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STATUTORY INSTRUMENTS

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**2017 No. 304**

**The Health and Safety (Miscellaneous  
Amendments and Revocation) Regulations 2017**

**PART 3**

Miscellaneous Amendments to Secondary Legislation

**The Offshore Installations (Safety Zones) Regulations 1987**

- 3.—(1) The Offshore Installations (Safety Zones) Regulations 1987(1) are amended as follows.
- (2) In regulation 2 (prohibition on the entry into or remaining of a vessel in a safety zone: exceptions)—
- (a) in paragraph (e) omit “or”;
  - (b) at the end of paragraph (f) insert “or”; and
  - (c) at the end insert—
    - “(g) if there is consent from the duty holder (as “duty holder” is defined in regulation 2(1) of the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2016)(2).”.
- (3) After regulation 2 insert—

**“Review**

- 3.—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in these Regulations, and
  - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before 6th April 2022.
- (3) Subsequent reports must be published at intervals not exceeding 5 years
- (4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(3) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how Article 6(7) of [Directive 2013/30/EU](#) of the European Parliament and of the Council of 12th June 2013 on safety of offshore oil and gas operations and amending [Directive 2004/35/EC](#)(4) is implemented in other member States.
- (5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

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(1) [S.I. 1987/1331](#). These Regulations were revoked, in relation to Great Britain, by [S.I. 2015/398](#) (which did not extend to Northern Ireland), subject to transitional and saving provisions in respect of external waters; see regulation 4(3) of, and Part 2 of Schedule 13 and Part 2 of Schedule 14 to, [S.I. 2015/398](#).

(2) [S.R. \(NI\) 2016/406](#).

(3) [2015 c. 26](#). Section 30(3) was amended by the Enterprise Act 2016 (c. 12), section 19. See section 32 for the definition of “regulatory provision”.

(4) [OJ L 178, 28.6.2013, p 66-106](#).

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
  - (b) assess the extent to which those objectives are achieved,
  - (c) assess whether those objectives remain appropriate, and
  - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015.”.

### **The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013**

4.—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013<sup>(5)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation), at the appropriate place insert—

““working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of Great Britain;”.

(3) In regulation 15 (restriction on parallel requirements), after paragraph (4) insert—

“(5) Where the responsible person is under—

(a) a requirement to make a report under these Regulations; and—

(b) either or both—

(i) a requirement to make a report under the EU Reporting Regulation, other than one that may be satisfied by making a report under these regulations; and

(ii) a requirement to make a report under regulation 9 of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996<sup>(6)</sup> (reporting of danger to an installation) in respect of an installation in external waters,

only one report is required if the conditions in paragraph (6) are met.

(6) The conditions referred to in paragraph (5) are—

(a) the facts giving rise to each requirement are identical;

(b) the facts occur on or after 6th April 2017;

(c) the information required to be provided by each requirement is provided; and

(d) the report is made within 10 working days.

(7) In paragraph (5), “EU Reporting Regulation” means Commission Implementing Regulation (EU) No 1112/2014 of 13 October 2014 determining a common format for sharing of information on major hazard indicators by the operators and owners of offshore oil and gas installations and a common format for the publication of the information on major hazard indicators by the Member States.”.

(4) In paragraph 1(4) of Schedule 1, omit paragraph (a).

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<sup>(5)</sup> S.I. 2013/1471, amended by S.I. 2015/398; there are other amending instruments but none is relevant.

<sup>(6)</sup> S.I. 1996/913, to which there are amendments not relevant to these Regulations.

### **The Control of Major Accident Hazards Regulations 2015**

- 5.—(1) The Control of Major Accident Hazards Regulations 2015(7) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1)—
- (a) in the definition of “the Directive”, for “96/98/EC” substitute “96/82/EC”;
  - (b) omit the definition of “pipelines”;
  - (c) for the definition of “storage” substitute—  
““storage” includes warehousing, depositing in safe custody or keeping in stock;”.
- (3) In regulation 3 (application and exceptions), in paragraph (2) after sub-paragraph (c) insert—
- “(ca) the transport of dangerous substances in pipelines, including associated apparatus, except where that activity takes place at a site which is an establishment despite that activity;
  - (cb) the transport of dangerous substances and directly related intermediate temporary storage by road, rail, internal waterways, sea or air, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards, except where that activity takes place at a site which is an establishment despite that activity;”.

### **The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015**

- 6.—(1) The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015(8) are amended as follows.
- (2) In regulation 2(4) (construction of the expression “combined operation”)—
- (a) for “another installation or installations” substitute “another such installation or other such installations”; and
  - (b) in paragraph (a), for “another” substitute “the other”.

### **The Dangerous Goods in Harbour Areas Regulations 2016**

7. In the Dangerous Goods in Harbour Areas Regulations 2016(9), for regulation 5(1) substitute—

- “5.—(1) These Regulations apply to—
- (a) every harbour area in Great Britain;
  - (b) premises or activities in any part of a harbour area in the territorial sea adjacent to Great Britain to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 apply under Articles 6 (but only to the extent it relates to monobuoys) and 11 of the Health and Safety at Work etc. Act (Application outside Great Britain) Order 2013(10) but not, except as provided in regulation 14, elsewhere.”.

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(7) S.I. 2015/483, amended by S.I. 2015/1393.

(8) S.I. 2015/398, to which there are amendments not relevant to these Regulations.

(9) S.I. 2016/721.

(10) S.I. 2013/240.