

4.45. It has been suggested that instead of making the regulations fully retroactive, minimum standards might be set for existing installations with a good safety record in the relevant area, so long as that record is maintained. The D/Energy did not choose this course in either the Construction & Survey Regulations or the Fire Fighting Equipment Regulations, most likely out of a desire not to accommodate more than one standard of safety precautions on a relatively new population of installations. Clearly as standards evolve and further requirements are developed, consideration will have to be given as how best to deal with existing installations.

4.46. We have also received evidence (29) as to the "uneven" nature of regulations which alternate between specifying the objective of the control and specifying the required means of meeting an objective. Examples of the latter may be obtained from SI 1019/1976 and the Fire Fighting Equipment Regulations. In SI 1019 there is set down in Reg 22(8) what is to be provided for use in the event of a helicopter accident; in Reg 16 of the Fire Fighting Equipment Regulations a fireman's equipment is specified. Our view is that this sort of list is best dealt with in guidance notes which can be brought up to date easily and without changing the regulations.

Safety legislation and documentation

4.47. Our review of the legislative and other controls exercised by D/Energy for offshore safety has led us to certain conclusions about the structure of written controls. We have taken evidence about the misunderstandings that can arise in particular about the status of guidance notes and other memoranda issued by the D/Energy.

4.48. The conclusions we have reached are that the following structure is appropriate:

- Act of Parliament —sets out main duties and obligations
- Regulations —detail mandatory objectives of controls
- Guidance Notes —relate to a set of regulations, give non-mandatory advice on methods of achieving objectives
- Safety Memoranda —administrative advice, information of general safety experience, results of safety research and development.

4.49. At present we have examples of these four categories, and there are only minor problems with the first three categories. Doubt however does exist about the status of various Continental Shelf Operations Notices and Diving Safety memoranda which fall into our fourth category. The D/Energy should review its mechanism for dissemination of information; it should consider the continued use of the CSON series now that separate safety legislation exists (aside from the licence controls); and it should review the status of Diving Safety Memoranda. The objective would be to have a systematic structure where the status of all documents is clearly understood. We also consider that Guidance Notes should be kept up to date with developments in technology and with new requirements on a continuous basis (8, 19, 32, 36, 44, 53).