STATUTORY INSTRUMENTS

1977 No. 835

PIPE-LINES

SUBMARINE PIPE-LINES

The Submarine Pipe-lines (Inspectors etc.) Regulations 1977

Made - - - -	11*th May* 1977
Laid before Parliament	19*th May* 1977
Coming into Operation	15*th June* 1977

The Secretary of State, in exercise of the powers conferred on him by sections 27(2) and 32(3)(*a*) and (*c*) and (4)(*a*) of the Petroleum and Submarine Pipe-lines Act 1975(**a**) and of all other powers enabling him in that behalf and after consulting such organisations in the United Kingdom as he considered were representative of persons who would be affected, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Submarine Pipe-lines (Inspectors etc.) Regulations 1977 and shall come into operation on 15th June 1977.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Petroleum and Submarine Pipe-lines Act 1975;

"inspector" means a person appointed as an inspector under section 27(1) of the Act or any other person acting on the direction of the Secretary of State in connection with the execution of Part III of the Act;

"owner", in relation to a pipe-line in respect of which no person has been designated as its owner in pursuance of section 33(3) of the Act, means the person by whom the pipe-line is, or is to be, used;

"pipe-line works" means works of any of the kinds specified in section 26(2) of the Act;

"proposed owner", in relation to a proposed pipe-line in respect of which no person has been designated as its proposed owner in pursuance of section 33(3) of the Act, means the person for whom the pipe-line is to be constructed;

"vessel" includes an aircraft, a hovercraft and any floating structure.

(2) References in these Regulations to a pipe-line are to a controlled pipe-line of which an initial or terminal point is situated in the United Kingdom or controlled waters.

(3) The Interpretation Act 1889(**b**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(a) 1975 c. 74. (b) 1889 c. 63.

Powers of inspectors

3.—(1) For the purpose of assisting the Secretary of State in the execution of Part III of the Act an inspector may, subject to Regulation 8 below, at any time do all or any of the following things, that is to say:—

(*a*) inspect any pipe-line;

(*b*) enter upon any premises, vessel or installation used or intended to be used in connection with any pipe-line or with any activities relating to a pipe-line or proposed pipe-line;

(*c*) inspect and test, or cause to be tested, any equipment so used or intended to be used;

(*d*) where he is of the opinion that any activities relating to a pipe-line or a proposed pipe-line as carried on or about to be carried on involve or, as the case may be, will involve a risk of an occurrence of a kind specified in Schedule 1 to these Regulations or there has been such an occurrence—

(i) (if he is an inspector appointed under section 27(1) of the Act but subject to paragraph (2) below) require any person engaged, or about to be engaged, in the carrying on of the activities to do or refrain from doing anything in connection with the activities with a view to minimising the risk of that occurrence or, as the case may be, its consequences;

(ii) cause to be dismantled or subjected to any test (including a test to destruction) any part of a pipe-line or any equipment which may cause or, as the case may be, have caused that occurrence;

(iii) take possession of any such part of a pipe-line or any such equipment;

(*e*) take such measurements and photographs and make such recordings as he considers necessary for the purpose of any inspection or test under sub-paragraphs (*a*), (*c*) or (*d*)(ii) above;

(*f*) require the production of, inspect, and take copies of, or of any entry in, any book or other document required to be kept under Part III of the Act or any other book or document relating to the construction or use of a pipe-line or to pipe-line works;

(*g*) require the owner of a pipe-line or the proposed owner of a proposed pipe-line to convey any inspector and any equipment required by him for testing and anything of which he has taken possession under sub-paragraph (*d*)(iii) above to and from any vessel or installation used or intended to be used in connection with the pipe-line or with pipe-line works relating to the pipe-line or proposed pipe-line and to provide that inspector with reasonable accommodation and means of subsistence while on, or in transit to or from, such a vessel or installation;

(*h*) require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers conferred on him by this paragraph.

(2) An inspector shall not exercise the power conferred by paragraph (1)(*d*)(i) above so as to require the shutting down of a pipe-line, or the discontinuance of the conveyance of anything through it, except in a case

where the inspector is of the opinion that there is a risk of an accident causing the death or loss of, or serious bodily injury to, any person, or such an accident has occurred, or where the inspector is of the opinion that the escape of anything from the pipe-line has occurred or is imminent.

(3) Where an inspector proposes to exercise either of the powers conferred by paragraph (1)(*c*) and (*d*)(iii) above on any premises, vessel or installation, he shall, if so requested by a person who at the time is present in and has responsibilities in relation to those premises or that vessel or installation, as the case may be, do, or cause to be done anything which is to be done by virtue of the power in the presence of that person.

(4) A requirement under paragraph (1)(*d*)(i) above shall cease to have effect on the expiration of a period of 3 days beginning with the date on which it was made unless the Secretary of State by notice given to the person on whom it was imposed extends its operation either in its original or a modified form for additional periods.

(5) Before exercising any of the powers conferred by paragraph (1)(*c*) and (*d*)(i) and (ii) above, an inspector shall, except in a case of urgency, consult such persons as appear to him appropriate for the purpose of ascertaining what may be the consequence of doing anything he proposes to do under the power.

Information—general duty

4. Subject to Regulation 8 below, it shall be the duty of any person whom an inspector has reasonable cause to believe to be able to give to an inspector any information relevant to the execution of Part III of the Act to do such of the following things as an inspector may require, that is to say: —

(*a*) answer (in the absence of persons other than a person nominated by him to be present and any persons whom the inspector may allow to be present) such questions as the inspector may think fit to ask;

(*b*) furnish in writing such of that information as he has or can reasonably obtain.

Reportable occurrences

5.—(1) Where any accident or other occurrence of a kind specified in Schedule 1 to these Regulations occurs in respect of a pipe-line or in the course of any pipe-line works, the owner of the pipe-line or, in the case of pipe-line works, the owner of the pipe-line or the proposed owner of the proposed pipe-line to which the works relate, shall—

(*a*) ensure that immediate steps are taken to give to the Secretary of State for Energy in the most expeditious manner practicable particulars relating to the occurrence including its nature, the time and place of the occurrence and the identity of any person dead, lost or seriously injured; and

(*b*) within a period of 5 days beginning with the date of the occurrence give to the Secretary of State for Energy written particulars relating to the occurrence including particulars of the matters specified in Schedule 2 to these Regulations.

(2) Where particulars relating to an accident causing serious bodily injury are given under paragraph (1) above and the person injured dies within 12

months after the occurrence of the accident, the owner of the pipe-line or the proposed owner of the proposed pipe-line shall, as soon as it comes to his knowledge, give notice of the death to the Secretary of State for Energy.

Other occurrences

6.—(1) The owner of a pipe-line or the proposed owner of a proposed pipe-line shall make a return in accordance with paragraph (3) below of every accident or other occurrence to which this paragraph applies and in relation to which particulars have not been given to the Secretary of State for Energy in accordance with Regulation 5(1) above.

(2) Paragraph (1) above applies to—

(*a*) any injury or disease suffered by—

(i) any person while engaged in pipe-line works relating to a pipe-line or proposed pipe-line whereby that person is disabled from work for a continuous period of 3 days, or

(ii) any diver while engaged in such works, and

(*b*) any discovery of a defect in any plant or equipment intended to form part of the life-support system of a diver engaged in pipe-line works relating to a pipe-line or proposed pipe-line or non-compliance with instructions given to persons engaged in diving operations for such works which might endanger the safety or health of a diver.

(3) A return made under paragraph (1) above shall be made in respect of every period of 3 months ending on the last day of March, June, September or December during which the pipe-line works are carried on and every such return shall—

(*a*) be made to the Secretary of State for Energy within 10 days after the end of the period to which it relates; and

(*b*) contain particulars of—

(i) the owner of the pipe-line or the proposed owner of the proposed pipe-line;

(ii) name or other designation of, or description of the route of, the pipe-line or the proposed pipe-line;

(iii) the name or other designation of any vessel or installation on or near which there was any occurrence to which the return relates; and

(iv) the nature of any such occurrence including, in the case of injury or disease, the name of the injured or diseased person and the name and address of his employer and the time of injury or appearance of symptoms of disease.

Offences

7.—(1) A person commits an offence if—

(*a*) he contravenes or fails to comply with a requirement imposed by an inspector under Regulation 3(1) above or an obligation imposed on him by Regulations 4 to 6 above; or

(*b*) he wilfully obstructs any person exercising a power conferred, or performing a duty imposed, by these Regulations; or

(*c*) in furnishing any information for the purposes of these Regulations, he makes or causes to be made on his behalf a statement which he knows to be false or does not believe to be true.

(2) In any proceedings for an offence under these Regulations, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Foreign vessels

8. Nothing in Regulations 3 or 4 above shall impose, or confer power on an inspector to impose, any obligation on any person on a vessel registered outside the United Kingdom as a ship, aircraft or hovercraft when it is not engaged in operations for the purpose of laying or maintaining a pipe-line.

J. Dickson Mabon,
Minister of State,
Department of Energy.

11th May 1977

Regulations 3(1)(*d*) and 5(1) SCHEDULE 1

REPORTABLE OCCURRENCES

1. Any accident causing the death or loss of, or serious bodily injury to, any person.
2. Any damage to, or defect in, a pipe-line.
3. Any substantial change in the position of a pipe-line.
4. Any substantial change in the seabed or subsoil in the vicinity of a pipe-line or pipe-line works.
5. Any escape of anything from, or inrush of anything into, a pipe-line.
6. Any damage to a vessel or installation which may affect its safety or that of a pipe-line attached to it.
7. Any parting of an anchor or winch cable of a vessel being used to lay a pipe-line.
8. Discovery of a defect in any plant, machinery, equipment or material which might endanger the safety or health of any person or affect the safety of a pipe-line.
9. Any uncontrolled explosion or fire.
10. Any failure of a lifting appliance or of a pipe tensioning appliance.
11. Any emission of ionising radiation or of radioactive or other toxic substances which may endanger the safety or health of any person.

SCHEDULE 2 Regulation 5(1)(*b*)

PARTICULARS RELATING TO REPORTABLE OCCURRENCES

1. The owner of the pipe-line or the proposed owner of the proposed pipe-line.
2. The name or other designation of, or description of the route of, the pipe-line or the proposed pipe-line.
3. The time, place and circumstances of the accident or other occurrence including a description of any relevant activity carried on at the time.
4. In the case of an accident causing the death or loss of, or serious bodily injury to, any person, the name and address of that person and the name and address of his employer and the nature of any injuries suffered by him.
5. In the case of damage to any pipe-line or to any vessel or installation or its equipment, the nature, situation and extent of the damage.
6. In the case of damage to any vessel or installation or its equipment, its name or other designation.
7. In the case of an accident or other occurrence in the vicinity of pipe-line works—
   (a) the nature of the pipe-line works,
   (b) the name or other designation of any vessel or installation on or near which the accident or other occurrence occurred, and
   (c) the name and address of the owner of the vessel or installation and the name and address of the person then in charge of it.
8. The name and address of every witness to the accident or other occurrence and the name and address of his employer.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision as to the powers and duties of inspectors appointed under the Petroleum and Submarine Pipe-line Act 1975, and others, in respect of submarine pipe-lines having initial or terminal points within the limits of the United Kingdom Continental Shelf and of activities related to the construction, operation and maintenance of such pipe-lines including powers of entry on premises, vessels and installations. The Regulations also require the furnishing of reports and returns to the Secretary of State for Energy of accidents to persons engaged in pipe-line activities and of other occurrences which could affect the safety of persons or of a pipe-line.

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