995^(a);

“pipeline” shall be construed in accordance with regulation 3 of the Pipelines Safety Regulations 1996^(b);

“production installation” means an installation which –

- (a) extracts petroleum from beneath the sea-bed by means of a well;
- (b) stores gas in or under the shore or bed of relevant waters and recovers gas so stored; or
- (c) is used for the conveyance of petroleum by means of a pipe,

and –

(a) includes a –

- (i) non-production installation converted for use as a production installation for so long as it is so converted;
- (ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and
- (iii) production installation which has not come into use; and

(b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the sea-bed for the purposes of well testing;

(a) S.I. 1995/743.

(b) S.I. 1996/825, to which there are amendments not relevant to these Regulations.

2

Guidance

77 Production installations are distinguished from non-production installations (see paragraph 69) for the purposes of these Regulations because they have different duty holders and because of the greater complexity of operations involving the extraction and processing of oil or gas. The duty holder is the ‘operator’ as defined in paragraph 58. Production installations may be fixed or floating and include fixed gas storage platforms (but not FSUs) and booster platforms. They must have design notifications under regulation 6 and safety cases under regulation 7.

78 Production installations include those converted from non-production installations, whether the conversion is permanent or temporary. Existing conversions are subject to regulations 6(2) and 7. New or proposed conversions are subject to regulation 9. However, conventional well-testing, including associated short-term production work, is part of the normal activity of a non-production installation. Thus well testing for no more than 90 days at a time does not make an installation a production installation.

79 Where the primary purpose of the installation activity is clearly production, for example for use in an early production scheme, the installation will probably be a production installation. A proposed activity may be outside the installation’s original

2

Guidance

2

design specification and may require modifications that would change significantly the risk basis for the original safety case. If so, HSE would aim to discuss the proposals fully with the owner or operator in advance of the submission, to clarify such matters as the duration of the proposed work and the basis of the risk assessment to establish which regulation applies.

Regulation

2

“relevant statutory provisions” means the relevant statutory provisions (as defined in section 53(1) of the 1974 Act) which apply to or in relation to installations or activities on or in connection with them;

Guidance

2

80 The expression ‘relevant statutory provisions’ (RSPs) is used in the HSW Act to mean Part I of that Act, the health and safety regulations made under it, and the existing statutory provisions defined in it. The RSPs that apply to or in relation to offshore installations or connected activities include:

- (a) Part 1 of the HSW Act;
- (b) regulations made under the Act which contain a provision applying them offshore, including MHSWR, MAR, PFEER, DCR, PSR and PUWER; and
- (c) remaining provisions of older offshore-specific health and safety legislation, such as OSRSCR and the provisions on safety zones under the Petroleum Act 1987.²³

81 The expression is used in OSCR primarily in regulation 12 regarding the demonstrations to be contained in a safety case. Similar use occurs in Schedules 1, 4 and 6 specifying the contents of notifications. The expression is also used in regulation 5 setting out the duties of licensees.

Regulation

2

“relevant waters” means –

- (a) *tidal waters and parts of the sea in or adjacent to Great Britain up to the seaward limits of the territorial sea; and*
- (b) *any area designated by order under section 1(7) of the Continental Shelf Act 1964^(a);*

(a) 1964 c.29; section 1(7) was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23), Schedule 3, paragraph 1.

Guidance

2

82 This defines the waters within which OSCR applies. These include coastal waters within Great Britain, the territorial sea adjacent to Great Britain and all designated areas of the UKCS. The Regulations do not apply to coastal waters within Northern Ireland or the Isle of Man or to the territorial sea adjacent to Northern Ireland or the Isle of Man, where separate but similar regulations apply. References in this guidance to ‘UK waters’ are to ‘relevant waters’ as defined.

Regulation

2

“safety-critical elements” means such parts of an installation and such of its plant (including computer programmes), or any part thereof –

- (a) *the failure of which could cause or contribute substantially to; or*
- (b) *a purpose of which is to prevent, or limit the effect of,*

a major accident;

Guidance

83 The term ‘safety-critical elements’ (SCEs) is an important component of the provisions relating to verification schemes - see regulation 2(5). Any structure, plant, equipment, system (including computer software) or component part whose failure could cause or contribute substantially to a major accident is safety critical, as is any which is intended to prevent or limit the effect of a major accident. Identifying an item as safety critical should follow from identifying major accident hazards as required by regulation 12(1)(c). The meaning of ‘major accident’ set out in this regulation will be helpful. SCEs are also referred to in Schedules 2 and 3.

84 A systems approach is necessary to identify those systems that constitute SCEs. Within such systems, many individual components may be SCEs, but others may not. The term ‘contribute substantially to a major accident’ is intended to include those parts whose failure would not directly initiate a major accident, but would make a significant contribution to a chain of events that could result in a major accident. Typically these elements will include items of emergency equipment and software that are required to, and must, work only in emergencies and other unplanned abnormal situations.

85 Some pipeline equipment, such as sub-sea isolation valves and pipeline pressure control devices (for example sub-sea HIPPS) can be considered safety critical in terms of major accident potential, but fall outside the definition as they are located remote from the installation. The safety case needs to take into account the presence of such equipment, which can sometimes be located more than 500 metres from the installation, and on which the safety of the installation may depend. The safety case should take account of pipeline control or isolation equipment located on interconnected installations.

86 Consideration of SCEs should include systems for the detection, control and mitigation of major accidents. Items improving reliability by providing redundancy or diversity should also be considered. Although many items will be safety critical on every installation, there will be some variation because of the specific circumstances of design and operation of the installation. The list of SCEs on an installation will vary over time. For example, some will be introduced for limited duration activities such as combined operations.

2

Regulation

“specified plant” means the plant for an installation which is provided –

- (a) in compliance with regulations 11(1)(a), 13, 15 and 16 of the PFEER Regulations;*
- (b) as means required to be provided by regulation 10 of the PFEER Regulations –*
 - (i) for detecting fire; and*
 - (ii) for detecting and recording accumulations of flammable gases; and*
- (c) pursuant to the measures required by regulation 12 of the PFEER Regulations to combat fire and explosion,*

except for –

- (a) plant which is part of the safety-critical elements for that installation; and*
- (b) aircraft or equipment to which regulation 18 of the PFEER Regulations applies.*

2

Guidance

2

87 The specified plant, provided to comply with PFEER, is another component of the provisions relating to verification schemes. Plant includes any machinery, equipment or appliance. More information can be found under regulation 19 and the supporting guidance.

Regulation

2

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

“well” means –

- (a) a well made by drilling; and*
- (b) a borehole drilled with a view to the extraction of petroleum through it or another well,*

and shall be deemed to include any device on it for containing the pressure in it;

Guidance

2

88 This definition is the same as that used in DCR, except that here it is restricted to oil and gas wells. It is relevant both to the meaning of ‘well operation’ (below) and to the particulars of wells required by various schedules. Further guidance can be found in *A guide to the well aspects of the Offshore Installations and Wells (Design and Construction etc) Regulations 1996*.

Regulation

2

“well operation” means –

- (a) the drilling of a well, including the recommencement of drilling after a well has been completed, suspended or abandoned by plugging at the seabed; and*
- (b) any operation in relation to a well during which there may be an accidental release of fluids from that well which could give rise to the risk of a major accident; and*

Guidance

2

89 This definition is needed primarily for regulation 17, which requires the notification of well operations. It also relates to the particulars of well operations required by Schedules 2 and 3. Such operations include all activities carried out on a well throughout its life cycle, such as drilling, completion, workover and well intervention. Operations with no chance of an accidental release of well fluids are excluded.

Regulation

2

“well operator”, in relation to a well or proposed well, means –

- (a) the person appointed by the licensee for that well or proposed well to execute the function of organising and supervising the drilling of that well and all operations to be carried out by means of that well; or*
- (b) where no such person has been appointed, the licensee.*

Guidance

2

90 This definition is the same as that used in DCR, and it relates to proposed wells and existing wells. Similar definitions help to align the requirements of these Regulations with DCR. The well operator has the duty to notify well operations under regulation 17. In most cases the well operator will also be the operator of a production installation to which the well is connected (see paragraph 73). Further guidance can be found in *A guide to the well aspects of the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996*.

Regulation

2

(2) Any reference in these Regulations to a design notification, a relocation notification, a safety case or a notification of combined operations or well operations is a reference to a document containing the particulars specified in the Schedule referred to in the provision pursuant to which it is prepared and, for a safety case, regulation 12.

Guidance

2

91 Regulation 2(2) means that a safety case will not be considered for acceptance unless it contains all the particulars specified in regulation 12 and the relevant Schedule. Similarly, requirements to notify various activities will not be satisfied unless notifications contain all the particulars required by the relevant Schedule. This is qualified by the recognition that some information may be limited at the time of submission - for example the extent to which management systems may demonstrate compliance with regulation 12. In practice HSE will not reject a safety case or a notification merely because it lacks some necessary detail through oversight, so long as the missing detail is supplied promptly. HSE may begin to assess an incomplete safety case, but will not make an acceptance decision until the submission is complete.

92 The extent to which particulars supplied contain sufficient detail or a sufficiently convincing argument to satisfy HSE is a matter for HSE's judgement - see paragraphs 10-14 on accepting safety cases.

93 There is some overlap between the particulars required by different provisions. For example each Schedule requires descriptions of particular hazards or safety measures. However, full details still have to be provided to meet the requirements in regulation 12(1)(c) and (d) to identify hazards and control major accident risks.

94 Guidance on the preparation of a safety case is contained in paragraphs 126-135.

Regulation

2

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

Guidance

2

95 This paragraph relates to the definition of an offshore installation in regulation 3 of MAR. The purposes described in regulation 3(1) are summarised in paragraph 61 of this guidance. 'Operating' excludes building and dismantling among other things.

Regulation

2

(4) For the purposes of these Regulations, an installation other than a production installation, the operation of which has not been treated as having commenced in accordance with paragraph (2) of regulation 7, shall be treated as engaged in a combined operation with another such installation or other such installations if an activity carried out from, by means of or on, that installation is carried out temporarily for a purpose related to the other installation or installations and could affect the health or safety of persons on the other installation or installations, and the expression "combined operation" shall be construed accordingly.

Guidance

2

96 This definition determines whether a notification needs to be sent under regulation 10, containing the particulars specified in Schedule 4. Regulation 10 requires a combined operations notification when two or more installations (each with a current safety case) interact for a temporary purpose. The definition is also relevant to the generic coverage of combined operations in Schedules 2 and 3.

Regulation

2

(5) Any reference in these Regulations to a verification scheme is a reference to a suitable written scheme for ensuring, by means described in paragraph (6), that the safety-critical elements and the specified plant –

- (a) are or, where they remain to be provided, will be suitable; and*
- (b) where they have been provided, remain in good repair and condition.*

Guidance

97 Paragraphs 222-234 and 327-330 explain what is meant by a 'verification scheme' for the purposes of regulations 19-22. A 'suitable written scheme' must give assurance of achieving the objectives described in this paragraph. The scheme should ensure that safety-critical elements and specified plant (see above) are 'suitable'. In this context, suitable includes being appropriate for the intended use, dependable and effective when required, and able to perform as intended. It follows that performance standards for emergency equipment which is defined as safety critical should require that the equipment is available and functioning at all times when the applicable emergency situation could arise. The operating procedures for the installation should recognise that this may not be easily achieved and must impose operating restrictions to mitigate the effects of an emergency if the required SCE is not functioning. The verification scheme should provide independent checks to confirm continuing suitability throughout the installation's life cycle. Where additions, major repairs, modifications or replacements, are planned on a safety-critical element, or where a temporary safety critical element will be introduced (for example well test equipment, metering skid, temporary pig launcher) appropriate verification activities should be undertaken to show that the element will subsequently be suitable.

98 It should take account of maintenance programmes, repairs and operating practices. The verification scheme is complementary to, but not a substitute for, routine maintenance programmes. The verification scheme should identify errors or failures in areas such as:

- (a) the specification and selection of appropriate performance standards; and
- (b) the design, construction and maintenance of elements which have been identified as safety-critical or are specified plant for the purposes of PFEER;

so that appropriate preventative or remedial action can be taken. Further guidance can be found in *Guidelines for management of safety-critical elements: A joint industry guide* published by the UK Offshore Operators Association Ltd (UKOOA).²⁴

2

Regulation

- (6) *The means referred to in paragraph (5) are -*
- (a) *examination, including testing where appropriate, of the safety-critical elements and the specified plant by independent and competent persons;*
 - (b) *examination of any design, specification, certificate, CE marking or other document, marking or standard relating to those elements or that plant by such persons;*
 - (c) *examination by such persons of work in progress;*
 - (d) *the taking of appropriate action following reports by such persons;*
 - (e) *the taking of other such steps as may be properly provided for pursuant to regulation 19 and Schedule 7; and*
 - (f) *the taking of any steps incidental to the means described in subparagraphs (a) to (e) of this paragraph.*

2

Guidance

99 Paragraph (6) of regulation 2 lists the means to achieve the purposes described in paragraph (5). Duty holders should select the most appropriate means of verification for each aspect of the scheme. The means are life cycle dependent and should include an examination, where appropriate, before a safety-critical element is:

- (a) first used on the installation; and
- (b) first used on the installation after modification or repairs (other than running repairs).

2

Guidance

100 The paragraph refers to the use of 'independent and competent persons' (ICPs) to carry out verification. Guidance on what is meant by 'independent' in this context is provided in paragraphs 112-113. Issues for consideration with regard to the competence of a person carrying out verification work include:

- (a) matters such as technical competence (suitably qualified staff in adequate numbers, relevant experience etc); and
- (b) aspects such as the allocation of tasks to staff competent to undertake them and arrangements for the flow of information.

101 Examination by competent people will involve careful and particular scrutiny of either safety-critical elements and specified plant or the processes involved in achieving and maintaining their suitability, using appropriate techniques such as testing. Professional judgement will be an important aspect of such work, as will the use of appropriate methods of examination, testing and analysis.

102 The means are the method by which the independent and competent person reaches their professional judgement on the suitability of the safety-critical elements. It is unlikely that this judgement could be based upon reviewing information alone and some first-hand examination or testing will be required from time to time to form an opinion.

103 Duty holders are responsible for selecting people to carry out verification work who are appropriately independent and competent to do the work allocated to them. Duty holders will need to be able to justify their selection and may wish to make reference to existing standards and established schemes for the validation of organisations offering specialist services. However, duty holders are free to use other means of demonstrating compliance with the legal requirements.

104 In selecting competent persons to undertake examinations of safety-critical elements and specified plant under the written scheme, duty holders should ensure that the person chosen has adequate levels of technical expertise and experience for the job. An adequate examination of some equipment may require access to specialised technical knowledge. In other situations, a lesser degree of technical specialisation may be appropriate.

105 The 'examination of work in progress' referred to in sub-paragraph (c) means the examination of activities such as fabrication, construction, and repair.

106 Sub-paragraph (d) requires duty holders to take appropriate action in the light of the findings of the examinations by the ICP. If problems are identified, they will need to decide how to resolve them and how to ensure that any necessary remedial work is carried out.

107 Sub-paragraphs (e) and (f) allow for additional steps to be taken, besides those specified in (a) to (d), where they are necessary to meet the requirements of regulation 19 and Schedule 7, or of the remainder of this regulation.

108 The verification scheme may take into account work done to satisfy other legal or voluntary requirements such as classification (of mobile installations), or declarations of conformity with European Union product safety law. It is not necessary to duplicate work done for another reason, as long as it is suitable to contribute to the verification scheme. It is up to the duty holder to ensure that the scheme is sufficient for the purposes of these Regulations, and to decide what else may be needed to complete the verification package for a particular installation.

Guidance

109 In the case of initial examinations, a judgement has to be made by the ICP on the suitability of SCEs or specified plant, to enable defects or weaknesses to be detected, and for their importance in relation to the performance required of the particular plant to be assessed. The following approaches might contribute to ensuring the initial suitability of plant:

- (a) design, construction or adaptation by reference to appropriate, relevant standards. These may be international or national standards recognised by an appropriate standards-making body; appropriate industry recognised standards; or appropriate company standards;
- (b) where relevant standards do not exist, ensuring that the scheme of examination includes scrutiny to ensure that plant and equipment chosen is fit for its purpose (for example through design review, testing, assessment of operational experience in similar situations); or
- (c) a combination of these approaches. For example, a duty holder may wish to use an existing standard in a novel situation. In these circumstances, the use of that standard should be checked as suitable.

110 Duty holders may be able to demonstrate compliance with verification requirements by other means.

111 The verification scheme covers specified plant required by PFEER and formerly subject to the written scheme of examination required by the now-revoked PFEER regulation 19(2). The old PFEER requirements have been combined with the OSCR verification scheme. Where a well is associated with an installation, work done to meet the requirements of the well examination scheme in DCR regulation 18 may contribute to the installation's overall verification arrangements as appropriate.

2

Regulation

(7) *For the purposes of paragraph (6) and regulations 19 and 20, a person shall be regarded as independent only where –*

- (a) *his function will not involve the consideration by him of an aspect, of a thing liable to be examined, for which he bears or has borne such responsibility as might compromise his objectivity; and*
- (b) *he will be sufficiently independent of a management system, or of a part thereof, which bears or has borne any responsibility for an aspect of which he might consider, of a thing liable to be examined, to ensure that he will be objective in discharging his function.*

2

Guidance

112 Paragraph 113 provides the basis for determining the independence of the ICPs who must carry out various functions under the verification scheme. In this context, 'person' includes any body of people, whether corporate or not. The main concern here is to ensure that these people are sufficiently impartial and objective in their judgement that safety is not compromised. They should not be subject to conflicts of interest. Whether in-house or not, those carrying out verification functions may need to consult others when making difficult judgements.

2

Guidance

2

113 It is important that those carrying out verification work have appropriate levels of impartiality and independence from pressures, especially of a financial or operational nature, which could affect sound judgement. They should not verify their own work, and their management lines should be separate from those people whose work they are checking. For instance, it is acceptable in principle for a duty holder's in-house team to check work done elsewhere in the same organisation. However, it would influence objectivity if that team's management chain includes the manager responsible for meeting production targets - targets that might be unachievable if plant were shut down on safety grounds. Promotion, pay and reward systems should not compromise professional judgement. Arrangements for bidding for verification contracts should not undermine independence.

Regulation

2

(8) *Any reference in these Regulations to an activity in connection with an installation is a reference to any activity in connection with an installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, in or from a vessel or in any other manner, other than –*

- (a) *transporting, towing or navigating the installation; and*
- (b) *any activity in or from a vessel which is ready to give assistance in the event of an emergency on or near the installation.*

Guidance

2

114 The following are examples of connected activities that may need to be taken into account in safety cases submitted under regulations 7, 8, 9 and 11:

- (a) supply vessels delivering goods or materials whether by crane hoist or directly into the installation's bulk storage system;
- (b) diving activities undertaken from a diving support vessel alongside the installation;
- (c) loading vessels to transport hydrocarbons from storage on the installation to shore terminals;
- (d) heavy lifts undertaken from a heavy lift vessel alongside the installation; and
- (e) work by service vessels on sub-sea wells connected to the installation. (Note: This activity would also be notifiable under regulation 17.) The connection referred to here is a physical connection, ie a cable or pipe, between the well and installation, which under MAR regulation 3(3)(a) enables the well to be deemed part of the installation.

115 HSE recognises that full information regarding some of these activities may not be available at the time of the first submission of the safety case. For further information on the way in which these Regulations apply to connected activities, see paragraphs 31-35.

Regulation

2

(9) *where a duty holder is succeeded by a new duty holder, anything done in compliance with these Regulations by the duty holder in relation to an installation shall, for the purposes of these Regulations, be treated as having been done by his successor.*

Guidance

2

116 This paragraph allows work carried out by a previous duty holder to contribute towards compliance by the new duty holder. If there is an accepted safety case, the installation can continue to be operated in accordance with the arrangements set out in that case without immediate resubmission.

117 A change of duty holder would normally be expected to trigger a review of the safety case under regulation 13. If the change is accompanied by other changes, such as in management arrangements, submission of a revision to the safety case under regulation 14(2) may be required.

Regulation

Regulation 3 Communication and storage of information by electronic means

(1) *Except as provided in paragraph (5), where these Regulations require or allow a person to communicate information to another, whether in writing or otherwise, that person may communicate such information by electronic means.*

(2) *Information communicated by electronic means shall not be treated as having been received by the recipient for the purposes of these Regulations unless the recipient –*

- (a) has agreed to receive that information by electronic means by providing the sender with an address to which that information may be sent;*
- (b) is able to read and print that information; and*
- (c) is able to store that information in a form with which the sender cannot interfere.*

(3) *In the absence of a clear indication to the contrary, information communicated by electronic means in accordance with, and for the purposes of, these Regulations shall be deemed –*

- (a) to be accurately dated and timed;*
- (b) to have been sent by the person from whom it purports to originate;*
- (c) not to have been tampered with or otherwise modified; and*
- (d) where relevant, to be intended to have legal effect.*

(4) *Where these Regulations require any person to record, note or store information, it may be recorded, noted or stored on film or by electronic means if it –*

- (a) can be reproduced (in the case of information recorded, noted or stored on film, at the place at which it is recorded, noted or stored) as a written copy; and*
- (b) is reasonably secure from loss or unauthorised interference.*

(5) *This regulation shall not apply to regulation 22(2).*

3

Guidance

118 Government policy is to facilitate exchange and storage of data by electronic means. This regulation allows the submission and storage of safety cases and related documents such as notifications in electronic formats. In practice it can be difficult to assess an electronic safety case, so any such cases must be reasonably capable of being assessed adequately within the relevant timescale. Any delays caused by the format of the safety case may result in a delay in giving an acceptance decision and thus implementation of modifications or the commencement of new production. Supply of documents is therefore subject to several conditions to ensure reliability, including prior agreement from the recipient. The regulation also applies to the keeping of documents under regulation 18.

3

Regulation

Regulation 4 Application

- (1) Subject to paragraph (2), these Regulations shall apply –
- (a) in Great Britain; and
 - (b) outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of articles 4(1) and (2)(b), 5 and 6 of the Health and Safety at work etc. Act 1974 (Application outside Great Britain) Order 2001^(a).
- (2) These Regulations shall not apply to wells to which the Borehole Sites and Operations Regulations 1995 apply^(b).

- (a) S.I. 2001/2127.
(b) S.I. 1995/2038, to which there are amendments not relevant to these Regulations.

4

Guidance

119 The Regulations apply to all offshore oil and gas installations within relevant waters, as defined in regulation 2(1), and to all activities in connection with such installations as defined in regulation 2(8). The definition of 'installation' includes parts of a pipeline connected to the installation, and associated apparatus or works, within 500 metres of the installation. Regulation 17 on the notification of well operations applies to all offshore wells.

120 The Regulations apply to all offshore installations covered by intergovernmental treaties.

4

Regulation

Regulation 5 Duties of licensee

The licensee shall –

- (a) ensure that any operator appointed by him is capable of satisfactorily carrying out his functions and discharging his duties under the relevant statutory provisions; and
- (b) take all reasonable steps to ensure that any operator appointed by him carries out his functions and discharges his duties under the relevant statutory provisions.

5

Guidance

121 The licensee appoints the operator, as defined in regulation 2(1). This is a key decision for the safety of the installation and needs to be made in full awareness of its consequences for health and safety. The operator is one of the main duty holders under OSCR and related regulations. Therefore it is vital the operator can undertake the task competently. The appointed operator must be capable of satisfactorily carrying out the duties under the 'relevant statutory provisions' (RSPs). RSPs are defined under regulation 2(1) - see paragraph 80 - and cover all the operator's responsibilities under health and safety law.

122 Being capable includes having the technical and managerial capacity to do the job, as well as being adequately resourced, both financially and in having sufficient competent staff. This mirrors the duty on the operator to appoint a competent and adequately resourced installation manager under regulation 6 of MAR. An important factor is the degree of delegation given to the operator, for example any limits on authority to spend money or to make decisions to introduce necessary changes on the installation. If delegation is limited, the licensee will have a greater portion of responsibility for the safe operation of the installation.

5

Guidance

123 Selecting the right person as the operator is the key to complying with regulation 5. However, the licensee should still monitor and satisfy himself that the person he has appointed as the operator is carrying out the functions correctly in practice. What is reasonable for this purpose will depend on the level of capability and resources available to the appointee. If the appointee is self-reliant, adequately resourced and has a good track record in operating an installation, a light touch will be appropriate.

124 These duties fall jointly on all the partners in any licence. Even if they are not all active in pursuing the goals of a licence, they will need to agree and put in place a management system to ensure these duties are discharged.

125 The definition of 'operator' means that if, in the opinion of HSE, the person appointed is unable to discharge the management and control functions satisfactorily, the duty to submit the safety case and other related duties will revert to the licensee. Licensees are also bound by the general duty of co-operation under regulation 8 of MAR.

Preparation and submission of safety cases and notifications for installations

126 Regulations 6-11 specify:

- (a) when a safety case or a notification has to be submitted for an installation, including for combined operations;
- (b) who is required to make the submission; and
- (c) the time at which it has to be made.

127 Requirements for the contents of each type of safety case are set out in regulation 12 and Schedules 2, 3 and 5. Requirements for notifications are set out in Schedules 1 and 4. Explanatory guidance is given following each regulation.

Co-operation in preparing and maintaining safety cases and in preparing notifications

128 The safety case must relate to all activities carried out on or in connection with the installation. Preparing a safety case therefore requires consultation and collaboration between people responsible for the conduct of installations and of connected activities, and between the various employers (including contractors) whose employees are engaged in these activities. Such co-operation may also be needed in preparing notifications. Once the safety case has been accepted, continuing co-operation and co-ordination will be essential to ensure that all activities conform to the safety case, and with a view to keeping risks to people as low as is reasonably practicable.

129 Regulation 8 of MAR requires every person to co-operate with the operator or owner of an installation, among others, so far as is necessary to enable them to comply with all their legal responsibilities for health and safety, including their duties under OSCR. Further guidance on offshore co-operation duties is given in paragraphs 62-67 of the HSE guide to MAR and Appendix 1 of the guide to PFEER.

130 Arrangements for co-operation between the various duty holders concerned will form part of the safety management system (SMS) demonstration required under regulation 12.

Guidance

131 This co-operation is in addition to the requirement under OSRSCR to consult safety representatives in preparing the safety case.

Presenting the safety case

132 Duty holders may use whatever format they wish for the safety case. However, they, HSE assessors and members of the workforce, are likely to find it helpful if the material is arranged in the following way:

- (a) an executive summary covering the main features of the case;
- (b) factual information about the installation, its environment and activities; and
- (c) the main demonstrations and descriptions required under the Regulations.

133 Owners of mobile drilling units are welcome to follow the format *Health, safety and environment case guidelines* produced by the International Association of Drilling Contractors (IADC).²⁵

134 The case must contain the particulars required by regulations 12 and the relevant Schedule(s). The case should be a self-contained document which:

- (a) presents the main arguments clearly and succinctly; and
- (b) includes sufficient supporting detail to lend conviction to the arguments made in the case.

135 The safety case must be clearly bounded and distinguished from supporting material. Merely referring to particulars contained in other documents is not allowed if these particulars (or documents) are intended to be an integral part of the case for safety (see paragraph 176). Additional supporting material may be referenced.

5

Regulation

Regulation 6 Design and relocation notifications for production installation

- (1) *The operator of a production installation which is to be established shall –*
 - (a) *prepare a design notification containing the particulars specified in Schedule 1; and*
 - (b) *send the design notification to the Executive,*

at such time before the submission of a field development programme to the Department of Trade and Industry as will enable him to take account in the design of any matters relating to health and safety raised by the Executive within 3 months (or such shorter period as the Executive may specify) of that time.

- (2) *The operator of a production installation which is to be moved to a new location (whether from outside relevant waters or not) and operated there shall –*
 - (a) *prepare a relocation notification containing the particulars specified in Schedule 1 not contained in any current safety case for that installation; and*
 - (b) *send the relocation notification to the Executive,*

at such time before the submission of a field development programme to the Department of Trade and Industry as will enable him to take account of any matters relating to health and safety raised by the Executive within 3 months (or such other period as the Executive may specify) of that time.

6

Regulation

(3) Paragraph (1) shall only require the particulars in the design notification referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the design notification to the Executive.

(4) Where there is a material change in any of the particulars notified pursuant to –

(a) paragraph (1) prior to the duty holder sending a safety case to the Executive in accordance with regulation 7(1)(b); or

(b) paragraph (2) prior to the duty holder sending –

(i) a safety case to the Executive in accordance with regulation 7(1)(b); or

(ii) revisions to the current safety case to the Executive in accordance with regulation 14(2),

the duty holder shall notify the Executive of that change as soon as practicable.

6

Guidance

136 It is essential that duty holders give appropriate consideration to health and safety at the earliest stages of design of an offshore installation. This is when decisions are taken that will profoundly influence levels of risk over the whole life of the installation. Many of these decisions will be extremely difficult to change once it is built. At the design stage the most recent and best practice on the design of structures, layout and equipment, and use of materials can be applied at least cost. It also provides scope for innovative and cost-effective approaches to 'safety by design' or 'inherent safety'. Eliminating risks at source, through good design, is preferable to retrospective or mitigating action. A systematic assessment at this stage enables a range of options to be identified, from which the most cost-effective choice can be made to reduce risks to people to a level as low as is reasonably practicable.

137 To ensure that major hazards are properly addressed in the design of production installations (as defined in regulation 2(1)), regulation 6(1) requires operators of new production installations to send a design notification to HSE containing the information specified in Schedule 1. This will provide HSE with a broad overview of the design and the design process. The notification must be sent:

(a) early enough to allow the operator to take account, in the installation design to be submitted as part of the development programme, of any health and safety matters raised by HSE within three months of sending the notification (ie the operator cannot finalise the design before considering any HSE comments raised in that three months); and

(b) no later than the time the licensee submits to DTI for field development approval.

138 At this early stage the amount of detail available will be limited. The notification needs include only what information is available at the time, though any subsequent material changes must also be notified to HSE, in the period before submitting a safety case under regulation 7. Unlike a safety case, a design notification does not need to be accepted by HSE. Nor does it constrain when an operator may proceed to detailed design and construction, so long as time has been allowed to consider any HSE comments. The operator is not obliged to accept HSE's comments, but must give them proper consideration.

6

Guidance

139 The aim of the notification is to start a dialogue between the operator and HSE that continues throughout the period between the design notification and the safety case submission. HSE will acknowledge receipt of a notification within two weeks and will give the duty holder an indication of how long it will take to respond fully. HSE will indicate in writing any matters which, if not taken into account in the detailed design or at the construction or commissioning stages, may create difficulties with accepting the safety case under regulation 7. The subsequent safety case must indicate how matters raised by HSE have been taken into account. Therefore it is of mutual benefit to HSE and operators for design notifications to be sent as early as possible, to minimise the cost of any design changes that may be required as a result of HSE's comments.

140 Regulation 15(4), plus inspectors' general powers under the HSW Act, will allow inspectors access, if necessary, to documents relevant to the developing safety case for the purpose of pursuing this dialogue.

141 Regulation 6(2) requires similar details (ie those set out in Schedule 1) to be sent to HSE when an existing production installation, such as a floating production, storage and offloading vessel (FPSO), is to be moved to a new operating location in UK waters. A move could be within UK waters or into UK waters from a location outside the UK sector. Similar timescales apply as for a design notification, except that it will not be possible for the operator to take account of comments in the design, since this will have been completed.

142 The main, though not the only, focus of HSE's comments will be the suitability of the installation's design for its proposed location. If the installation already has a safety case (for example because it is already operating in UK waters) the notification does not need to repeat details contained in that safety case. HSE will be aware of its overall design and will want to concentrate on those aspects that will be affected by relocation. The relocated installation will need a safety case under regulation 7 or a revision under regulation 14(3)(c).

143 Regulation 6(4) requires operators to inform HSE of any material changes to a design or relocation notification, to which HSE may have responded. An example of a material design change would be changing from a normally unattended installation to a partially attended one. HSE may comment on such changes, though the operator does not have to provide time for HSE to do so. The response to any HSE comments on design changes (but not relocation changes) must be described in the subsequent safety case.

144 A design notification is not required for a major rebuild of a production installation. If the installation has a current safety case, the effect of design changes will be included in a revision of the safety case submitted under regulation 14(2). If the installation is rebuilt before being moved to UK waters it will need a relocation notification followed by a safety case submission under regulation 7.

145 Design or relocation notifications are not required for non-production installations, since their high degree of mobility makes this impracticable. Design and location issues are addressed in safety cases under regulation 8. However, if a non-production installation is to be converted to a production installation it will require a design notification under regulation 9.

146 These Regulations deal only with major hazards aspects of design. Occupational health, safety, and welfare aspects of design are covered by other regulations and by the HSW Act. HSE may also wish to discuss these matters with duty holders at an early stage, but this will be separate from discussions on the safety case.

Guidance

6

147 Further information and advice on inherent safety is contained in the UKOOA publications *Guidelines for management of safety-critical elements: A joint industry guide and Guidelines for fire and explosion hazard management* (in section 5 on 'Inherent safety and prevention')²⁶ and in the HSE publication *Prevention of fire and explosion, and emergency response on offshore installations* (paragraphs 87-88 of that publication).

Regulation

7

Regulation 7 Safety case for production installation

(1) *Subject to regulation 27, the operator of a production installation shall ensure that it is not operated unless –*

- (a) *he has prepared a safety case containing the particulars specified in regulation 12 and Schedule 2;*
- (b) *he has sent the safety case to the Executive at least 6 months (or such shorter period as the Executive may specify) before commencing the operation; and*
- (c) *the Executive has accepted the safety case.*

(2) *For the purposes of paragraph (4) of regulation 2 and paragraph (1), the operation of an installation shall be treated as commenced –*

- (a) *on the commencement of the first well drilling operation from the installation which may involve the release of petroleum from beneath the sea-bed; or*
- (b) *when petroleum is brought onto the installation for the first time through a pipeline or well,*

whichever is earlier.

Guidance

7

148 Regulation 7 requires a safety case for a production installation, as defined in regulation 2(1). This needs to deal fully with the systems for managing health and safety and for controlling major accident hazards, as required by regulation 12, and with the various matters specified in Schedule 2. The safety case must be submitted to HSE at least six months before the installation starts operation, as defined by regulation 7(2)(a) and accepted by HSE before the installation may operate. Following its initial acceptance, the safety case must be revised and updated under regulation 14 throughout the life of the installation.

149 Regulation 7 does not apply where a mobile drilling unit (MODU) operates through a not yet commissioned structure such as a well-head jacket. In this situation, the drilling operation is not taking place from the production installation and that installation has not started operation for the purposes of this regulation, nor would it be a combined operation as defined in regulation 2(4). In such circumstances, the only relevant safety case is that for a non-production installation (for the MODU) under regulation 8.

150 The six-month submission period is to allow HSE sufficient time to properly assess the safety case and resolve any issues with the operator. For some fast-track developments it may be difficult to provide six months' notice. If so, HSE has the power to reduce the timescale for submission, particularly for smaller and less complex installations and where the earlier design notification did not give rise to significant concerns. Operators should contact HSE as soon as they identify a possible need to ask HSE to specify a shorter period.

Guidance

7

151 Production installations already operating with a safety case accepted under the 1992 Regulations when the 2005 Regulations come into force will have to have their safety cases revised to comply fully with regulation 7. Regulation 27 allows three years to do so. New installations will have to comply with regulation 7 at once.

Regulation

7

(3) *A safety case prepared pursuant to paragraph (1) and revisions to a current safety case prepared pursuant to regulation 9(5) may be prepared in relation to more than one production installation where the Executive so approves in writing and, where a safety case is or revisions are to be so prepared in relation to installations with different operators, it shall be sufficient compliance with paragraph (1)(a) and (b) and regulation 9(5)(a) and (b) if the operators prepare and agree a safety case or revisions containing the particulars referred to in that paragraph and that regulation and one of them sends it to the Executive in accordance with paragraph (1)(b) and regulation 9(5)(b).*

Guidance

7

152 Regulation 7(3) allows HSE to approve submission of a single safety case (and subsequent revisions) covering more than one production installation even if the installations have different operators. This may be appropriate for groups of fixed installations permanently linked together by pipelines and/or sub-sea control links, and whose activities are substantially interdependent. One example is a production platform connected to satellite platforms that are normally unattended.

153 A safety case submitted under regulation 7(3) should:

- (a) clearly identify the installations covered by the safety case; and
- (b) provide, for each installation, all the information required by regulation 12 and Schedule 2, although common matters, for example management systems, can be dealt with in a unified way.

154 Where a safety case is to cover installations with different operators, regulation 7(3) allows the operators concerned to prepare and agree the safety case and to agree that one of them sends it to HSE in accordance with regulation 7(1)(b), or regulation 9(5)(b) in the case of revisions. The joint safety case should demonstrate that the respective operators' management responsibilities have been clearly identified. All operators will be bound by the duty of co-operation in regulation 8 of MAR and by the duty in regulation 16 to conform with the safety case, once it is accepted.

155 Before approving the preparation and submission of a safety case under regulation 7(3), HSE will wish to be satisfied that this will not prejudice the health or safety of people likely to be affected by the arrangement.

Regulation

8

Regulation 8 Safety case for non-production installation

Subject to regulation 27, the owner of a non-production installation shall ensure that it is not moved in relevant waters with a view to its being operated there unless –

- (a) *he has prepared a safety case containing the particulars specified in regulation 12 and Schedule 3;*
- (b) *he has sent the safety case to the Executive at least 3 months (or such shorter period as the Executive may specify) before the movement of the installation in those waters with a view to its being operated there; and*
- (c) *the Executive has accepted the safety case.*

Guidance

156 A non-production installation, as defined in regulation 2(1), does not need a design notification under regulation 6, unlike a new production installation.

157 Regulation 8 requires a safety case for a non-production installation, to cover all the features of structure, plant, layout and management arrangements that are expected to be in place during the installation's operational life in UK waters. This needs to deal fully with the systems for managing health and safety and for controlling major accident hazards, as required by regulation 12, and with the various matters specified in Schedule 3. The safety case must be submitted to and accepted by HSE before the installation may be used in UK waters. Following its initial acceptance, the safety case must be revised and updated under regulation 14 throughout the operational life of the installation in UK waters.

158 The installation owner, as defined in regulation 2(1), must submit the safety case to HSE at least three months before moving the installation in UK waters with a view to using it there. Moving a non-production installation in this way before HSE has accepted the safety case is an offence. This includes moving an installation into UK waters from outside UK waters. However, no safety case is needed if a non-production installation enters UK waters for some other purpose, such as to refit or receive repairs. A non-production installation with an accepted safety case which leaves UK waters is not obliged to maintain its safety case (though the owner may choose to do so), but it will need to have it updated or revised before return.

159 If owners foresee real difficulty in providing three months' notice, HSE has the power to reduce the timescale for submission. Owners should contact HSE as soon as they identify a possible need to ask HSE to specify a shorter period.

160 Non-production installations already in use in UK waters with a safety case accepted under the 1992 Regulations when the 2005 Regulations come into force will have to have their safety cases revised to comply fully with regulation 8. Regulation 27 allows three years to do so. Newly arrived installations will have to comply with regulation 7 at once.

8

Regulation

Regulation 9 Design notification and safety case for non-production installation to be converted

(1) *Where a non-production installation is to be converted to enable it to be operated as a production installation, the owner shall –*

- (a) *prepare a design notification in respect of the proposed conversion containing, subject to paragraph (3), the particulars specified in Schedule 1 not contained in any current safety case for that installation; and*
- (b) *send the design notification to the Executive,*

at such time before completion of the design of the proposed conversion as will enable him to take account in the design of any matters relating to health and safety raised by the Executive within 3 months (or such shorter period as the Executive may specify) of that time.

(2) *The particulars specified in Schedule 1 which must be provided in respect of a design notification under paragraph (1) shall be construed as if all references to "operator" were references to the owner of the non-production installation to be converted.*

9

Regulation

9

(3) Paragraph (1) shall only require the particulars in the design notification to address the matters referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the design notification to the Executive.

(4) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to the duty holder sending –

- (a) a safety case to the Executive in accordance with regulation 7(1); or
- (b) revisions to the current safety case to the Executive in accordance with paragraph (5),

the duty holder shall notify the Executive of that change as soon as practicable.

Guidance

9

161 When an existing non-production installation is to be converted to a production installation (even temporarily) the owner must send a design notification to HSE containing the information specified in Schedule 1. For this purpose the references in Schedule 1 to the ‘operator’ must be read as references to the owner of the non-production installation to be converted. If any of the required information is already available in an existing safety case it does not need to be repeated in the notification. A conversion exclusively for the purpose of well-testing for no more than 90 days does not need to be notified as this is outside the definition of ‘production installation’ in regulation 2(1).

162 The aim of the notification is the same as for a design notification under regulation 6, ie to start a dialogue between the owner and HSE about the suitability of the design. The notification must therefore be sent early enough to allow the owner to take account in the conversion design of any health and safety matters that HSE might raise within three months of sending the notification; ie the design cannot be finalised until such matters have been considered. Unlike regulation 6, this is not tied to submission for field development approval, since approval will be sought by the operator rather than by the owner.

163 The notification relates only to the conversion, ie excluding design elements of an existing installation relating to its pre-conversion use. However, the notification must contain an explanation of why the installation is considered suitable for conversion. The amount of detail available may be limited, so the notification needs include only what information is available to the owner at the time. However, the owner must notify HSE straightaway of any material changes to the notification in the period before a safety case or revision to a safety case is submitted. Possible material changes could include significant changes to hydrocarbon inventory, additional equipment and structure weight, equipment layout and staffing philosophy.

164 A design notification is not required for a non-production installation that is converted, but not intended for use in UK waters. However, if following conversion it is contracted to operate in UK waters it will require a relocation notification under regulation 6(2) and a safety case under regulation 7.

Regulation

9

(5) Where a non-production installation operated pursuant to a current safety case is converted to a production installation, the operator of that production installation shall ensure that it is not operated as a production installation unless –

- (a) he has prepared revisions to the current safety case for that installation containing the particulars specified in regulation 12 and Schedule 2 not contained in that current safety case;

Regulation

9

- (b) *he has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the Executive at least 3 months (or such shorter period as the Executive may specify) before commencing the operation in accordance with paragraph (2) of regulation 7; and*
- (c) *the Executive has accepted those revisions to the current safety case.*

Guidance

9

165 All production installations operating in UK waters are required by regulation 7 to have an accepted safety case containing the particulars specified in regulation 12 and Schedule 2. This includes those converted from non-production installations. If such a conversion does not have a current safety case the operator must submit one under regulation 7. If, however, the conversion has a current safety case under regulation 8 (ie for its use as a non-production installation), regulation 9(5) permits that safety case to be revised to include the particulars described in regulation 12 and Schedule 2 but not contained in the current case. This ensures that no installation has more than one current safety case.

166 The revision must be submitted at least three months before operations are due to start and the installation cannot be operated until HSE has accepted the revision. The installation operator must submit the revision, like any other production installation, rather than the owner who submitted any pre-conversion safety case or design notification. The three-month submission period is shorter than for a new-build production installation on the assumption that HSE will need less time to assess a revision. However, if the revision is complex HSE may need more than three months to come to a satisfactory decision. To avoid delaying the start of operations, operators should ensure they submit the revision with adequate time for assessment.

167 The safety case must be revised even if the conversion is temporary. If a production installation is subsequently converted or reconverted to a non-production installation this constitutes a material change under regulation 14(3)(d) and the owner must submit a further revision of the safety case to HSE for acceptance.

Regulation

10

Regulation 10 Notification of combined operations

(1) *A duty holder for an installation which is to be involved in a combined operation shall ensure that that installation does not engage in a combined operation unless a notification containing the particulars specified in Schedule 4 (other than those already notified to the Executive pursuant to regulation 17) in respect of that combined operation is sent to the Executive at least 21 days (or such shorter period as the Executive may specify) before it is due to commence.*

(2) *The requirements of paragraph (1) will be satisfied if –*

- (a) *the duty holders for every installation involved in the combined operation prepare and agree a notification containing the particulars specified in that paragraph; and*
- (b) *one of them sends it to the Executive at least 21 days (or such shorter period as the Executive may specify) before it is due to commence.*

(3) *Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to completion of the relevant combined operation, the duty holder shall notify the Executive of that change as soon as is practicable.*

(4) *Where there is a change in the duty holder or of the installation, the duty holder shall send a notification pursuant to paragraph (1).*

Guidance

168 Notification informs HSE that adequate consideration is given to the hazards and risks arising from combined operations, as defined in regulation 2(4), and that there will be effective co-ordination of management arrangements, including arrangements for evacuation, escape and rescue in an emergency. Generic aspects of combined operations will be addressed in the individual installation safety cases - see Schedule 2, paragraph 14, and Schedule 3, paragraph 13. The notification supplements the generic descriptions with details of actual operations to be undertaken, including the results of the joint safety review by all the duty holders involved.

169 The duty holders may prepare and agree a single notification for the operation and decide which of them will send it to HSE. If the generic material in individual safety cases is sufficiently thorough there will be no need for duty holders to revise them. However, in the unlikely event that an installation plans to take part in a type of combined operation not foreseen in the safety case, a material revision under regulation 14(2) will be needed.

170 The level of detail required in the notification will depend on the nature of the hazards and the risks, together with the level of interaction and the complexity of the systems. Examples of notifiable combined operations include:

- (a) a flotel providing accommodation to another installation;
- (b) a mobile drilling unit cantilevered over a fixed well-head platform; and
- (c) a mobile drilling unit working on a sub-sea well connected to and controlled from another installation. If the well is connected to more than one production installation, by cable or pipe, the notification would need to cover all the installations involved, except for (c) in paragraph 167.

171 A combined operations notification is **not** required for:

- (a) complexes of two or more permanently bridge-linked platforms, which together are deemed under MAR regulation 3(4) to comprise a single installation;
- (b) the placing and hook-up phases of a new production installation, because it is not yet being operated for the purposes of regulation 2(4);
- (c) a mobile drilling unit working on a sub-sea well connected to another installation, where the mobile unit has assumed complete control of the well and the other installation could not affect the health or safety of people engaged in the operation, or be affected by that operation; and
- (d) activities carried out in connection with an installation as defined in regulation 2(8) - see paragraph 114.

10

Regulation

Regulation 11 Safety case for dismantling fixed installation

(1) *The operator of a fixed installation shall ensure that it is not dismantled unless –*

- (a) *he has prepared revisions to the current safety case containing, subject to paragraph (2), the particulars specified in regulation 12 and Schedule 5 not contained in the current safety case for that installation;*
- (b) *he has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the Executive at least 3 months (or such shorter period as the Executive may specify) before the commencement of the dismantling; and*
- (c) *the Executive has accepted those revisions to the current safety case.*

11

Regulation

(2) Paragraph (1) shall only require the particulars in the proposed revisions to the current safety case to describe the matters referred to in that paragraph to the extent that it is reasonable to expect the operator to address them at the time of sending the proposed revisions to the Executive.

(3) Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to the Executive deciding whether to accept the proposed revisions to the current safety case, the operator shall notify the Executive of that change as soon as practicable.

(4) In this regulation, “operator”, in relation to a fixed installation, means –

- (a) the person appointed by the licensee to manage and control directly or by any other person the execution of dismantling a fixed installation; or
- (b) the licensee, where –
 - (i) it is not clear to the Executive that one person has been appointed to perform the functions described in paragraph (a); or
 - (ii) in the opinion of the Executive, any person appointed to perform the functions specified in paragraph (a) is incapable of performing those functions satisfactorily.

11

Guidance

172 The final dismantling of a fixed installation requires a specific revision of the safety case to take account of the special hazards and risks involved. Earlier stages of decommissioning will be covered by changes to the current safety case under regulation 14. As plant is progressively decommissioned, the operational status of the installation will change. The hazards will change, primarily due to the abandonment of wells and cessation of hydrocarbon processing and storage. The safety management systems may also need to be modified. The safety case needs to address each phase of the decommissioning process until the dismantling revision is submitted to HSE. The operator needs to consider whether, for example, the taking out of service or removal of equipment constitutes a material change and so require the revision to be submitted to HSE under regulation 14(2).

173 A fixed installation (defined in regulation 2(1)) is effectively a production installation other than a floating production platform. The operator of a fixed installation is therefore the same person as the operator of a production installation. The guidance on the definition of ‘operator’ in paragraphs 71-73 will apply here too.

174 Revisions to safety cases need include only those particulars that could reasonably be expected to be provided when the revision is submitted. If there is a material change in these particulars while HSE is assessing the revision, including any new information, the operator must notify HSE as soon as practicable. If there is a material change after HSE accepts the revision this will require a further revision under regulation 14(2).

175 When this revision is submitted to HSE the operator will probably already have submitted a decommissioning programme for approval by the Secretary of State for Trade and Industry. Approval of this decommissioning programme will not prejudice HSE’s assessment of the safety case revision or the decision on its acceptance.

11

Regulation

Regulation 12 Management of health and safety and control of major accident hazards

(1) *The duty holder who prepares a safety case pursuant to these Regulations shall, subject to paragraphs (2) and (3), include in the safety case sufficient particulars to demonstrate that –*

- (a) *his management system is adequate to ensure –*
 - (i) *that the relevant statutory provisions will, in respect of matters within his control, be complied with; and*
 - (ii) *the satisfactory management of arrangements with contractors and sub-contractors;*
- (b) *he has established adequate arrangements for audit and for the making of reports thereof;*
- (c) *all hazards with the potential to cause a major accident have been identified; and*
- (d) *all major accident risks have been evaluated and measures have been, or will be, taken to control those risks to ensure that the relevant statutory provisions will be complied with.*

12

Guidance

176 The safety case must provide 'sufficient particulars', ie enough information to show that the required demonstrations have been made. These demonstrations are in addition to the descriptions and other details required by the relevant schedules. This applies both to new safety cases submitted under regulations 7 and 8 and to revisions submitted under various regulations, including the transitional arrangements for existing safety cases under regulation 27.

177 Demonstrations should include evidence that:

- (a) there is an effective safety management system (SMS) which ensures that the organisational arrangements in place, if fully implemented, will enable the duty holder to comply with relevant health and safety legislation. The RSPs (see paragraph 80 for an explanation of this term) referred to in regulation 12(1)(a)(i) are not restricted to those dealing with major accident risks because the demonstration should consider the adequacy of the SMS as a whole. This does not mean that the safety case must detail compliance with every legal provision; the major accident risk aspect of the demonstration is covered by regulation 12(1)(d). The focus here is on the capability of the management system including, for example, arrangements to co-operate with other duty holders. Sub-paragraph 12(1)(a)(ii) specifically requires the demonstration to cover the arrangements for managing contractors. The demonstration should include a description of how the SMS is integrated with the duty holder's general business management systems and practices, particularly in relation to managing change; and
- (b) hazards with the potential to cause a major accident have been identified and that risks arising from those hazards are or will be adequately controlled. The evidence should show that reasoned arguments have been used to make professional judgements about the nature, likelihood and consequences of potential major accident events that may occur, and the means to prevent these events or minimise their consequences should they occur. The evidence should also show that the duty holder's risk acceptance criteria are appropriate.

12

Guidance

178 Regulation 12(1)(d) requires the risks of a major accident to be controlled in order to ensure compliance with the relevant statutory provisions, ie for the purpose of meeting the requirements of the HSW Act, PFEER, DCR and other provisions relevant to major hazards. In assessing the safety case, HSE will look for assurance that the measures identified are capable of achieving compliance with these provisions. To provide this assurance, duty holders need to evaluate the risks in an integrated manner and consider whether further measures are needed to reduce risks to the level required by law. As a minimum, the HSW Act requires risks to be eliminated so far as is reasonably practicable (equivalent to reducing risks to as low as reasonably practicable). Other provisions, such as PFEER, may set different standards - all must be met. Duty holders may not directly control all activities giving rise to major accident risks and will need contributions from others (under MAR regulation 8 duty of co-operation) to ensure a comprehensive evaluation.

179 'Connected activities' (see regulation 2(8) and guidance) must be taken into account in the safety case demonstration under regulation 12(1)(a), regarding the adequacy of the duty holder's management system to ensure compliance with health and safety legislation. The potential of any 'connected activity' to cause a major accident on the installation (regulation 12(1)(c) and (d)) also needs to be addressed in the safety case.

The risk assessment demonstration

180 The evaluation of a major accident risk requires the systematic use of appropriate techniques; these may be qualitative, semi-quantitative or quantitative. The choice of approach should be proportionate to the level of risk and the complexity of the problem. Guidance on the selection of an appropriate approach to risk assessment is available in the offshore information sheet 3/2006 *Guidance on risk assessment for offshore installations*.²⁷ This guidance also describes the importance of management ownership of the risk assessment process.

181 For each identified major accident hazard, the safety case demonstration should contain sufficient details of the following process:

- (a) identification of a range of potential measures for further risk reduction;
- (b) systematic analysis of each of these measures to evaluate the safety;
- (c) benefit associated with each of them;
- (d) evaluation of the reasonable practicability of the identified measures;
- (e) implementation (or planned implementation) of reasonably practicable measures; and
- (f) a record of the process and results.

182 The systematic analysis of options for reasonable practicability should make reference to relevant good practice and sound engineering judgement. Where appropriate, this should be supported by reference to suitable and sufficient risk assessment. If a measure appears practicable and the cost of the measure is not grossly disproportionate to the benefit gained, then the measure is reasonably practicable and should be implemented. Further guidance is available in offshore information sheet 2/2006 *Offshore Installations (Safety Case) Regulations 2005 Regulation 12: Demonstrating compliance with the relevant statutory provisions*.²⁸

12

Regulation

12

(2) Paragraph (1) shall only require the particulars in the safety case to demonstrate the matters referred to in that paragraph to the extent that it is reasonable to expect the duty holder to address them at the time of sending the safety case to the Executive.

Guidance

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183 Safety cases need include only those particulars that could reasonably be expected to be provided when the safety case is submitted. This applies only to the demonstrations required by regulation 12, not to the descriptions required by the schedules. It will be unusual, however, for this situation to occur. Once accepted, the safety case must be kept up to date. If there is a material change after HSE accepts the safety case this will require a revision under regulation 14(2).

Regulation

12

(3) In this regulation, “audit” means systematic assessment of the adequacy of the management system to achieve the purpose referred to in paragraph (1)(a) carried out by persons who are sufficiently independent of the system (but who may be employed by the duty holder) to ensure that such assessment is objective.

Guidance

12

184 This definition means that the arrangements described must demonstrate that audits are systematic and independent. They should address the adequacy of the management system in complying with the relevant statutory provisions (ie the health and safety legislation applying to offshore installations). The guidance on independence for the purposes of regulation 2(7) may also be relevant. Audit reports are required to be kept under regulation 18, which also requires subsequent actions to be recorded - see paragraph 219.

Review and revision of safety case and conforming with a safety case

185 The safety case is intended to be a living document that reflects the reality of the current operating status on the installation. Changes are likely to occur in the environment, in the activities carried out or in other factors that may affect risks to people. It is therefore important that the safety case is reviewed in the light of any such changes and revised as often as may be necessary to ensure it reflects reality. Such reviews are likely to be limited but frequent and should not be confused with the periodic thorough review required by regulation 13. HSE may direct a revision or a thorough review where the duty holder has failed to identify the need.

186 The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 require duty holders to consult installation safety representatives when reviewing or revising a safety case. This provides an opportunity to share information on developing the safety case and for safety representatives to contribute their knowledge of day-to-day operations. Such consultation should help to secure additional confidence in the safety case arrangements. See paragraphs 37-41 for further guidance on consulting safety representatives.

Regulation

13

Regulation 13 Review of safety case

(1) A duty holder shall thoroughly review a current safety case when directed to do so by the Executive.

(2) In the absence of a direction under paragraph (1), a duty holder shall thoroughly review a current safety case within 5 years of –

- (a) the date on which the Executive accepted that current safety case; and*
- (b) the date of the previous such review.*

Regulation

13

(3) *A duty holder shall send a summary of each such review to the Executive –*

- (a) *where the review is conducted at the direction of the Executive, within such reasonable time, being a period of not less than 28 days of the direction, as may be specified by the Executive; or*
- (b) *in all other cases, within 28 days of its conclusion.*

Guidance

13

187 This regulation requires duty holders to undertake a periodic thorough review of accepted safety cases. The review involves more than just checking that the safety case is up to date, which is required by regulation 14. Its purpose is to confirm that the safety case as a whole continues to be fundamentally sound. The review must take place, at the latest, within five years of the safety case being accepted or the last such review, or when directed by HSE.

188 For existing safety cases first accepted under the 1992 Regulations, the five-year timescale for review takes effect from the last full assessment of the safety case, ie from when a new safety case was accepted or when a resubmission was last accepted under regulation 9(4) of the 1992 Regulations. For safety cases first accepted under the 2005 Regulations the five-year review period counts from the date of acceptance.

189 A duty holder may identify the need for a thorough review at any time within the five years since acceptance or the last review. This is likely to be because of a major change in circumstances, such as a change in duty holder or a change in the main production contractor. When a new duty holder introduces a new management system this is likely to warrant a material change to the safety case under regulation 14(2). Whether or not there is such a change to the management system, a thorough review of the safety case is likely to be justified. HSE may direct such a review if the duty holder fails to recognise the need for one. A prospective duty holder should find it helpful to undertake a systematic consideration of the safety case and safety management arrangements.

190 The review should examine the basic assumptions made in the safety case as well as its content. It should consider how its demonstrations might be improved, taking account of all relevant changes and new knowledge since acceptance or the last review, to ensure that they remain valid. To ensure objectivity, duty holders may find it beneficial to appoint review team members, or at least a leader, from staff who are independent of those responsible for routinely maintaining and revising the safety case. Such staff could be in-house or from an external body. The guidance on 'independence' in paragraphs 112-113 may be helpful, though independence is not a specific requirement of regulation 13.

191 The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 require duty holders to consult installation safety representatives when reviewing a safety case. This is a good opportunity for the wider workforce to contribute their experience and knowledge to the review process, through their representatives.

192 The duty holder must send a summary of the review to HSE within 28 days of completing it, including details of consultation with safety representatives. If HSE directs a review, HSE will specify a period of at least 28 days in which to send the summary. HSE will aim to agree a reasonable period for this with the duty holder. The summary provides both evidence that a review has been done and information to help HSE decide whether to inspect the conduct of the review.

Guidance

193 A copy of the summary must be kept at an address in Great Britain as required by regulation 18. The summary should be short and factual and it would be helpful if it contained the following information:

- (a) confirmation that the review has been carried out, when it started and how long it took;
- (b) the identities of the person who led the review and of those who carried it out;
- (c) a description of how the review was carried out or a reference to an existing review procedure that the duty holder has in place; and
- (d) summaries of all revisions made to the safety case as a consequence of the review.

194 Additional details could include descriptions of:

- (a) which new or different regulations, standards, or knowledge were taken into account during the review (ie that were not considered when the safety case was originally prepared or during an earlier review) and the impact they had; and
- (b) how the review was independent of the present owner(s) of the safety case.

195 A non-production installation that leaves UK waters is not required to have its safety case reviewed, but a review may be needed before returning to operations in UK waters.

13

Regulation

Regulation 14 Revision of safety case

(1) In addition to the other occasions on which a duty holder must revise a current safety case pursuant to these Regulations, a duty holder shall revise a current safety case –

- (a) when appropriate; and*
- (b) when directed to do so by the Executive pursuant to regulation 15(1).*

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Guidance

196 Regulation 14(1) requires the safety case to be kept up to date, reflecting the current state of the installation and its operations, as well as correcting any errors. Even apparently minor changes should be assessed and logged, and all relevant documentation updated as appropriate. Careful logging of modifications is essential in enabling duty holders to demonstrate that they continue to operate the installation in conformity with their safety case, as required by regulation 16. A non-production installation that leaves UK waters or is temporarily taken out of use need not keep its safety case up to date, but the safety case must be updated before returning to operations in UK waters.

197 The need for revision may be triggered by events such as an accident or incident, an audit, a change of duty holder or changes to the emergency procedures. As well as the general requirement under regulation 14, revisions may also be required under regulation 9(5) (converting a non-production installation to a production installation), regulation 11 (dismantling a fixed installation), when HSE directs under regulation 15(1), or under the transitional arrangements in regulation 27.

14

Guidance

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198 Revisions do not need to be submitted to HSE unless they:

- (a) make material changes to the safety case (see regulation 14(2) below);
- (b) are required by regulation 9(5) or regulation 11;
- (c) follow a direction by HSE under regulation 15(1); or
- (d) are under the transitional arrangements (relating to combined operations) in regulation 27(2).

199 The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 require duty holders to consult installation safety representatives when revising a safety case.

Regulation

14

(2) Revisions made under sub-paragraph (a) of paragraph (1) which make a material change to the current safety case shall not be effective unless –

(a) the duty holder has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the Executive –

- (i) at least 3 months, or such shorter period as the Executive may specify; or*
- (ii) where the revisions relate to a combined operation, at least 6 weeks, or such shorter period as the Executive may specify,*

before the revisions are to be made; and

(b) the Executive has accepted the revisions.

(3) Without prejudice to the generality of paragraph (2) –

- (a) no well operation shall constitute a material change;*
- (b) no revision prepared or made pursuant to regulation 27 shall constitute a material change;*
- (c) the movement of a production installation to a new location to be operated there shall constitute a material change; and*
- (d) the conversion of a production installation to enable it to be operated as a non-production installation shall constitute a material change,*

to the current safety case for the purposes of paragraph (2).

Guidance

14

200 Any revisions that make a material change to a safety case must be submitted to HSE for acceptance. A material change is likely to be one that changes the basis on which the original safety case was accepted. This would involve changes to the basis on which risk control decisions are made or which necessitate a review of the adequacy of major hazard control measures. It includes both physical modifications and operational management changes of sufficient significance.

201 The duty holder must decide, in the light of all the circumstances of the installation, what constitutes a material change. If in doubt, duty holders are welcome to discuss prospective changes with HSE. The need for a material change may become apparent following an accident or incident on the installation, or as a result of an audit of the SMS by the duty holder or HSE. Some examples of changes that would warrant revisions to be submitted are:

Guidance

- (a) modifications or repairs to the structure or any plant and equipment where the changes have or may have a major negative impact on safety;
- (b) the introduction of new activities on the installation or in connection with it, including new kinds of combined operation;
- (c) changes of operator or ownership involving significant changes in the management system, and the contracting out of or significant change to the management function;
- (d) an extension of use of the installation beyond its original design life;
- (e) decommissioning a production installation and connected pipelines (see paragraph 168) prior to dismantling; and
- (f) major changes in technology.

202 Regulation 14(3) specifies certain actions that either are or are not material changes. Moving a production installation to a new operating location and converting a production installation to a non-production installation are both material changes. Well operations are not in themselves material changes, as they must be notified under regulation 17. However, material changes could arise from the equipment used, for example introducing a well-testing surface package or an underbalanced drilling surface package. Any revision made under the transitional arrangements in regulation 27 is not material change, though transitional revisions relating to combined operations have to be submitted under regulation 27(2).

203 Implementing a material change before HSE accepts the revised safety case would breach the duty in regulation 16 to follow the procedures and arrangements set out in the current (accepted) safety case. Any necessary preliminary work (for example, preparatory plant modifications that do not change operational parameters) could be done so far as this is covered by the existing safety case, but the material changes could not take effect before HSE accepts the revised case.

204 For ease of assessment, the duty holder must submit a complete version of the safety case, clearly showing the proposed revisions in context. This will also incorporate any revisions made under regulation 14(1) which did not have to be accepted by HSE. There is no requirement to indicate such changes since the last safety case acceptance, but doing so will also speed up HSE's assessment. HSE's acceptance decision will relate solely to the proposed material changes, so if HSE is unable to accept the revisions for some reason the previously accepted safety case will not be affected. Regulation 24 provides to the duty holder a right of appeal to the Secretary of State if HSE does not accept a revision.

14

Regulation

Regulation 15 Power of Executive in relation to safety cases and related documents

(1) *The Executive may direct a duty holder to prepare revisions to a current safety case in relation to such matters as the Executive may notify to him.*

(2) *When making a direction for the purposes of paragraph (1), the Executive shall explain why it believes that each revision is necessary and shall specify a period, not being less than 28 days, within which the duty holder shall submit such revisions to the Executive.*

15

Regulation

(3) *Revisions submitted pursuant to paragraph (1) shall not be effective unless –*

- (a) *the duty holder has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the Executive; and*
- (b) *the Executive has accepted the revisions.*

(4) *After the submission of a design notification required under regulation 6 or 9 and prior to the submission of a safety case in respect of a production installation, the duty holder for that installation shall provide the Executive with a copy of any document which, in the opinion of the Executive, may be directly or indirectly relevant to the duty holder's preparation of the safety case for that installation within such reasonable time of the demand, being a period of not less than 14 days, as may be specified by the Executive.*

(5) *The Executive may suspend any current safety case where it does not accept any proposed revision thereto submitted to it pursuant to regulation 15(3) or 27(2).*

(6) *When suspending a current safety case in accordance with paragraph (5), the Executive shall explain why it believes that a suspension is necessary.*

(7) *During any period in which the current safety case for an installation is suspended, the duty holder for that installation shall ensure that it is not operated.*

(8) *The Executive may lift any suspension in respect of a current safety case when it is satisfied that the health and safety of persons who are likely to be affected by the lifting of any suspension will not be prejudiced in consequence of it.*

15

Guidance

205 HSE may direct a duty holder to revise a current safety case. Any such revision must be submitted to HSE for acceptance. This is to ensure that the safety case is revised and submitted, even if the duty holder argues that the change, made as a result of an HSE direction, is not a material change under regulation 14(2). This provides time for the duty holder and HSE to consider the implications of the change in detail. If HSE does not accept the revision, the change will not be able to be made. There is a right of appeal to the Secretary of State under regulation 24 if HSE does not accept the revision.

206 Once given, acceptance of a safety case remains until the installation ceases to exist, although HSE can refuse to accept revisions to the safety case. HSE has extensive powers for dealing with failure to comply with regulations and with danger to people. However, in exceptional circumstances HSE may conclude that the current safety case, either in part or as a whole, is no longer satisfactory. If this cannot easily be resolved through dialogue with the duty holder HSE may direct that a revision is made under regulation 15.

207 HSE may direct a revision at other times too, but it is probably most likely to follow a directed review. In any case, a directed revision will be very unusual. In practice it is much more probable either that matters are resolved before going this far or else HSE will use other means such as enforcement notices. However, in the exceptional event that a directed revision is unacceptable to HSE and all efforts to reach agreement fail, HSE may suspend the current safety case, subject to the aggrieved person's right of appeal to the Secretary of State under regulation 24. The suspension power also applies to transitional revisions under regulation 27(2).

15

Guidance

15

208 Documentation that might be requested under regulation 15(4) could include: the design basis for the structure or for specific systems, studies relating to novel features, safety studies (for example HAZOP), verification scheme documentation, details of management arrangements during design.

Regulation

16

Regulation 16 Duty to conform with safety case

(1) The duty holder shall ensure that the procedures and arrangements described in the current safety case which may affect health or safety are followed.

(2) In criminal proceedings for a contravention of paragraph (1), it shall be a defence for the accused to prove that –

- (a) in the particular circumstances of the case, it was not in the best interests of the health and safety of persons to follow the procedures or arrangements concerned and there was insufficient time to revise the safety case pursuant to regulation 14; or*
- (b) the commission of the offence was due to a contravention by another person of regulation 8 of the Management Regulations and the accused had taken all reasonable precautions and exercised all due diligence to ensure that the procedures or arrangements were followed.*

Guidance

16

209 A duty holder who has submitted a safety case or a revision to HSE under regulations 7, 8, 9, 11 or 14 and has had this accepted must ensure that the installation is operated in conformity with the safety case as accepted. Any revisions made under regulation 14(1) that do not have to be accepted by HSE must also be followed where they may affect health or safety.

210 Regulation 14(2) prevents a materially changed safety case being effective until HSE accepts it. The duty to conform in regulation 16 requires the existing arrangements to be followed, where they may affect health or safety, until acceptance is obtained. Regulation 16(1) applies, for example, to management changes such as downsizing that could affect health or safety, as well as to procedures or arrangements specifically directed towards health or safety.

211 A non-production installation which leaves UK waters or which is taken out of use within UK waters is not obliged to continue to conform with its safety case, though the owner may choose to do so.

Regulation

17

Regulation 17 Notification of well operations

(1) Subject to paragraph (2), a well operator shall ensure that no well operation is commenced unless he has sent a notification containing the particulars specified in Schedule 6 to the Executive at least 21 days (or such shorter period as the Executive may specify) before commencing that operation.

Regulation

17

- (2) *In the case of a production installation a well operator shall ensure that –*
- (a) *no well operation which involves –*
- (i) *insertion of a hollow pipe in the well; or*
 - (ii) *altering the construction of the well,*

is commenced unless he has sent a notification containing the particulars specified in Schedule 6 to the Executive at least 10 days (or such shorter period as the Executive may specify) before commencing that operation; and

- (b) *no well operation which involves drilling is commenced unless he has sent a notification containing the particulars specified in Schedule 6 to the Executive at least 21 days (or such shorter period as the Executive may specify) before commencing that operation.*

Guidance

17

212 The duty to notify HSE falls on the well operator rather than the installation duty holder who prepared the safety case or the vessel owner. Hazards vary in significance from well to well, for example because of varying geological conditions, so the installation safety case is unlikely to be able to describe fully all foreseeable operating conditions and hazards. The notification required by regulation 17 complements the accepted safety case by providing the additional information needed to establish that the intended well work will take place in conditions for which the effectiveness of major hazard control has already been demonstrated in the safety case. 'Well operation' is defined in regulation 2(1) - see paragraph 89.

213 Regulation 17(2) extends the range of operations notifiable on a production installation (only drilling was notifiable under the 1992 Regulations). Notification is also required for well operations carried out from a vessel that is not an installation. The notification will provide the information needed to demonstrate that the intended well work will take place in conditions that will ensure health and safety as required by the HSW Act. If these operations relate to a well connected to an installation, the notification will also complement the installation's safety case.

214 In summary, well notifications are required as follows:

- (a) vessels - all well operations;
- (b) non-production installations - all well operations;
- (c) production installations - all drilling; all operations which alter the construction of the well; and insertion of hollow pipe in the well.

215 This means that most stand-alone wireline interventions on a production installation will not need to be notified. Details of major hazard controls should be included in the installation safety case. Where wireline activity is required to alter the well construction, this is notifiable. A significant change to the well construction needs to take place to be regarded as 'altering' it. Inserting hollow pipe includes inserting coiled tubing.

Regulation
17

(3) *Where there is a material change in any of the particulars notified pursuant to paragraph (1) prior to completion of the relevant well operation, the well operator shall notify the Executive of that change as soon as practicable.*

Guidance

17

216 Examples of changes that would merit notification under paragraph (3) include:

- (a) changes to the particulars of fluids, plant, equipment, well path, designs, procedures, or management arrangements that would affect the hazards as described according to Schedule 6;
- (b) unforeseen interruptions of the programme of works. If the interruption is anticipated to be for less than approximately 21 days the recommencement of operations should be notified at the time of notifying the change.

217 The current model clauses contained within the petroleum production licences require a consent to be obtained from DTI for most well operations, including the drilling and re-entering of wells. Details of the information required to support well consent applications are contained in the Petroleum Operations Notices issued by the Licensing, Exploration and Development Directorate, DTI, 1 Victoria Street, London SW1H 0ET. Guidance is available via the UK oil portal: www.og.dti.gov.uk.

Regulation

18

Regulation 18 Keeping of documents

(1) *A duty holder shall –*

(a) *ensure that, when he sends –*

- (i) *the design notification, in the case of a production installation; or*
- (ii) *the safety case, in the case of a non-production installation,*

to the Executive, it is notified of an address in Great Britain for the purposes of sub-paragraphs (b) and (e) below;

(b) *keep copies, at the address referred to in sub-paragraph (a) and on the installation, of the following documents relating to the installation –*

- (i) *the current safety case;*
- (ii) *any summary of any review of the current safety case prepared pursuant to regulation 13(2); and*
- (iii) *each audit report;*

(c) *keep copies on the installation of the following documents relating to the installation –*

- (i) *any relocation notification and any material changes thereto;*
- (ii) *any notification of combined operations and any material changes thereto;*
- (iii) *any notification of well operations and any material changes thereto;*

(d) *ensure that, in respect of each audit report, a written statement is made, recording –*

- (i) *the main findings of the report;*
- (ii) *the recommendations in the report; and*
- (iii) *the action proposed to implement those recommendations, including the timescales involved,*

and a copy of that statement kept on the installation; and

Regulation

18

(e) *ensure that a record is made of any action taken in consequence of an audit report, and a copy of that record kept at the address referred to in sub-paragraph (a) and on the installation.*

(2) *The copy of the current safety case referred to in paragraph (1) and any other relevant documents shall be kept for so long as they are current, and the copy of the audit report, the written statement and the record referred to in that paragraph shall be kept for a period of 3 years after being made.*

Guidance

18

218 Regulation 18 requires copies of several documents prepared for the purposes of OSCR to be kept on the relevant installation, where they are accessible to safety representatives. Copies of some of the documents must also be kept at a notified address in Great Britain where they are accessible to HSE inspectors. The requirement only applies while the installation is operating in UK waters, though some mobile installations may maintain their safety cases while outside UK waters, in the expectation of returning.

219 Documents to be kept include the current safety case (ie including any revisions), relevant notifications (on the installation only), summaries of thorough reviews under regulation 13(2) and audit reports under regulation 12(1)(b). Regulation 18 also requires statements to be made and actions recorded, in respect of audit reports under regulation 12(1)(b); such statements and records must also be kept (the statements on the installations only). Among other things, the audit reports and action records will be readily available for examination by HSE inspectors while they are auditing the duty holder's safety management and audit system.

220 Regulation 3(3) allows all these documents to be kept in electronic form. It is therefore sufficient for electronic access to them to be available on the installation and at the notified address, rather than keeping physical copies there. Arrangements for keeping the documents and revising them as required should be part of the management system.

Regulation

18

(3) *The duty holder for an installation shall ensure that –*

- (a) *its verification scheme, any modification of that scheme and any note made pursuant to regulation 19(2)(c) or 20(b) is kept at the address notified to the Executive pursuant to sub-paragraph (a) of paragraph (1) until the expiration of 6 months after such scheme or, as the case may be, modification of that scheme, has ceased to be current; and*
- (b) *records, sufficient to show the matters described in paragraph 5 of Schedule 7, are kept at the address notified to the Executive pursuant to sub-paragraph (a) of paragraph (1) until the expiration of 6 months after the scheme pursuant to which they were compiled has ceased to be current.*

Guidance

18

221 This requirement provides an auditable trail for the verification scheme showing what work has been done, its findings, necessary recommendations made and necessary work carried out as a result. The records should be retained for six months after the relevant scheme ceases to be current (for example, after the installation has been dismantled and removed). Earlier records pertinent to a new or modified scheme should be retained for as long as they are relevant.

Regulation 18

(4) *In this regulation, "audit report" means a report made pursuant to the arrangements referred to in regulation 12(1)(b).*

Regulation

Regulation 19 Verification schemes

(1) *The duty holder for an installation shall ensure that a record of the safety-critical elements and the specified plant is made.*

(2) *After a record has been made in accordance with paragraph (1), the duty holder shall ensure that, in accordance with paragraph (3) –*

- (a) *comment on that record by an independent and competent person is invited;*
- (b) *a verification scheme providing for the matters contained in Schedule 7 is drawn up by or in consultation with such person;*
- (c) *a note is made of any reservation expressed by such person as to the contents of –*

- (i) *that record; or*
- (ii) *that scheme; and*

(d) *that scheme is put into effect.*

(3) *The matters set out in paragraph (2) shall be completed –*

- (a) *in the case of a production installation, before completion of its design; and*
- (b) *in the case of a non-production installation, before it is moved into relevant waters with a view to its being operated there.*

19

Guidance

222 Regulations 19-21 require a duty holder to prepare, put into effect and maintain a verification scheme (as defined in regulation 2(5) and described in paragraphs 97-98). Production and non-production installations come into UK jurisdiction at different stages. For a new production installation, a verification scheme must be put in hand before the completion of design work. A summary of the scheme must be included in the design notification (Schedule 1). The scheme applies to the installation throughout its life until it is dismantled.

223 For a non-production installation, the verification requirements take effect when it enters UK waters. However, duty holders will need to be able to demonstrate the adequacy of verification schemes in all respects, including matters relating to design, construction and the installation's history before the installation enters UK waters. Previous class and flag state surveys may help. The verification scheme ends when the installation leaves UK waters, though the scheme would restart if and when it returns.

224 Any installation intended for use in UK waters should be designed and built with these legal requirements in mind. Duty holders are strongly recommended to obtain suitable records of the installation's design and construction details with the installation. Duty holders purchasing second-hand installations will find it helpful to seek similar records of their operating life.

225 The essential preliminary to developing an effective verification scheme is the accurate identification of the safety critical elements (SCEs) for the installation. SCEs are defined in regulation 2(1) - see paragraph 83. Work done to identify hazards in preparing the safety case will assist this process (the safety case will describe the arrangements to ensure the suitability of the SCEs - see Schedules 2 and 3). The duty holder's own organisation may perform this work, or it may be done by a suitable contractor, but the responsibility for the list of SCEs rests with the duty holder. Wells are safety critical, but are covered by the separate well

19

Guidance

19

examination scheme under DCR - see paragraph 334 on Schedule 7. As well as the SCEs, the specified plant (as defined in regulation 2 to comply with PFEER) must be identified for this purpose.

226 Regulation 19 requires the opinion of an independent and competent person (ICP) where this identification has not been carried out by such a person. Regulation 2(7) explains what 'independent' means for this purpose - see paragraphs 112-113. If the ICP is not content with the list, and the difference of opinion cannot be resolved in discussion, the reservation should be noted. A detailed assessment by the ICP of the methodology used to identify the SCEs is not required. The ICP is expected to use professional judgement, expertise and experience to reach a view on whether the list is appropriate for the installation in question.

227 The scheme itself, covering the topics set out in Schedule 7, should similarly be subject to a check by a person who is both competent and independent if it is not drawn up by such a person. These checks could be carried out during the development of the scheme.

228 Again, the responsibility for the scheme - how and with what frequency SCEs should be examined etc - rests with the duty holder. Any concerns raised with the duty holder by the ICP must be documented; the duty holder should be able to justify the decisions reached.

229 The list of SCEs can be used as a starting point for arrangements to manage contractors and sub-contractors, as part of the safety case demonstration required under regulation 12(1)(a)(ii).

Regulation

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Regulation 20 Review and revision of verification schemes

The duty holder shall ensure that, as often as may be appropriate –

- (a) *the verification scheme for his installation is reviewed and, where necessary, revised or replaced by or in consultation with an independent and competent person; and*
- (b) *a note is made of any reservation expressed by such person in the course of drawing it up.*

Guidance

20

230 A verification scheme will develop and should be subject to continual monitoring and review throughout the installation's life cycle. Any development which could alter the list of SCEs, or affect the verification arrangements appropriate to them, should be fed into the review process and, where necessary, into the revision of the verification scheme. This cyclical process, which builds on the review process, should be carried out with the help of appropriately independent and competent people.

231 Schedule 7 requires the principles for review of the scheme to be given within the scheme. These could include the requirement for an annual review and a more fundamental revision possibly in line with safety case reviews. Additional principles should be a requirement for revision of the examination scheme for safety-critical elements that are about to undergo major repair, modification or replacement or introduced (or removed) even for short periods of time as with safety-critical temporary or mobile equipment. This revision could take the form of an addition to the scheme to ensure that the suitability of the element introduced, modified or repaired will be verified before use or return to operation. During the risk

Guidance

20

assessment undertaken as a part of this change, it may be found that performance standards require revision, including standards associated with design.

232 Revision of the scheme may also be required when the operation of the installation or plant changes in a manner that requires different duties from the safety-critical elements. For example, the conversion of an installation from a non-production one to a production one will require changes to performance standards and this will require verification along with any work on the SCEs required so that they can meet their new duties.

Regulation

21

Regulation 21 Continuing effect of verification schemes

The duty holder shall ensure that effect continues to be given to the verification scheme for his installation, or any revision or replacement of it, while that installation remains in being.

Regulation

22

Regulation 22 Defence

(1) In any proceedings for an offence for a contravention of any of the provisions of regulations 19 to 21 it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove –

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called “the other person”); and*
- (b) that he took all reasonable precautions, and exercised all due diligence, to avoid the commission of the offence.*

(2) The person charged shall not, without the leave of the court, be entitled to rely on the defence in paragraph (1) unless, within a period ending 7 clear days –

- (a) before the hearing to determine mode of trial, where the proceedings are in England and Wales; or*
- (b) before the intermediate diet, where the proceedings are summary proceedings in Scotland; or*
- (c) before the first diet, where the proceedings are solemn proceedings in Scotland,*

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the 1974 Act, a person who establishes a defence under this regulation shall nevertheless be treated for the purposes of that section as having committed the offence.

Guidance 22

233 Duty holders need to put in place suitable arrangements to ensure compliance with the verification requirements under these Regulations. Regulation 22 offers a defence under the circumstances set out in sub-paragraphs (1)(a) and (b).

Guidance 22

234 ICPs carrying out verification work will be required by regulation 8 of MAR to co-operate with (among others) owners and operators of installations so far as is necessary to enable compliance with the relevant statutory provisions.

Regulation

Regulation 23 Exemptions

(1) *Subject to paragraph (2), the Executive may, by a certificate in writing, exempt any person, installation or well or class of persons, installations or wells 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 Executive 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 it proposes to attach to the exemption; and*
- (b) *any other requirements imposed by or under any enactments which apply to the case,*

it 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, and that the exemption will be compatible with Article 3(2) of Council Directive 92/91/EEC concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling(a).

23

(a) *O.J. No. L348, 28.11.92, p.9.*

Guidance

235 HSE may grant exemptions from the requirements of OSCR, so long as this would not conflict with EU health and safety law. HSE must not grant exemptions unless satisfied that the health and safety of people who are likely to be affected will not be prejudiced. In practice it is very unusual for exemptions to be requested or granted and they are only likely to be granted in exceptional circumstances.

236 Duty holders who do apply for an exemption should describe any compensatory measures they will take to maintain standards of health and safety, including any additional management controls. The application should also include the results of relevant risk assessments. In line with the Health and Safety Commission's general policy, HSE will consult representatives of the workforce (through the statutory safety committee where practicable) before agreeing to proposals for exemption. Details of consultations with the workforce should therefore also be included in the application. HSE may grant exemptions subject to conditions, for example that proposed compensatory measures are implemented by a particular date.

237 A formal exemption is not required to amend timescales for a submission (for example to submit a safety case under regulation 7 less than six months before starting operation as a production installation). HSE inspectors are empowered to do this on request in writing from a duty holder.

238 Regulation 23 does not allow HSE to grant exemptions from other offshore health and safety legislation. Any such exemptions must be applied for under exemption provisions in the legislation concerned.

23

Regulation

Regulation 24 Appeals

- (1) Any person who is aggrieved by a decision of the Executive –
- (a) as to a finding of fact made by the Executive for the purposes of these Regulations which affects him as a duty holder or licensee or any installation for which he is or may be responsible;
 - (b) not to accept a safety case prepared by him and submitted to the Executive pursuant to regulation 7(1) or 8;
 - (c) to direct him to prepare revisions to a current safety case in accordance with regulation 15(1);
 - (d) not to accept a revision to a current safety case prepared by him and submitted to the Executive in accordance with regulation 9(5), 11(1), 14(2), 15(3) or 27(1) or (2);
 - (e) to suspend pursuant to regulation 15(5) a current safety case held by him;
 - (f) not to lift a suspension pursuant to regulation 15(8) in respect of a current safety case held by him;
 - (g) to revoke an exemption certificate granted to him pursuant to regulation 23(1); or
 - (h) to grant to him an exemption certificate subject to a condition or a limit of time pursuant to regulation 23(1),

may appeal to the Secretary of State.

(2) The provisions of Schedule 8 shall apply where an aggrieved person appeals to the Secretary of State.

(3) Any decision of the Executive which is the subject of an appeal under this regulation shall not be suspended pending final determination of the appeal.

24

Guidance

239 Implementing these Regulations requires HSE to make a wide range of decisions that may impact on how duty holders carry out their operations. There may be occasions when a duty holder is dissatisfied with HSE's decision and wishes to challenge it; for example if HSE does not accept a safety case or a revision to it. Regulation 24 allows the aggrieved duty holder to appeal directly to the Secretary of State against HSE's decision. Only the person directly affected by the decision can appeal against it. For example, if the appeal is against non-acceptance of a safety case, only the duty holder who submitted the case may appeal.

240 Before making a formal appeal all other means of resolving the matter should be fully explored with HSE. HSE will provide a full explanation of the reasons for its decision and will provide advice and guidance on how to resolve the matter. It is important both to the aggrieved duty holder and HSE to keep the dialogue open and to examine all the options available to reach a solution. The process is open and transparent to allow aggrieved duty holders full understanding of what is happening and why. Its main purpose is to resolve the grievance so operations can begin or continue. If the grievance still cannot be resolved, the head of HSE's Offshore Division will intervene to find a solution. If that does not resolve matters the aggrieved duty holder can request a review of the decision by HSE's Executive.

241 If the grievance still cannot be resolved the aggrieved duty holder may write to the Secretary of State. The Secretary of State will consider all the arguments before deciding whether to overturn or uphold HSE's decision. The Secretary of State may appoint another independent person to determine the arguments for appeal on their behalf. Schedule 8 provides more details on the appeal procedure.

24

Regulation

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Regulation 25 Amendments

The instruments referred to in Schedule 9 shall be amended in accordance with that Schedule.

Guidance

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242 These are largely consequential amendments to ensure that regulations associated with OSCR remain consistent, for example in duty holder structure and terminology; and to remove paragraphs (2) to (8) of regulation 19 of PFEER (scheme of examination), which have been subsumed by the verification requirements of regulations 19-21. There is also a small amendment to regulation 17 of PFEER, to clarify that recovery and rescue arrangements must **always** involve persons beyond the installation. Finally there are amendments to OSRSCR to extend consultation with safety representatives to reviewing and revising safety cases.

Regulation

26

Regulation 26 Revocation

(1) *Subject to paragraph (2), the 1992 Regulations are hereby revoked.*

(2) *Regulations 6, 9, 10, 15 and 17 of and Schedule 4 to the 1992 Regulations shall remain in force until 6 October 2007 insofar as they relate to combined operations.*

Regulation

27

Regulation 27 Transitional provisions

(1) *Subject to paragraph (4), where there is an intention to carry out combined operations within 3 years of the coming into force of these Regulations a duty holder shall ensure that before the first combined operation is commenced he has made effective revisions to a current safety case accepted by the Executive pursuant to the 1992 Regulations which contain the particulars specified in –*

- (a) *regulation 12, in relation to combined operations;*
- (b) *paragraph 14 of Schedule 2, in relation to a production installation; or*
- (c) *paragraph 13 of Schedule 3, in relation to a non-production installation,*

not contained in the current safety case for that installation.

(2) *Revisions made pursuant to paragraph (1) shall not be effective unless –*

- (a) *the duty holder has sent a version of the current safety case which incorporates the proposed revisions, showing clearly where they are to be made, to the Executive; and*
- (b) *the Executive has accepted the revisions.*

(3) *Subject to paragraph (4), a duty holder shall revise a current safety case accepted by the Executive pursuant to the 1992 Regulations within 3 years of the coming into force of these Regulations so that it includes the particulars specified in –*

- (a) *regulation 12 and Schedule 2, in relation to a production installation; or*
- (b) *regulation 12 and Schedule 3, in relation to a non-production installation,*

not contained in the current safety case for that installation.

Regulation

27

(4) A duty holder may continue to comply with regulations 6, 9, 10 and 15 of and Schedule 4 to the 1992 Regulations in relation to a current safety case for a combined operation accepted by the Executive pursuant to the 1992 Regulations provided that within 18 months of the coming into force of these Regulations he complies with regulations 10, 14, 16, 18 and 27(1) of and Schedule 4 to these Regulations.

(5) For the purpose of this regulation, where there are safety cases under regulations 4(2) and 7 of the 1992 Regulations in respect of an installation “current safety case” means the safety case prepared under regulation 7.

Guidance

27

243 Safety cases accepted under the 1992 Regulations remain valid when the 2005 Regulations come into force, but they have to convert to the new arrangements within three years. The most important changes are those relating to combined operations, as the 2005 Regulations no longer require a separate combined operations safety case (COSC). Revisions to safety cases to include the generic particulars on combined operations must be submitted to HSE for acceptance, but the other changes do not.

244 The Regulations recognise that duty holders may have limited time to submit a revision to a safety case and have it accepted before commencing a combined operation. Regulation 27(4) therefore provides the alternative option of continuing the arrangements for COSCs under the 1992 Regulations for 18 months after the 2005 Regulations come into force. Thus, if a combined operation is under way when the 2005 Regulations come into force, a COSC accepted for that operation under the 1992 Regulations and still current will remain current for the life of the operation, or at least for 18 months. New COSCs may also be submitted for acceptance during that 18-month period, instead of notifications under regulation 10.

245 The COSC option will cease to be available after 18 months. Any installation safety case not revised by that date will have to be revised and submitted to HSE for acceptance before another combined operation is started. Any remaining unrevised safety cases must be revised to comply fully with the 2005 Regulations within three years of the Regulations coming into force (see *Revising an existing safety case to comply with the 2005 Safety Case Regulation* Operations Notice 69 available at: www.hse.gov.uk/offshore/notices/on_69.htm).²⁹

246 Installations have ample time to become fully compliant with the new requirements, but it will be in the interests of duty holders to move to the new arrangements as soon as possible.

Guidance

Schedules and guidance

247 For each type of safety case or notification required by regulations 6-11 and 17, a corresponding Schedule lists specific matters to be included. Each Schedule should be considered with regulation 12 (for safety cases) and the supporting guidance. The remaining Schedules deal with the content of verification schemes, arrangements for appeals under regulation 24 and miscellaneous amendments.

Guidance

Schedule 1 Particulars to be included in a design notification or a relocation notification

248 Duty holders should send the notification with the level of detail that it is reasonable for them to know at the time of submission. They should not delay the notification to include detailed design information.

Schedule 1

Schedule

- 1 *The name and address of the operator of the installation.*
- 2 *A description of the design process from an initial concept to the submitted design and the design philosophy used to guide the process.*
- 3 *A description of –*
 - (a) *the chosen design concept, including suitable diagrams, and a summary of the other design options, which were considered;*
 - (b) *how the chosen design concept is intended to ensure –*
 - (i) *compliance with the requirements set out in regulations 5 and 10 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996^(a); and*
 - (ii) *that risks with the potential to cause a major accident are reduced to the lowest level that is reasonably practicable; and*
 - (c) *the criteria used to select the chosen design concept and the process by which the selection was made.*
- 4 *A description of –*
 - (a) *the principal systems on the installation;*
 - (b) *the installation layout;*
 - (c) *the process technology to be used;*
 - (d) *the principal features of any pipeline;*
 - (e) *any petroleum-bearing reservoir intended to be exploited using the installation; and*
 - (f) *the basis of design for any wells to be connected to the installation.*

1

(a) S.I. 1996/913, to which there is an amendment not relevant to these Regulations.

Guidance

249 The notification should describe the principal features of the design of structure and plant. It should also describe, by reference to safety margins incorporated in the design and to relevant criteria and codes of practice, how the preferred design option will reduce risks to as low as is reasonably practicable (ALARP). In this connection it will be appropriate to show how risk reduction will be achieved through the application of the concept of inherently safer design - see paragraphs 136-137. Account should also be taken of the requirements of DCR regulation 5 throughout the life cycle of the installation - see *A guide to the integrity*,

Schedule 1

Guidance

workplace environment and miscellaneous aspects of the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996. Suitable diagrams (to scale where necessary) with the description in the notification will enable readers to gain an overview of the installation, its plant, connected wells, pipeline connections etc.

250 The level of detail should relate to the nature of the hazard and be proportional to the potential risk. The level of detail will also reflect the stage at which the submission was made, early submission of essential data being preferable to more detailed diagrams submitted late.

251 In relation to paragraph 4(d), pipeline operators have a duty under PSR to prepare, before the design of a major accident hazard pipeline is completed, a major accident prevention document. This is to show that all hazards relating to the pipeline with the potential to cause a major accident have been identified, the risks have been evaluated and there is a safety management system adequate to ensure that major accident risks are ALARP. Some of this material will be relevant to the design notification and subsequent safety case of the installation. Pipeline operators have a duty under regulation 8 of MAR to co-operate with installation duty holders as may be necessary to enable the latter to prepare the installation design notification and safety case. Further information on the interface between the installation safety case regime and pipelines is given in paragraphs 31-35.

Schedule 1

Schedule

1

5 *A suitable plan of the intended location of the installation and of anything which may be connected to it, and particulars of –*

- (a) *the meteorological and oceanographic conditions to which the installation may foreseeably be subject; and*
- (b) *the properties of the sea-bed and subsoil at its location.*

Guidance Schedule 1

252 Particulars relevant to 5(b) include the potential for shallow gas and other adverse geological conditions.

Schedule 1

6 *Particulars of the types of operation, and activities in connection with an operation, which the installation may perform.*

Guidance

253 The notification should identify all reasonably foreseeable operations and activities that may be undertaken during the operational lifetime of the installation. This would include activities relating to all connected wells, other vessels and other installations. Particular attention should be paid to any potentially hazardous simultaneous activities and any novel techniques or equipment planned for use. It may not be feasible to describe fully, in the notification, all the foreseeable operating conditions and hazards.

Schedule 1

Schedule

1

7 *A general description of the means by which the management system of the operator will ensure that the structure and plant of the installation will be designed, selected, constructed and commissioned in a way which will control major accident risks to comply with the relevant statutory provisions.*

Guidance

254 The notification should show, among other matters, that the duty holder's safety management system (SMS) is adequate to ensure that the declared design objectives (subject to any material changes notified to HSE) will be fully realised in the detailed design and through the arrangements for construction, hook-up and commissioning. Work required for verification and well examination may be referenced. It is expected that some means will be developed to take account of workforce practical experience during the design process.

Schedule 1

Schedule 1

8 *A summary of the verification scheme prepared pursuant to subparagraph (b) of paragraph (2) of regulation 19.*

**Guidance
Schedule 1**

255 The summary of the verification scheme should include the initial list of the safety critical elements, and the management arrangements to ensure that the scheme is put into effect.

Schedule

9 *Where a non-production installation is to be converted for use as a production installation, an explanation of why the owner considers the installation suitable for conversion.*

1

10 *Where a production installation is to be moved to a new location, an explanation of why the operator considers the installation suitable for the new location.*

**Guidance
Schedule 1**

256 The explanation should show how the existing risk control measures are affected by the new circumstances, and whether changes are needed to safety critical elements (either by changing existing ones or adding new ones).

Schedule

Schedule 2 Particulars to be included in a safety case for the operation of a production installation

2

1 *The name and address of the operator of the installation.*

2 *A description of the extent to which the duty holder has taken into account any matters raised by the Executive pursuant to regulations 6(1) and (4)(a) and 9(1) and (4).*

**Guidance
Schedule 2**

257 The description should summarise any additional work that has been undertaken in response to matters raised, and should explain the adequacy of the current installation arrangement and layout with regard to each matter.

Schedule

3 *A summary of how any safety representatives for that installation were consulted with regard to the revision, review or preparation of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989^(a).*

2

(a) S.I. 1989/971, amended by S.I. 1992/2885, 1995/738 and 1999/3242 and to which there are other amendments not relevant to these Regulations.

Guidance

258 The summary of the consultation should include an outline of how safety representatives were consulted and what procedures were used to encourage them to offer their views. Sufficient time should be allowed for safety representatives to discuss matters with the workforce. The summary should explain how their views were taken into account in the preparation of installation safety cases or their subsequent amendments and what were the outcomes. The summary does not need to be very detailed providing it covers these points. In the course of consulting safety representatives, duty holders should keep them informed of progress and the outcome of discussion and decision. It is reasonable to share with them what HSE has said during the process of assessment. Matters relating to the safety case should be a standing agenda item for safety committee meetings.

Schedule 2

Schedule
2

- 4 A description, with suitable diagrams, of –
- (a) the main and secondary structure of the installation and its materials;
 - (b) its plant;

Guidance Schedule
2

259 Plant includes any machinery, equipment or appliance including drilling, well maintenance and production testing plant provided on the installation.

Schedule
2

- (c) the layout and configuration of its plant;
- (d) the connections to any pipeline or installation; and
- (e) any wells connected or to be connected to the installation.

Guidance

Schedule 2

260 Under 4(e) it is appropriate to include a more detailed description of wells that will be pre-drilled for tie-back or connection to the installation as the main hazard is subsurface and some details of well type and completion are necessary. It is important to have a link between the well notification and the safety case.

261 Where applicable, the following can be illustrated diagrammatically:

- (a) the main elements of the structure of the installation and the wells, including the geological strata penetrated and contacted;
- (b) the positions of the main items of plant and equipment in relation to each other, including the orientation of such items where this might affect ventilation, drainage, fire spread or the degree of turbulence generated in an explosion;
- (c) the positions of the main sources of hazard, surface and subsurface, including the routes of pipelines and risers connected to other installations and wells (see Schedule 2, paragraph 9, and guidance paragraph 266-267) in relation to each other and to vulnerable safety-critical systems such as critical structural members, shutdown systems and casing shoes;
- (d) the positions of physical barriers that are likely to impair ventilation or that are intended to protect vulnerable systems from well pressure, fire or blast;
- (e) an outline flow diagram of any process plant showing the inventories of the main items of equipment, their normal operating temperatures and pressures, the safe limits for these variables, and the positions of the process emergency shutdown valves;
- (f) a schematic diagram of the well completions;
- (g) a schematic diagram to show the connection of wells, including sub-sea wells, to the process facilities including gas-lift systems where applicable; and
- (h) any other significant matters relevant to risk control.

262 Diagrams showing the positions of the main sources of hazard, including positions relative to vulnerable, safety-critical systems (item (c) in the previous paragraph), could also usefully include details of escape routes, temporary refuge, communications and evacuation systems. This would contribute both to meeting the information requirements of the relevant Schedules (specifically, paragraph 12 of Schedule 2 and paragraph 9 of Schedule 3) and towards achieving the safety demonstration required under SCR regulation 12.

Schedule
2

5 A suitable plan of the location of the installation and of anything connected to it, and particulars of –

- (a) the meteorological and oceanographic conditions to which the installation may foreseeably be subjected; and
- (b) the properties of the sea-bed and subsoil at its location.

Guidance Schedule
2

263 Particulars relevant to 5(b) include the potential for shallow gas and other adverse geological conditions.

Schedule 2

6 *Particulars of the types of operation, and activities in connection with an operation, which the installation is capable of performing.*

Guidance

264 The safety case needs to provide particulars of all the reasonably foreseeable operations and activities that are intended to be undertaken, or may need to be undertaken, during the operating lifetime of the installation. This includes activities relating to all connected wells, any occasional activities such as major maintenance projects or diving work and any planned construction or alteration projects. The safety case also needs to take into account the implications for health and safety on the installation of any likely activities involving other vessels (for example nearby diving support, supply and service vessels, and floating storage units), helicopters or other installations. Particular attention should be paid to any potentially hazardous simultaneous activities and any novel techniques or equipment planned for use.

Schedule 2

Schedule

7 *The maximum number of persons –*

- (a) *expected to be on the installation at any time; and*
- (b) *for whom accommodation is to be provided.*

8 *Particulars of the plant and arrangements for the control of well operations, including those –*

- (a) *to control pressure in a well;*
- (b) *to prevent the uncontrolled release of hazardous substances; and*
- (c) *to minimise the effects of damage to subsea equipment by drilling equipment.*

2

Guidance

265 The information relating to plant is as outlined in DCR regulations 13-17 and 21. 'Arrangements' refers to policies and procedures to control all well operations (as defined by regulation 2(1)) such as prevention and mitigation relating to shallow gas occurrences, well completion and well maintenance, tying back template wells and continuing well integrity monitoring.

Schedule 2

Schedule

9 *A description of any pipeline with the potential to cause a major accident, including –*

- (a) *the fluid which it conveys;*
- (b) *its dimensions and layout;*
- (c) *its contained volume at declared maximum allowable operating pressure; and*
- (d) *any apparatus and works intended to secure safety,*

together with a summary of the document prepared under regulation 23 of the Pipelines Safety Regulations 1996^(a).

2

(a) S.I. 1996/825, to which there are amendments not relevant to these Regulations.

Guidance

266 The potential for major accidents caused by either the operation of the pipeline or damage to it should be fully addressed in the safety case, as should the means by which such risks can be avoided or mitigated. Work undertaken by operators to comply with the requirement under regulation 8 of PFEER to prepare and revise an emergency response plan in consultation with, among others, pipeline operators, is relevant here. Some of the apparatus and works to secure safety may be located sub-sea or on other installations. The routes of pipelines and risers should be shown. The locations of riser emergency shutdown valves, fitted in compliance with PSR regulation 19 should be shown, along with other measures of compliance with this regulation.

Schedule 2

Guidance

Schedule 2

267 Regulation 23 of PSR requires, for major accident hazard pipelines, the preparation of a major accident prevention document to demonstrate that the pipeline operator's safety management system is adequate to ensure that the risk of a major accident is ALARP. Such material will be relevant to installation safety cases and a summary of it must be included. Pipeline operators have a duty under regulation 8 of MAR to co-operate with installation operators to enable the latter to prepare the installation safety case. Further information on the interface between the installation safety case regime and pipelines is given in paragraphs 31-35.

Schedule 2

10 A description of how the duty holder has ensured, or will ensure compliance with regulation 4(1) of the PFEER Regulations.

Guidance

Schedule 2

268 The safety case should summarise the assessment process for ensuring that people on the installation are protected from fires and explosions, and for ensuring provision of effective emergency response. The case should explain why it is believed that the measures and arrangements in place are suitable for their purpose and how they achieve the objectives set out in the more specific requirements of the other PFEER Regulations.

Schedule

2

11 A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.

Guidance

Schedule 2

269 This paragraph requires a description of the arrangements for protecting people on the installation from toxic gas, including hydrogen sulphide and other toxic substances, at times other than during an emergency covered by paragraph 12. This fulfils a requirement of the Extractive Industries (Boreholes) Directive.³⁰

Schedule

2

12 A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards of explosion, fire, heat, smoke, toxic gas or fumes during any period while they may need to remain on the installation following an incident which is beyond immediate control and for enabling such persons to be evacuated from the installation where necessary, including provision for –

- (a) temporary refuge;*
- (b) routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;*
- (c) means of evacuation at those points; and*
- (d) facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.*

Guidance

Schedule 2

270 The relevant information will be contained in the assessment carried out under regulation 5 of PFEER. Further guidance can be found in paragraphs 41-45 of the PFEER ACOP and associated guidance. Further guidance on the management procedures and systems, including a model design life cycle for fire and explosion hazards, is given in *Guidelines for fire and explosion hazard management* published by UKOOA.

271 The safety case should include a description of the management system and procedure for the establishment of appropriate standards of performance for the arrangements made for protecting people on the installation from an incident involving explosion, fire etc, wherever they may be. This includes performance standards established for structures and plant provided for protecting people. Further information on performance standards can be found in the PFEER ACOP (see paragraph 58).

Schedule

13 *A description of the main requirements in the specification for the design of the installation and its plant, which shall include –*

- (a) *any limits for safe operation or use specified therein;*
- (b) *a description of how the duty holder has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996;*
- (c) *a description of how the duty holder has ensured, or will ensure, the suitability of the safety-critical elements; and*
- (d) *a description of how the duty holder –*
 - (i) *where he is also the operator in relation to a pipeline, has ensured, or will ensure, compliance with regulation 11 of the Pipelines Safety Regulations 1996; or*
 - (ii) *where he is not also the operator in relation to a pipeline, has co-operated or will co-operate with the operator in relation to a pipeline to ensure compliance with regulation 11 of the Pipelines Safety Regulations 1996.*

2

Guidance

272 The safety case should provide a summary of the design philosophy for ensuring the continuing safe operation of the installation, and any significant features incorporated into the initial design to enhance health and safety. This summary may incorporate information that was presented in the design notification and how the arrangements may have changed during the design process as improved knowledge was developed about the installation, the hazards, and the ways in which those hazards are to be controlled. The information given in paragraph 2 of this Schedule is also likely to be relevant.

273 The safety case should summarise the approach taken to ensure the level of integrity of the installation is as high as is reasonably practicable throughout its life cycle, and how the appropriate safeguards are put into effect.

274 A summary of the verification scheme arrangement will assist in describing how the suitability of the safety-critical elements is ensured. This could include a list of the safety-critical elements and their key attributes, as well as a description of the management arrangements that will put the scheme into effect.

275 The safety case should describe the arrangements to ensure pipelines are operated within their safe limits, including instrumentation, set points of alarms and trips and high integrity pressure protection systems, if applicable, and setting of relief systems. Some of this equipment may be operated by others, and be located sub-sea or on other installations.

Schedule 2

Schedule

14 *Particulars of any combined operations which may involve the installation, including –*

- (a) *a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;*
- (b) *a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which shall include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;*
- (c) *the plant likely to be used during any such combined operation; and*
- (d) *the likely impact any such combined operation may have on the installations involved.*

2

Guidance

276 The safety case should provide generic information on how combined operations will be effectively co-ordinated between the duty holders involved. Information should be included on how compliance with the supporting regulatory framework (in respect of those hazards with the potential to cause a major accident) is to be ensured. For example, it may be necessary to revisit the assessments made under PFEER regulation 5, for each of the installations, to evaluate the impact of the combined operation on the measures taken to protect people from a major accident involving fire and explosion, or to ensure effective evacuation, escape or rescue.

Schedule 2

277 The generic information in the safety case will be supplemented by a combined operations notification under regulation 10.

Schedule

Schedule 3 Particulars to be included in a safety case for a non-production installation

3

1 *The name and address of the owner of the installation.*

2 *A summary of how any safety representatives for that installation were consulted with regard to the revision, review or preparation of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.*

Guidance

278 The summary of the consultation should include an outline of how safety representatives were consulted and what procedures were used to encourage them to offer their views. Sufficient time should be allowed for safety representatives to discuss matters with the workforce. The summary should explain how their views were taken into account in the preparation of the safety case or their subsequent amendments and what the outcomes were. A safety case may be prepared while an installation is outside UK waters and no safety representatives have yet been elected. The safety case will therefore need to focus on arrangements for consultation over subsequent revision or review.

Schedule 3

279 The summary does not need to be very detailed providing it covers these points. In the course of consulting safety representatives, duty holders should keep them informed of progress and the outcome of discussion and decision. It is reasonable to share with them what HSE has said during the process of assessment. Matters relating to the safety case should be a standing agenda item for safety committee meetings.

Schedule

3 *A description, with suitable diagrams, of –*

3

- (a) *the main and secondary structure of the installation and its materials;*
- (b) *its plant; and*
- (c) *the layout and configuration of its plant.*

Guidance

Schedule 3

280 Plant includes any machinery, equipment or appliance including drilling, well maintenance and production testing plant provided on the installation. For further information, see paragraph 259.

Schedule 3

4 *Particulars of the types of operation, and activities in connection with an operation, which the installation is capable of performing.*

Guidance

Schedule 3

281 The safety case should include the range of possible locations, environmental and subsurface conditions (required under paragraph 11 of this Schedule, see below) and activities in relation to the situations in which the installation is designed to operate. This information may relate to positioning, repositioning and maintaining on station, as well as drilling, well testing and template installation. While not all activities can be foreseen in detail, the safety case should describe as fully as possible the limiting conditions within which the installation and its plant can be demonstrated to operate safely. Particular attention should be paid to any potentially hazardous simultaneous activities and any novel techniques or equipment planned for use.

Schedule

3

- 5 *The maximum number of persons –*
- (a) *expected to be on the installation at any time; and*
 - (b) *for whom accommodation is to be provided.*
- 6 *Particulars of the plant and arrangements for the control of well operations, including those –*
- (a) *to control pressure in a well;*
 - (b) *to prevent the uncontrolled release of hazardous substances; and*
 - (c) *to minimise the effects of damage to subsea equipment by drilling equipment.*

Guidance

Schedule 3

282 The information relating to plant is as outlined in DCR regulations 13-17 and 21. 'Arrangements' refers to policies and procedures to control all well operations (as defined by regulation 2(1)) such as prevention and mitigation relating to shallow gas occurrences, well completion and well maintenance, and tying back template wells. Where the well is connected to a production installation, continuing well integrity monitoring is the responsibility of the production installation operator, and the well is covered by the production installation safety case.

Schedule 3

7 *A description of how the duty holder has ensured, or will ensure, compliance with regulation 4(1) of the PFEER Regulations.*

Guidance

Schedule 3

283 The safety case should summarise the assessment process for ensuring that people on the installation are protected from fires and explosions, and for ensuring provision of effective emergency response. The case should explain why it is believed that the measures and arrangements in place are suitable for their purpose and how they achieve the objectives set out in the more specific requirements of the other PFEER Regulations.

Schedule

3

8 *A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.*

Guidance

Schedule 3

284 This paragraph requires a description of the arrangements for protecting people on the installation from toxic gas, including hydrogen sulphide and other toxic substances, at times other than during an emergency covered by paragraph 9 of this Schedule. This fulfils a requirement of the Extractive Industries (Boreholes) Directive.

Schedule

3

9 *A description of the measures taken or to be taken or the arrangements made or to be made for the protection of persons on the installation from hazards of explosion, fire, heat, smoke, toxic gas or fumes during any period while they may need to remain on the installation following an incident which is beyond immediate control and for enabling such persons to be evacuated from the installation where necessary, including provision for –*

- (a) *temporary refuge;*
- (b) *routes from locations where persons may be present to temporary refuge and for egress therefrom to points from where the installation may be evacuated;*
- (c) *means of evacuation at those points; and*
- (d) *facilities within temporary refuge for the monitoring and control of the incident and for organising evacuation.*

Guidance

Schedule 3

285 The relevant data will be contained in the assessment carried out under regulation 5 of PFEER. Further guidance can be found in paragraphs 46-58 of the PFEER ACOP and associated guidance. Further guidance on the management procedures and systems, including a model design life cycle for fire and explosion hazards, is given in *Guidelines for fire and explosion management* published by UKOOA.

286 The safety case should include a description of the management system and procedure for the establishment of appropriate standards of performance for the arrangements made for protecting people on the installation from explosion, fire etc (including performance standards established for structures and plant provided for protecting people). Further information on performance standards can be found in the PFEER ACOP.

Schedule

3

10 *A description of the main requirements in the specification for the design of the installation and its plant, which shall include –*

- (a) *any limits for safe operation or use specified therein;*
- (b) *a description of how the duty holder has ensured, or will ensure, compliance with regulation 4 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996; and*
- (c) *a description of how the duty holder has ensured, or will ensure, the suitability of the safety-critical elements.*

Guidance

Schedule 3

287 The Regulations do not require a design notification for new non-production installations. However, the safety case must include sufficient details of the original design philosophy for the installation to allow a clear understanding of the safety policies and parameters to which the installation was designed and of the safety features incorporated into that design. Where the description is by reference to type design or other international standards, any individual features of the installation, or subsequent modifications, which differ from the type or standard should be identified. Where relevant, information relating to limiting specifications and layout criteria for temporary plant should also be included. Sufficient information should be provided to give an understanding of the way in which any constraints imposed by the design have been taken into account in the arrangements made for controlling major hazards (including arrangements for evacuation, escape and rescue) and in the SMS.

288 The safety case should summarise the approach taken to ensuring the level of integrity of the installation is as high as is reasonably practicable throughout its life cycle, and how the appropriate safeguards are put into effect.

Guidance

Schedule 3

289 A summary of the verification scheme will assist in describing how the suitability of the safety critical elements is ensured. This could include a list of the safety-critical elements and their key attributes, as well as a description of the management arrangements that will put the scheme into effect. Where relevant, reference may be made to the arrangements that have been adopted for classification purposes, and how these will relate to the verification scheme for the installation.

Schedule

3

11 *Particulars of –*

- (a) *the limits of the environmental conditions beyond which the installation cannot safely be stationed or operated;*
- (b) *the properties of the sea-bed and subsoil which are necessary for the safe stationing and operation of the installation; and*
- (c) *the locations in which the installation may be stationed and operated safely.*

Guidance

Schedule 3

290 All hazards which may arise within these limiting conditions should be fully considered as part of the demonstration of adequate control required by regulations 12(1)(c) and (d). See the guidance in paragraph 178. These hazards may include any pipelines in the area of operations.

Schedule

3

12 *A description of the arrangements for –*

- (a) *identifying the routes and locations of pipelines, wells and other subsea equipment; and*
- (b) *assessing the risks that they pose to the installation.*

13 *Particulars of any combined operations which may involve the installation, including –*

- (a) *a summary of the arrangements in place for co-ordinating the management systems of all duty holders involved in any such combined operation;*
- (b) *a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which shall include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;*
- (c) *the plant likely to be used during any such combined operation; and*
- (d) *the likely impact any such combined operation may have on the installations involved.*

Guidance

Schedule 3

291 The safety case should provide generic information on how combined operations will be effectively co-ordinated between the duty holders involved. Information should be included on how compliance with the supporting regulatory framework (in respect of those hazards with the potential to cause a major accident) is to be ensured. For example, it may be necessary to revisit the assessments made under PFEER regulation 5, for each of the installations, to evaluate the impact of the combined operation on the measures taken to protect people from a major accident involving fire and explosion, or to ensure effective evacuation, escape or rescue.

292 The generic information in the safety case will be supplemented by a combined operations notification under regulation 10.

Schedule

Schedule 4 Particulars to be included in a notification of combined operations

1 *The name and address of each duty holder preparing the notification and a confirmation that every such duty holder has agreed to the contents of the notification.*

2 *A description of how the management systems for the installations involved in the combined operation will be co-ordinated so as to reduce the risks from a major accident to comply with the relevant statutory provisions.*

3 *Particulars of any plant to be used in connection with the combined operation but which is not described in the current safety case for any of the installations involved in the combined operation.*

4 *A summary of the joint review referred to in paragraph 14(b) of Schedule 2 or paragraph 13(b) of Schedule 3, which shall include –*

- (a) a description of any activities during the combined operation which may involve hazards with the potential to cause a major accident on or in connection with an installation; and*
- (b) a description of any risk control measures introduced as a result of that review.*

5 *A description of the combined operation and a programme of work, which shall include the dates on which the combined operation is expected to commence and finish.*

4

Guidance

293 The notification should indicate that specific consideration has been given to the hazards and risks arising from the combined operation and that there will be effective co-ordination of management arrangements. This will include describing or referring to documents or other arrangements for temporarily linking the management systems of the installations concerned.

294 The risk analysis undertaken for the purpose of the joint review referred to in Schedule 2 or 3 should address any new or previously disregarded source of major accidents which has increased potential to threaten health and safety in the combined operations mode. Particular attention should be paid to situations where two or more hazardous operations are performed at the same time. The co-ordination arrangements for managing situations, where a potentially hazardous activity is carried out simultaneously with other activities that may be hazardous, should be described. It should be shown why it is not reasonably practicable to shut down one operation or to operate sequentially rather than simultaneously.

295 The use of a suitable diagram(s) showing the location of risers, pipelines and other sub-sea equipment in relation to the layout and safe operating limits of the installations, mooring lines, crane radii etc should be provided in support of risk analysis. Such information can assist in the understanding of the potential hazards to risers, pipelines and other sub-sea equipment, and the risk control measures to be introduced.

Schedule 4

Schedule

Schedule 5 Particulars to be included in a current safety case in respect of the dismantling of a fixed installation

- 1 *The name and address of the operator of the installation.*
- 2 *The dates on which dismantling is expected to commence and finish.*
- 3 *A summary of how any safety representatives for that installation were consulted with regard to the revision of the safety case pursuant to regulation 23(2)(c)(i) of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.*
- 4 *The maximum number of persons expected to be on the installation at any time during its dismantling.*
- 5 *A description of how the duty holder will comply with regulation 4(1) of the PFEER Regulations with regard to the dismantling of the installation.*
- 6 *A description of arrangements made for protecting persons on the installation from toxic gas at all times other than during any period while they may need to remain on the installation following an incident which is beyond immediate control.*
- 7 *A description of how the proposed arrangements, methods and procedures for dismantling the installation and connected pipelines take adequate account of the design and method of construction of the installation and its plant.*

5

Guidance

296 These particulars are to revise the current safety case to the extent that they are not already covered. Many other details will remain unchanged. The revision needs to cover the period from the start of dismantling operations to their completion. The revision can draw upon the work required to comply with DCR regulation 10.

Schedule 5

297 Further information relevant to these matters is included in *Assessment principles for offshore safety cases*.

Guidance

Schedule 6 Particulars to be included in a notification of well operations

298 Where the required information is contained in a current installation safety case (this includes one for an installation to which the well is connected), including a revision to it which has been accepted, it will suffice for the notification to refer to the relevant item in that safety case.

Schedule 6

Schedule

- 1 *The name and address of the well operator.*
- 2 *Where the well operation is to be carried out –*
 - (a) *from an installation, the name of the installation and the name and address of the duty holder for that installation; or*
 - (b) *by means of a vessel, the name of that vessel.*
- 3 *Particulars of the fluids to be used to control the pressure of the well.*

6

**Guidance
Schedule 6**

299 The particulars required include the generic fluid type and gravity for drilling each hole section and for production testing, completion and workover operations etc, as well as details of packer fluids.

Schedule 6

4 *Particulars of any plant, not described in the current safety case for the installation, which is to be used in connection with the well operation.*

**Guidance

Schedule 6**

300 This may include particulars of equipment that may influence the level of risk of a major accident such as blowout, fire or explosion. Examples of such equipment are well test packages, workover pressure control equipment, hydraulic fracturing equipment, coiled tubing and/or wireline equipment, cutting injection systems etc. In principle these particulars would include the rating of major items (pressure, temperature, fluids, flow rates etc, as appropriate), any safety features and, for complex setups, a simple diagram showing the configuration.

Schedule 6

5 *Particulars of the type of well, its number, and slot number, and the name of any field development of which it may be part.*

**Guidance
Schedule 6**

301 The well type refers to the current and/or intended future function of the well. The well number should clearly identify the well with reference to the relevant safety case and to the DTI numbering system.

**Schedule

6**

6 *A description of the well operation and a programme of works which includes –*

- (a) *the date on which each well operation is expected to commence and finish; and*
- (b) *the intended operational state of the well at the end of each well operation.*

**Guidance

Schedule 6**

302 The description should include the sequence of operations which can be reasonably foreseen, emphasising details of the safety-related steps, for example drilling pilot hole for shallow gas, casing/tubing pressure test details, formation integrity tests, cementing/cement tops, blow-out preventer (BOP) and barrier testing.

303 The description of the intended operational state at the end of the operations can be restricted to 'completed', 'suspended' or 'abandoned' (see also the guidance to DCR regulation 13).

**Schedule

6**

7 *A description of –*

- (a) *any activities on or in connection with an installation or a vessel during the well operation described pursuant to paragraph 6 which may involve any hazards with the potential to cause a major accident; and*
- (b) *such hazards.*

**Guidance
Schedule 6**

304 Unusual hazardous activities should be highlighted, for example production testing high-pressure wells with an unweighted packer fluid, long perforating runs, high test flow rates, extending the scope of simultaneous operations, cuttings injection, coiled tubing operations, well stimulation operations. Hazardous activities and hazards may be described by referring to the information and the demonstrations in any relevant installation safety case.

Schedule

6

8 *In the case of a well which is to be drilled –*

(a) *particulars, with suitable diagrams, of –*

- (i) *the location of the top of the well;*
- (ii) *the directional path of the well-bore;*
- (iii) *its terminal depth and location; and*
- (iv) *its position, and that of nearby wells, relative to each other;*

Guidance

Schedule 6

305 Critical depths should be given as measured along the hole and vertically.

306 The diagram of the directional path should include a plot with vertical section and horizontal plan. This applies to non-vertical wells only.

307 The diagram showing the relative positions of wells would be most effective in the form of a map showing the surface location and the entire lateral position of the well and of all other wells in the vicinity with their identification.

Schedule
6

(b) *particulars of the geological strata and formations, and of fluids within them, through which it will pass, and of any hazards with the potential to cause a major accident which they may contain;*

Guidance

Schedule 6

308 This information would normally include a geological column from surface to total depth. This would show the measured and vertical depths of critical strata, estimated formation pressures of all permeable and porous formations, and estimated fracture pressures at intended casing points. The particulars of fluids should include prognoses of fluid types, fluid gradient, presence of gas caps, presence and concentration of toxic fluid components. The particulars should also identify the potential producing formation(s) and include a prognosis of the temperature in these zones and at total depth of the well.

309 The hazards specifically associated with the well should be highlighted, for example shallow gas potential, squeezing salts, major loss zones, overpressures, and unusual geological uncertainty.

Schedule 6

(c) *the procedures for effectively monitoring the direction of the well-bore, and for minimising the likelihood and effects of intersecting nearby wells; and*

Guidance

Schedule 6

310 These procedures may take the form of a description of the system for programming surveys and for monitoring these in relation to nearby wells, together with the associated action plan. Alternatively, a survey programme for each hole section and the separation factors for significant nearby wells may be included.

Schedule 6

(d) *a description of the design of the well, including the limits on its safe operation and use.*

Guidance

Schedule 6

311 The description would normally include, for each hole section, the design hole size(s) and the size and specification of the casing string to be run with design setting depth, hanger depth (if applicable) and design kick tolerance. It should identify the formation in which the casing shoe should be set if this is critical to the design. It should also include critical specification details if the pipe or coupling codes are not American Petroleum Institute (API) specified.

312 The description would also include the well-head design specifications, details of the casing cementing design, and principles of the abandonment or suspension design if carried out continuously with the drilling activities.

Guidance
Schedule 6

313 For the design of the test completion, the description should include the hanging-off arrangements, the string configuration, the perforating system and the packer fluid.

314 For a development well there should be a description of the completion design.

315 The limits on safe operation and use are the pressure, flow rate, temperature and metallurgical limitations (with respect to well bore fluids) of the well design, of the (test) completion design and of the proposed well control equipment.

Schedule 6

9 *In the case of an existing well –*

(a) *a diagram of the well;*

Guidance Schedule 6

316 This relates to the current casing diagram and completion/suspension diagram.

Schedule 6

(b) *a summary of earlier operations in relation to it;*

Guidance Schedule 6

317 This summary should identify the dates and brief details of previous notifiable operations.

Schedule 6

(c) *the purposes for which it has been used;*

Guidance Schedule 6

318 The current use of the well should be highlighted.

Schedule 6

(d) *its current operational state;*

Guidance Schedule 6

319 This can be restricted to 'completed' or 'suspended' (see also the guidance to DCR regulation 13).

Schedule 6

(e) *its state of repair;*

Guidance Schedule 6

320 It is important to include details of any known or suspected safety-related failure or defect in the well, for example valve failures, leaks, wear, corrosion and unintended plugging or communication.

Schedule 6

(f) *the physical conditions within it; and*

Guidance
Schedule 6

321 This refers to the physical details of barriers and fluids in the well and the actual or estimated shut-in pressures. Conditions to be highlighted are those which will prevent installing or employing well control equipment according to accepted standards, such as those described in any relevant safety case. This should include details of hazardous substances, for example hydrogen sulphide.

Schedule 6

(g) *its production capacity.*

Guidance Schedule 6

322 Estimate of scale of potential blowout or production from well.

Schedule 6

10 *Where a well operation is to be carried out by means of a non-production installation or a vessel –*

(a) *particulars of –*

(i) *the meteorological and oceanographic conditions to which that installation or, as the case may be, vessel may foreseeably be subjected;*

**Guidance Schedule
6**

323 Any foreseeable conditions approaching the limiting conditions described in any installation safety case should be highlighted. These should include riser tensioning, vortex shedding and currents.

Schedule 6

(ii) *the depth of water; and*

**Guidance Schedule
6**

324 For reference purposes it is important to include the depth of the sea floor below the well reference level.

**Schedule
6**

(iii) *the properties of the sea-bed and subsoil*

at the location at which the operations will be carried out; and

Guidance

325 This should include the conclusions of site-specific shallow seismic surveys showing the potential for shallow gas at and in the vicinity of the well location. It may also include information relating to any seabed obstructions at and in the vicinity of the well location, for example pipelines, cables, wrecks and unexploded ordnance, and details of site survey(s) showing, for example, anchoring conditions and jack-up foundation integrity.

Schedule 6

Schedule

(b) *a description of how the well operator and –*

- (i) *the owner of the installation; or*
- (ii) *the operator and owner of the vessel*

involved in the well operation will coordinate their management systems so as to reduce the risks from a major accident to comply with the relevant statutory provisions.

6

Guidance

326 The description requires information on the management structure indicating the roles and responsibilities of key personnel involved with the well operation, including the operator's representatives and representatives of subcontractors on board the installation or vessel. This entails identifying who has overall charge of the well operations and specifying the arrangements made for communication between responsible persons both on and offshore, during normal operations and in emergency conditions. The notification should refer to the safety-related systems, codes and procedures which will be applied during operations, for example well control procedures, permit-to-work systems, barrier policies, well and completion design, and material or equipment selection.

Schedule 6

Schedule

Schedule 7 Matters to be provided for in a verification scheme

1 *The principles to be applied by the duty holder for the installation in selecting persons –*

- (a) *to perform functions under the scheme; and*
- (b) *to keep the scheme under review.*

7

Guidance

327 The principles applied by the duty holder in selecting the independent and competent person(s) to carry out work under the scheme, including its review, should be explained in the scheme. The information required relates to matters such as the degree of technical expertise, knowledge and experience which will be needed to carry out tasks within the verification scheme, and the appropriate levels of independence. In selecting independent and competent persons to undertake examinations of plant under the written scheme provisions, duty holders should

Schedule 7

Guidance

ensure that the person chosen has adequate levels of technical expertise and experience for the job. An adequate examination of some equipment may require access to specialised technical knowledge. In other situations, a lesser degree of technical specialisation may be appropriate.

328 This information need not identify the person or organisation who will do the work. Detailed selection processes will be an important component of the duty holder's safety management system. To avoid creating a conflict of interest for the independent and competent person(s), the duty holder may select the person(s) to carry out the verification work described in the scheme after the scheme has been drawn up.

329 There is no requirement for all the verification work for an installation to be carried out by the same person, nor to prevent this, as long as those involved are suitably independent and competent. Other persons will have duties under the written scheme for the communication of information, in particular communication to an appropriate level in the duty holder's management system of the ICP findings. Principles for their selection should be given or referenced if contained within the duty holder's management system.

330 Principles for the review of the scheme must also be given and could be time-based as well as prior to physical events including, for example, the introduction of safety-critical temporary equipment or specified plant, major repairs, modifications or replacements to safety-critical temporary equipment or specified plant. Review could also be required where the nature of operations on the installation undergoes a fundamental change (for example from drilling to combined drilling and production) or a review of the risk assessments pertaining to major hazards is undertaken. The principles should also require that the scope of any review is defined, including revision of performance standards where appropriate.

Schedule 7

**Schedule
7**

2 Arrangements for the communication of information necessary for the proper implementation, or revision, of the scheme to the persons referred to in paragraph 1.

Guidance

331 It is important that duty holders ensure that those responsible for managing their verification schemes have a thorough understanding of the implications of all facets of the different stages of the installation's life cycle and how they fit together. The process would benefit from ready access to current design details throughout the installation's life cycle so that later activity can be checked for compatibility with the appropriate parameters.

332 Co-ordination will be particularly important if several different people or organisations are used to implement a scheme for a single installation, or where a verification contract is reallocated to another person. Care will be needed to avoid gaps in verification coverage.

333 Arrangements should be made to ensure that defects identified as a result of the examinations are brought promptly to the attention of the duty holder so that additional risk control measures may be considered and any remedial measures identified can be taken.

334 When a well is connected to a production or non-production installation there may be an overlap between the installation verification scheme and the well examination scheme required by DCR. HSE does not expect work to be repeated or duplicated for these purposes. Work carried out by the well operator for the well examination scheme may be cited by the installation duty holder as part of the verification arrangements. Duty holders must satisfy themselves that any work carried out meets the necessary standards of the verification scheme.

Schedule 7

Schedule 7

3 *The nature and frequency of examination and testing.*

Guidance

335 The written scheme of examination should record the safety-critical elements or specified plant to be examined and when they should be examined, and the types of examination to be undertaken. The regulation also requires the scheme to provide for an initial examination, where appropriate, before relevant safety-critical elements or specified plant are brought into operation on the installation. There should be an examination after modification and repair. Examinations under the scheme would not be required for minor repairs, the need for which may have been identified during routine maintenance. Examinations include testing as well as other suitable techniques, as appropriate, to achieve the purposes set out in regulation 2(5), ie a careful and critical scrutiny to assess the suitability of the plant for its purpose, its condition, and any remedial measures that should be taken.

336 The nature of the examinations will differ for different plant, depending on such things as its function, complexity, conditions of operation and environment, failure rate, age, running hours and frequency of use. The scheme of examination should take these matters into account. Duty holders may find it helpful to consider the scope of examinations and their frequency against any standards of reliability and availability established through their risk assessment process and PFEER assessments.

337 The nature of the examination should give details on the extent of the testing of components of safety-critical elements and specified plant (for example sample size). Arrangements should be made to ensure the same sample is not repeatedly tested.

Schedule 7

Schedule

4 *Arrangements for review and revision of the scheme.*

5 *The arrangements for the making and preservation of records showing –*

- (a) *the examination and testing carried out;*
- (b) *the findings;*
- (c) *remedial action recommended; and*
- (d) *remedial action performed.*

7

Guidance Schedule

338 Both the positive and negative findings of the examination should be recorded to show that the required verification activities are being undertaken.

7

Schedule

6 *Arrangements for communicating the matters specified in paragraph 5 to an appropriate level in the management system of the duty holder for the installation.*

7

Guidance Schedule

339 'An appropriate level' would be the management level with sufficient authority to ensure that the action required in the light of verification findings is taken.

7

Schedule

Schedule 8 Appeals

Part 1

1 In this Schedule –

“appeal” means an appeal under regulation 24;

“appellant” means a person who has brought an appeal;

“appointed person” means a person appointed in accordance with paragraph 2;

“hearing” means a hearing to which Part 2 of this Schedule applies; and

“the parties” means the appellant and the Executive.

2 The Secretary of State shall direct that an appeal shall be determined by a person appointed by him for the purpose and the Secretary of State shall notify the parties in writing of the name of the appointed person.

3 Before the determination of an appeal, the appointed person shall ask the parties whether they wish to appear and be heard on the appeal and –

- (a) the appeal may be determined without a hearing of the parties if both of them express a wish not to be heard as aforesaid; or
- (b) the appointed person shall, if either party expresses a wish to appear and be heard, afford both of them an opportunity of so doing, in which case the provisions of Part 2 of this Schedule shall apply.

4 An appointed person may give such directions as he thinks appropriate to give effect to his determination.

5 The Secretary of State may pay to an appointed person such remuneration and allowances as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.

8

Schedule

Part 2

6 (1) Subject to the following sub-paragraphs of this paragraph, a date, time and place for the holding of the hearing shall be fixed by the appointed person, who shall give not less than 28 days' notice in writing of such date, time and place to the parties.

(2) With the consent of the parties, the appointed person may give such lesser period of notice as shall be agreed with the parties and in that event he may specify a date for service of the statement referred to in paragraph 7(1) later than the date determined in accordance with that paragraph.

(3) Where it becomes necessary or advisable to vary the date, time or place fixed for the hearing, the appointed person shall give such notice of the variation as may appear to him to be reasonable in the circumstances.

7 (1) Not later than 21 days before the date of the hearing, or such later date as the appointed person may specify in accordance with paragraph 6(2), the Executive shall serve on the appellant a written statement of any submission which the Executive proposes to put forward at the hearing and shall supply a copy of the statement to the appointed person.

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Schedule

(2) *Where the Executive intends to refer to or put in evidence documents (including photographs and plans) at the hearing –*

- (a) *the statement of the Executive shall be accompanied by a list of those documents together with a written notice stating the times and place at which the documents may be inspected by the appellant; and*
- (b) *the Executive shall afford the appellant a reasonable opportunity to inspect and, where practicable, to take copies of those documents.*

(3) *If so required by the appointed person, the appellant shall –*

- (a) *serve on the Executive and on the appointed person, within such time before the hearing as the appointed person may specify, a written statement of the submissions which he proposes to put forward at the hearing accompanied by a list of any documents (including photographs and plans) which he intends to refer to or put in evidence at the hearing; and*
- (b) *afford the Executive a reasonable opportunity to inspect and, where practicable, to take copies of those documents.*

8 (1) *The parties shall be entitled to appear at the hearing.*

(2) *Any other person may appear at the discretion of the appointed person provided that he has, not later than 7 days before the date of the hearing, served on the Executive a statement of his proposed submissions.*

(3) *The Executive shall send a copy of every statement served on it in accordance with sub-paragraph (2) to the appointed person and to the appellant.*

(4) *A body corporate may appear by its clerk or secretary or by any other officer appointed for the purpose by that body, or by counsel or a solicitor.*

(5) *A person may appear in his own behalf or be represented by counsel, a solicitor or any other person.*

(6) *Where there are two or more persons having a similar interest in the subject matter of the hearing, the appointed person may allow one or more persons to appear for the benefit of some or all persons so interested.*

9 (1) *All hearings shall be held in private.*

(2) *Except as otherwise provided in this Part of the Schedule, the procedure of the hearing shall be such as the appointed person shall in his discretion determine and the appointed person shall state at the commencement of the hearing the procedure which, subject to consideration of any submission by the parties, he proposes to adopt.*

(3) *Unless in a particular case the appointed person, with the consent of the appellant, otherwise determines, the appellant shall be heard first and shall have the right of final reply.*

(4) *The parties shall be entitled to make an opening statement, call evidence and cross-examine persons giving evidence but any other person appearing at the hearing may only do so to the extent permitted by the appointed person.*

Schedule

(5) Subject to sub-paragraph (6), any evidence may be admitted at the discretion of the appointed person, who may direct that documents tendered in evidence may be inspected by any person entitled or permitted to appear at the hearing and that facilities be afforded him to take or obtain copies thereof.

(6) The appointed person shall not require or permit the giving or production of any evidence, whether written or oral, which would be contrary to the public interest.

(7) The appointed person may allow the parties to alter or add to the submissions contained in any statement served under paragraph 7(1) or (3), or to any list of documents which accompanied such statement, so far as may be necessary for the purpose of determining the questions in controversy between them, but shall (if necessary, by adjourning the hearing) give the other party an adequate opportunity of considering any such fresh submission or document.

(8) If any person entitled to appear at the hearing fails to appear, the appointed person may proceed with the hearing at his discretion.

(9) The appointed person shall be entitled (subject to disclosure thereof at the hearing) to take into account any written representations or statements received by him before the hearing from any person.

(10) The appointed person may from time to time adjourn the hearing, and where he does so, shall give reasonable notice to every person entitled or permitted to appear at the hearing of the date, time and place of the adjourned hearing.

10 (1) Where, after the hearing, the appointed person proposes to take into consideration –

- (a) any new evidence, including expert opinion on a matter of fact; or
- (b) any new issue of fact, not being a matter of government policy or a matter affecting the safety of the State,

which was not raised at the hearing and which he considers to be material to his decision, he shall not come to a decision without first notifying the parties of the substance of the new evidence or of the new issue of fact and affording them an opportunity of making representations thereon in writing within 21 days or of asking within that time for the re-opening of the hearing.

(2) If he thinks fit, the appointed person may cause the hearing to be re-opened and shall cause it to be re-opened if asked to do so in accordance with sub-paragraph (1).

(3) Where a hearing is re-opened, paragraph 6(1) shall apply as it applied to the original hearing.

11 The appointed person shall notify the decision on the appeal, and the reasons therefore, in writing to the parties and to any person who, having appeared at the hearing, has asked to be notified of the decision.

8

Guidance

Schedule 8

340 Schedule 8 sets out the complete procedure for making an appeal to the Secretary of State by any person who is aggrieved by a decision of HSE under these Regulations. It is similar to procedures used in most other permissioning regimes. In practice, the Secretary of State normally appoints a person to conduct the appeal on his/her behalf. The appointed person has discretion over much of the

Guidance

detailed form of the proceedings. This includes, for example, discretion to allow any person to take part and be represented at the hearing if they give at least seven days' notice. Workforce representatives might make use of this.

Appeals should be addressed to:

The Secretary of State
Department for Work and Pensions
Richmond House
79 Whitehall
London
SW1A 2NS

Schedule 8

Schedule

Schedule 9 Amendments

1 *In the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989^(a) –*

(a) *in regulation 2(1) (interpretation) –*

(i) *after the definition of “the 1995 Regulations” insert –*

“the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005^(b);”; and

(ii) *after the definition of “appropriate languages” insert –*

“current safety case” means a current safety case within the meaning of regulation 2(1) of the 2005 Regulations;”;

(b) *in regulation 18 (documents) for the words “safety case or revision” substitute “current safety case”;*

(c) *in regulation 18A –*

(i) *in each place in which they occur for the words “safety case or revision” substitute “current safety case”; and*

(ii) *in paragraph (1)(a) for the words “the Offshore Installations (Safety Case) Regulations 1992” substitute “the 2005 Regulations”; and*

(d) *in regulation 23(2)(c)(i) (duties of installation operators and owners, and employers) before the word “preparation” insert “revision, review or”.*

2 *In the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995^(c) –*

(a) *in regulation 2(1) (interpretation) –*

(i) *omit the definition of “concession owner”;*

(ii) *for the definition of “duty holder”, substitute –*

“duty holder” means –

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

(b) *in relation to a non-production installation, the owner;”;*

(iii) *omit the definition of “fixed installation”;*

(iv) *after the definition of “installation manager”, insert –*

“licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998;”;

(v) *omit the definition of “mobile installation”;*

(a) S.I. 1989/971, as amended by S.I. 1992/2885, 1995/738 and 1999/3242 and to which there are other amendments not relevant to these Regulations.

(b) S.I. 2005/3117.

(c) S.I. 1995/738, to which there are amendments not relevant to these Regulations.

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- (vi) before the definition of “offshore installation”, insert –
- ““non-production installation” means an installation other than a production installation;”;
- (vii) for the definition of “operator”, substitute –
- ““operator” means –
- (a) the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or
- (b) the licensee, where –
- (i) it is not clear to the Executive that one person has been appointed to perform the functions described in paragraph (a); or
- (ii) in the opinion of the Executive, any person appointed to perform the functions described in paragraph (a) is incapable of performing those functions satisfactorily;”;
- (viii) for the definition of “owner”, substitute –
- ““owner” means the person who controls the operation of a non-production installation;”;
- (ix) before the definition of “pipeline”, insert –
- ““petroleum” –
- (a) includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata; and
- (b) does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;”;
- (x) in the definitions of “pipeline” and “pipeline works”, replace the words “1995” with “2001”; and
- (xi) after the definition of “pipeline works”, insert –
- ““production installation” means an installation which –
- (a) extracts petroleum from beneath the sea-bed by means of a well;
- (b) stores gas in or under the shore or bed of relevant waters and recovers gas so stored; or
- (c) is used for the conveyance of petroleum by means of a pipe, and –

Schedule

(a) includes a –

- (i) non-production installation converted for use as a production installation for so long as it is so converted;
- (ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and
- (iii) production installation which has not come into use; and

(b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the sea-bed for the purposes of well testing;”;

(b) omit paragraphs 14, 15 and 16 of Part II of Schedule 2 (modifications of instruments).

3 In the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995^(a) –

(a) in regulation 2(1) (interpretation) –

- (i) in the definition of “the 1995 Order”, replace the words “1995” with “2001” in both places in which they occur;
- (ii) omit the definition of “concession owner”;
- (iii) for the definition of “duty holder”, substitute –

““duty holder” means –

- (a) in relation to a production installation, the operator; and
- (b) in relation to a non-production installation, the owner;”;

- (iv) omit the definition of “fixed installation”;
- (v) after the definition of “installation”, insert –

““licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998;”;

- (vi) in the definition of “major accident”, replace the words “1992” with “2005”;
- (vii) omit the definition of “mobile installation”;
- (viii) after the definition of “muster areas”, insert –

““non-production installation” means an installation other than a production installation;”;

(a) S.I. 1995/743, to which there are amendments not relevant to these Regulations.

Schedule

(ix) for the definition of “operator”, substitute –

““operator” means –

- (a) the person appointed by the licensee to manage and control directly or by any other person the execution of the main functions of a production installation; or
- (b) the licensee, where –

- (i) it is not clear to the Executive that one person has been appointed to perform the functions described in paragraph (a); or
- (ii) in the opinion of the Executive, any person appointed to perform the functions described in paragraph (a) is incapable of performing those functions satisfactorily;”;

(x) for the definition of “owner”, substitute –

““owner” means the person who controls the operation of a non-production installation;”;

(xi) after the definition of “personal protective equipment”, insert –

““petroleum” –

- (a) includes any mineral oil or relative hydrocarbon and natural gas, whether or not existing in its natural condition in strata; and
- (b) does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation;”;

““production installation” means an installation which –

- (a) extracts petroleum from beneath the sea-bed by means of a well;
- (b) stores gas in or under the shore or bed of relevant waters and recovers gas so stored; or
- (c) is used for the conveyance of petroleum by means of a pipe,

and –

(a) includes a –

- (i) non-production installation converted for use as a production installation for so long as it is so converted;
- (ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and
- (iii) production installation which has not come into use; and

(b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the sea-bed for the purposes of well testing;”;

- (b) in regulation 3(1)(b) (application) for the words “1995” substitute “2001”;
- (c) in regulation 17 (arrangements for recovery and rescue) before the word “include” insert “shall”;

Schedule

- (d) omit paragraphs (2) to (8) of regulation 19 (suitability and condition of plant); and
- (e) omit regulation 24 (amendment of the Offshore Installations (Safety Case) Regulations 1992).

4 In regulation 2(1) (interpretation) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995^(a), for sub-paragraph (a)(vi) of the definition of “responsible person”, substitute –

“(vi) a dangerous occurrence at a well, the person appointed by a licensee to execute the function of organising and supervising the drilling of, and all operations to be carried out by means of, that well or, where no such person has been appointed, the licensee (and, for this purpose, “licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998);”.

5 In the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996^(b) –

(a) in regulation 2 (interpretation) –

(i) in paragraph (1) –

(aa) in the definition of “the 1992 Regulations” for the words “1992” substitute “2005”;

(bb) omit the definition of “concession owner”;

(cc) after the definition of “integrity” insert –

““licensee” means any person to whom a licence to search and bore for and get petroleum in respect of any area within relevant waters is granted pursuant to section 3 of the Petroleum Act 1998;”

(dd) in the definition of “mobile installation” omit the words “(other than a floating production platform)”;

(ee) in the definition of “safety cases” for the words “1992” substitute “2005”;

(ff) in the definition of “well-operator” in each place in which they occur for the words “concession owner” substitute “licensee”; and

in paragraph (4)(b) for the words “1992” substitute “2005”.

(b) omit regulation 26 and Schedule 2 (modification of the Offshore Installations (Safety Case) Regulations 1992).

6 In the Diving at Work Regulations 1997^(a) omit paragraph 4 of Schedule 2.

(a) S.I. 1995/3163, to which there are amendments not relevant to these Regulations.

(b) S.I. 1996/913, to which there is an amendment not relevant to these Regulations.

Schedule

7 *In the Health and Safety (Fees) Regulations 2005^(b) –*

(a) *in regulation 16 (fees payable in respect of offshore installations) –*

(i) *in paragraph (2), replace the words “who has prepared” with “with regard to”; and*

(ii) *in paragraphs (2) and (3) in each place in which they occur for the words –*

(aa) *“1992” substitute “2005”; and*

(bb) *“safety case” substitute “current safety case”.*

(b) *in Schedule 15 (fees payable in respect of offshore installations) –*

(i) *for the first line of the table substitute –*

<i>“Assessing a design notification (sent to the Executive pursuant to regulation 6(1) or 9(1) of the 2005 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters</i>	<i>The operator or owner who sent the design notification to the Executive pursuant to that provision</i>
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<i>Assessing a relocation notification (sent to the Executive pursuant to regulation 6(2) of the 2005 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters</i>	<i>The operator who sent the relocation notification to the Executive pursuant to that provision”;</i>
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(ii) *in the fourth line in column 1 for the word “17” substitute “23”; and*

(iii) *in each place in which they occur for the words –*

(aa) *“1992” substitute “2005”; and*

(bb) *“safety case” substitute “current safety case”.*

9

(a) *S.I. 1997/2776.*

(b) *S.I. 2005/676, to which there are amendments not relevant to these Regulations.*

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The future availability and accuracy of the references listed in this publication cannot be guaranteed.

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Aberdeen
AB11 5PJ

Tel: 01224 577250
Fax: 01224 577251
Website: www.ukooa.co.uk

International Association of Drilling Contractors (IADC)

Website: www.iadc.org

List of abbreviations used

ACOP	Approved Code of Practice
ALARP	As low as is reasonably practicable
AOGBO	Application Outside Great Britain Order
API	American Petroleum Institute
ASC	Abandonment safety case
BOP	Blow-out preventer
COSC	Combined operations safety case
DCR	The Offshore Installations (Design and Construction, etc) Regulations 1996
DSC	Design safety case
DTI	Department of Trade and Industry
EID	Extractive Industries (Boreholes) Directive
FPSO	Floating production, storage and offloading vessel
FSU	Floating storage unit
HSE	Health and Safety Executive
HSW Act	The Health and Safety at Work etc Act 1974
IADC	International Association of Drilling Contractors
ICP	Independent and competent person
MAPD	Major accident prevention document
MAR	The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995
MHSWR	Management of Health and Safety at Work Regulations 1999
MODU	Mobile offshore drilling unit
OSCR	Offshore Installations (Safety Case) Regulations 2005
OSRSCR	Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989
PFEER	The Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995
PSR	The Pipelines Safety Regulations 1996

PUWER	Provision and Use of Work Equipment Regulations 1998
QRA	Quantitative risk assessment
RSPs	Relevant statutory provisions
SCE	Safety-critical element
SMS	Safety management system
UKCS	UK continental shelf
UKOOA	United Kingdom Offshore Operators Association Limited

Further information

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