

Status: Law In Force

Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015/398

This version in force from: **July 19, 2015 to present**

(version 1 of 1)

4.— Application and extent

(1) Subject to paragraph (2), these Regulations 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 \(2\), 5 and 6](#) of the [Health and Safety at Work etc. Act 1974 \(Application outside Great Britain\) Order 2013](#).

(2) These Regulations do not apply—

(a) to wells to which the [Borehole Sites and Operations Regulations 1995](#)¹ apply;

(b) in any case where the [Offshore Installations \(Safety Case\) Regulations 2005](#)² apply.

(3) These Regulations do not extend to Northern Ireland.

Notes

¹. To which there are amendments not relevant to these Regulations.

². Amended by [S.I. 2006/336](#) (now revoked), [2007/3224](#), [2009/229](#), [2013/1471](#) and [paragraphs 33 to 40 of Schedule 13](#) to these Regulations.

Modifications

Whole Document	Despite the repeal of 1972 c.68 by 2018 c.16 s.1, EU-derived domestic legislation, as it has effect in domestic law immediately before exit day, continues to have effect in domestic law on and after exit day by European Union (Withdrawal) Act 2018 c. 16, s. 2
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Subject: Energy **Other related subjects:** Health and safety at work

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5.— Duties of licensee

(1) The licensee must—

(a) ensure that any operator appointed by the licensee is capable of satisfactorily carrying out the functions and discharging the duties of the operator under the relevant statutory provisions; and

(b) take all reasonable steps to ensure that any operator appointed by or in respect of the licensee carries out the functions and discharges the duties of the operator under the relevant statutory provisions.

(2) In paragraph (1) a reference to an operator includes a reference to a well operator.

Modifications

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6.— Capacity of operator to meet requirements

(1) Where the competent authority determines that an operator no longer has the capacity to meet the requirements of the relevant statutory provisions, it must immediately inform the licensing authority (within the meaning given in [regulation 2\(1\)](#) of the [Offshore Petroleum Licensing \(Offshore Safety Directive\) Regulations 2015](#)).

(2) In paragraph (1) the reference to an operator includes a reference to a well operator.

Modifications

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7.— Corporate major accident prevention policy

(1) This regulation applies only to a duty holder which is a body corporate or unincorporate.

(2) The duty holder must prepare in writing a policy (referred to in these Regulations as the "*corporate major accident prevention policy*") which—

(a) establishes the overall aims and arrangements for controlling the risk of a major accident and how those aims are to be achieved and those arrangements put into effect by the officers of the duty holder;

(b) covers the duty holder's installations—

(i) in external waters; and

(ii) outside the European Union.

(3) The corporate major accident prevention policy must address at least the particulars set out in [Schedule 1](#) and must be prepared in accordance with the matters set out [Schedule 2](#).

(4) The corporate major accident prevention policy may in addition outline the commitment of the duty holder to mechanisms for effective tripartite consultation.

(5) An operator, in preparing a corporate major accident prevention policy, must take account of the operator's primary responsibility for, among other things, the control of risks of a major accident that are a result of the operator's operations and for continuously improving control of those risks so as to ensure a high level of protection at all times.

(6) A duty holder must—

(a) implement the corporate major accident prevention policy throughout its offshore oil and gas operations; and

(b) set up appropriate monitoring arrangements to assure effectiveness of the policy.

(7) In this regulation and [Schedule 1](#), “*officer of the duty holder*” in relation to—

(a) a body corporate, other than a limited liability partnership, means a director or secretary;

(b) a limited liability partnership, means a member;

(c) a partnership or a limited partnership, means a partner of that partnership or limited partnership; and

(d) a body unincorporate (other than a partnership or limited partnership), means a member of the body.

(8) In paragraph (7)(a) “*director*” has the meaning given in [section 250](#) of the [Companies Act 2006](#)¹.

(9) In this regulation (but not this paragraph) a reference to a duty holder or operator includes a reference to a well operator.

(10) Paragraph (2)(b) does not apply to a well operator.

Notes

¹. To which there are amendments not relevant to these Regulations.

Modifications

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8.— Safety and environmental management system

(1) The duty holder must prepare a document setting out its safety and environmental management system.

(2) In the case of a body corporate or unincorporate, the safety and environmental management system must include the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the corporate major accident prevention policy.

(3) The safety and environmental management system is to be integrated with the overall management system of the duty holder.

(4) The safety and environmental management system must address the particulars in [Schedule 3](#) and must be prepared in accordance with the matters set out in [Schedule 2](#).

(5) The document setting out the safety and environmental management system must include a description of—

(a) the organisational arrangements for the control of major hazards;

(b) the arrangements for preparing and submitting documents under the relevant statutory provisions; and

(c) the verification scheme (which description must comply with [regulation 13\(1\)](#)).

(6) This regulation applies to a well operator—

(a) as if the reference to the duty holder in paragraph (1) were a reference to a well operator; and

(b) as if the reference to the description of the verification scheme in paragraph (5)(c) were a reference to the description of the well examination scheme (which description must comply with [regulation 13\(2\)](#)).

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