1960 No. 688

FACTORIES

The Diving Operations Special Regulations, 1960

Made - - - -	*5th April*, 1960
Laid before Parliament	*11th April*, 1960
Coming into Operation	*1st July*, 1960

The Minister of Labour by virtue of the powers conferred on him by section 60 of the Factories Act, 1937(a), section 8 of the Factories Act, 1948(b), and of all other powers enabling him in that behalf, hereby makes the following Special Regulations:—

Citation and commencement

1. These Regulations may be cited as the Diving Operations Special Regulations, 1960, and shall come into operation on the first day of July, 1960.

Application of Regulations

2.—(1) These Regulations shall apply as respects diving operations carried out therein—

(*a*) to all factories; and

(*b*) to all premises, places, processes, operations and works to which the provisions of Part IV of the principal Act with respect to special regulations for safety and health are applied by sections 105 to 108 of that Act.

(2) The chief inspector may (subject to such conditions, if any, as may be specified therein) by certificate in writing (which he may in his discretion revoke at any time) exempt from any or all of the requirements of these Regulations—

(*a*) any particular plant or equipment or any class or description of plant or equipment; or

(*b*) any particular work or any class or description of work,

if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed or not reasonably practicable.

(3) The provisions of these Regulations shall be in addition to and not in substitution for or in diminution of other requirements imposed by or under the principal Act.

Interpretation

3.—(1) The Interpretation Act, 1889(c), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"air" includes any gas suitable for breathing at the depth at which the diver is to operate;

(a) 1 Edw. 8 & 1 Geo. 6. c. 67. (b) 11 & 12 Geo. 6. c. 55. (c) 52 & 53 Vict. c. 63.

" appointed doctor " means any appointed factory doctor appointed under section 126 of the principal Act for a district or any duly qualified medical practitioner approved for all or any of the purposes of these Regulations ;

" the principal Act " means the Factories Act, 1937, as amended by or under any other Act ;

" plant or equipment " means plant or equipment intended to ensure the safety of persons working under water and includes any plant, equipment, machinery, apparatus or appliance, or any part thereof ;

" self-contained " in relation to any diving plant or equipment means diving plant or equipment in which the supply of air is carried by the diver independently of any other source.

Obligations under Regulations

4.—(1) It shall be the duty of every contractor and employer of workmen who is undertaking any diving operation to which these Regulations apply, to comply with the requirements of Regulations 5 to 9 insofar as they may affect any workman employed by him:

Provided that the requirements of the said Regulations shall be deemed not to affect any workman if and so long as his presence in any place is not in the course of performing any work on behalf of his employer or is not expressly or impliedly authorised or permitted by his employer.

(2) It shall be the duty of every person employed to comply with such of the requirements of these Regulations as relate to the doing of or abstaining from an act by him and to co-operate in carrying out these Regulations and if he discovers any defect in the plant or equipment, to report such defect without unreasonable delay to his employer or foreman, or to a person appointed by the employer to supervise the safe conduct of the operations.

(3) No person shall be held not to have complied with a requirement of any of these Regulations by reason of any matter proved to have been due to causes over which he had no control and against the happening of which it was not reasonably practicable for him to make provision, including (without prejudice to the generality of the foregoing) physical conditions which were unknown and which could not have been reasonably foreseen by a person experienced in the operations or in the use of any plant or equipment involved.

Employment of qualified persons as divers

5. No person shall be employed under water as a diver unless—

(*a*) he has previous experience and a knowledge of diving practice (including decompression procedure) to the depth at which he is to operate and has a full understanding of the operation both of the diving apparatus in use and of the apparatus which may be available in an emergency ; or

(*b*) he is undergoing training under the immediate supervision of a diver who has such experience, knowledge and understanding.

Diving plant or equipment

6.—(1) No person shall be employed under water as a diver unless he is provided with diving plant or equipment (including means of access to and from the water) which is sufficient and suitable for the operations and properly maintained.

(2) Whilst any person is employed under water as a diver he shall be supplied with air which is fit for respiration, is adequate in quantity, and of suitable pressure for the plant or equipment with which and in the circumstances in which he is working.

(3) In the case of diving plant or equipment which includes an air pipeline through which air is supplied from the surface, such plant or equipment shall include air pumps or air compressors or air cylinders; and where use is made of air compressors, a sufficient reserve of air shall be provided to allow the diver to reach the surface if the compressors fail.

(4) No self-contained diving plant or equipment shall be used which is regenerative and operates on a closed circuit.

Safeguards during diving work

7.—(1) Where any person is employed under water as a diver—

(*a*) a sufficient number of suitable and competent persons shall be employed in attendance upon him with a view to ensuring his safety; and

(*b*) save where the nature of the operations to be undertaken renders it either undesirable or not reasonably practicable to do so

(i) a lifeline shall be provided for and used by the diver, and

(ii) arrangements shall be made for a suitable signalling system between the diver and persons on the surface; and

(*c*) save where neither the diver under water nor his plant or equipment is likely to become jammed, entangled or trapped, another diver provided with sufficient suitable plant or equipment shall be available to go to the other diver's assistance in an emergency:

Provided that, if in an emergency, a spare diver goes to assist another diver, the temporary absence of another spare diver shall not be a contravention of this sub-paragraph while an additional diver cannot reasonably be made readily available.

Tests and examinations of plant or equipment

8.—(1) No diving plant or equipment shall be used unless—

(*a*) before being brought into use for the first time on operations to which these regulations apply it has been tested and thoroughly examined by the manufacturer, supplier or other competent person and there has been obtained a certificate of such test and examination signed by the person making or responsible for the carrying out of the test and examination; and

(*b*) it has been thoroughly examined by a competent person at least once within the preceding three months and a report of the results of such examination signed by the person making or responsible for the examination has been obtained.

Every such certificate and report shall within fourteen days be entered in or attached to the general register.

(2) No air pump, air compressor or air cylinder and no air pipeline shall be used on any day in a diving operation unless within the preceding twenty-four hours the pump, the compressor or the cylinder and the whole of the air pipeline have been tested for leakage by the diver or other competent person to determine that a pressure in excess of that at which the diver has to descend is maintained for a sufficient period when the pump or compressor is not operating.

(3) No diving plant or equipment shall be used on any day unless any inlet and outlet valves on the diver's dress, and any regulator or demand valve on the plant or equipment have been examined within the preceding twenty-four hours by the diver or other competent person and found by him to be in efficient working order.

(4) No self-contained diving plant or equipment shall be used on any day unless it has been tested for efficient functioning by the diver or other competent person within the preceding twenty-four hours.

Medical examination and diver's fitness register

9.—(1) In this Regulation the expression " certified " means certified by an appointed doctor by certificate in the prescribed form in the diver's fitness register; the expression " diver's fitness register " means a diver's fitness register in the prescribed form; and the expression " medical examination " means a medical examination by an appointed doctor, except that the appointed doctor need not himself carry out any radiographical examination.

(2) No person shall be employed under water as a diver unless—

(*a*) there has been issued in respect of him a diver's fitness register in which, following a medical examination which includes a chest examination by radiography, he is certified as fit for that employment; and

(*b*) within the previous six months he has undergone a medical examination and has been certified as fit for that employment.

(3) If by reason of disease or bodily injury a person is incapacitated for employment under water as a diver for a continuous period exceeding fourteen days, he shall not work under water as a diver until—

(*a*) he has furnished his employer with a medical certificate showing the nature of the disease or injury, which certificate, together with the diver's fitness register shall be sent by the employer to an appointed doctor; and

(*b*) he has thereafter been certified fit for that employment. Before certifying a person's fitness in pursuance of this sub-paragraph the appointed doctor may require that person to submit himself for medical examination.

(4) It shall be the duty of the employer to arrange for any medical examination required by sub-paragraph (*a*) or (*b*) of paragraph (2) of this Regulation and the duty of every person employed or proposed to be employed as a diver under water to submit himself for examination accordingly. Any such medical examination may, if the appointed doctor so decides, include a chest examination by radiography.

(5) The diver's fitness register shall be kept by the employer or his representative whilst the diver is in his employment except at times when it is required by the diver, or by the appointed doctor for purposes of these Regulations, and shall be handed to the diver on the termination of such employment. When an employer proposes to employ a diver and is not already in possession of a current diver's fitness register for him, the diver shall produce his diver's fitness register (if any) to the employer and if the diver is unable or fails to produce the said register, the employer shall supply a fresh form of register and shall not employ him under water as a diver until a certificate of fitness for such employment is entered therein in accordance with these Regulations. The employer shall also supply a fresh form of register when an existing register has become full and a further entry is required.

(6) Where diving operations are urgently required to be done before it is reasonably practicable, because of the inaccessibility of an appointed doctor, to arrange for any examination or obtain any certificate required by the foregoing provisions of this Regulation, any examination so required of a person proposed to be employed on such work and any certificate so required in relation to any such person may be made or given by any duly qualified medical practitioner who in that behalf shall have all the powers of an appointed doctor. The employer shall notify a superintending inspector of factories as soon as practicable whenever any diving operations are carried out in reliance on the provisions of this paragraph.

Dated this 5th day of April, 1960.

Edward Heath,
Minister of Labour.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations impose requirements for the safety and health of persons employed in diving operations in any place to which the Factories Act, 1937, applies.

STATUTORY INSTRUMENTS

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