

CHAPTER 4

OFFSHORE SAFETY LEGISLATION, ADMINISTRATION AND ENFORCEMENT

The case for a single agency

4.1. The terms of reference invite the Committee to examine D/Energy legislation. Any examination of the Health and Safety at Work Act 1974 and the arrangements for its enforcement by the Petroleum Engineering Division of the D/Energy would seem therefore to be excluded. Nevertheless the Committee has received many representations on this matter. The Committee has also received representations about the arrangement whereby the D/Trade carry out examination of fire-fighting equipment and life-saving appliances on behalf of D/Energy and the consequences of these arrangements and in order to determine their substance all these representations had to be considered.

4.2. The conclusion reached by the Committee is that there is substance to the criticisms of the present arrangements and that offshore safety is adversely affected as a consequence. The following paragraphs will describe the criticisms levelled by others and the Committee's findings and a discussion of the options available to set matters right.

4.3. The critics of the arrangements described in the Prime Minister's Statement (Appendix 10) comprise virtually all the Operating Companies speaking independently or through the UK Offshore Operators' Association (UKOOA) (Submissions 43 and 11, 16, 19, 20, 21, 40, 44, 45), the two British Certifying Authorities (12 and 36), the Institute of Petroleum (29), and others (51, 60, 64). Professional bodies (3, 33, 61) criticise the impact of the situation on their particular interests and the Petroleum Engineering Division of the Department of Energy (37) describes the difficulty of implementing the arrangements. The essence of all this criticism is that offshore safety is subject at present to overlapping and conflicting legislation with divided administration and enforcement. This is undeniably true. The tendency to differentiate between structural and occupational safety is deplored as being unrealistic. It is generally agreed that the administration and enforcement of offshore safety legislation should be by, or through, a single Government agency.

4.4. The division of responsibility also appears to cause problems of delay when it comes to preparing or amending regulations. For example proposals by the Health and Safety Executive have been made for unified diving regulations and a consultative document (Health & Safety at Work Act (Diving Operations)) has been published, comments invited and received. The intention is that all diving in the UK shall be dealt with in the same regulations regardless of the location or depth of the dive. From HSE's point of view as the authority responsible for policy in this area, this must be regarded as a sensible proposition. Nevertheless the process has been very protracted (work started in 1976) and the Chief Diving Inspector of D/Energy has had to register his deep concern that