

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

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"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;

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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







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( 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

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 )

( 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.

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

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



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 [REDACTED] 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

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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



(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 )

(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.

( 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) Witho08 TD -0.0277 d33 97.36 459.8 rs Act referred to as an -Industrial Medical Adviser (O d in subs 97.2 406.08 TD





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

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**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



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 con

**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.



( 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 [REDACTED] 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, g BTOos23 Tc ,-,u4.1185 31 (2) of this Act262.5a91u4.1185 3109

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.



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.