

4.40. It is of course essential that powers of enforcement in the literal sense of the word shall exist, and we find no fault with the present laws in that respect. We did not receive evidence that enforcement had so far been inadequate. It has been submitted to us however—and with this we agree—that the prospect of prosecutions and fines is a totally inadequate deterrent to the members of an industry with the financial resources of the Offshore Industry (64). When “enforcement” is necessary, we think that the judicious serving of an “improvement notice”, followed where needed by a “prohibition notice” is a course much to be preferred. Not only is the sanction more effective, but the problem is attacked before, and not after, the occurrence of an accident or failure. Furthermore, the Government is saved the possibly costly pursuit of litigation.

Management responsibility

4.41. The question of the extensive responsibilities of the Offshore Installation Manager (OIM) has been raised with us (11, 24). The OIM is given in the 1971 Act the general responsibility for matters affecting health, safety and welfare, and for the maintenance of order and discipline. He is given authority over all persons on an installation to help fulfill that responsibility. Various specific responsibilities are added in the Regulations and other persons, such as the owner of the installation and the concession owner, are also made jointly responsible for compliance with the regulations. In, for example, the Operational Safety Health & Welfare Regulations (SI 1019/1976) there is a requirement that all equipment be sound, safe and suitable. Thus the OIM has a legal responsibility for matters patently outside his control.

4.42. We understand that the decision to place responsibility for compliance with the OIM, the installation owner and the concession owner is to enable the enforcement authority to select the most appropriate person against whom to proceed according to the circumstances of a particular case. Nevertheless, it seems unreasonable that, as in the above example, the OIM should be at risk of prosecution for a matter outside his control. We recommend therefore that the specific duties given by the regulations made under the 1971 Act are reviewed, and only those it is reasonable for an OIM to control be so allocated.

4.43. Earlier in the Report (para 4.22) we have noted the desirability of the concept of a single person on an offshore installation to be in a position of responsibility and authority for safety matters. The 1974 Act confuses this clear-cut arrangement by placing the responsibility on the employer. Clearly guidance to employers and OIMs on how to reconcile this conflict is required.

Nature of regulations

4.44. The attention of the Committee has been drawn to problems raised by retroactive legislation, particular reference being made to the Fire Fighting Equipment Regulations (11, 29, 64). Where regulations require specific changes or additions to existing installations, as from a certain date, there will be pressure on supplies of materials and manpower. There is also likely to be a small number of cases where compliance with the new standard is impossible. This will lead to applications for exemptions, the proper processing of which places a duty upon the enforcing authority which may be difficult to discharge.