

**1989 No. 840**

**HEALTH AND SAFETY**

The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989

<i>Made</i>	<i>16th May 1989</i>
<i>Laid before Parliament</i>	<i>16th May 1989</i>
<i>Coming into force</i>	<i>28th May 1989</i>

At the Court at Buckingham Palace, the 16th day of May 1989

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 84(3) and (4) of the Health and Safety at Work etc. Act 1974<sup>[1]</sup>, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

**Citation, commencement and revocations**

**1.**—(1) This Order may be cited as the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989 and shall come into force on 28th May 1989.

(2) The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1977<sup>[2]</sup> and the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) (Variation) Order 1989<sup>[3]</sup> are hereby revoked.

## **Interpretation**

- 2.—(1) In this Order, unless the context otherwise requires -
- "the 1974 Act" means the Health and Safety at Work etc. Act 1974;
  - "designated area" means any area designated by order under section 1 (7) of the Continental Shelf Act 1964<sup>[4]</sup> and "within a designated area" includes over and under it;
  - "the prescribed provisions of the 1974 Act" means sections 1 to 59 and 80 to 82 of the 1974 Act;
  - "territorial waters" means United Kingdom territorial waters adjacent to Great Britain and "within territorial waters" includes on, over and under them;
  - "vessel" includes a hovercraft and any floating structure which is capable of being manned.

(2) For the purposes of this Order, a person shall be deemed to be engaged in diving operations throughout any period from the time when he commences to prepare for diving until the time when -

- (a) he is no longer subjected to raised pressure;
- (b) he has normal inert gas partial pressure in his tissues; and
- (c) if he entered the water, he has left it;

and diving operations include the activity of any person in connection with the health and safety of a person who is, or is deemed to be, engaged in diving operations.

## **Application of the 1974 Act outside Great Britain**

3.—(1) The prescribed provisions of the 1974 Act shall, to the extent specified in the following articles of this Order, apply to and in relation to the premises and activities outside Great Britain which are so specified as those provisions apply within Great Britain.

(2) The reference in paragraph (1) of this article to premises and activities includes a reference to any person, article or substance on those premises or engaged in or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

## **Offshore installations**

4.—(1) The prescribed provisions of the 1974 Act shall apply outside Great Britain to and in relation to -

- (a) any offshore installation and any activity on it;
- (b) any of the following activities in connection with an offshore installation, whether carried on from the installation itself, on or from a vessel or in any other manner, that is to say, inspection, testing,

loading, unloading, fuelling, provisioning, construction, reconstruction, alteration, repair, maintenance, cleaning, demolition, dismantling and diving operations and any activity which is immediately preparatory to any of the said activities;

(c) the survey and preparation of the sea bed for an offshore installation.

(2) In this article, "offshore installation" means -

(a) the fixed structures consisting of six towers referred to in the Schedule to this Order as NSR M-1 and NSR R-1, NSR R-2, NSR R-3, NSR R-4 and NSR R-5 and settled on the sea bed at the locations specified in the Schedule and the related cables between each of those towers at sea bed level and the related cables which lie or extend outside the said locations; and

(b) an offshore installation within the meaning of section 1 of the Mineral Workings (Offshore Installations) Act 1971<sup>[5]</sup> which is within territorial waters or a designated area.

## **Pipelines**

**5.**—(1) The prescribed provisions of the 1974 Act shall apply within territorial waters or a designated area to and in relation to -

(a) any pipeline works;

(b) the following activities in connection with pipeline works -

(i) the loading, unloading, fuelling or provisioning of a vessel,

(ii) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel,

being in either case a vessel which is engaged in pipeline works.

(2) "Pipeline" means 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 the preceding paragraphs;

(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;

but not including -

- (i) a pipeline of which no initial or terminal point is situated in the United Kingdom or within territorial waters or a designated area; or
- (ii) any part of a pipeline which is an offshore installation within the meaning of article 4(2) of this Order;

"pipeline works" means -

- (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) of this definition, tunnelling or boring for those purposes and other works needed for or incidental to those purposes;
- (e) diving operations in connection with any of the works mentioned in sub-paragraphs (a) to (d) of this definition or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.

## **Mines**

**6.**—(1) The prescribed provisions of the 1974 Act shall apply to and in relation to the working of a mine, and to work for the purpose of or in connection with the working of any part of a mine, within territorial waters or extending beyond them.

(2) In this article "mine" and "working of a mine" have the same meaning as in the Mines and Quarries Act 1954<sup>[6]</sup>.

## **Other activities within territorial waters**

**7.** The prescribed provisions of the 1974 Act shall apply within territorial waters to and in relation to -

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, demolition and dismantling of any building or other structure not being a vessel, or any preparation for any such activity;
- (b) the loading, unloading, fuelling or provisioning of a vessel;
- (c) diving operations;
- (d) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel;

except that this article shall not apply in any case where at the relevant time article 4, 5 or 6 of this Order applies, or to vessels which are registered outside the United Kingdom and are on passage through territorial waters.

### **Legal proceedings**

**8.**—(1) Proceedings for any offence under section 33 of the 1974 Act, being an offence to which that section applies by virtue of this Order, may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Great Britain.

(2) Section 3 of the Territorial Waters Jurisdiction Act 1878<sup>[7]</sup> (which requires certain consents for the institution of proceedings) shall not apply to proceedings for any offence to which paragraph (1) of this article relates.

### **Miscellaneous provisions**

**9.** The prescribed provisions of the 1974 Act shall apply in accordance with this Order to individuals whether or not they are British subjects, and to bodies corporate whether or not they are incorporated under the law of any part of the United Kingdom.

**10.** Nothing in this Order except Article 8(2) shall be taken to limit or prejudice the operation which any Act or legislative instrument may, apart from this Order, have in territorial waters or elsewhere.

*G.I. de Deney*

Clerk of the Privy Council

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*Notes:*

[1] 1974 c. 37. [back](#)

[2] S.I. 1977/1232. [back](#)

[3] S.I. [1989/672](#). [back](#)