



Guideline

Operator of a Diving Project

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This note is provided as guidance only, based on NOPSA's current understanding of the issues. This material must not be considered as legal advice. For proper legal advice on the legislation, interested parties should seek professional legal opinion.

Background

The Petroleum (Submerged Lands) Amendment Act 2003 amended the Petroleum (Submerged Lands) Act 1967 (PSLA), creating NOPSA and making changes to existing regulations under the PSLA to align these with changes to the Act.

With the amendments to the Petroleum (Submerged Lands) (Diving Safety) Regulations 2002 (DSR) and to the PSLA and other Regulations there may be circumstances where it is unclear who is the operator for a diving project. The operator for a diving project is defined in Regulation 4 of the DSR. This note provides guidance on the application of the definition of operator for a diving project.

DSR as proclaimed in 2002

The original DSR defined the operator as having the same meaning as in the Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996 (MoSOF) of the facility associated with the project. In the MoSOF the operator, in relation to a facility, meant the person who from time to time was registered or recorded by the Designated Authority as the operator. The regulations further defined the operator of a facility as the person/company who had been formally identified by the titleholder(s) of the field in writing to the Designated Authority as being responsible for the overall management and operation of the facility.

The object of the DSR was to have the operator of the petroleum facility on which the diving work was being done as the operator of the diving project; not the vessel from which the diving operation was taking place. At that time, the definition of 'facility' related to vessels or structures used for the recovery of petroleum or those that were connected to a well. Vessels operating as pipe-lay vessels, construction barges and the like were not considered to be facilities under the regulations.

2005 Amendment to the DSR

With the amended legislation coming into force from 1 January 2005, the revised DSR in Regulation 4 define the operator of a diving project as:

- (a) if the facility associated with the project is a pipeline — the person registered as the operator of the pipeline under the *Petroleum (Submerged Lands) (Pipelines) Regulations 2001*;
- (b) if the facility associated with the project is not a pipeline — the person registered as the operator of the facility under the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996*.

From (a) above it is clear that the operator of the pipeline is also the operator of the diving project. However, for (b) it is not as clear, as revisions to Schedule 7 of the PSLA have now brought construction and pipe-lay vessels into the regime as facilities. It is important to note that it is the category of activity being undertaken by a vessel that causes it to be taken as a facility.

As diving operations can be undertaken from vessels that may be facilities in their own right, guidance on the application of part (b) is appropriate.

In keeping with the definition of operator for a diving project on a pipeline and the original intent of the DSR the facility referred to part (b) is taken to be the facility on which the diving work is being done; and the operator of this facility is the operator for the diving project.

Examples

I. Installation of riser clamps on a platform

For a diving project to install riser clamps on a platform riser; the platform is a production facility registered as a facility in accordance with the MoSOF regulations. The following 3 examples look at of possible locations from where the diving operations may be undertaken from:

a. Diving from the Platform

If diving operations are undertaken from the platform (registered as a facility) then it is quite clear that the operator for the diving project is also the operator of the facility on which the work is being done.

b. Diving from a work boat

If the divers are to undertake the diving operations from a work boat (which is not a registered facility) moored to the platform (registered as a facility) then there is only one facility – that on which the work is being done – the platform. Again in this instance it is clear that the operator for the diving project is also the operator of the facility (platform) on which the work is being done.

The work boat is in an "associated offshore place" as defined in Schedule 7 and as such comes under the safety case for the facility, in this case the platform, on which the divers are doing work on.

c. Diving from a DP DSV

If the divers are to undertake the diving operations from a DP DSV (dynamically positioned diving support vessel) which may also be a registered facility for construction or pipe-lay operations, then as the diving work is still being done on the platform riser clamps, it is the operator of the platform (registered as a facility) that is the operator of the diving project. The DSV in this case would not require a safety case and would be regarded as being in an associated offshore place.

In the 3 cases above the operator of the diving project is the operator of facility on which the work is being done.

2. Diving as part of a Construction, Pipe-Lay or Decommissioning Operations

If the diving operations were involved in construction, pipe-lay or decommissioning operations, the vessel from which the diving operations were being conducted would be a facility (a vessel being used for construction of a facility is itself a facility) and would itself require a safety case. However, the operator of the diving project would still be that of the facility (platform or pipeline) on which the divers were doing work.