



## DIVING AT WORK REGULATIONS 2025

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Statutory Document No. 20XX/XXXX

*Health and Safety at Work etc. Act 1974*

## DIVING AT WORK REGULATIONS 2025

*Approved by Tynwald:**Coming into operation:*

TBC

The Department of Environment, Food and Agriculture makes the following Regulations, after consulting such organisations as it considers represent the interests affected by the regulations<sup>1</sup>, under section 15(1), (2), (4)(a), (5)(b) and (9), and 82(3)(a) of, and paragraphs 1(1)(a) and (c), 5, 6(1) and (2), 14, 15(1), 16, and 21(a) of Schedule 3 to, the Health and Safety at Work etc. Act 1974 (an Act of Parliament), as it has effect in the Island.

### 1 Title

These Regulations are the Diving at Work Regulations 2025.

### 2 Commencement

If approved by Tynwald, these Regulations come into operation on ...<sup>2</sup>

### 3 Interpretation

SI1997/2776/2 [and drafting]

(1) In these Regulations —

“**the 1974 Act**” means the Health and Safety at Work etc. Act 1974 (of Parliament) as it applies to the Island;

“**approved qualification**” means such qualification as is approved by the Department under regulation 15 (approved qualification) or the UK Health and Safety Executive under regulation 14 of the Diving at Work Regulations 1997<sup>3</sup> (of Parliament);

“**certificate of medical fitness to dive**” means a certificate issued in accordance with regulation 16 (certificate of medical fitness to dive);

<sup>1</sup> As required by section 82(4) of the Health and Safety at Work etc. Act 1974 as it applies to the Island.

<sup>2</sup> Tynwald approval is required under section 82(5) of the Health and Safety at Work etc. Act 1974 (of Parliament) as it applies to the Island.

<sup>3</sup> SI 1997/2776.

- “**diver**” means a person at work who dives;
- “**diving contractor**” must be construed in accordance with regulation 6 (the diving contractor);
- “**diving operation**” means a diving operation identified in the diving project plan pursuant to regulation 9(3) (diving project plans);
- “**diving operation record**” means the record required to be kept in accordance with regulation 7(3)(e) (duties of diving contractor);
- “**diving project**” means any activity, made up of one or more diving operations, in which at least one person takes part or will take part as a diver and extends from the time when that person, or the first such person, commences to prepare to dive until that person, or the last such person, has left the water, chamber or other environment in which the dive, or any part of the dive, took place and has completed any requisite decompression procedures, including, where it may be reasonably anticipated that this will be needed, any therapeutic recompression;
- “**diving project plan**” means a document prepared under regulation 7(2)(a) in accordance with regulation 9;
- “**supervise**” means the exercise of direct personal control and “supervising” must be construed accordingly;
- “**supervisor**” means a person appointed to supervise under regulation 7(2)(b); and
- “**visiting force**” has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952<sup>4</sup>.
- (2) For the purposes of these Regulations a person “dives” if —
- (a) they enter —
    - (i) water or any other liquid; or
    - (ii) a chamber in which he or she is subject to pressure greater than 100 millibars above atmospheric pressure; and
  - (b) in order to survive in such an environment he or she breathes in air or other gas at a pressure greater than atmospheric pressure,
- and references to “a dive” and “dive” must be construed accordingly.

#### 4 Application and extent

SI1997/2776/3 [and drafting]

- (1) These Regulations apply to and in relation to any diving project apart from the following —

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<sup>4</sup> As it applies to the Island by virtue of the Visiting Forces Act (Application to the Isle of Man) Order, 1962 (of Parliament) [SI 1962/170].

- (a) the care or treatment of patients in a hospital or other place, not under the control of the diving contractor, where emergency medical treatment is provided or in transit to such hospital or place where the means of transit is provided by or in respect of the hospital or other place;
  - (b) operations in which members of the armed forces of the Crown or of a visiting force are engaged in warfare or training for warfare;
  - (c) work carried out in any air which is compressed in order to prevent the ingress of ground water to the works or to stabilise the area around the works.
- (2) These Regulations apply to and in relation to the premises and activities in the territorial sea to which the 1974 Act applies by virtue of the Health and Safety at Work etc. Act 1974 (Application to the Territorial Sea) Order 2025<sup>5</sup> as it applies to the Island, excluding the territorial sea.

## **5 Duty to ensure compliance with these Regulations**

SI1997/2776/4

Every person who to any extent is responsible for, has control over or is engaged in a diving project or whose acts or omissions could adversely affect the health and safety of persons engaged in such a project, must take such measures as it is reasonable for a person in his or her position to take to ensure that these Regulations are complied with.

## **6 The diving contractor**

SI1997/2776/5]

- (1) A person at work must not dive in a diving project and an employer must not employ any person in such a project unless there is one person and one person only who is the diving contractor for that project.
- (2) The diving contractor must, subject to paragraph (3), be the person who —
  - (a) is the employer of the diver or divers engaged in the diving project; or
  - (b) dives in the diving project as a self-employed diver.
- (3) Where there is more than one person falling within paragraph (2) those persons must jointly appoint in writing before the commencement of the diving project one of themselves to act as diving contractor.

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<sup>5</sup> SD2025/xxxx

## 7 Duties of diving contractor

SI1997/2776/6

- (1) The diving contractor must ensure, so far as is reasonably practicable, that the diving project is planned, managed and conducted in a manner which protects the health and safety of all persons taking part in that project.
- (2) The diving contractor must —
  - (a) ensure that, before the commencement of the diving project, a diving project plan is prepared in respect of that project in accordance with regulation 9 (diving project plans) and that the plan is thereafter updated as necessary during the continuance of the project;
  - (b) before the commencement of any diving operation —
    - (i) appoint a person to supervise that operation in accordance with regulation 10 (appointment of supervisor);
    - (ii) make a written record of that appointment; and
    - (iii) ensure that the person appointed is supplied with a copy of any part of the diving project plan which relates to that operation;
  - (c) as soon as possible after the appointment of a supervisor, provide that supervisor with a written record of his appointment.
- (3) The diving contractor must —
  - (a) ensure that there are sufficient people with suitable competence to carry out safely and without risk to health both the diving project and any action (including the giving of first-aid) which may be necessary in the event of a reasonably foreseeable emergency connected with the diving project;
  - (b) ensure that suitable and sufficient plant is available whenever needed to carry out safely and without risk to health both the diving project and any action (including the giving of first-aid) which may be necessary in the event of a reasonably foreseeable emergency connected with the diving project;
  - (c) ensure that the plant made available under sub-paragraph (b) is maintained in a safe working condition;
  - (d) ensure, so far as reasonably practicable, that any person taking part in the diving project complies with the requirements and prohibitions imposed on that person by or under the relevant statutory provisions and observes the provisions of the diving project plan;
  - (e) ensure that a record containing the required particulars is kept for each diving operation; and
  - (f) retain the diving operation record in the diving contractor's possession for at least 2 years after the date of the last entry in it.

- (4) In this regulation, the “**required particulars**” means such particulars as are approved for the time being in writing by the Department for the purposes of sub-paragraph (3)(e); and any such approval may be given generally or in respect of any diving project or class of diving projects.

## **8 Information to be supplied to the Department by diving contractor**

SI1997/2776/7

- (1) A person must not act as a diving contractor unless the particulars listed in the Schedule have been supplied in writing to the Department by or in respect of that person.
- (2) Where there is a change in any of the particulars supplied under paragraph (1) the diving contractor must ensure that details of the change are immediately supplied in writing to the Department.
- (3) Paragraphs (1) and (2) do not apply where each person (apart from any person at work) diving in the diving project does so for recreational purposes.

## **9 Diving project plan**

SI1997/2776/8

- (1) The diving project plan must be based on an assessment of the risks to the health and safety of any person taking part in the diving project and must consist of a record of the outcome of the planning carried out in accordance with regulation 7(1) (duties of diving contractor) including all such information and instructions as are necessary to give advice to and to regulate the behaviour of those so taking part to ensure, so far as is reasonably practicable, their health and safety.
- (2) Without prejudice to the generality of paragraph (1), the diving project plan must identify any approved code of practice giving guidance on these Regulations which will apply to the diving project.
- (3) The diving project plan must identify each diving operation which makes up the diving project and the nature and size of any diving operation so identified must be such that it can be safely supervised by one person.

## **10 Appointment of supervisor**

SI1997/2776/9

- (1) Only one supervisor must be appointed to supervise a diving operation at any one time.
- (2) A person must not be appointed, or act, as a supervisor unless he or she is competent and, where appropriate, suitably qualified to perform the functions of supervisor in respect of the diving operation which he or she is appointed to supervise.

## 11 Duties of supervisor

SI1997/2776/10

- (1) The supervisor must, in respect of the diving operation for which he or she has been appointed as supervisor —
  - (a) ensure that it is carried out, so far as is reasonably practicable —
    - (i) without risk to the health and safety of all those taking part in that operation and of other persons who may be affected thereby;
    - (ii) in accordance with the requirements and prohibitions imposed on the supervisor by or under any relevant statutory provisions; and
    - (iii) in accordance, where this would not conflict with either (i) or (ii), with the diving project plan; and
  - (b) before the commencement of the operation, ensure that each person taking part is aware of the contents of the diving project plan which relate to that operation; and
  - (c) enter in the diving operation record the particulars required by regulation 7(4) (duties of diving contractor) during the course of the operation.
- (2) The supervisor must not dive during the diving operation which he or she is supervising unless —
  - (a) either —
    - (i) he or she is guiding persons engaged in, or training persons to carry out or teach, recreational diving (and for this purpose recreational diving means diving which is carried out by a person for recreational purposes whilst he or she is not at work) and the persons taking part in the dive use only self-contained underwater breathing apparatus; or
    - (ii) the dive is for archaeological, educational or scientific purposes, takes place in a tank or pool artificially constructed for the purpose of swimming or diving and the persons taking part in the dive use only self-contained underwater breathing apparatus; and
  - (b) the supervisor can so dive without risk to the health and safety of those taking part in that operation and of other persons who may be affected thereby; and
  - (c) the diving project plan which relates to that operation specifically provides for the supervisor to so dive.



**12 Power of supervisor to give directions**

SI1997/2776/11

A supervisor may, whilst supervising the diving operation in respect of which he or she is appointed, give such reasonable directions to any person taking part in that operation or who may affect the safety of that operation as are necessary to enable that supervisor to comply with regulation 11 (duties of supervisor).

**13 Duties of and restrictions on divers**

SI1997/2776/12

- (1) A diver must not dive in a diving project unless he or she —
  - (a) has, subject to paragraph (2), an approved qualification which is valid for any activity he or she may reasonably expect to carry out while taking part in the diving project; and
  - (b) have a valid certificate of medical fitness to dive.
- (2) Paragraph (1)(a) does not apply to a diver who dives —
  - (a) as a part of training which, if successfully completed, would lead to the issue of an approved qualification;
  - (b) only by virtue of entering a chamber in order to provide emergency medical treatment; or
  - (c) as an actor or performer taking part in a live performance or the recording of a performance other than a person whose work normally involves work as a diver.
- (3) Every diver engaged in a diving project must —
  - (a) maintain a daily record of his diving; and
  - (b) keep that record in his possession for at least 2 years after the date of the last entry in it.
- (4) Paragraphs (1)(a) and (3) do not apply to a diver, other than a person whose work normally involves work as a diver, who dives for educational purposes in a tank or pool artificially constructed for the purpose of swimming or diving and who uses self-contained underwater breathing apparatus.

**14 Duties of and restrictions on person engaged in a diving project**

SI1997/2776/13

- (1) A person ("P") must not dive in a diving project —
  - (a) unless P is competent to carry out safely and without risk to health any activity P may reasonably expect to carry out while taking part in the diving project; or
  - (b) if P knows of anything (including any illness or medical condition) which makes P unfit to dive.
- (2) Every person engaged in a diving project must comply with —

- (a) any directions given to P by a supervisor under regulation 12 (power of supervisor to give directions); and
- (b) where they would not conflict with those directions, any instructions applicable to that person in the diving project plan.

## 15 Approved qualification

SI1997/2776/14 [and drafting]

- (1) For the purposes of regulation 13(1)(a) (duties of and restrictions on divers) a diver has an approved qualification if the qualification —
  - (a) is approved in writing by the Department; or
  - (b) is approved in writing by the United Kingdom Health and Safety Executive under regulation 14(1) of the Diving at Work Regulations 1997<sup>6</sup>.
- (2) Any approval given under paragraph (1) may be limited to any diver or class of divers or any dive or class of dive, may be subject to conditions or limited to time, and may be revoked in writing by the Department at any time.
- (3) An approved qualification is not valid for the purposes of regulation 13(1)(a) unless any limitation or any condition as to the approval of the qualification under this regulation is satisfied or complied with and the approval has not been revoked.

## 16 Certificate of medical fitness to dive

SI1997/2776/15

- (1) A certificate of medical fitness to dive is a certificate from a medical examiner of divers (or from the Department following an appeal under paragraph (4)) that the person issuing the certificate considers the person named in the certificate to be fit to dive.
- (2) A certificate of medical fitness to dive must state —
  - (a) the period (which must not exceed 12 months) during which the person issuing the certificate considers the person named in the certificate will remain fit to dive; and
  - (b) any other limitations as to the nature or category of diving to which it relates.
- (3) A certificate of medical fitness to dive may be subject to conditions stated in the certificate and may be revoked at any time on medical grounds by a medical examiner of divers or the Department.
- (4) Where a certificate of medical fitness to dive is —
  - (a) refused;

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<sup>6</sup> SI 1997/2776.

- (b) granted subject to limitations under paragraph (2); or
- (c) subjected to conditions or revoked under paragraph (3),

by a medical examiner of divers, the person who applied for or holds the certificate may, within 28 days of the decision in question, appeal to the Department against that decision; and the Department must immediately review the decision and if satisfied that the decision should be reversed or altered must issue a certificate to that effect.

- (5) A certificate of medical fitness to dive is not valid unless any limitation or any condition stated in it is satisfied or complied with and it has neither expired nor been revoked.
- (6) In this regulation, “**medical examiner of divers**” means a medical practitioner who is, or who falls within a class of medical practitioners which is, for the time being —
  - (a) approved in writing by the Department for the purposes of this regulation; and any such approval may be given generally or restricted to any class of diver or dive; or
  - (b) approved by the United Kingdom Health and Safety Executive for the purposes of regulation 15 of the Diving at Work Regulations 1997 (of Parliament).

## 17 Exemption certificates

SI1997/2776/16

- (1) Subject to paragraph (2), the Department may, by a certificate in writing, exempt any person or class of persons, any diving operation or class of diving operations and any plant or class of plant from any requirement or prohibition imposed by any provision of these Regulations, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time.
- (2) The Department must not grant any such exemption unless, having regard to the circumstances of the case, and in particular to —
  - (a) the conditions, if any, which it proposes to attach to the exemption; and
  - (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

## 18 Transitional and supplementary provisions

SI1997/2776/17

- (1) Any certificate of training and any certificate of medical fitness to dive issued, or having effect as if issued, under the Offshore Installations

(Diving Operations) Regulations 1995<sup>7</sup> (“the 1995 Regulations”) must have effect, subject to any conditions or limitations contained in any such certificate, as if it were, as the case may be, an approved qualification or a certificate of medical fitness to dive for the purposes of these Regulations.

- (2) Any diving operations log book required to be maintained under the 1995 Regulations must be regarded, in respect of entries made in the log book before the coming into force of these Regulations, as if it were a diving operation record for the purpose of these Regulations.
- (3) Any diver’s log book retained in accordance with regulation 10(5) (divers) of the 1995 Regulations must be retained for such period of time as would have been required by that regulation had the 1995 Regulations not been revoked.

## 19 Revocation

SI1997/2776/18

The Offshore Installations (Diving Operations) Regulations 1995 are revoked.

**MADE**

**CLARE BARBER**

*Minister for Environment, Food and Agriculture*

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<sup>7</sup> SD 275/95.

**SCHEDULE**

[Regulation 8(1)]

**PARTICULARS TO BE INCLUDED IN THE WRITTEN NOTICE SENT TO THE  
DEPARTMENT BY THE DIVING CONTRACTOR**

The particulars referred to in regulation 8(1) (information to be supplied to the Department by diving contractor) are —

- (1) Name, address and telephone number of the diving contractor.
- (2) Legal status of the diving contractor (for example: limited company, partnership, sole proprietor).
- (3) Name, address and telephone number (where different from (1)) of the person to be contacted, in case of need, by the Department.
- (4) The signature and full name of the person supplying the particulars.
- (5) The date upon which the particulars are supplied.

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations apply to and in relation to the premises and activities in the territorial sea to which the 1974 Act applies by virtue of the Health and Safety at Work etc. Act 1974 (Application to the Territorial Sea) Order 2025 as it applies to the Island, excluding the territorial sea.

The Regulations impose requirements and prohibitions with respect to persons at work who “dive” as defined in regulation 3(2).

The Regulations apply to a “diving project” as defined in regulation 3(1) subject to specified exceptions.

The Regulations —

- (a) impose a duty on every person who is responsible for, has control over or is engaged in a diving project or whose acts or omissions could adversely affect the health and safety of persons engaged in a diving project to take reasonable measures to ensure compliance with the Regulations (regulation 5);
- (b) require that there should be a single diving contractor for every diving project (regulation 6);
- (c) require the diving contractor to ensure, so far as is reasonably practicable, that the diving project is planned, managed and conducted so as to protect health and safety (regulation 7(1));
- (d) require that before the commencement of any diving project the diving contractor ensures that a diving project plan is prepared and that before the commencement of any diving operation as defined in regulation 3(1), the diving contractor appoints a person to supervise that operation, makes a record of that appointment and provides the person appointed with a copy of the relevant part of the diving project plan and a written record of his or her appointment (regulation 7(2));
- (e) require the diving contractor to ensure that there are sufficient, suitably competent people to carry out the diving project safely, that suitable and sufficient plant is available to carry out the diving project safely, that such plant is maintained, that any person taking part in the diving project complies with the relevant statutory provisions and observes the provisions of the diving project plan, and that a record of each diving operation is kept (regulation 7(3));
- (f) require each diving contractor to supply specified particulars to the Department (regulation 8 and the Schedule);
- (g) require the diving project plan to be based on an assessment of risks and impose requirements with respect to the contents of the plan (regulation 9);

- (h) require that one supervisor only is appointed to supervise a diving operation and require supervisors to be competent and, where appropriate, suitably qualified (regulation 10);
- (i) specify the duties of the supervisor who is required to ensure that the diving operation is carried out without risk to health and safety and in accordance with any relevant statutory provisions and the diving project plan. The supervisor is required to ensure that persons taking part in the diving operation are aware of the relevant contents of the diving project plan and to make entries in the diving operation record. The supervisor is prohibited from diving during the diving operation which he or she is supervising except in specified circumstances (regulation 11);
- (j) confer power upon the supervisor to give reasonable directions (regulation 12);
- (k) impose requirements concerning approved qualifications, certificates of medical fitness to dive and daily diving records on divers who dive in diving projects. Specified classes of diver are excepted from specified requirements (regulation 13);
- (l) prohibit any person from diving in a diving project unless he or she is competent or if he or she knows of anything which makes him or her unfit to dive and require every person engaged in a diving project to comply with directions given to him or her by a supervisor and with relevant instructions in the diving project plan (regulation 14);
- (m) provide that the Department may approve such diving qualifications as it considers suitable for ensuring the adequate competence of divers. Any such approval may be subject to limitations or conditions. Qualifications approved by the UK Health and Safety Executive are also recognised (regulation 15);
- (n) contain requirements with respect to certificates of medical fitness to dive including provisions for appeal to the Department against decisions to refuse, grant subject to limitation or condition, or revoke such a certificate (regulation 16);
- (o) provide that the Department may grant exemptions from any requirement or prohibition of the Regulations in specified circumstances (regulation 17);
- (p) contain transitional and supplementary provisions regarding certificates of training, certificates of medical fitness to dive, diving operation log books and diver's log books (regulation 18);
- (q) revoke the Offshore Installations (Diving Operations) Regulations 1995 [SD 274/95] (regulation 19).