
SUBSIDIARY LEGISLATION

OFFSHORE MINERALS HEALTH AND SAFETY AT WORK etc

The Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Order 1998

S. R. & O. No. 12 of 1998

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Note: A regulation or schedule the reference to which is italicised in the above table is wholly omitted from application under the following Order

SUBSIDIARY LEGISLATION

OFFSHORE MINERALS HEALTH AND SAFETY AT WORK etc

The Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Order 1998

S. R. & O. No. 12 of 1998

Made: 23 January 1998
Published: 30 January 1998
Coming into force: 1st February 1998

IN EXERCISE of my powers under section 27(1), 36(2)(b) and 36(6) of the Offshore Minerals Ordinance 1994(a), and of all other powers enabling me in that behalf, and with the consent of the Secretary of State for Foreign and Commonwealth Affairs, I make the following Order—

Citation and commencement

1. This Order may be cited as the Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Order 1998 and shall come into force on 1st February 1998.

Interpretation

2. In this Order—

“the external application Order” means the Health and Safety at Work etc. Act 1974 (Application outside the Falkland Islands) Order 1998(b); and

“the prescribed provisions of the 1974 Act” has the same meaning as it has in the external application Order.

Application of the Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Regulations 1992

3. The Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Regulations 1995(c) in the form appearing in the Schedule to this Order shall apply—

(a) in the Falkland Islands;

(a) No 16 of 1994

(b) S.R.&O. No. 6 of 1998

(c) SI 1995/743

(b) to and in relation to activities in relation to installations and activities outside the Falkland Islands to which the prescribed provisions of the 1974 Act(d) apply by virtue of the external application Order.

Made this 23rd day of January 1998

R P Ralph
Governor

(d) 1974 c.37

The Offshore Installations (Prevention of Fire and Explosion and Emergency Response) Regulations 1995 as applying under article 3 of this Order

Citation and commencement

1. These Regulations may be cited as the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 in their application under the law of the Falkland Islands and except for paragraph (2) of regulation 11 shall come into force on 1st February 1998.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the external application Order” means the Health and Safety at Work etc Act 1974 (Application outside the Falkland Islands) Order 1998(a);

“the prescribed provisions of the 1974 Act” has the same meaning as it has in the external application Order;

“the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995(b) in their application to the Falkland Islands(c);

“acoustic signal” means a coded sound signal which is released and transmitted by a device designed for that purpose, without the use of a human or artificial voice;

“concession owner” in relation to a fixed installation has the same meaning as in regulation 2(1) of the 1995 Regulations;

“duty holder” means—

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

(b) in relation to a mobile installation, the owner;

“emergency” means an emergency of a kind which can require evacuation, escape or rescue;

“emergency response” means action to safeguard the health and safety of persons on or near an installation in an emergency;

(a) S.R.&O. No. 6 of 1998

(b) SI 1992/2885

(c) under the Offshore Installations and Pipeline (Management and Administration) Works Order 1998 (S. R. & O. No. 8 of 1998)

“evacuation” means the leaving of an installation and its vicinity, in an emergency, in a systematic manner and without directly entering the sea;

“the Executive” means the Health and Safety Executive;

“explosion” means unplanned explosion;

“fire” means unplanned or uncontrolled fire;

“fixed installation” means an installation other than a mobile installation;

“illuminated sign” means a sign produced by a device made of transparent or translucent materials which are illuminated from the inside or the rear in such a way as to give the appearance of a luminous surface;

“installation” means an offshore installation within the meaning of regulation 3 of the 1995 Regulations;

“major accident” has the same meaning as in regulation 2(1) of the Offshore Installations (Safety Case) Regulations 1992^(d) in their application under the law of the Falkland Islands^(e);

“mobile installation” means an installation (other than a floating production platform) which can be moved from place to place without major dismantling or modification, whether or not it has its own motive power;

“muster areas” shall be construed in accordance with regulation 14(1)(a);

“operator” in relation to—

(a) a fixed installation means the person appointed by a concession owner to execute any function of organising and supervising any operation to be carried out by such installation or, where no such person has been appointed, the concession owner; and

(b) a mobile installation means the person for whom the owner has agreed to carry out the operation concerned or, where no such person has been appointed, the concession owner;

“owner” in relation to a mobile installation means the person who controls the operation of the installation; and

^(d) SI 1992/2885 as amended by SI 1995/738, SI 1995/743, SI 1996/9 and SI 1996/913

^(e) under the Offshore Installations (Safety Case) Order 1998 (S.R.&O. No. 7 of 1998)

“personal protective equipment” has the same meaning as in regulation 2(1) of the Personal Protective Equipment at Work Regulations 1992^(f) in their application to the Falkland Islands^(g);

(2) Unless the context otherwise requires, any reference in these Regulations to—

(a) a numbered regulation is a reference to the regulation in these Regulations so numbered;

(b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears.

Application

3.—(1) (omitted)

(2) Regulations 4 to 22 shall not apply in relation to an installation which is in transit to or from a station; and an installation is not in transit to or from a station while it is being manoeuvred at the station.

General duty

4.—(1) The duty holder shall take appropriate measures with a view to—

(a) protecting persons on the installation from fire and explosion; and

(b) securing effective emergency response.

(2) Any more detailed requirement in regulations 6 to 21 for the purpose referred to in paragraph (1) shall be without prejudice to the generality of paragraph (1).

Assessment

5.—(1) The duty holder shall perform, and thereafter repeat as often as may be appropriate a process (in this regulation called “an assessment”) described in paragraph (2) in relation to the installation.

(2) An assessment shall consist of—

(a) the identification of the various events which could give rise to—

(i) a major accident involving fire or explosion; or

(ii) the need (whether or not by reason of fire or explosion) for evacuation, escape or rescue to avoid or minimise a major accident;

(b) the evaluation of the likelihood and consequences of such events;

^(f) SI 1992/2966

^(g) under S. R. & O. No 11 of 1998

(c) the establishment of appropriate standards of performance to be attained by anything provided by measures for—

(i) ensuring effective evacuation, escape, recovery and rescue to avoid or minimise a major accident; and

(ii) otherwise protecting persons from a major accident involving fire or explosion; and

(d) the selection of appropriate measures.

(3) The duty holder shall—

(a) record the assessment (including each repetition of it);

(b) keep the record at an address in the Falkland Islands; and

(c) notify the Governor of such address.

Preparation for emergencies

6.—(1) The duty holder shall establish such appropriate organisation and arrangements as are to have effect in, or in anticipation of, an emergency and which shall include arrangements—

(a) for command by competent persons which can be maintained, so far as is practicable, throughout an emergency;

(b) for there to be a sufficient number of persons on the installation competent to undertake emergency duties and operate relevant equipment;

(c) in the case of an installation on which personnel are present, for a sufficient number of such persons to be in attendance at the helicopter landing area during helicopter movements; and

(d) for lists of persons referred to in sub-paragraphs (a), (b) and (c) above to be posted at suitable locations on the installation when persons are present.

(2) The duty holder shall ensure that every person on the installation—

(a) is provided with adequate instruction and training in the appropriate action to take in an emergency; and

(b) can consult written information on the use of emergency plant.

Equipment for helicopter emergencies

7. The duty holder shall ensure that there is kept available near the helicopter landing area equipment necessary for use in the event of an accident involving a helicopter.

Emergency response plan

8.—(1) The duty holder shall, after consulting persons who are likely to become involved in emergency response, prepare and, as often as is appropriate, revise a document (in this regulation called “the emergency response plan”) containing sufficient information, for the guidance of such persons, on—

- (a) the organisation and arrangements which are to have effect in an emergency; and
- (b) procedures by way of emergency response to be followed in different circumstances.

(2) The duty holder shall ensure that—

- (a) the emergency response plan is available to all persons on the installation; and
- (b) each person on the installation, and each person who may be called upon to assist in implementing the emergency response plan, are given such notification of its contents as is sufficient for them.

(3) The duty holder shall ensure that the organisation, arrangements and procedures referred to in paragraph (1) are tested, by practice and otherwise, as often as may be appropriate.

(4) Every person on the installation shall, in an emergency, so far as is practicable, conform to the appropriate procedure in the plan.

Prevention of fire and explosion

9.—(1) The duty holder shall take appropriate measures with a view to preventing fire and explosion, including such measures to—

- (a) ensure the safe production, processing, use, storage, handling, treatment, movement and other dealings with flammable and explosive substances;
- (b) prevent the uncontrolled release of flammable or explosive substances;
- (c) prevent the unwanted or unnecessary accumulation of combustible, flammable or explosive substances and atmospheres; and
- (d) prevent the ignition of such substances and atmospheres.

(2) The measures to prevent ignition referred to in paragraph (1) shall include—

- (a) identifying and designating areas in which there is a risk of a flammable or explosive atmosphere occurring;
- (b) controlling the carrying on of hazardous activities in such areas;
- (c) ensuring that, save under procedures pursuant to sub-paragraph (b) above, no plant is used in such areas unless suitable for use within them; and

(d) controlling the placing or use in such areas of electrical fixtures or other sources of ignition.

Detection of incidents

10. The duty holder shall take appropriate measures—

(a) with a view to detecting fire and other events which may require emergency response, including the provision of means for—

(i) detecting and recording accumulations of flammable or toxic gases; and

(ii) identifying leakages of flammable liquids; and

(b) with a view to enabling information regarding such incidents to be conveyed forthwith to places from which control action can be instigated.

Communication

11.—(1) The duty holder shall make appropriate arrangements—

(a) for giving warning of an emergency, by audible and, where necessary, visual alarm systems, to all persons on the installation; and

(b) for the purpose of emergency response, for communication between—

(i) persons on the installation;

(ii) the installation and persons not on it and engaged in activities in connection with it; and

(iii) the installation and persons beyond it;

and shall ensure that, so far as is reasonably practicable, the arrangements are capable of remaining effective in an emergency.

(2) With effect from such date as may be appointed by the Governor by notice published in the *Gazette*, the duty holder shall ensure that—

(a) an illuminated sign provided pursuant to paragraph (1)(a) is—

(i) in the case of a warning of toxic gas, a red flashing sign; and

(ii) in all other cases, a yellow flashing sign; and

(b) an acoustic signal provided pursuant to paragraph (1)(a) is—

- (i) in the case of a warning to prepare for evacuation, a continuous signal of variable frequency;
- (ii) in the case of a warning of toxic gas, a continuous signal of a constant frequency; and
- (iii) in all other cases, an intermittent signal of a constant frequency.

Control of emergencies

12. The duty holder shall—

- (a) take appropriate measures with a view to limiting the extent of an emergency, including such measures to combat fire and explosion; and
- (b) shall ensure that—
 - (i) where appropriate, those measures include provision for the remote operation of plant; and
 - (ii) so far as is reasonably practicable, any arrangements made and plant provided pursuant to this regulation are capable of remaining effective in an emergency.

Mitigation of fire and explosion

13. The duty holder shall—

- (a) take appropriate measures with a view to protecting persons on the installation during an emergency from the effects of fire and explosion; and
- (b) ensure that, so far as is reasonably practicable, any arrangements made and plant provided pursuant to this regulation are capable of remaining effective in an emergency.

Muster areas etc

14.—(1) The duty holder shall make appropriate provision for—

- (a) areas for persons to muster safely in an emergency (in these Regulations referred to as “muster areas”);
- (b) safe egress from accommodation and work areas, and safe access to muster areas, temporary refuge, and evacuation and escape points; and
- (c) safe evacuation and escape points.

(2) The duty holder shall ensure that the muster areas, egress, access and evacuation and escape points referred to in paragraph (1)—

- (a) are kept unobstructed;
- (b) are provided with adequate emergency lighting; and

(c) are marked by suitable signs,

and shall take appropriate measures to ensure that, so far as is reasonably practicable, the egress and access remain passable in an emergency.

(3) The duty holder shall ensure that—

(a) doors for use in an emergency—

(i) open in the appropriate direction or, if this is not possible, are sliding doors; and

(ii) are not so fastened that they cannot readily be opened by any person who may require to use them in an emergency; and

(b) accommodation areas are provided at each level with at least two means of egress situated a proper distance apart.

(4) The duty holder shall—

(a) ensure that—

(i) each person on the installation is assigned to a muster area; and

(ii) for each muster area a list of names of persons assigned to it is kept up-to-date and displayed; and

(b) establish procedures—

(i) for mustering at such areas; and

(ii) for accounting for persons.

Arrangements for evacuation

15. The duty holder shall ensure that such arrangements are made which include, to the extent necessary—

(a) the provision of plant on the installation; and

(b) such arrangements with suitable persons beyond the installation, as will ensure, so far as is reasonably practicable, the safe evacuation of all persons and their being taken to a place of safety, or to a place from which they can be recovered and taken to a place of safety under arrangements made pursuant to regulation 17.

Means of escape

16. The duty holder shall provide such means as will ensure, so far as is reasonably practicable, the safe escape of all persons from the installation in case arrangements for evacuation fail.

Arrangements for recovery and rescue

17. The duty holder shall ensure that effective arrangements are made, which include such arrangements with suitable persons beyond the installation, for—

- (a) recovery of persons following their evacuation or escape from the installation; and
- (b) rescue of persons near the installation; and
- (c) taking such persons to a place of safety,

and for the purposes of this regulation arrangements shall be regarded as being effective if they secure a good prospect of those persons being recovered, rescued, and taken to a place of safety.

Suitability of personal protective equipment for use in an emergency

18.—(1) In relation to personal protective equipment which protects a person in an emergency against risks to his health and safety—

- (a) in conditions of fire, heat, smoke, fumes or toxic gas; or
- (b) in the event of his immersion in the sea,

the duty holder shall, for the purposes of the Personal Protective Equipment at Work Regulations 1992 in their application to the Falkland Islands, be treated as the only employer of all persons on the installation, and such persons shall be treated as only employed by him.

(2) The duty holder shall ensure that there is prepared and operated a written scheme for the systematic examination and, where appropriate, testing, by a competent person, of the equipment referred to in paragraph (1) and for recording the results thereof.

Suitability and condition of plant

19.—(1) The duty holder shall ensure that all plant on the installation provided in compliance with these Regulations (other than aircraft, or equipment to which regulation 18 applies)—

- (a) is so constructed or adapted as to be suitable for the purpose for which it is used or provided; and
- (b) is maintained in an efficient state, in efficient working order and in good repair.

(2) Without prejudice to the generality of paragraph (1) and subject to paragraph (3), the duty holder shall ensure that there is prepared and operated a suitable written scheme for the systematic examination, by a competent and independent person, of plant (other than aircraft, or equipment to which regulation 18 applies), provided—

- (a) in compliance with regulations 11(1)(a), 13, 15 and 16;
 - (b) as means required to be provided by regulation 10—
 - (i) for detecting fire; and
 - (ii) for detecting and recording accumulations of flammable gases; and
 - (c) pursuant to the measures required by regulation 12 to combat fire and explosion,
- and for recording results thereof.
- (3) A scheme prepared pursuant to paragraph (2) shall—
- (a) specify the nature and frequency of examination;
 - (b) provide for an examination to be carried out, where appropriate, before plant is—
 - (i) first used on the installation; and
 - (ii) first used on the installation after modification or repairs (other than running repairs);
- and it may make different provision for different plant or categories of plant.
- (4) In this regulation, reference to examination is reference to careful and critical scrutiny of plant, in or out of service as appropriate, using suitable techniques, including testing where appropriate—
- (a) to assess its suitability for the purpose for which it is used or provided;
 - (b) to assess its actual condition; and
 - (c) to determine any remedial measures that should be taken.
- (5) The reference in paragraph (2) to the suitability of the scheme is reference to its suitability for the purpose of discharging the duties specified in paragraph (1).
- (6) (omitted)
- (7) For the purpose of paragraph (2) a person is independent where, even though he may be employed by the duty holder, he is sufficiently independent of any other persons accountable to the duty holder for the discharge of his duties under these Regulations in respect of the installation to ensure that the discharge of his duty under the scheme will not be prejudiced.
- (8) (omitted)

Life-saving appliances

20. The duty holder shall ensure that survival craft, life-rafts, life-buoys, life-jackets and plant for like purposes—

- (a) are of such colour as will make them conspicuous when in use;
- (b) are (where applicable) suitably equipped; and
- (c) are kept available for immediate use in sufficient numbers.

Information regarding plant

21. The duty holder shall ensure that information, giving the location of—

- (a) areas in which there is a risk of a flammable or explosive atmosphere occurring;
- (b) non-automatic plant for fighting fire; and
- (c) plant to which regulations 18(1) and 20 apply (other than plant issued to particular persons),

is available to all persons on the installation.

Certificates of exemption

22.—(1) Subject to paragraph (2) the Governor may, by a certificate in writing, exempt any person, installation or class of persons or installations 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 Governor 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 he proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case, he 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.

Amendment of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

23. (omitted)

Amendment of the Offshore Installations (Safety Case) Regulations 1992

24. (omitted)

Revocation

25. (omitted)

SCHEDULE 1
(omitted)

SCHEDULE 2
(omitted)

EXPLANATORY NOTE
(not forming part of the above Order)

1. These Regulations contain requirements for measures for the protection of persons on offshore oil and gas installations from fire and explosion, and for securing effective “emergency response”, which means action to safeguard the health and safety of persons on such installations in an emergency.

The Regulations also contain other provisions.

2. Most of the duties imposed by the Regulations are on “the duty holder” who is, by regulation 2(1), in relation to a fixed installation, the “operator” and, in relation to a mobile installation, the “owner”.

3. Regulation 4 contains a general duty on the duty holder to take measures for protecting persons on the installation from fire and explosion, and for securing effective emergency response.

4. Regulation 5 requires the duty holder to perform, repeat as appropriate, and keep a record of an assessment of measures for effective evacuation, escape, recovery and rescue to avoid or minimise any major accident, and otherwise protecting persons from a major accident involving fire or explosion; such an assessment includes the setting of performance standards.

5. Regulation 6 requires the duty holder to establish the organisation and arrangements which are to have effect in an emergency; to ensure that instructions and training are provided on the action to take; and that written information is provided on the use of emergency plant.

6. Regulation 7 requires the duty holder to ensure the availability of equipment in the event of an accident involving a helicopter.

7. Regulation 8 requires the duty holder to prepare and keep up-to-date an emergency response plan; to ensure that it is available and its contents known; and to ensure that it is tested as necessary. Paragraph (4) requires persons to conform to it in an emergency, where practicable.

8. Regulation 9 requires the duty holder to take appropriate measures for preventing fire and explosion, and it identifies certain kinds of such measures.

9. Regulation 10 requires the duty holder to take appropriate measures for detecting fire and other events which may require emergency response, and for information on certain incidents to be conveyed to places where control action can be instigated.
10. Regulation 11 requires the duty holder to make arrangements for warning to be given of an emergency, and for communication of the purpose of emergency response; it prescribes the illuminated signs and acoustic signals to be used for certain purposes; and it contains a transitional provision.
11. Regulation 12 requires the duty holder to take measures for controlling emergencies.
12. Regulation 13 requires the duty holder to take measures for protecting persons on the installation from the effects of fire and explosion.
13. Regulation 14 contains requirements for muster areas, and evacuation and escape points and routes; for persons to be assigned to muster areas; and for certain procedures for or in connection with mustering.
14. Regulation 15 requires the duty holder to ensure that arrangements exist for safe evacuation of persons and their being taken to a place of safety.
15. Regulation 16 requires the duty holder to ensure that means exist for persons to escape from the installation where the arrangements for systematic evacuation fail.
16. Regulation 17 requires the duty holder to ensure that effective arrangements exist for persons to be recovered following their evacuation, or escape, from the installation; for the rescue of persons near the installation; and for taking rescued and recovered persons to a place of safety.
17. Regulation 18 has the effect that, in relation to certain personal protective equipment, the duty holder is the person who, in relation to all persons on the installation, has to discharge duties imposed by the Personal Protective Equipment at Work Regulations 1992 (SI 1992/2966); and the regulation requires that he ensures that a written scheme for examination and testing of such equipment is prepared and operated.
18. Regulation 19 requires the duty holder to ensure that plant on the installation, other than aircraft, or equipment to which regulation 18 relates is suitable, and maintained in an efficient state, in efficient working order and in good repair; and that a suitable written scheme is prepared, and operated by a competent and independent person, for systematic examination of certain plant; it makes certain requirements in relation to such a scheme.
19. Regulation 20 contains requirements for life-saving appliances.
20. Regulation 21 provides for information on the location of hazardous areas, and certain emergency plant, to be available.

21. Regulation 22 provides for the granting of exemptions from the Regulations by the Governor.