

Number 18 of 1987.
SAFETY, HEALTH AND WELFARE (OFFSHORE INSTALLATIONS) ACT, 1987.

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SCHEDULE
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Civil Liability Act, 1961 1961, No. 41

Companies Act, 1963 1963, No. 33

Continental Shelf Act, 1968 1968, No. 14

Dangerous Substances Act, 1972 1972, No. 10

Safety in Industry Act, 1980 1980, No. 9

AN ACT TO PROVIDE FOR THE SAFETY, HEALTH AND WELFARE OF PERSONS ON INSTALLATIONS CONCERNED WITH THE EXPLORATION FOR OR EXPLOITATION OF PETROLEUM OR OTHER MINERALS IN THE WATERS IN OR SURROUNDING THE STATE, AND GENERALLY FOR THE SAFETY OF SUCH INSTALLATIONS AND THE PREVENTION OF ACCIDENTS ON OR NEAR THEM.

[22nd July, 1987]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I
PRELIMINARY AND GENERAL

1 Short title, commencement, construction and collective citations.

1.- (1) This Act may be cited as the Safety, Health and Welfare (Offshore Installations) Act, 1987.

(2) This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act.

(3) The Safety in Industry Acts, 1955 to 1980, and section 47 of this Act shall be construed together as one Act and may be cited together as the Safety in Industry Acts, 1955 to 1987.

(4) The Act of 1968 and section 48 of this Act may be cited together as the Continental Shelf Acts, 1968 and 1987.

2 Interpretation.

2.- (1) In this Act-

"the Act of 1968" means the Continental Shelf Act, 1968;

"the Act of 1980" means the Safety in Industry Act, 1980;

"concession owner" means the person having the right to explore for or exploit the minerals in connection with which an offshore installation is, or has been, or is to be used;

"designated area" has the same meaning as in section 1 of the Act of 1968;

"employed" means employed either under a contract of employment (including a contract of apprenticeship or a contract of service) or under a contract for services and kindred words shall be construed accordingly;

"exploitation"-

(a) means exploitation from or by means of any floating, fixed or other installation which is maintained in the water, or on a part of the shore or on other land which at any state of ordinary or medium tides is covered by the sea, and which is not connected with land above the high water mark by a permanent structure providing access to the installation at all times and for all purposes, and

(b) includes the storage of gas in or under the shore or sea bed and the recovery of gas so stored;

"exploration" means exploration with a view to exploitation;

"functions" includes powers and duties;

"an Industrial Medical Adviser (Offshore Installations)" has the meaning assigned to it by section 33 of this Act;

"inspector" means a person authorised or appointed under section 31, 33 or 40 of this Act by the Minister to be an inspector for the purposes of the Act;

"installation" includes any floating structure or device maintained on a station by whatever means;

"installation logbook" has the meaning assigned to it by section 16 of this Act;

"installation manager" has the meaning assigned to it by section 11 of this Act;

"minerals" means any substance (including petroleum) which is in waters to which this Act applies, which is on or under the sea bed of such waters or which is on or under the shore or other land which is adjacent to any such waters and which at any state of ordinary or medium tides is covered by the sea;

"the Minister" means the Minister for Labour;

"offshore installation" means any installation which is or has been maintained, or is intended to be established, for the exploration for or exploitation of minerals and includes any installation providing accommodation for persons who work on or from any such offshore installation so engaged in exploration or exploitation of minerals;

"owner", in relation to an offshore installation, means the person for the time being having the management of the installation, or of its main structure;

"petroleum" has the same meaning as in section 2 (1) of the Petroleum and Other Minerals Development Act, 1960,

"pipeline" includes any length or other part of a pipeline;

"pipeline works means works of any of the following kinds, namely:

(a) assembling or laying a pipeline,

(b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline,

(c) changing the position of, dismantling or removing a pipeline,

(d) opening the sea bed for the purposes of any works which are mentioned in the preceding paragraphs of this definition, tunneling or boring for any of the said purposes and any other works necessary for or incidental to any of the said purposes,

(e) works carried out for the purpose of determining whether a place is suitable or not for use as the site of a proposed pipeline, and the carrying out of surveying operations for the purpose of settling the route of a proposed pipeline,

"prescribed" means prescribed by regulations made under this Act by the Minister and kindred words shall be construed accordingly;

"safety delegate" and "deputy safety delegate" have the meanings respectively assigned to them by section 24 of this Act;

"safety representative" and "deputy safety representative" have, subject to section 25 (4) of this Act. the meanings respectively assigned to them by section 23 of this Act;

"safety committee" has, subject to section 25 (4) of this Act, the meaning assigned to it by section 24 of this Act;

'the territorial' seas of the State" means the portion of the sea which for the purposes of the Maritime Jurisdiction Act, 1959, is the territorial seas of the State.

(2) References in this Act to an offshore installation to which this Act applies include references to-

- (a) any part of an offshore installation capable of being manned by one or more persons, and
- (b) any associated pipeline which, or any part of which, is in waters to which this Act applies.

(3) References in this Act to the manager of an offshore installation or to an installation manager are to be taken, except in so far as the context otherwise requires, as-

(a) references to the person for the time being in charge of the installation and appointed pursuant to the requirements of section 11 (1) of this Act, and

(b) in case for the time being the circumstances mentioned in paragraphs (a) or (b) of section 12 (1) of this Act arise in relation to the installation. as including the person who, as regards the installation, stands appointed under the said section 12 (1).

3 Application of Act.

3.- (1) This Act applies to any offshore installation which is in waters to which this Act applies.

(2) This Act applies to the following waters, namely, the waters in the portion of the sea which comprises the territorial seas of the State, the waters in all the areas of the sea to which the internal or inland waters of the State are extended by section 5 of the Maritime Jurisdiction Act, 1959, and the waters in any area which is for the time being a designated area within the meaning of section 1 of the Act of 1968.

(3) (a) The provisions of sections 23, 24 and 25 of this Act shall apply only to offshore installations which are of a prescribed class or description or which for the time being are operating in prescribed circumstances, and without prejudice to the generality of the foregoing, for the purposes of this subsection a class or description may be prescribed by reference to any one or more of the following, namely:

(i) amounts of work involved, or likely to be involved, in relation to exploration or exploitation of a particular description,

(ii) numbers employed or expected to be employed on, in or in the neighbourhood of offshore installations either generally or during a particular period,

(iii) the period during which offshore installations are expected to be engaged in exploration or exploitation.

(b) Regulations under this subsection may provide that for so long as the number of persons, other than the installation manager, employed on an offshore installation to which regulations under this subsection would otherwise apply does not exceed a prescribed number, the provisions of the said sections 23, 24 and 25 shall not apply to the installation.

4 Power of Minister to grant exemptions.

4.-Where the Minister is of opinion with respect to an offshore installation that, by reason of the amount of work

involved, the numbers employed or expected to be employed on, in or in the neighbourhood of the installation, the shortness of the period during which the installation is expected to be engaged in exploration or exploitation or by reason of any other special circumstance, it would not be reasonable to require compliance with the provisions of this Act or any particular provision thereof, or with the provision of any regulation made under this Act, he may by an instrument in writing exempt the installation from such provisions or provision for such period, and subject to such conditions (if any), as may be specified in writing by him when giving the exemption.

5 Regulations generally.

5.- (1) The Minister may, after consultation with the Minister for Energy, make regulations for giving effect to this Act, provided that-

(a) in so far as such regulations relate to the health of persons they shall only be made after consultation also with the Minister for Health, and

(b) in so far as such regulations relate to hovercraft, helicopters or other aircraft, vessels, radio facilities or radio services, or to rescue facilities provided, or to be provided, as regards offshore installations, they shall be made only with the concurrence of the Minister for Communications, the Minister for the Marine and the Minister for Tourism and Transport, and

(c) in so far as such regulations relate to fire safety measures they shall be made after consultation also with the Minister for the Environment.

(2) Without prejudice to the generality of subsection (1) of this section, regulations under this Act may-

(a) be made prescribing anything referred to in this Act as prescribed,

(b) make different provisions in respect of different classes or descriptions of offshore installations,

(c) make provisions in relation to offshore installations which shall apply in prescribed circumstances (for example provisions applying in relation to offshore installations which are in transit or provisions applying to offshore installations which are on station),

(d) grant, or provide for the granting of, exemptions (subject to or without conditions) from any of the provisions thereof,

(e) include provisions requiring the keeping of records,

(f) require the display and posting in a prescribed manner of copies of, or of prescribed abstracts of this Act or specified regulations under this Act,

(g) otherwise require prescribed provisions of this Act to be brought in a prescribed manner to the attention of persons employed on offshore installations to which this Act applies,

(h) make provision for any ancillary or supplementary matters for which the Minister thinks it proper to provide.

(3) Regulations under this Act may provide that persons of a prescribed class or description shall be responsible for ensuring that specified requirements of the regulations are complied with.

(4) (a) Regulations under this Act which are declared to be regulations to which this paragraph applies

may-

(i) afford, in respect of any provision contained in the regulations, such defence, if any, as may be prescribed by the regulations,

(ii) impose a restriction on the penalty which may be imposed under section 39 (7) of this Act in relation to any contravention of the regulations,

(iii) provide that the only form of proceedings to be instituted in relation to any alleged contravention of the regulations shall be summary proceedings.

(b) Regulations under this Act, other than regulations under section 14 (4) of this Act, may declare that contravention of a condition specified in the regulations shall be an offence.

(5) Regulations under this Act may provide that any provision of this Act shall not apply to such part of an offshore installation, or shall apply thereto subject to specified modifications, as may be prescribed, and in case a regulation under this subsection is for the time being in force, any provision of this Act which is one to which the regulation relates shall be construed and have effect subject to and in accordance with the regulation.

(6) Nothing in regulations made under this Act shall prevent a person raising a defence which, apart from the regulations, would be open to him to raise in proceedings for an offence under this Act.

(7) (a) Before making regulations under this Act, other than under the provisions hereof specified in paragraph (b) of this subsection, the Minister shall publish in Iris Oifigiúil, and in such other manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of a draft of the regulations may be obtained, and of the time (which shall not be less than twenty-one days) within which any representation made as regards the draft regulations by or on behalf of persons affected must be received by the Minister.

(b) The provisions of this Act referred to in paragraph (a) of this subsection are section 13 (5) (b) and paragraphs 7, 12 and 13 of the Schedule to this Act.

(8) Where the Minister proposes to make regulations under this Act and it is proposed to declare the regulations to be regulations to which paragraph (a) of subsection (4) of this section applies, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each such House.

(9) Nothing in this Act, apart from this section, shall be construed as prejudicing the generality of subsection (1) of this section.

(10) Every regulation made under this Act, other than a regulation which has been approved of by each House of the Oireachtas by resolution, shall be laid before each such House as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the last twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

6 Information to Minister.

6.- (1) The owner of an offshore installation to which this Act applies shall supply the Minister with such returns, statistics and other information relating to the safety, health and welfare of persons employed on, in or in

the neighbourhood of the installation as the Minister shall from time to time require.

(2) (a) Information supplied to the Minister pursuant to this section shall not, without the consent in writing of the person by whom it is supplied, be published or otherwise disclosed by the Minister or any officer or servant of the Minister except to a Minister of the Government, other than the Minister, or An Chomhairle Oiliúna, and a disclosure authorised by this subsection shall be made if, and only if, the Minister is satisfied that the disclosure is necessary for the proper discharge of the functions of the Minister of the Government to whom it is proposed to be made or of An Chomhairle Oiliúna, as may be appropriate.

(b) Where a disclosure authorised by this subsection is duly made, its publication shall for the purposes of the law of defamation enjoy qualified privilege.

(3) Nothing in this section shall prevent the disclosure of information-

(a) for the purposes of any proceedings for an offence under this Act or any report of any such proceedings, or

(b) in the form of a summary of similar returns, statistics or other information supplied to the Minister pursuant to this section, provided the summary is framed so as not to enable information so supplied by or particulars relating to a particular person or relating to a particular offshore installation to be ascertained from the summary.

7 Service of notices, etc.

7.- (1) Where a notice or other document is required by this Act or any regulations made under this Act to be served on, given or sent to a person, it shall be addressed to him and may be served on, given or sent to him in some one of the following ways:

(a) where it is addressed to him by name, by delivering it to him,

(b) by leaving it at the address at which he carries on business or ordinarily resides or, in a case in which an address for service has been furnished, at that address,

(c) by sending it by post in a prepaid registered letter addressed to him at the address at which he carries on business or ordinarily resides or, in a case in which an address for service has been furnished, at that address.

(d) where the address at which he carries on business or ordinarily resides cannot be ascertained by reasonable enquiry and the notice or copy is so required or authorised to be served or given in respect of any offshore installation, by delivering the notice or copy to some person over sixteen years of age resident or employed in or on the installation or by affixing it in a conspicuous position on the installation.

(2) Regulations under this Act may require owners of offshore installations who are of a class or description specified in the regulations to furnish to the Minister an address in the State for the service of any notice or document referred to in subsection (1) of this section.

(3) For the purposes of this section, a company within the meaning of the Companies Act, 1963, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or any other place at which it carries on business.

8 Expenses.

8.-The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance. be paid out of moneys provided by the Oireachtas.

PART II OFFSHORE INSTALLATIONS

9 Notice of establishment or removal of offshore installation, etc.

9.-(1) (a) Where it is intended to establish an offshore installation in waters to which this Act applies for the purpose of exploration for or exploitation of minerals, the relevant concession owner shall give to the Minister not less than twenty-one days notice in writing of the intention.

(b) Where the owner of an offshore installation intends-

(i) to remove or cause to be removed (whether by dismantling or otherwise) such an offshore installation so established for the purpose of exploitation of minerals from such waters,

(ii) to commence initially or cause to be so commenced exploration or exploitation operations in such waters,

(iii) to discontinue finally or cause to be so discontinued exploitation operations in such waters,

he shall give to the Minister not less than twenty-one days notice in writing of the intention.

(c) Where the owner of an offshore installation intends-

(i) to remove or cause to be removed (whether by dismantling or otherwise) such an offshore installation so established for the purpose of exploration for minerals from such waters,

(ii) to discontinue finally or cause to be so discontinued exploration operations in such waters,

he shall give to the Minister not less than three days notice in writing of the intention.

(2) A notice under this section shall be in such form and contain or be accompanied by such particulars as the Minister shall direct.

10 Offshore installation and equipment to comply with certain requirements.

10.-(1) An installation manager shall ensure that the offshore installation with which he is concerned is not used for exploration or exploitation in waters to which this Act applies unless it and its fittings or other equipment are suitable for the purpose and are of sound construction and adequate strength, are properly maintained and comply with the requirements of any regulations under this section which are for the time being in force and apply to them.

(2) (a) The Minister may, after consultation with the Minister for Energy, by regulations require that before-

(i) an offshore installation is used in waters to which this Act applies,

(ii) any prescribed fitting or other part of an offshore installation to which this Act applies is put

into use,

there shall be in relation to the installation, fitting or other part, as may be appropriate, a prescribed certification procedure, provided that, in so far as the regulations relate to fire safety measures, they shall be made only after consultation also with the Minister for the Environment.

(b) A person by whom a certificate is given for the purposes of this subsection may specify in the certificate conditions for securing the safe working of any fitting or other part to which it relates.

(3) For the purpose of giving effect to subsection (1) of this section , the Minister may, after consultation with the Minister for Energy, make regulations-

(a) requiring offshore installations to which this Act applies and their equipment to be maintained in a prescribed manner,

(b) providing for the survey, testing and inspection of such installations or equipment; provided that, in so far as the regulations relate to fire safety, they shall be made only after consultation also with the Minister for the Environment.

(4) (a) Where the Minister makes a requirement pursuant to regulations under subsection (2) of this section in relation to an offshore installation, the owner of the offshore installation concerned shall ensure that the requirement is complied with and after the relevant certificate has been obtained the installation manager shall produce the certificate or a copy thereof to an inspector on a request being made by the inspector in that behalf at any reasonable time.

(b) Where in a certificate given for the purposes of regulations under subsection (2) of this section there are specified conditions for safe working, any fitting or other part to which the conditions relate shall not be used except in accordance with those conditions.

(5) It shall be the duty of an installation manager to ensure that every workplace on, in or in the neighbourhood of the offshore installation with which he is concerned is, so far as is reasonably practicable, made and kept safe.

(6) Where employees of different employers are employed on, in or in the neighbourhood of an offshore installation to which this Act applies, the employers concerned shall co-operate with each other so as to protect the employees from danger.

11 Installation manager.

11.-(1) (a) Every offshore installation which is an offshore installation to which the Act applies shall be under the charge of a person (in this Act referred to as an "installation manager") who shall be appointed in writing by the owner of the installation and in accordance with such regulations (if any) under this section as are for the time being in force.

(b) Regulations under this section may include requirements as to qualifications, experience, health or age.

(c) In making an appointment pursuant to the requirements of this subsection the person making the appointment shall appoint to be an installation manager a person who, to the best of his knowledge and belief, has the skills and competence suitable for the appointment.

(d)Where an installation manager is appointed, the person by whom the appointment is made shall, as soon as may be after the making of the appointment, inform the Minister in writing of the appointment.

(2) (a)The Minister, after consultation with the Minister for Energy, may make regulations relating to the duties of an installation manager concerning the safety, health and welfare of persons employed on, in or in the neighbourhood of an offshore installation.

(b)The proviso to section 5 (1) of this Act shall, with the necessary modifications, apply to regulations under this subsection.

(3) If at any time the owner of an offshore installation is satisfied that an installation manager appointed in pursuance of subsection (1) of this section does not have the requisite skills and competence, he shall terminate the appointment as soon as practicable, and shall, as soon as may be, give the Minister notice, in the form approved of for the time being for the purposes of this subsection by the Minister, of the action taken by him.

(4) It shall be the duty of the owner of an offshore installation, in order to ensure that an installation manager appointed under subsection (1) of this section is on the installation when it is manned, from time to time to place a person so appointed on the installation, and to ensure that he remains there until relieved, or for so long as it is manned.

(5) Regulations under this section may make different provisions for installation managers of different types of offshore installations or installation managers whose responsibilities differ in other respects.

12 Supervision by installation manager.

12.-(1) An offshore installation to which this Act applies shall not be used for exploration or exploitation unless daily personal supervision is exercised by the installation manager or, during any period during which-

(a) such manager is absent from the installation on leave or is prevented from carrying out his duties under this Act by sickness or other cause beyond his control, or

(b) as regards the installation, the office of installation manager is vacant,

by a person appointed by the owner of the installation (and having such qualifications (if any) as may be prescribed) to exercise such supervision during any such period.

(2) (a)Subsection (1) of this section shall not be construed as authorising the use for exploration or exploitation of an offshore installation to which this Act applies under the supervision of a person other than the installation manager for any period exceeding seven days (or such longer period as an inspector may allow).

(b)Where an inspector, in exercise of the power conferred on him by paragraph (a) of this subsection, extends a period of seven days, he may impose conditions regarding the use of the offshore installation concerned at any time during the period when the extension operates.

(c)Where a condition is imposed under this subsection, it shall be the duty of the owner of the offshore installation concerned to ensure that the condition is complied with.

(d)Where an inspector is satisfied that a condition imposed under this subsection is not complied with, he shall cancel the relevant extension under this subsection.

(3) A person appointed under subsection (1) of this section shall, in relation to any period during which he acts in exercise of his appointment, be treated for the purposes of this Act and of regulations thereunder in all respects as if he were the installation manager of the offshore installation concerned, but nothing in this subsection shall be construed as divesting an installation manager of any power, or relieving him from any duty or liability, conferred or imposed on him by or by virtue of this Act.

13 Safety and discipline etc. on offshore installations.

13.-(1) (a) Except as otherwise provided by this Act, the installation manager of an offshore installation to which this Act applies shall have in relation to it general responsibility for matters affecting safety, health or welfare and, where connected with safety, health or welfare, the maintenance of order and discipline, and for the discharge of that responsibility shall exercise authority over all persons on, in or in the neighbourhood of the installation.

(b) This subsection shall not be construed as extending to any matters for which another person is responsible as master, captain or person in charge of any vessel, helicopter or other aircraft, hovercraft or lighthouse.

(2) The installation manager of an offshore installation to which this Act applies shall not permit the installation to be used in any manner, or permit any operation to be carried out in, on or from the installation, if the seaworthiness or stability of the installation is likely to be endangered by its use in that manner, or by the carrying out of that operation or by its being carried out in the manner proposed, and it shall be the duty of the owner of the installation to ensure that the provisions of this subsection are complied with by the installation manager.

(3) Where at an offshore installation to which this Act applies there is an emergency or apprehended emergency endangering the seaworthiness or stability of the installation or otherwise involving a risk of death or serious personal injury, the installation manager may take or require to be taken any such measures as are necessary or expedient to meet or avoid the emergency, and no regulation or condition having effect by virtue of this Act or condition which this Act requires to be complied with shall be construed or be regarded as prohibiting or restricting the taking of such measures.

(4) (a) Where the installation manager of an offshore installation to which this Act applies has reasonable cause to believe that-

(i) there is employed on, in or in the neighbourhood of the installation a person who is under eighteen years of age, he may cause the person to be put ashore in the State,

(ii) it is necessary or expedient for the purpose of securing the safety of the installation or of persons on, in or about the installation or for the purpose of maintaining order and discipline among those persons, he may cause any person on, in or about the installation to be put ashore in the State.

and where any person on, in or about the installation has done or is about to do any act endangering or likely to endanger the safety of the installation or persons on, in or about the installation or the maintenance of order and discipline among those persons, or the installation manager with reasonable cause suspects him of having done or being about to do any such act, the installation manager may take or cause to be taken such other reasonable measures against him, by restraint of his person or otherwise, as the installation manager thinks necessary or expedient.

(b) This subsection shall not be construed as extending to any matter for which another person is

responsible as master, captain or person in charge of any vessel, helicopter or other aircraft, hovercraft or lighthouse.

(5) A person shall not be kept under restraint by virtue of subsection (4) of this section for longer than thirty - six hours unless-

(a) the intention is that he shall be put ashore in the State in accordance with that subsection at the earliest opportunity, and

(b) within those thirty-six hours notice of his being kept under restraint and of the reason for it is sent to the authority in the State prescribed for the purposes of this subsection.

14 Prohibition of employment of certain persons.

14.-(1) Subject to subsection (4) of this section, a person under the age of eighteen years shall not be employed on or in an offshore installation to which this Act applies.

(2) A person shall not be employed either to work on or in an offshore installation to which this Act applies, or to work in the neighbourhood of the installation and in relation to exploration or exploitation as regards which such an installation is used, unless-

(a) either,

(i) the person has received adequate instruction, training or training and instruction concerning the work, as may be appropriate, and is competent to do the work without supervision, or

(ii) the person is while doing the work under the instruction and supervision of a person described in subparagraph (i) of this paragraph, and

(b) in either case, the requirements of any regulations under this section which are applicable to the particular case are complied with.

(3) The Minister may for the purposes of subsection (2) of this section by regulations specify requirements as regards training and instruction which shall be complied with and such requirements may be specified in relation to work generally or in relation to a particular activity, operation or process or to work of a specified description.

(4) The Minister may by regulations exempt, subject to compliance with such conditions (if any) as may be specified in the regulations, from subsection (1) of this section any activity, operation, process or work of a description specified in the regulations and such regulations may apply in relation to persons under eighteen years generally or to persons under that age who are of a specified class or description, and where regulations under this subsection are for the time being in force, the said subsection (1) shall be construed and have effect subject to the terms of the regulations.

15 General duties of persons employed on offshore installations to which Act applies.

15.-(1) It shall be the duty of any person who is employed on, in or in the neighbourhood of an offshore installation to which this Act applies-

(a) to take such steps as are reasonably necessary for his own safety and health and for that of other persons who are employed on, in or in the neighbourhood of the installation,

(b) to co-operate with his employer or any other person to enable any requirement of, or any duty imposed by, this Act or regulations thereunder to be complied with or carried out.

(2) A person employed on, in or in the neighbourhood of an offshore installation to which this Act applies shall not intentionally interfere with or misuse any means, appliance, convenience, equipment or other thing provided in pursuance of this Act for securing the safety, health or welfare of persons so employed, and where any means or article, appliance, equipment or other thing for securing safety or health is provided for the use of any such person under this Act, he shall use the means or the article, appliance, equipment or other thing.

(3) A person employed on, in or in the neighbourhood of an offshore installation to which this Act applies shall not intentionally and without reasonable cause do anything likely to endanger himself or others.

16 Installation logbook and records.

16.-(1) There shall be kept and maintained in accordance with this section in relation to an offshore installation to which this Act applies, by the installation manager concerned, a logbook for the purposes of this Act (which logbook is in this Act referred to as the "installation logbook") and there shall be entered in that logbook such particulars as the Minister shall from time to time direct.

(2) In addition to complying with subsection (1) of this section, an installation manager shall keep and maintain in a form approved of by the Minister a record of any person who is on or in the offshore installation with which the installation manager is concerned, at any time while the installation is in waters to which this Act applies, and such record shall include the following particulars, namely:

- (a) the full name of the person.
- (b) the date and time of the person's arrival on or departure from the installation,
- (c) the reason for the person's presence on the installation, and
- (d) the name and address of the person's employer (if any).

17 Form of installation logbooks etc. and preservation and inspection of entries therein.

17.-(1) Every installation logbook or other document which, in pursuance of this Act or of regulations under this Act, is provided for the entry of any report, record or other item of information shall be in such form as the Minister may direct.

(2) The installation manager shall ensure that every entry made in any installation logbook or other document mentioned in subsection (1) of this section or a copy of that entry shall be preserved for two years or such other period as may be prescribed, and until it is no longer required by, or under regulations made by virtue of, this section to be preserved, the entry shall be kept at the offshore installation to which it relates or at such other place as may be approved of by an inspector and shall be open to inspection at all reasonable times by, or by a person authorised in that behalf by, any person employed on or in the installation.

18 Suitable and sufficient facilities etc. to be provided.

18.-(1) An owner of an offshore installation shall ensure that, for so long as the installation is in waters to which this Act applies, there are provided and maintained suitable and sufficient facilities, equipment, clothing and materials to protect persons employed on, in or in the neighbourhood of the installation against dangers arising in

relation to their work.

(2) The Minister may by regulations require prescribed facilities, equipment, clothing and materials to be provided in pursuance of this section and such regulations may require such facilities, equipment, clothing or materials to be provided generally in relation to persons so employed or in relation to persons so employed in a prescribed operation or process or in work of a prescribed description.

19 Naked lights and smoking.

19.-(1) A person shall neither use a naked light nor smoke on or in an offshore installation to which this Act applies otherwise than pursuant to and in accordance with rules made by the installation manager concerned.

(2) (a) An installation manager may, or, if required by a notice in writing given to him in that behalf by the Minister, shall, make rules permitting persons to use naked lights and to smoke on or in the offshore installation with which he is concerned in places in the installation specified in the rules and such rules may provide that the use of naked lights and smoking shall be permitted only during such hours, in such circumstances or subject to such conditions, as are specified in the rules.

(b) Where a rule under this section is for the time being in force and a matter to which the rule relates is affected by a regulation under this Act, the rule shall be construed and have effect (if any) subject to the terms of the regulation.

(3) An installation manager, having regard to the purposes of this section, shall ensure that appropriate notices prohibiting or restricting smoking and the use of naked lights are displayed in sufficient numbers on the offshore installation with which he is concerned so as to be both conspicuous and easily read.

(4) A person shall not be convicted under this section and section 15 of this Act in respect of the same act or omission.

20 Gas detection.

20.-(1) The owner of an offshore installation to which this Act applies shall ensure that an efficient system of detection (which shall include a reliable and audible alarm) is provided to monitor automatically the presence of any flammable or noxious gas on or in the installation.

(2) It shall be the duty of an installation manager to ensure that the system of detection provided in pursuance of this section in relation to the offshore installation with which he is concerned is properly maintained.

21 Storage etc. of certain substances and preparations.

21.-(1) Any gas or other substance or preparation which is corrosive, oxidising, toxic, flammable or radioactive and any explosive shall, while it is on or in an offshore installation to which this Act applies and is not being used, be stored both-

(a) in a place which is both safe and in the particular circumstances is as far distant as is reasonably practicable from any hazardous area and any place used for the accommodation of persons on the installation, and

(b) in suitable containers which are clearly and adequately marked.

(2) Where a gas or an explosive or any other substance or preparation mentioned in subsection (1) of this section is on or in an offshore installation to which this Act applies, it shall be the duty of the installation manager

concerned to ensure that subsection (1) of this section is complied with in relation to the gas or explosive or the substance or preparation, and in addition to the foregoing in case such gas or explosive other substance or preparation is stored on such an offshore installation, the installation manager concerned shall ensure that it is under the control of a responsible person appointed by him for the purpose and that its presence at the place in which it is being stored is adequately indicated by a suitably worded notice.

(3) In this section "explosive" has the meaning given by section 9 (1) of the Dangerous Substances Act, 1972.

PART III **SAFETY**

22 Safety health and welfare regulations.

22.-(1) Subject to compliance with the requirements of section 5 (1) of this Act regarding consultation with the Minister for Energy, the Minister for Health or the Minister for the Environment, or obtaining the concurrence of the Minister for Communications, the Minister for the Marine and the Minister for Tourism and Transport, the Minister may make regulations for-

(a) the safety, health and welfare of persons employed-

(i) on or in offshore installations to which this Act applies, or

(ii) in the neighbourhood of such an installation and in relation to the exploration or exploitation as regards which the installation is, or is to be, used, and

(b) the safety of such installations and the prevention of accidents on or near them.

(2) Without prejudice to the generality of subsection (1) of this section, regulations under this section may-

(a) provide for or in relation to any of the matters mentioned in the Schedule to this Act,

(b) have effect in relation to hovercraft, helicopters or other aircraft, or vessels, on or in the neighbourhood of an offshore installation and used or intended to be used in relation to exploration or exploitation,

(c) regulate any activity, operation, process or work, whether on, in or in the neighbourhood of an offshore installation, or in the water, or on or below the surface of the shore or the bed of the sea,

(d) have effect in relation to any pipeline works.

(3) The inclusion in this Act of a provision in respect of any matter shall not operate to preclude the making under this section of regulations (consistent with that provision) in respect of that matter.

(4) (a) Regulations under this section may impose duties on concession owners, offshore installation owners, installation managers and contractors.

(b) In addition to the foregoing, regulations under this section may impose duties on persons who are of a prescribed class or description and who are employed on, in or in the neighbourhood of an offshore installation to which this Act applies.

(5) The manager of an offshore installation shall notify the owner thereof as soon as practicable of any event

which occurs on, in or in the neighbourhood of the installation and of the occurrence of which the said owner is under regulations under this section required to notify the Minister.

23 Safety representative and deputy.

23.-(1) The persons (other than the installation manager) working on, in or from an offshore installation to which this Act applies may select and appoint from among their number a representative and a deputy (in this Act referred to as "the safety representative" and "the deputy safety representative", respectively) to represent them in consultations under this section with the installation manager.

(2) The Minister may make regulations for giving effect to this section and, without prejudice to the generality of the foregoing, regulations under this section may make provision in relation to all or any of the following matters:-

(a) the terms and conditions of appointment and the functions and duties of the safety representative and the deputy safety representative;

(b) the duties of the installation manager concerned, including a requirement that he shall give (or cause to be given) to the safety representative (or the deputy safety representative) concerned a copy of the statement of policy under section 26 of this Act as soon as practicable, and in any event not later than ten days from the expiration of the period specified under section 26 (3) (c) of this Act for the preparation of such statement, and shall hold consultations with the safety representative (or the deputy safety representative) concerned for the purpose of ensuring co - operation between the management and the other persons working on, in or from the offshore installation concerned in securing compliance with the provisions of this Act (or of regulations thereunder) relating to safety, health and welfare, or such other statutory provisions which are prescribed for the purposes of this section and apply to such installation or to such persons (or to both);

(c) a provision that, on a request being made to an inspector, the safety representative (or the deputy safety representative) shall be entitled to accompany an inspector on any tour (or part of a tour) of inspection of the relevant offshore installation made by the inspector in the course of duty (other than a tour of inspection made specifically to investigate an accident) and that, where a representative intends to accompany an inspector, he shall inform him of his intention.

24 Safety committee and safety delegate.

24.-(1) The persons working on, in or from an offshore installation to which this Act applies may select and appoint from among their number members of a committee (in this Act referred to as "a safety committee") to assist the owner of the installation or the installation manager (as may be appropriate) in securing the compliance described in subsection (3) (b) of this section.

(2) Where a safety committee is appointed and at the time of the appointment a safety representative (or deputy safety representative) stands appointed under section 23 or 25 of this Act in relation to the offshore installation concerned, the appointment of the safety committee shall operate to revoke the appointment of such representative.

(3) The Minister may make regulations for giving effect to this section and, without prejudice to the generality of the foregoing, regulations under this section may make provision in relation to all or any of the following matters:-

(a) providing for the terms and conditions of appointment and the method of determining (subject to

section 25 of this Act) the number of members of a safety committee and the quorum for a meeting thereof;

(b) specifying the functions and duties of the safety committee, including assisting in securing compliance, by the installation manager concerned and by the persons working on, in or from the relevant offshore installation, with the provisions of this Act (or of regulations thereunder) relating to safety, health and welfare, or such other statutory provisions which are prescribed for the purposes of this section and apply to such installation or to such persons (or to both);

(c) providing for the selection and appointment by the safety committee from among their number of a representative and a deputy (in this Act referred to as the "safety delegate" and the "deputy safety delegate," respectively), the terms and conditions relating to such appointment and the functions and duties of such delegates;

(d) a provision that the installation manager shall be entitled to attend personally (or be represented by at least one person nominated by him) at each meeting of the safety committee;

(e) provisions specifying the duties of the installation manager, including a requirement that he (or a representative) shall attend the first meeting of the safety committee and shall as soon as practicable, and in any event not later than ten days from the expiration of the period specified under section 26 (3) (c) of this Act for the preparation of such statement, give (or cause to be given) the committee the statement of policy under section 26 of this Act;

(f) a provision that, on a request being made by the safety committee, the safety delegate (or the deputy safety delegate) shall be entitled to accompany an inspector on any tour (or part of a tour) of inspection of the relevant offshore installation made by the inspector in the course of duty (other than a tour of inspection made specifically to investigate an accident) and that, where a delegate intends to accompany an inspector, he shall inform him of his intention;

(g) providing that the safety delegate may make representations to an inspector on matters affecting the safety, health and welfare of the persons working on, in or from the offshore installation (being representations made on the request of the safety committee) and that, for the purpose of considering the representations, an inspector may inspect any records of the proceedings of the safety committee.

25 Appointment of safety representative or safety committee by installation manager.

25.-(1) Where-

(a) an offshore installation is for a continuous period of six months in waters to which this Act applies, and

(b) on the expiration of that period, or for a period of six months beginning at any time after such expiration, neither a safety representative nor a safety committee stands appointed under section 23 or 24 of this Act in relation to the installation,

then, subject to subsection (2) of this section, the relevant installation manager shall, as soon as practicable and not later than one month after the expiration of the relevant period, appoint from among the other persons working on or in the installation either (as he considers appropriate) a safety representative and a deputy safety representative or a safety committee.

(2) Before making an appointment under this section an installation manager shall consult the other persons working on or in the relevant offshore installation regarding the proposed appointment.

(3) The Minister may make regulations for giving effect to this section and, without prejudice to the generality of the foregoing, regulations under this section may make provision in relation to all or any of the following matters:-

(a) the functions and duties of an installation manager, including the determination of the number of members of the safety committee;

(b) the terms and conditions of appointment of members of the safety committee and (subject to section 24 (2) of this Act) of the safety representative or the deputy safety representative.

(4) References in this Act to a safety representative, a deputy safety representative or a safety committee shall be construed as including references to a safety representative, deputy safety representative or safety committee under this section.

26 Safety statements.

26.-(1) The owner of an offshore installation to which this Act applies shall as soon as practicable prepare (or cause to be prepared) a statement in writing specifying the manner in which the safety and health of persons employed on, in or in the neighbourhood of the installation will be secured.

(2) The Minister may make regulations for giving effect to subsection (1) of this section and, without prejudice to the generality of the foregoing, regulations under this section may provide that the statement required by that subsection shall specify-

(a) the arrangements for safeguarding the safety and health of persons referred to in that subsection:

(b) the co-operation required from such persons in relation to safety and health;

(c) any safety training facilities which are available;

(d) the measures to be taken in relation to dangers so specified or risks of any such danger on or about the installation;

(e) any matters specified in regulations under this section which are for the time being in force.

(3) Where-

(a) the Minister is given a notice under section 9 of this Act of an intention either to establish an offshore installation in waters to which this Act applies or to commence exploration or exploitation operations in such waters, and

(b) the offshore installation is established or the operations are commenced, and

(c) within the period of two months beginning on the date of such establishment or commencement a statement referred to in subsection (1) of this section has not been prepared in relation to the offshore installation so established or by the use of which the operations are carried on, the Minister may serve on the owner of the offshore installation a notice requiring such a statement to be prepared within such period (being not less than one month) as shall be specified in the notice and, where such a notice is served, the person on whom it is served shall comply with its requirements.

(4) The Minister may by regulations require that information regarding matters specified in the regulations shall be included in statements under subsection (1) of this section.

(5) Where, in relation to an offshore installation, there is for the time being neither a safety representative nor a safety committee, the installation manager shall, where requested to do so by any person employed on or in the installation give (or cause to be given) not later than ten days from the expiration of the period specified under subsection (3) (c) of this section for the preparation of such statement, or not later than ten days from the date of such request, whichever shall be the later, to that person a copy of the relevant statement under subsection (1) of this section.

(6) (a) Where such a statement is prepared but the Minister is not satisfied that it is adequate for the purposes of this section, the Minister may direct that the statement be revised in a manner specified in the direction and, where the Minister gives such a direction he shall as soon as practicable serve on the owner of the offshore installation to which the direction relates a copy of the direction, and the owner shall comply therewith within such period (being of not less than one month) as shall be specified therein.

(b) The Minister may if he thinks fit cancel a direction under this subsection.

(7) The Minister may by regulations require that, where a statement is prepared or revised under this section, the relevant installation manager shall ensure that a copy of the statement so prepared or revised is entered in the installation logbook of the offshore installation concerned, and that a copy of the statement so prepared or revised is given to an inspector who requests it from such manager.

(8) Where a statement is revised under this section the relevant installation manager shall give (or cause to be given) a copy of the statement so revised to-

(a) in case there is a safety representative for the installation concerned, that person or his deputy, or

(b) in case there is a safety committee for such installation, that committee, or

(c) in case there is neither a safety representative nor a safety committee for such installation, any person employed on or in such installation, where requested to do so by such person;

provided that in the case of paragraphs (a) or (b) of this subsection the copy revised statement shall be given (or caused to be given) as soon as practicable, and in any event not later than ten days from the expiration of the period specified under subsection (6) (a) of this section for revision of the statement, and in the case of paragraph (c) of this subsection the copy revised statement shall be given (or caused to be given) not later than ten days from the expiration of the period so specified, or not later than ten days from the date of the request, whichever shall be the later.

PART IV **ACCIDENTS ETC.**

27 Notice of certain accidents to be given to Minister and Minister for Energy.

27.-(1) In case there is an accident or other occurrence either on, in or in the neighbourhood of an offshore installation to which this Act applies resulting in or causing loss of life or death or causing bodily injury of a kind prescribed for the purposes of this section, the installation manager concerned shall ensure that written notice of the accident is given forthwith to both the Minister and the Minister for Energy, and the said notice shall be in a

form which for the time being stands approved of for the purposes of this subsection by the Minister.

(2) Where any accident or other occurrence causing disablement is notified under this section and after the notification results in the death of the person disabled, notice in writing of the death shall be given to the Minister by the installation manager concerned as soon as may be after the death comes to his knowledge.

(3) Where an accident or other occurrence which is notifiable under subsection (1) of this section occurs, the installation manager concerned shall make in the relevant installation logbook and sign an entry of the following particulars, namely:

(a) the date and time of the accident or occurrence,

(b) the location of the relevant offshore installation at the time when, or the locality in which, the accident or other occurrence occurred in so far as, with reasonable diligence, such locality or location can be ascertained at the time the entry is made,

(c) the place (on the relevant offshore installation or elsewhere, as the case may be) where the accident or other occurrence occurred,

(d) the name, and if known to such manager the address and occupation, of any person lost or killed or who suffered in the accident or other occurrence any bodily injury prescribed for the purposes of this section, together with the name and address of his employer and a description of any bodily injury suffered by the person (including an injury resulting in death) in so far as such injury can with such diligence be ascertained.

(e) a description of the accident or other occurrence (including particulars of any operation in the course of which the accident occurred and any equipment in relation to the use of which the accident occurred),

(f) a description of any damage sustained by the offshore installation concerned or by any equipment of any vessel involved in the accident or other occurrence, in so far as such damage can with such diligence be ascertained, together with the name and port or place of registry of any such vessel,

(g) the name and address of every witness to the accident or other occurrence and the name and address of his employer (if any) in so far as such particulars can be so ascertained, and

(h) such other particulars (if any) in so far as they can be so ascertained, as shall for the time being stand prescribed for the purposes of this subsection.

(4) (a) Where an accident or other occurrence which is notifiable under subsection (1) of this section occurs on an offshore installation, no person shall disturb the place where it occurred or tamper with anything thereat before-

(i) the expiration of the period beginning when the accident or other occurrence occurs and ending on the second day after the day immediately following that on which written notice of the accident or other occurrence is sent to the Minister pursuant to the requirement of subsection (1) of this section, or

(ii) that place has been both visited by an inspector and inspected by him in exercise of the powers conferred on him by this Act.

(b) Nothing in this subsection shall prohibit the doing of anything by or with the consent of an inspector.

(5) (a) Where a coroner holds an inquest as regards any person whose death may have been caused by an accident or other occurrence which is notifiable under subsection (1) of this section, subject to paragraph (b) of this subsection, the provisions contained in paragraphs (a) to (f) of section 77 of the Factories Act, 1955, shall apply to the inquest.

(b) Section 77 of the Factories Act, 1955, as applied by this subsection, shall have effect as if-

(i) the references therein to an inspector were references to an inspector within the meaning of this Act,

(ii) the references in paragraph (c) to the factory in or about which the accident or disease occurred and in subparagraphs (iv) and (v) of paragraph (e) and in paragraph (f) to the factory shall each be construed as a reference to the offshore installation on, in or in the neighbourhood of which the accident or other occurrence occurred,

and

(iii) the references in subparagraphs (iii) and (vi) of paragraph (e) to the occupier of a factory were each references to the owner of such offshore installation.

28 Death or loss of life.

28.-Where in waters to which this Act applies a person-

(a) who, while engaged in any operation either connected with Such an offshore installation or in relation to which such an offshore installation is being used, or otherwise, dies (other than as a result of an accident or occurrence mentioned in section 27 of this Act) on, in or in the neighbourhood of an offshore installation to which this Act applies or is lost from such an offshore installation in circumstances in which it is reasonable to believe that he has died,

(b) so dies in or on a lifeboat, life raft or other emergency survival craft belonging to such an offshore installation or is lost therefrom in such circumstances,

the installation manager concerned shall forthwith send written notice of the occurrence to both the Minister and the Minister for Energy.

29 Industrial Medical Adviser (Offshore Installations) to be notified of occurrence on offshore installation of certain diseases.

29.-(1) Where a person who is for the time being employed on or in an offshore installation to which this Act applies is found on medical examination (whether conducted on the installation or elsewhere and whether conducted in relation to his employment or otherwise) to be suffering from a disease prescribed for the purposes of this section, the medical practitioner by whom the examination is conducted shall, as soon as may be, notify an Industrial Medical Adviser (Offshore Installations) of the occurrence of the disease.

(2) The Minister may make regulations for the purpose of giving effect to this section, and without prejudice to the generality of the foregoing, the regulations may require to be given to an Industrial Medical Adviser (Offshore Installations) by the relevant medical practitioner any or all of the following, namely:

(a) prescribed particulars of the disease concerned,

(b) the name of the person and such other personal particulars as may be prescribed,

(c) the date or approximate date on which, in the opinion of such medical practitioner, the disease occurred or developed, the offshore installation or offshore installations on which in such opinion the disease occurred or developed and the location of the offshore installation or offshore installations, as may be appropriate, on such date or approximate date.

30 Particulars of certain accidents to be entered in installation logbook.

30.-Where any accident occurs on, in or in the neighbourhood of an offshore installation to which this Act applies which results in a person employed on the installation being unable to perform any duties for more than three days, the installation manager concerned shall ensure that particulars of the accident are entered in the installation logbook.

31 Power to direct formal investigation of certain accidents and cases of diseases.

31.-(1) Where pursuant to this Act, the Minister is notified of an accident or the occurrence of a disease or any other occurrence , the Minister may, where he considers it appropriate so to do, direct a formal investigation to be held into the accident or occurrence and of its causes and circumstances.

(2) The provisions of section 78 (2) of the Factories Act, 1955, as amended by section 56 of the Act of 1980, shall, subject to any necessary modifications, apply to an investigation under this section as they apply to an investigation under that section.

32 Power of Minister to require certain plant to be examined and tested and to require certain reports.

32.-(1) Where there is an accident or dangerous occurrence in, on or in the neighbourhood of an offshore installation to which this Act applies and the Minister is satisfied that the accident or occurrence may have been caused (whether wholly or partly) by any plant, then if the Minister considers it necessary for the proper investigation of the accident or occurrence, he shall by a notice in writing require the manager of the installation-

(a) to have such plant, or in case the accident or occurrence is believed to have been so caused by a part thereof, that part, examined and tested forthwith by a competent person, and

(b) to have a report of the results of the examination and test prepared and submitted to such manager by the person by whom the examination and test was carried out as soon as may be and in any case not later than twenty-eight days after the completion of the examination and test, and

(c) to give to the Minister a copy of such report within seven days of its receipt in pursuance of paragraph (b) of this subsection.

(2) A report required under subsection (1) of this section shall include particulars of-

(a) the manner in which the relevant examination was carried out.

(b) the method used when making any tests,

(c) any structural or other weakness or defect which in the opinion of the person carrying out the examination would affect the ultimate strength of, or account for any failure in, the plant examined, and

(d)such other matter as the Minister may specify when making the requirement.

(3) If the Minister is not satisfied as to the adequacy of a report under this section, or the competence of a person employed to make an examination and test referred to in this section or as to the adequacy of such an examination and test, he may require the manager of the offshore installation concerned to have the plant concerned re-examined and tested at the expense of the owner of such offshore installation by a person nominated by the Minister, and in case the Minister makes a requirement under this subsection such owner and manager, and, if such owner does not own such plant, the person who owns the plant. shall comply with the requirement and give any necessary facilities for such re-examination and test.

(4) In this section "plant" includes any boiler, receiver or other pressure vessel, electrical or other appliance or equipment (or any part thereof) or any other machine or machinery (or any part thereof), whether driven by mechanical power or not.

33 Industrial Medical Adviser (Offshore Installations).

33.-(1) The Minister may assign to any registered medical practitioner who stands designated under section 50 of the Act of 1980 as an industrial medical adviser the function of advising the Minister professionally in relation to his functions under this Act.

(2) A person to whom there is assigned under this section the functions described in subsection (1) of this section is in this Act referred to as an -Industrial Medical Adviser (Offshore Installations)".

(3) Without prejudice to the generality of section 40 (1) of this Act, the Minister may authorise an Industrial Medical Adviser (Offshore Installations) to be an inspector for the purposes of this Act.

PART V **OFFENCES, LEGAL PROCEEDINGS AND PENALTIES**

34 Offences.

34.-(1) (a) In case an installation manager by act or omission contravenes or fails to comply with section 16, 17, 21 (2), 25, 28 or 30 of this Act he shall be guilty of an offence.

(b)In case the owner of an offshore installation fails to comply with the requirements of section 11 (4) of this Act, of a notice under section 26 (3) of this Act, or of a direction under section 26 (6) of this Act, or in case a condition imposed under section 12 (2) of this Act is not complied with, he shall be guilty of an offence.

(2) (a)In the event of an installation manager's failing to comply with or contravening section 10 (1), 14, 16, 17, 25 or 30 of this Act, the owner of the relevant offshore installation shall, subject to the provisions of this Act, be guilty of an offence.

(b)In case an installation manager commits an offence under this section by reason of his failure to comply with section 21(2) of this Act and the offence is committed with the consent, connivance or approval of the owner of the offshore installation concerned, such owner shall also be guilty of the offence.

(3) In the event of a contravention in relation to an offshore installation of section 12 (1) or 14 of this Act because for the time being no installation manager or other person stands appointed in pursuance of and in accordance with section 11 (1) of this Act, or because the installation was used under the supervision of a person

other than the installation manager for a period exceeding that permitted by section 12 (2) of this Act, the owner of the installation shall be guilty of an offence.

(4) In the event of the employment of a person in contravention of section 14 of this Act by a person other than the relevant installation manager, that installation manager shall, subject to the provisions of this Act, be guilty of an offence.

(5) (a) Any person who by act or omission contravenes-

(i) a regulation under this Act, or

(ii) a condition specified in a regulation under section 14 (4) of this Act, or

(iii) a condition, other than a condition so specified, contained in a regulation under this Act being a condition to which a declaration under section 5 (4) of this Act relates but not being a condition to which the provisions of section 13 (3) of this Act regarding construction applies,

shall be guilty of an offence.

(b) Any person who contravenes section 26 (5) or 26 (8) of this Act shall be guilty of an offence.

(6) Any person who fails to comply with a requirement made by the Minister under section 6 (1) of this Act shall be guilty of an offence.

(7) Any person who fails to comply with section 9 of this Act shall be guilty of an offence.

(8) (a) Any person who fails to comply with subsection (1) or subsection (5) of section 10 of this Act shall be guilty of an offence.

(b) (i) Any owner of an offshore installation who fails to comply with a requirement referred to in section 10 (4) (a) of this Act shall be guilty of an offence.

(ii) Any installation manager who fails to produce a certificate pursuant to the requirements of section 10 (4) (a) of this Act shall be guilty of an offence.

(c) Any person who uses, or causes to be used, in contravention of section 10 (4) (b) of this Act any fitting or other part to which a condition referred to in the said section 10 (4) (b) relates shall be guilty of an offence.

(9) Any installation manager or other person who fails to exercise the daily personal supervision required to be exercised by him by section 12 (1) of this Act shall be guilty of an offence.

(10) If a person subject to the authority of the manager of an offshore installation to which this Act applies wilfully disobeys a lawful command given to him by the manager in the exercise of that authority, he shall be guilty of an offence.

(11) If an installation manager or owner fails to comply, or ensure compliance, with section 13 (2) of this Act, he shall be guilty of an offence.

(12) Any person who employs a person in contravention of section 14 of this Act shall be guilty of an offence.

(13) Subject to section 19 (4) of this Act, any person who contravenes subsection (1), (2) or (3) of section 15 of this Act shall be guilty of an offence.

(14) Any person who fails to comply with section 18 (1) of this Act shall be guilty of an offence.

(15) Any person who while employed on, in or in the neighbourhood of an offshore installation to which this Act applies does not wear or otherwise appropriately use at work facilities, equipment, clothing or materials provided in pursuance of section 18 of this Act or of regulations thereunder for his protection shall be guilty of an offence.

(16) Any person who contravenes section 19 (1) or subsection (1) or (2) of section 20 of this Act shall be guilty of an offence.

(17) Any person who fails to comply with the provisions of section 22 (5) of this Act shall be guilty of an offence.

(18) (a) Any installation manager who fails to comply with subsection (1) or (2) of section 27 of this Act shall be guilty of an offence.

(b) Any person who contravenes section 27 (4) of this Act shall be guilty of an offence.

(19) (a) (i) Any person who fails to comply with a requirement of a notice served on him under section 32 (1) of this Act or who fails to comply with a requirement made by the Minister under section 32 (3) of this Act, shall be guilty of an offence.

(ii) Any owner or manager of an offshore installation who fails to give facilities required to be given by section 32 (3) of this Act shall be guilty of an offence.

(b) Any person, other than the owner or manager of the relevant offshore installation, who fails to give facilities required to be given by section 32 (3) of this Act shall be guilty of an offence.

(20) (a) A person who-

(i) fails to comply with any requirement imposed by an inspector under section 41 of this Act, or

(ii) prevents, or attempts to prevent, any other person from appearing before an inspector or from answering any question to which an inspector may, by virtue of subsection (1) of section 41 of this Act, require an answer, or

(iii) without permission granted by an inspector, removes from an offshore installation to which this Act applies or conceals or tampers with any machinery, apparatus or other article of which possession has been taken by an inspector under section 41 of this Act, or

(iv) obstructs or otherwise interferes with an inspector in the exercise or performance of his powers or duties, shall be guilty of an offence.

(b) Any person who acts in contravention of section 41 (2) (c) of this Act shall be guilty of an offence.

(21) Any person who contravenes a prohibition or restriction imposed, or who fails to comply with a

requirement imposed or made, under section 42 of this Act by an inspector shall be guilty of an offence.

(22) A person who makes a deduction in contravention of section 46 of this Act shall be guilty of an offence.

35 Offences: supplementary provisions.

35.-(1) In any proceedings for an offence under this Act an averment in any indictment, summons or other process of the fact that anything was done or situated within waters to which this Act applies shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment.

(2) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body, he, as well as the body, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(3) If an installation manager or the owner of an offshore installation avails himself of any exemption allowed by or under this Act and fails to comply with any condition attached to the exemption, he shall be deemed to have contravened the relevant provision of this Act or of a regulation under this Act.

(4) If any persons are employed on an offshore installation to which this Act applies otherwise than in accordance with a requirement of this Act or of any regulation made thereunder, there shall be deemed to be a separate contravention in respect of each person so employed.

(5) In case an offence under section 34 (22) of this Act is committed with the consent, connivance or approval of, or is facilitated by any neglect on the part of, an installation manager, such manager shall also be guilty of the offence.

36 Defences generally.

36.-(1) In any proceedings for an offence under this Act, it shall be a defence for the accused to prove that he used all due diligence to execute or comply with any requirement of this Act or of regulations under this Act to which the alleged offence relates, and either that the relevant contravention was committed without his consent, connivance or wilful default or that he took, or caused to be taken, reasonable steps to prevent or avoid the contravention.

(2) In any proceedings for an offence under section 12 of this Act it shall be a defence for the defendant to prove that the failure by him in relation to which the offence is alleged to have been committed was due to circumstances beyond his control.

(3) In any proceedings taken in respect of a contravention of section 27 (4) of this Act consisting of the doing of any act, it shall be a defence to prove that the doing of the act was necessary for securing the safety of the offshore installation concerned or persons thereon.

37 Prosecution of offences.

37.-(1) Summary proceedings for an offence under this Act may be prosecuted by the Minister.

(2) Subject to subsection (4) of this section, summary proceedings for an offence under this Act may be commenced-

(a) at any time within six months from the date on which the offence was committed, or

(b) at any time within three months from the date on which evidence sufficient, in the opinion of the person by whom the proceedings are instituted. to justify proceedings comes to such person's knowledge. whichever is the later.

(3) In addition to subsection (2) of this section, where, in consequence of an accident or the occurrence of a disease in waters to which this Act applies on, in or in the neighbourhood of an offshore installation, a report is made by a person appointed under this Act to hold an investigation under section 31 of this Act or a coroner's inquest is held, and it appears from the report or from the proceedings at the inquest that, at or before the time of the accident or other occurrence, there was a contravention, in relation to the offshore installation, of-

(a) a provision of this Act or of regulations made thereunder, or

(b) a condition attached to an exemption, consent, approval or authority granted under or by virtue of this Act by the Minister or by an inspector,

summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months after the making of the report or the conclusion of the inquest.

(4) Summary proceedings mentioned in subsection (2) of this section shall not be instituted later than two years from the date on which the offence was committed.

(5) For the purposes of this section a certificate signed by or on behalf of the person instituting the proceedings as to the date on which evidence described in subsection (2) of this section came to the knowledge of such person shall be prima facie evidence thereof and in any legal proceedings a document purporting to be a certificate issued for the purposes of this section and to be so signed shall be deemed to be so signed and shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate, unless the contrary is shown.

(6) Subsections (2) and (3) of this section shall have effect notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851.

38 Jurisdiction.

38.-(1) Where-

(a) any act or omission takes place either on an offshore installation which is in waters to which this Act applies or in any part of waters which are within five hundred metres of such an installation, or

(b)(i) any act or omission takes place either in any part of the waters to which this Act applies which is not within five hundred metres of an offshore installation which is for the time being in waters to which this Act applies, or under or above any such part, or such an offshore installation, and

(ii) the act or omission is connected with the exploration or exploitation of the sea bed or subsoil for petroleum or other minerals,

in case the act or omission constitutes either an offence under this Act or a wrong and legal proceedings are taken for the offence or as respects the wrong and a Judge of the Circuit Court or a Justice of the District Court before whom the proceedings are brought has not apart from this section jurisdiction to hear and determine the proceedings, then for the purpose of conferring such jurisdiction the offence or the wrong may be treated as having been committed within the circuit of such Judge or the District Court District to which such Justice is assigned, as

may be appropriate.

(2) The reference in section 10 (1) of the Maritime Jurisdiction Act, 1959, to a ship shall be construed as including a reference to an offshore installation.

(3) In this section "wrong" has the meaning assigned to it by the Civil Liability Act, 1961.

39 Penalties.

39.-(1) Every person guilty of an offence under section 34 (1) (b) of this Act, by reason of a failure to comply with the requirements of section 11 (4) of this Act, or guilty of an offence under section 34 (8) of this Act, by reason of a failure to comply with section 10 (1) of this Act, or guilty of an offence under section 34 (9), 34 (11), 34 (19) (a) or 44 of this Act shall be liable-

(a) on summary conviction, to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or

(b) on conviction on indictment, to a fine not exceeding £2,000 or, at the discretion of the court, to imprisonment for a term not exceeding two years, or to both the fine and the imprisonment.

(2) Every person guilty of an offence under section 34 (10), 34 (16), 34 (17), 34 (18), 34 (19) (b), 34 (20) (a) or 34 (21) of this Act, or under section 34 (8) of this Act other than by reason of a failure to comply with section 10 (1) of this Act, shall be liable on summary conviction to a fine not exceeding £1,000.

(3) Every person guilty of an offence under section 34 (1) of this Act, other than by reason of a failure to comply with the requirements of section 11 (4) of this Act, shall be liable on summary conviction to a fine not exceeding-

(a) in case the person is guilty of the offence by reason of a contravention of section 16, 17 or 28 of this Act, £200,

(b) in case the person is so guilty by reason of a contravention or failure to comply with section 25 (1), 26 (3) or 30 of this Act, £400, and

(c) in any other case, £600.

(4) Every person guilty of an offence under subsection (2) or (3) of section 34 of this Act shall be liable on summary conviction to a fine not exceeding-

(a) in case the person is guilty of the offence by reason of a failure of an installation manager to comply with section 16 of this Act, £200.

(b) in case the person is so guilty by reason either of a failure of an installation manager to comply with section 25 of this Act or such manager's having employed a person in contravention of section 14 of this Act, £300, and

(c) in any other case, £600.

(5) Every person guilty of an offence under section 34 (4), 34 (7), 34 (12), 34 (13), 34 (14), 34 (15), 34 (22) or 45 of this Act shall be liable on summary conviction to a fine not exceeding £300.

(6) Every person guilty of an offence under section 34 (6) of this Act shall be liable on summary conviction to a fine not exceeding £200.

(7) Subject to any provision which in exercise of the power contained in paragraph (a) (ii) or (a) (iii) of section 5 (4) of this Act is contained in a regulation under this Act and is applicable in the particular case, every person guilty of an offence under section 34 (5) of this Act shall be liable-

(a) on summary conviction, to a fine not exceeding £600, or

(b) on conviction on indictment, to a fine not exceeding £1,200 or, at the discretion of the court, to imprisonment for a term not exceeding two years, or to both the fine and the imprisonment.

(8) Every person guilty of an offence under section 34 (20) (b) of this Act shall be liable on summary conviction to a fine not exceeding £400.

(9) Where a person is convicted on indictment of an offence under this Act and there is a continuation by him of the offence after conviction, he shall be liable on summary conviction to a fine not exceeding £200 for each day on which the offence is so continued.

(10) Where the court by which a person is convicted of an offence under this Act is satisfied that the offence in respect of which he is convicted-

(a) was likely to cause the death of, or serious bodily injury to, a person employed on, in or in the neighbourhood of the offshore installation in relation to which the contravention occurred, or

(b) was likely to cause a dangerous accident, or

(c) was likely to endanger the safety of any such person,

then if, apart from this subsection the court may not impose a term of imprisonment in respect of the conviction, the court may impose upon the person (either in addition to, or in substitution for, a fine) imprisonment for a term not exceeding six months.

PART VI MISCELLANEOUS

40 Inspectors.

40.-(1) The Minister may authorise any of his officers or any other person to be an inspector for the purposes of this Act.

(2) Notice of an authorisation under this section shall be published in Iris Oifigiúil.

(3) Every person authorised by the Minister under subsection (1) of this section shall be furnished with a certificate of his authorisation and when exercising a power under this Act shall, if requested by any person thereby affected, produce the said certificate for inspection by the person.

(4) Such annual reports of the proceedings of the inspectors as the Minister directs shall be laid before each House of the Oireachtas.

41 General powers of inspectors.

41.-(1) An inspector shall, for the purpose of the execution of this Act, have power-

(a) at any time (whether by day or by night) to board or otherwise enter an offshore installation to which this Act applies and to inspect the whole or any part thereof and anything therein or thereon,

(b) to take with him a member of the Garda Síochána if he has reasonable cause to apprehend any obstruction in the execution of his duty,

(c) to make such examination and inquiry as may be necessary-

(i) to ascertain whether the following are complied with, namely, the provisions of this Act and regulations thereunder, any direction or requirement given or imposed by a notice served under or by virtue of this Act by the Minister or by an inspector and any condition attached to any exemption or consent granted or given under or by virtue of this Act by the Minister or an inspector, or

(ii) to ascertain any matter appearing to the inspector to affect or relate to the safety, health or welfare of persons employed on, in or in the neighbourhood of such an offshore installation and in particular (but without prejudice to the generality of the foregoing) the causes and circumstances of any accident or other occurrence at such an offshore installation being in either case one of which notice is required by this Act to be given,

(d) for the purpose of any examination or inquiry under the foregoing provisions-

(i) to take any measurement or photograph or make any tape or other electrical recording which he considers to be necessary for such purposes,

(ii) to require any person whom he finds on such an offshore installation, or whom he has reasonable cause to believe to be, or within the preceding two months to have been employed on such an offshore installation, to answer, in the absence of persons other than a person nominated by the person to be present and any persons whom the inspector may allow to be present, such questions as the inspector thinks fit to ask, so however, that no answer given by a person in pursuance of a requirement imposed under this sub-paragraph shall be admissible in evidence against him in any proceedings,

(iii) to take (without payment) samples of any articles or substances found on such an offshore installation and of the atmosphere, or to take a reading of the level of any radiation, there,

(iv) to take possession or control (without compensation) of any machinery, apparatus or other article whatsoever on such an offshore installation which appears to him to have caused, or to be likely to cause, danger to safety or health and cause it to be dismantled or subjected to any process or test, notwithstanding that it is thereby damaged or destroyed,

(e) to require the production of, and when produced to inspect and to take copies of-

(i) any installation logbook or other document which by, or by virtue of, this Act is required to be kept, and

(ii) any other documents, being documents which are in the possession or under the control of a concession owner, the owner of such an offshore installation or an installation manager and in the opinion of the

inspector are relevant for the purposes of an examination or inquiry under the foregoing provisions of this subsection,

(f) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in or on an offshore installation to which this Act applies, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in or on such an offshore installation, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined,

(g) to require any person having responsibilities in relation to such an offshore installation (whether he is or is not the owner or the installation manager or any other person employed thereon or in the neighbourhood thereof) to-

(i) give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this subsection,

(ii) enable the inspector to use any thing which is then under the person's control and is required by the inspector for the purpose of making an examination or inquiry or taking a sample under this Act,

(iii) render, or cause to be rendered, for or in connection with any such examination or inquiry or taking of a sample, such personal assistance as the inspector shall specify,

(h) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) (a) Any person who is a person described in subsection (1) (g) of this section may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into three parts, to mark and seal or fasten up each part in such manner as its nature permits, and

(i) to deliver part to him,

(ii) to retain one part for future comparison,

(iii) to submit one part for analysis,

and any analysis under this section shall, if so required, be carried out by or under the direction of the State Chemist or a person who is for the time being approved of for the purposes of the section by the Minister.

(b) A certificate purporting to be a certificate by the State Chemist or a person who is for the time being approved of for the purposes of the section by the Minister as to the result of an analysis of a sample taken under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(c) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person, other than the Minister, the results of an analysis made under this section.

(d) In this subsection "the section" means section 72 of the Factories Act, 1955, as amended by sections 42 (2) and 56 (d) of the Act of 1980.

42 Power of inspector to require remedy for immediate or apprehended danger, etc.

42.-(1) If an inspector is of opinion that an offshore installation to which this Act applies or any part thereof or any matter, thing or practice on or in such an offshore installation or connected with the control or management of such an offshore installation is or is likely shortly to become dangerous to the safety or health of the persons employed on, in or in the neighbourhood of the installation or any of them, he may serve on the installation manager concerned a notice stating that he is of that opinion and giving particulars of the reason why he is of that opinion, and imposing upon such installation manager such prohibition, restriction or other requirement as appears to the inspector to be necessary for the purpose of safeguarding the safety or health of the persons employed on or in the installation or any of them.

(2) Where an inspector is of opinion that anything on or in an offshore installation to which this Act applies constitutes a danger or a risk of danger, he may by a notice in writing require the owner of the installation to take such reasonable measures as he considers adequate to deal with the matter and specifies in the notice, and in case a requirement is made under this subsection the owner of the installation shall include in the statement prepared in pursuance of section 26 of this Act particulars of the measures specified in the relevant notice under this subsection.

(3) A prohibition notice or a notice under subsection (1), (2) or (6) of this section shall be signed by an inspector.

(4) A person who is aggrieved by an imposition or requirement imposed on him under this section may, within the period of seven days beginning on the day on which the relevant notice is received by him, appeal to the High Court against the matter imposed.

(5) Where an appeal is brought under this section, the following provisions shall apply:

(a) pending the determination of the appeal, the bringing thereof shall not operate to affect in any way the imposition or requirement to which the appeal relates,

(b) in determining the appeal, the High Court may-

(i) confirm such imposition or requirement, with or without modification, or

(ii) lift or cancel, as may be appropriate, such imposition or requirement.

(6) An inspector may by a notice served on the installation manager or the owner of the relevant offshore installation, amend, or suspend, for such period as shall be specified in the notice, or lift or cancel, as may be appropriate, an imposition or requirement imposed under this section.

(7) (a) Where an imposition or requirement is imposed under this section and activities are carried on in contravention of the imposition or requirement, the High Court may on the application of an inspector by order prohibit the continuance of the activities.

(b) An application to the High Court for an order under this subsection shall be by motion and the court when considering the matter may make such interim or interlocutory order (if any) as it considers appropriate.

(c) The order by which an application under this subsection is determined may contain such terms and conditions (if any) as to the payment of costs as the High Court considers appropriate.

(8) Where-

(a) the High Court in determining an appeal under this section lifts, cancels or varies a requirement or imposition to which the appeal relates, or

(b) an inspector suspends, amends, lifts or cancels an imposition or requirement imposed under this section,

the determination, suspension, amendment, lifting or cancellation shall not affect the validity of the requirement or imposition in, but only in, so far as it required anything to be done or prohibited anything's being done prior to the date of the determination, or, as may be appropriate, date of the suspension, amendment, lifting or cancellation.

43 Certain publications privileged.

43.-(1) The publication, in whole or in part, of a report of an inspector relating to an offshore installation and made pursuant to this Act to a person who as regards the installation is a member of the safety committee, the safety representative, safety delegate, deputy safety representative or deputy safety delegate shall for the purposes of the law of defamation enjoy qualified privilege.

(2) Where-

(a) a notice is served under section 42 of this Act, or,

(b)(i) there is known to the Minister, by virtue of the performance of his functions under this Act or otherwise, any fact or matter regarding an offshore installation which is or has at any time been an offshore installation to which this Act applies or any matter, thing or practice on or in such an offshore installation or connected with the control or management of any such offshore installation, or

(ii) by virtue of such performance or otherwise the Minister knows, or believes to be the case, any other fact or matter, and

(iii) in either case, the fact or matter is in the opinion of the Minister relevant to the safety, health or welfare of persons employed on, in or in the neighbourhood of such an offshore installation,

the Minister may in his absolute discretion publish the service or other fact or matter to a person who as regards the relevant offshore installation is for the time being a safety representative, safety delegate or a member of a safety committee, and in case such service, fact or matter is so published by the Minister, the publication shall for the purposes of the law of defamation enjoy qualified privilege.

44 Forgery of certificates, etc.

44.-If any person-

(a) with intent to deceive forges, counterfeits or uses any certificate required by, under or for the purposes of this Act or regulations made thereunder or has in his possession a document so closely resembling any such certificate as to be calculated to deceive,

(b) gives or signs any such certificate knowing it to be false in a material particular,

(c) knowingly utters or makes use of any such certificate so forged, counterfeited or false as aforesaid,

(d) knowingly utters or makes use of as applying to any person or offshore installation any such certificate which does not so apply,

(e) personates any person named in any such certificate,

(f) falsely pretends to be an inspector,

(g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending,

(h) wilfully makes a false entry in any installation logbook or in any register, notice, certificate or other document required by, or for the purposes of, this Act, regulations made thereunder, or a condition subject to which an exemption is allowed pursuant to a regulation made under section 5 (2) (d) of this Act, to be made, kept, served, given or sent,

(i) wilfully makes or signs an entry or declaration which is false and which is required to be made by or under this Act,

(j) knowingly makes use of any such false entry or declaration,

he shall, without prejudice to any other offence, be guilty of an offence under this section.

45 Removal or defacement of notices, etc.

45.-If, without reasonable excuse, a person removes, injures or defaces a notice or any other thing which is for the time being posted at an offshore installation in compliance with a provision of this Act or of regulations under this Act, he shall be guilty of an offence.

46 Prohibition of certain deductions from Wages.

46.-A person shall not, in respect of anything to be done or provided by him in pursuance of this Act or regulations thereunder, make any deduction from wages or any sum contracted to be paid by him to any person who is employed by him on, in or in the neighbourhood of an offshore installation to which this Act applies and for whom or in relation to whom the thing is so done or provided, or allow any person so employed to receive from any person for or in relation to whom the thing is so done or provided any payment in respect of the thing.

47 Application of Safety in Industry Acts 1955 and 1980 restricted.

47.-Except as provided in sections 27 (5) and 31 (2) of this Act, the Safety in Industry Acts, 1955 and 1980, shall not apply to any offshore installation to which this Act applies nor shall they apply to any activity, operation, process or other work to which either this Act applies or regulations made under this Act apply.

48 Provisions relating to section 3 and amendment of Act of 1968.

48.-(1) It is hereby declared that, notwithstanding that section 3 of the Act of 1968 may affect individuals or bodies corporate outside the State, it applies to any individual whether or not he is an Irish citizen and to any body corporate whether or not incorporated under the law of the State.

(2) It shall not be held in any legal proceedings that section 3 of the Act of 1968 or subsection (1) of this section does not apply in a particular case by reason only of the fact that an offshore installation is or was in

transit.

(3) Section 1 of the Act of 1968 is hereby amended by the insertion of the following definition after the definition of "designated area":

"installation' includes any floating structure or device maintained on a station by whatever means;"

and the said section 1, as so amended, is set out in the Table to this section.

TABLE

1. In this Act-

"designated area" means an area standing designated for the time being by order under section 2 of this Act;

"installation" includes any floating structure or device maintained on a station by whatever means;

"the Minister" means the Minister for Industry and Commerce.

SCHEDULE

MATTERS FOR OR IN RELATION TO WHICH REGULATIONS UNDER SECTION 22 MAY PROVIDE.

1. Measures to ensure safety in case an offshore installation, or any part of such an installation, is being assembled or dismantled in waters to which this Act applies.
2. The marking and identification of offshore installations.
3. Measures to ensure the safety of structures associated with the operations carried out from offshore installations.
4. The movement of, and precautions to be taken by, hovercraft, helicopters or other aircraft referred to in section 22 (2) (b) of this Act, or vessels so referred to.
5. (a) The manner in which any prescribed activity, operation, process or other work is to be carried out on, in or from any offshore installation.

(b) The circumstances in which or the occasions on which any prescribed activity, operation, process or other work may not, or may only, be carried out on, in or from any offshore installation.

(c) The prohibition from so carrying out any prescribed activity, operation, process or other work unless, as may be prescribed, either or both of the following requirements are complied with-
 - (i) a person engaged in the activity, operation, process or other work has previously undergone prescribed instruction, training or instruction and training,
 - (ii) prescribed facilities, equipment, clothing and materials are available for use as regards the activity, operation, process or other work.
(d) The safety or suitability of any place where any prescribed activity, operation, process or other work is carried out.

6. Requirements with which prescribed facilities, equipment, clothing and materials shall comply, being facilities, equipment, clothing or materials which, in the opinion of the Minister, will if used on or in relation to an offshore installation affect the safety, health and welfare of any person employed or working on, or working around or from any such installation.

7. (a) Measures prohibiting, either generally or in prescribed circumstances, the employment of, or modifying or limiting the hours of employment of, all persons or persons of a prescribed class, in connection with any prescribed activity, operation, process or description of manual labour.

(b) Measures requiring persons, before being employed in any prescribed activity, operation or process or prescribed description of manual labour, to undergo a prescribed medical examination.

(c) Measures requiring persons, for so long as they are employed in any prescribed activity, operation or process or prescribed description of manual labour, to undergo prescribed medical examinations at prescribed intervals.

(d) Measures requiring persons, being persons certified, by prescribed persons and in a prescribed manner, as being reasonably suspected by the person issuing the certificate of suffering from a disease which for the time being stands prescribed for the purposes of section 29 of this Act, as a condition of being allowed to continue in employment on, in or in the neighbourhood of an offshore installation, to undergo a medical examination as regards such disease.

8. Safety training.

9. Measures regulating the transport of persons and things to or from offshore installations.

10. Measures requiring the provision of prescribed fire detection equipment and of prescribed emergency equipment (including fire suppression or rescue equipment).

11. (a) Emergency procedures.

(b) The use of fire detection equipment and of emergency equipment (including that for fire suppression or rescue).

(c) Requirements as to the construction, installation, maintenance, use, testing, repair, adjustment, alteration and examination of fire detection equipment and of fire suppression or other emergency equipment.

12. (a) Accidents, injuries and disease.

(b) Prescribed occurrences.

(c) First aid.

(d) Medical treatment and medical stores.

13. Measures requiring the giving in a prescribed manner by prescribed persons to the Minister of notice of prescribed matters in prescribed circumstances.

14. (a) Requirements as to standards of accommodation and provisioning.

(b) Requirements as to supplies of fresh water.

15. The provision in offshore installations of radio facilities or radio services compatible with-
 - (a) facilities provided by existing maritime and aeronautical rescue units, and
 - (b) existing shore-based search and rescue facilities.