

2011 No. 745

HEALTH AND SAFETY

**The Health and Safety at Work etc. Act 1974 (Application
outside Great Britain) (Variation) Order 2011**

Made - - - - - *16th March 2011*
Laid before Parliament *17th March 2011*
Coming into force - - - *6th April 2011*

At the Court at Buckingham Palace, the 16th day of March 2011

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 84(3) and (4) of the Health and Safety at Work etc. Act 1974(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and revocation

1. This Order may be cited as the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) (Variation) Order 2011 and comes into force on 6th April 2011.

2. This Order revokes the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) (Variation) Order 2009(b).

Variation of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001

3.—(1) The Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001(c) is varied as follows.

(2) After article 8, insert—

“Other activities within a designated area

8A.—(1) The prescribed provisions of the 1974 Act shall apply within a designated area to and in relation to the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any structure which would be an

(a) 1974 c.37. The general purposes of Part I of the Act were extended by section 1(1) of the Offshore Safety Act 1992 (c.15).
(b) S.I. 2009/1750.
(c) S.I. 2001/2127.

offshore installation were it not a structure to which paragraph (3)(c) of article 4 of this Order applies, or any preparation for any such activity.

(2) This article shall cease to have effect on 6th April 2013.

Activities within a renewable energy zone

8B.—(1) Subject to paragraph (2), the prescribed provisions of the 1974 Act shall apply within a renewable energy zone to and in relation to—

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any energy structure or related structure, or any preparation for any such activity;
- (b) the transfer of people or goods between a vessel or aircraft and an energy structure or related structure;
- (c) the loading, unloading, fuelling or provisioning of a vessel;
- (d) the operation of a cable for transmitting electricity from an energy structure or related structure to Great Britain;
- (e) a diving project associated with any of the works mentioned in sub-paragraphs (a) to (d) of this paragraph.

(2) This article shall not apply—

- (a) to a case where article 4, 5, 6 or 7 of this Order applies; or
- (b) to vessels which are registered outside the United Kingdom and are on passage through the renewable energy zone.

(3) In this article—

“related structure” means a structure, not being in any case a vessel, related to an energy structure, including—

- (a) a structure for converting energy produced by an energy structure into a form suitable for transmission to Great Britain; and
- (b) a structure mainly for the provision of accommodation for persons carrying out work activities in relation to an energy structure or related structure;

“renewable energy zone” means any area designated by order under section 84(4) of the Energy Act 2004^(a) and “within a renewable energy zone” includes over and under it.

(4) This article shall cease to have effect on 6th April 2013.”.

Judith Simpson
Clerk of the Privy Council

(a) 2004 c.20.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order varies the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 (“the 2001 Order”), which applies sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 (“the prescribed provisions”) to certain premises and activities in the territorial sea adjacent to Great Britain and beyond the territorial sea to areas designated by order under section 1(7) of the Continental Shelf Act 1964.

This Order revokes and replaces the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) (Variation) Order 2009 and in so doing extends the following changes of substance to the 2001 Order beyond 6th April 2011 to 6th April 2013.

Article 3(2) of this Order inserts article 8A into the 2001 Order to apply the prescribed provisions to certain activities within a designated area involving structures which would be offshore installations but for the application of article 4(3)(c) of the 2001 Order, which relates to change of an installation’s use.

Article 3(2) also inserts article 8B into the 2001 Order to extend the application of the prescribed provisions to activities within a renewable energy zone. A renewable energy zone is an area, beyond the territorial sea, designated under section 84(4) of the Energy Act 2004 which can be exploited for the production of energy from water or winds.

The revocation of articles 4(2)(a) of, and the Schedule to, the 2001 Order by the 2009 Order is not affected by the revocation of the 2009 Order.

A full impact assessment has not been produced for this instrument as no new impact on the private or voluntary sectors is foreseen. A full impact assessment of the effect that the 2009 Order, which made the same changes of substance but expired on 6th April 2011, has on the costs of business and the voluntary sector is available from the Offshore and Diving Policy Team, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS and is annexed to the Explanatory Memorandum for that instrument which is available on the legislation.gov.uk website.

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STATUTORY INSTRUMENTS

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