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Health and Safety Legislation Consultation

Diving at Work Regulations 2025

Department of Environment, Food and Agriculture

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Overview

The Isle of Man (IOM) holds jurisdiction over its territorial waters but currently lacks a comprehensive offshore health, safety, and environmental framework. To address this, the Department of Environment, Food and Agriculture (DEFA) is reviewing and updating legislation to align with UK offshore Health and Safety Executive (HSE) legislation and standards, ensuring internationally recognised safety regulations for future offshore energy developments are in place.

In order to avoid different health and safety standards applying to the same work in the Island and its territorial sea, the offshore standards will also cover onshore work activities (where that is the case in the UK). A phased implementation of new and updated legislation will allow IOM-based businesses time to prepare for this introduction.

This is the second consultation in the overall process and refers directly to the following draft legislation:

- Diving at Work Regulations 2025.

Consultation Objectives

The following are the objectives of the consultation:

- 1. Legislative alignment:**
Assess stakeholder support for aligning Manx offshore health & safety legislation with UK standards, ensuring consistency and regulatory compatibility.
- 2. Regulatory scope and clarity:**
Identify specific areas within offshore health & safety regulation that may require additional focus, clarification, or enhancement to meet industry needs and best practices.

DRAFT**3. Industry impact and readiness:**

Understand potential challenges for Isle of Man-based businesses in adapting to the new framework, including operational, financial, or compliance-related concerns.

4. Support mechanisms:

Identify the support needs of stakeholders (e.g., guidance, training, transitional arrangements) to facilitate effective implementation and compliance with the new regime.

5. Feedback on draft legislation:

Collect stakeholder input on the draft legislative instruments for each stage of consultation.

6. General feedback:

Provide an open channel for additional comments, concerns, or suggestions to inform the development of a robust and responsive health & safety framework

The above objectives are covered within the questions in the consultation document – they are not explicitly stated in the document.

DEFA welcomes stakeholder and public feedback on updated and proposed health and safety legislation, and where appropriate any associated guidance documentation, through this public consultation process.

Consultation Stage-1

The consultation process for the new and updated legislation is being carried out in stages. The first batch of legislation to be consulted upon has been as follows:

- **Health and Safety at Work (Amendment) Order 2025.**
- **Health and Safety at Work etc Act 1974 (Application to the Territorial Sea) Order 2025.**

The aim of the Department is to submit the proposed legislation to Tynwald early in 2026.

DRAFT**Background to Consultation Stage-2**

The above core legislation specially refers to “Diving Projects”, as defined by the Diving at Work Regulations. For the legislation to function, the Diving at Work Regulations will also therefore require Tynwald approval. However, before the legislation can be submitted to Tynwald the Department is required to conduct a statutory consultation.

The Isle of Man [Offshore Installations \(Diving Operations\) Regulations 1995](#), originally enacted by the Mineral Workings (Offshore Installations) (IOM) Act 1974, are currently part of the island’s legislative framework governing safety and operations around offshore installations, particularly diving activities. Their aim was to ensure safe diving practices in connection with offshore oil, gas, and mineral extraction. To update this legislation to follow UK best practice and guidance, and to ensure that operations such as wind turbine installation are covered, these regulations require revisiting.

The Department therefore intends to implement the Diving at Work Regulations 2025 alongside the Stage 1 legislation; with the legislation likely to come into operation six months after its approval by Tynwald.

Diving at Work Regulations 2025**What these Regulations do**

The Regulations provide for the safety of individuals engaged in professional diving activities, aligning with the existing UK legislation.

Practical Implications

- The Regulations apply to diving projects carried out as part of a person's work, including offshore, scientific, archaeological, media and recreational instruction diving. Those responsible for a diving project will have a duty to take reasonable measures to ensure that the Regulations are complied with.
- The Regulations provide for every diving project to have a single diving contractor. They will also require the preparation of a diving project plan and the provision of necessary information to the Department. The diving project plan must detail safety procedures, equipment, personnel and emergency arrangements.
- The “necessary information” referred to above is not required for wholly recreational dives or recreational dives led by an instructor/guide.
- A single diving supervisor must also be appointed. The supervisor will have the authority to direct the diving operation and be responsible for ensuring the safety of the divers during the project.

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- Professional divers must (with limited exceptions) follow safety protocols, hold approved qualifications, and possess a valid certificate of medical fitness to dive. The qualifications may be approved by the Department or the UK Health and Safety Executive.
- The Regulations revoke the Offshore Installations (Diving Operations) Regulations 1995.

SUMMARY

The introduction of the Diving at Work Regulations 2025 is aimed at updating the current legislation to better provide for the safety of individuals engaged in professional diving activities, aligning with the existing UK legislation. Specific UK HSE ACOPs are available for employers and employees (see below).

Use of UK HSE Approved Codes of Practice (ACOPS) & Guidance**IOM Health & Safety at Work Inspectorate (HSWI)**

When any new legislation is introduced the Department is conscious of the need to ensure that the best guidance documentation is available. The current [IOM HSWI website](#) states the following:

“UK legislation and their associated codes of practice is best viewed as an illustration of good practice which may be helpful in explaining the general duties imposed by the Health and Safety at Work etc. Act 1974”.

Differences between UK HSE ACOPs and UK HSE Guidance

When referring to UK codes of practice, better known as “Approved Codes of Practice (ACOPs)” it is important to note and be aware of the differences between UK Health and Safety Executive (HSE) guidance and a UK HSE issued ACOP. The UK HSE clarifies the differences here: [Legal status of HSE guidance and ACOPs](#).

When reading a UK HSE published ACOP, individuals and organisations should be aware of the presentation convention; which is normally explained within the documentation. A common standard is that ACOP text is set out in bold, accompanying guidance in normal type, with the text of the actual Regulations in italics.

It should also be noted that whilst certain UK Regulations have an associated ACOP, others only have guidance. As an example there is no longer an ACOP for the UK Construction (Design and Management) Regulations 2015; it was replaced by guidance when the regulations were last updated.

Using UK HSE Guidance Documents with IOM legislation

When referring to UK ACOPs and guidance to assist with compliance of IOM legislation, individuals and organisations must be aware that whilst the intent is to align with the UK best practice, there may still be specific elements of the IOM legislation that are different to

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UK legislation. Examples being different paragraph and section/article numbering or elements of the UK legislation being omitted (e.g. if UK is referring to legislation not currently in place or applicable on the IOM).

Relevant UK HSE ACOPs and Guidance

The UK HSE diving ACOPs below can be found here: [UK HSE Diving ACOPs](#). The guidance is presented with separate links covering specific types of diving project leading to PDF documents that can be downloaded. Within the PDFs there is explanation on presentation with the ACOP text set out in bold and the accompanying guidance in normal type, the text of the Regulations is in italics. Coloured borders also indicate each section clearly.

Before any specific Isle of Man ACOP is approved by the Department a separate additional consultation would be required.

Why your views matter

This consultation gives stakeholders, industry, and the public the chance to provide feedback on the proposed Regulations. Your views will help ensure that the legislation is clear, practical, and effective in protecting workers' health.

How to respond

You can respond online via the Consultation Hub, by email to DEFAOffshore@gov.im or by post to the Offshore Team, Department of Environment, Food and Agriculture, Thie Slieau Whallian, St Johns, Isle of Man, IM4 3AS.

Reasonable adjustments and alternative formats

The Department is committed to equal opportunities and our aim is to make our documents easy to use and accessible to all. The Department will take steps to accommodate any reasonable adjustments and provide such assistance as may reasonably be required to enable access or reply to this consultation. If this document is required in another format or assistance is required with accessing or replying to this consultation, please email DEFAOffshore@gov.im.

Responding to this consultation and questions

This consultation can be responded to by clicking on the 'Online Survey' link below. Alternatively you can download a paper version of this consultation from the links on the consultation hub and email it to DEFAOffshore@gov.im or post it to:

The Offshore Team
Department of Environment Food and Agriculture,
Regulation Directorate,
Thie Slieau Whallian, Foxdale Road,
St Johns, Isle of Man, IM4 3AS.

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- ☐ Member of public
- ☐ Isle of Man Government
- ☐ Business owner or Stakeholder
- ☐ Member of Tynwald
- ☐ Other (please specify)

Other:

2. Are you responding on behalf of an organisation or industry?

- ☐ Yes
- ☐ No

Organisation / industry:

Number of people or organisations represented:

3. Are you happy for us to contact you regarding your response if we need to?

- ☐ Yes
- ☐ No

If yes then please add your name and contact email address.

Name:

Email:

4. May we publish your response?

Please read our Privacy Policy for more details and your rights.

More Information:

- **Publish in full** – your organisation name, or the industry you represent, along with full answers will be published on the hub (your email will not be published)
- **Publish anonymously** – only your responses will be published on the hub (your organisation name, or the industry you represent, and email will not be published)
- **Do not publish** – nothing will be published publically on the hub (your response will only be part of a larger summary response document)

(An answer is required)

- ☐ Yes, you can publish my response in full
- ☐ Yes, you may publish my response anonymously
- ☐ No, please do not publish my response

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1. Do you agree that the Isle of Man should follow UK standards and processes for health and safety laws and its regulation?
(Yes/No – Please tell us why you agree or disagree).
2. Are there any parts of the legislation being consulted upon that require more clarity to aid understanding and assist with compliance?
(Yes/No – If yes, please tell us which areas and why).
3. Is the proposed implementation strategy and timescale for the introduction of the Diving at Work Regulations 2025 appropriate for industry readiness?
(Yes/No – Please add any comments you may have).
4. Are there any specific support mechanisms (e.g., guidance, training, transitional arrangements) that would help you or your organisation prepare for the new legislation?
(Yes/No – If yes, please tell us what kind of support would be most helpful).
5. Do you have any other comments on the draft Diving at Work Regulations 2025 legislation attached to this stage of the overall consultation process?
(Comment Box)
6. Is there anything else you'd like to tell us about the proposed changes or the consultation process?
(Comment Box)