

Hazardous  
Installations Division

Jim Neilson

Health & Safety  
Executive  
Redgrave Court  
Merton Road  
Merseyside  
L20 7HS

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Tel: 0151 951 4434  
Fax:0151 951 3098

<http://www.hse.gov.uk/>

Offshore Diving &  
Pipelines Policy

Dear Sir / Madam,

**Replacing the Application Outside Great Britain (Variation) Order 2009 with a  
2011 Variation Order**

The **Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2001 (AOGBO)** extends the prescribed provisions of the Health and Safety at Work etc. Act 1974 (HSWA) to work activities within the territorial sea<sup>1</sup> and to other specified areas designated by order under section 1(7) of the Continental Shelf Act 1964.

On 5<sup>th</sup> August 2009, the 2009 Variation Order was introduced which amended the 2001 Order to close legislative gaps by:

- Extending the HSW Act 1974 to cover activities involving energy and related structures beyond our territorial sea in a Renewable Energy Zone and,

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<sup>1</sup> The territorial sea extends 12 nautical miles measured from baselines along the UK coast

- That offshore platforms in a designated area used for a purpose other than that of an offshore installation (e.g. a helicopter base) and high risk decommissioning and demolition activities are all covered by the HSW Act.

HSE had hoped to introduce a new Health and Safety at Work etc. Act (Application Outside Great Britain) Order by April 2011, but we are still gathering information related to the processes and risks associated with offshore emerging energy technologies (inc. carbon dioxide storage). The start dates for these work activities are also later than originally anticipated, and are now unlikely to commence offshore for another 12 - 36 months. It is unlikely that a new order will be introduced before April 2013.

As the 2009 Variation Order had sunset provisions limiting its application until 5<sup>th</sup> April 2011, HSE will introduce the 2011 Variation Order on 6<sup>th</sup> April 2011, maintaining the requirements of the 2001 Order and effectively extending the provisions inserted by the 2009 Variation Order for another 2 years. The 2011 Variation Order will include sunset provisions limiting its application until April 2013.

HSE is only maintaining the requirements of the 2001 Order that have been inserted by the 2009 Variation Order, so consultation is unnecessary, as there are no new policy decisions for industry to comment on. However, HSE will meet its commitment to undertake a full 12 week consultation before the proposals for a new Health and Safety at Work etc. Act (Application Outside Great Britain) Order are finalised.

From the 6<sup>th</sup> April 2011, guidance on the 2011 Variation Order can be found on HSE's website via the following link / web address:- <http://www.hse.gov.uk/offshore/notices/on-81.htm>

Yours faithfully,

Jim Neilson

Head of Offshore & Diving Policy

Tel: 0151 951 4434

Email: [jim.neilson@hse.gsi.gov.uk](mailto:jim.neilson@hse.gsi.gov.uk)