1993 No. 323

HEALTH AND SAFETY

Offshore Installations and Pipeline Works (First-Aid) Regulations (Northern Ireland) 1993

Made	*21st July 1993*
Coming into operation . .	*1st September 1993*

The Department of Economic Development being the Department concerned(**a**) in exercise of the powers conferred on it by Articles 2(5), 17(1), (2), (4)(*a*), (5)(*b*) and (6)(*b*) and 55(2) of, and paragraphs 1(1)(*c*), 5, 9 and 13 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and Article 3(2)(*a*) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992(**c**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of the 1978 Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Offshore Installations and Pipeline Works (First-Aid) Regulations (Northern Ireland) 1993 and shall come into operation on 1st September 1993.

Interpretation

2. In these Regulations—

"the 1971 Act" means the Mineral Workings (Offshore Installations) Act 1971(**d**);

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978;

"the Department" means the Department of Economic Development;

"first-aid" means—

(*a*) in cases where a person will need help from a medical practitioner or nurse, treatment for the purpose of preserving life and minimising the consequences of injury and illness until the appropriate help is obtained; and

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(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II were extended by the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 (S.I. 1992/1728 (N.I. 17))
(**c**) S.I. 1992/1728 (N.I. 17)
(**d**) S.I. 1971 c. 61; section 1 was substituted by section 24 of, and section 12 was amended by section 37 of, and paragraph 11 of Schedule 3 to, the Oil and Gas (Enterprise) Act 1982 (c. 23)

(*b*) treatment of minor injuries or illnesses which would otherwise receive no treatment or which do not need treatment by a medical practitioner or nurse (in this sub-paragraph ''treatment'' includes redressing and other follow-up treatment);

''offshore installation'' means an offshore installation within the meaning of the 1971 Act which is within—

(*a*) tidal waters and parts of the sea in or adjacent to Northern Ireland up to the seaward limit of territorial waters;

(*b*) inland waters within Northern Ireland;

''person in control'' means—

(*a*) in relation to an offshore installation—

(i) the installation manager, or where no such manager has been appointed, the person made responsible by the owner for health and safety on the installation,

(ii) the owner, and

(iii) every person who, in relation to the installation, is a concession owner,

all as defined in section 12 of the 1971 Act;

(*b*) in relation to pipeline works, the owner of the pipeline or the proposed owner of the proposed pipeline as both are defined in section 33(3) of the Petroleum and Submarine Pipe-lines Act 1975(**a**) or, if a person has not been designated as the owner of the pipeline or proposed owner of the proposed pipeline in pursuance of the said section 33(3), the person in whom the pipeline is vested or the person for whom it is to be constructed;

(*c*) in relation to any activity in connection with an offshore installation—

(i) the owner of the installation as defined in section 12 of the 1971 Act, and

(ii) the employer of persons engaged in that activity;

''pipeline'' means any pipeline or part of a pipeline consisting of a pipe or system of pipes for the conveyance of any thing, together with—

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

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

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

(*d*) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in sub-paragraphs (*a*) to (*c*);

(**a**) 1975 c. 74

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

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

(*g*) a structure used or to be used solely for the support of a part of the pipe or system;

and including any pipeline or part of a pipeline which is connected to it or to an offshore installation and which is in, under or over inland waters within Northern Ireland or tidal waters and parts of the sea in or adjacent to Northern Ireland;

but not including—

(i) a pipeline of which no initial or terminal point is situated in the United Kingdom or within United Kingdom territorial waters adjacent to Northern Ireland or an area designated by Order under section 1(7) of the Continental Shelf Act 1964(**a**); or

(ii) any part of a pipeline which is an offshore installation which is within United Kingdom territorial waters adjacent to Northern Ireland;

"pipeline works" means any of the following works which relate to a pipeline—

(*a*) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it, and any processes incidental to any of those activities;

(*b*) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;

(*c*) changing the position of or dismantling or removing a pipeline or length of pipeline;

(*d*) opening the bed of the sea for the purposes of the works mentioned in sub-paragraphs (*a*) to (*c*), tunnelling or boring for those purposes and other works needed for or incidental to those purposes;

"sick bay" means a room for the medical treatment and care of sick and injured persons.

Application of Regulations

3. These Regulations apply to or in relation to premises and activities in Northern Ireland which are or are connected with offshore installations or pipeline works.

Extension of meaning of "work" and "at work"

4. For the purposes of these Regulations and of Part II of the 1978 Order, the meaning of "work" and "at work" shall be extended, in relation to the

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

provision of first-aid and other medical assistance, the provision of advice in connection with health, and the provision of information in connection with all the foregoing, so that all persons employed or self-employed are treated as being at work whether or not they are on duty, if they are on—

(*a*) an offshore installation;

(*b*) a vessel engaged in pipeline works; or

(*c*) a vessel from which any of the following activities in connection with an offshore installation are being carried on, that is to say, construction, reconstruction, alteration, repair, maintenance, cleaning, demolition, dismantling and any activity immediately preparatory thereto.

Duty of person in control

5.—(1) The person in control of an offshore installation, pipeline works or any of the following activities in connection with an offshore installation carried on from a vessel, that is to say, construction, reconstruction, alteration, repair, maintenance, cleaning, demolition, dismantling and any activity immediately preparatory thereto, shall—

(*a*) provide, or ensure that there are provided, such equipment, facilities and medications and such number of suitable persons as are adequate and appropriate in the circumstances for rendering first-aid to, and treating in accordance with the directions of a registered medical practitioner (who may or may not be present), persons who are injured or become ill while at work;

(*b*) provide, or ensure that there is provided, such number of suitable persons as is adequate and appropriate in the circumstances for giving simple advice in connection with the health of persons at work;

(*c*) make, or ensure that there are made, such arrangements as will enable—

(i) the work of the suitable persons referred to in sub-paragraphs (*a*) and (*b*) to be supervised by one or more suitably qualified registered medical practitioners, and

(ii) the advice or presence, as appropriate, of a suitably qualified registered medical practitioner to be obtained when needed;

(*d*) ensure that persons at work are informed of the provisions and arrangements that have been made under sub-paragraphs (*a*), (*b*) and (*c*), and in particular, but without prejudice to the generality of the foregoing, as to the location of equipment, facilities, medications and personnel.

(2) For the purposes of paragraph (1)(*a*) and (*b*), a person shall not be suitable unless he has undergone such training, or further training, and has obtained such qualifications, or further qualifications, as the Department may approve for the time being in respect of the relevant case or class of case.

(3) Nothing in this regulation shall require alteration of the siting or construction of a sick bay which at the date of the coming into operation of these Regulations exists either on an offshore installation in respect of which

there is a valid Certificate of Fitness issued under the Offshore Installations (Construction and Survey) Regulations 1974(**a**) or on a vessel if—

(*a*) the sick bay is provided with interior surfaces which may easily be kept clean; and

(*b*) there is provided—

(i) in the sick bay or in suitable accommodation in its immediate vicinity a bath accessible from three sides,

(ii) in suitable accommodation in the immediate vicinity of the sick bay, a water-closet and a hand wash-basin, and

(iii) a supply of sufficient hot and cold water for the bath and hand wash-basin and of sufficient cold water for the water-closet.

Defence in proceedings for contravening these Regulations

6. In any proceedings for an offence of contravening these Regulations it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

Power to grant exemptions

7.—(1) Subject to paragraph (2), the Department may, by a certificate in writing, exempt any person, class of persons, offshore installation, class of offshore installations, pipeline works, class of pipeline works, activity or class of activity from all or any of the requirements of these Regulations, and any such exemption may be granted subject to conditions and to limit of time and may be revoked by a certificate in writing at any time.

(2) The Department 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 enactment which apply to the case,

it is satisfied that the health, safety and welfare of persons at work will not be prejudiced in consequence of the exemption.

Amendment of the Health and Safety (First-Aid) Regulations (Northern Ireland) 1982

8. For regulation 7 of the Health and Safety (First-Aid) Regulations (Northern Ireland) 1982(**b**) there shall be substituted the following regulation—

"**7.** These Regulations shall not apply—

(*a*) where the Merchant Shipping (Medical Scales) (Fishing Vessels) Regulations 1974(**c**) apply;

(**a**) S.I. 1974/289
(**b**) S.R. 1982 No. 429 as amended by S.R. 1983 No. 209
(**c**) S.I. 1974/1192

(*b*) where the Merchant Shipping (Medical Stores) Regulations 1986(**a**) apply;

(*c*) on vessels which are registered outside the United Kingdom;

(*d*) to a mine of coal, stratified ironstone, shale or fireclay;

(*e*) in respect of the armed forces of the Crown and any force to which any provision of the Visiting Forces Act 1952(**b**) applies;

(*f*) where the Diving Operations at Work Regulations (Northern Ireland) 1983(**c**) apply;

(*g*) where the Offshore Installations and Pipeline Works (First-Aid) Regulations (Northern Ireland) 1993(**d**) apply.''.

Revocations

9. The provisions of the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976(**e**) and the Offshore Installations (Life-Saving Appliances) Regulations 1977(**f**) mentioned in column 1 of the Schedule are hereby revoked to the extent specified in column 2 of the Schedule in so far as they apply to any offshore installation maintained in tidal waters and parts of the sea in or adjacent to Northern Ireland up to the seaward limit of territorial waters.

Sealed with the Official Seal of the Department of Economic Development on 21st July 1993.

(L.S.) *Philip B. Strong*
Assistant Secretary

(**a**) S.I. 1986/144
(**b**) 1952 c. 67
(**c**) S.R. 1983 No. 209
(**d**) S.R. 1993 No. 323
(**e**) S.I. 1976/1019, amended by S.I. 1984/419
(**f**) S.I. 1977/486, amended by S.I. 1984/419 and S.I. 1987/129

SCHEDULE Regulation 9

Column 1 *Provision*	Column 2 *Extent of revocation*
Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976	
Regulation 1(2)	The definitions of "medical stores", "medically trained person" and "sick bay".
Regulation 27	The whole regulation.
Regulation 31	The whole regulation.
Schedule 2	Paragraph 4(*a*) and (*b*).
Schedule 5	The whole Schedule.
Offshore Installations (Life-Saving Appliances) Regulations 1977	
Regulation 5(8)(*c*)	The words from "containing in particular" to the end of the sub-paragraph.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations apply to and in relation to offshore installations and pipeline works and to premises and activities connected with those installations or works (regulation 3).

The definitions of "work" and "at work" in Article 2(4) of the Health and Safety at Work Order (Northern Ireland) 1978 are extended by regulation 4 in relation to first-aid and other matters specified in the regulation. All employees and self-employed persons are treated as being at work while they are on an offshore installation, a vessel engaged in pipeline works or a vessel engaged in specified activities in connection with an offshore installation.

Regulation 5 requires the person in control of an offshore installation, pipeline works or specified activities in connection with an offshore installation either to make adequate and appropriate arrangements for first-aid for persons at work or to ensure that such arrangements are made. These arrangements include the provision of suitably trained persons and the advice or attendance of a registered medical practitioner when needed. The person in control must also ensure that persons at work are informed of the arrangements.

The Regulations provide a defence in criminal proceedings (regulation 6) and enable the Department of Economic Development to grant exemptions (regulation 7).

Regulation 8 substitutes a new regulation for regulation 7 of the Health and Safety (First-Aid) Regulations (Northern Ireland) 1982 (S.R. 1982 No. 429 as amended by S.R. 1983 No. 209), which lists the cases where those Regulations do not apply. In the new regulation 7 the reference to the Merchant Shipping (Medical Scales) Regulations 1974 is changed to a reference to the Merchant Shipping (Medical Stores) Regulations 1986 and a reference to the Offshore Installations and Pipeline Works (First-Aid) Regulations (Northern Ireland) 1993 is added.

Regulation 9 and the Schedule revoke provisions relating to first-aid in the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976 and the Offshore Installations (Life-Saving Appliances) Regulations 1977 so far as they apply to tidal waters and parts of the sea in or adjacent to Northern Ireland up to the seaward limit of territorial waters.

A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978.