



HEALTH AND SAFETY AT WORK ETC ACT 1974 (APPLICATION TO THE TERRITORIAL SEA) ORDER 2025

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Statutory Document No. 20XX/XXXX



Health and Safety at Work etc Act 1974

HEALTH AND SAFETY AT WORK ETC ACT 1974 (APPLICATION TO THE TERRITORIAL SEA) ORDER 2025

*Approved by Tynwald:
Coming into operation in accordance with article 2*

The Department of Environment, Food and Agriculture makes the following Order, after consulting such organisations as it considers represent the interests affected by the Order,¹ under section 84(3) and (4) of the Health and Safety at Work etc. Act 1974 (an Act of Parliament), as it has effect in the Island².

1 Title

This Order is the Health and Safety at Work etc Act 1974 (Application to the Territorial Sea) Order 2025.

2 Commencement

If approved by Tynwald, this Order comes into operation on ³.

3 Interpretation

(1) In this Order —

“**the 1974 Act**” means the Health and Safety at Work etc. Act 1974 as it applies in the Island;

“**activity**” includes, unless the context otherwise requires, a diving project and standing a vessel by;

“**diving project**” has the same meaning as it has in the Diving at Work Regulations 2025⁴ save that it includes an activity in which a person takes

¹ As required by section 82(4) of the Health and Safety at Work Etc. Act 1974 as it applies in the Island.

² SD 2024/0073.

³ Tynwald approval is required under section 82(5) of the Health and Safety at Work Etc. Act 1974 as it applies in the Island.

⁴ SD TBC.

part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;

“**offshore installation**” has the meaning given in article 5(2) and (3) (offshore installations);

“**supplementary unit**” means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation;

“**territorial sea**” includes thing in, on, over and under it; and

“**vessel**” includes a hovercraft and any floating structure which is capable of being navigated.

- (2) For the purposes of this Order, any structures and devices on top of a well are treated as forming part of the well.

4 **Application of the 1974 Act**

SI 2013/240/3 [and drafting]

- (1) To the extent specified in the following articles, the 1974 Act applies to, and in respect of, —
- (a) premises specified in this Order;
 - (b) activities specified in this Order; and
 - (c) any persons, articles or substances in, or on, such premises or engaged in or used in connection with such activities,
- to the same extent as those provisions apply in the Island.
- (2) For these purposes of paragraph (1) —
- (a) “premises” does not include an aircraft in flight;
 - (b) the Island does not include the territorial sea.

5 **Offshore installations**

SI 2013/240/4

- (1) The 1974 Act applies within the territorial sea to and in relation to —
- (a) any offshore installation and any activity on it;
 - (b) any activity (other than one falling within paragraph (4)) in connection with an offshore installation and carried on in any manner form or in —
 - (i) the installation itself; or
 - (ii) a vessel.

This also applies to activities which are preparatory to the activity in question; and
 - (c) a diving project involving —

- (i) the survey and preparation of the seabed for an offshore installation; or
 - (ii) the survey and restoration of the seabed consequent on the removal of an offshore installation.
- (2) In this Order “offshore installation” means subject to paragraph (3), a structure which is, is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water —
 - (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
 - (b) for undertaking activities falling within article 9(2) (gas importation and storage);
 - (c) for the conveyance of things by means of a pipe;
 - (d) for undertaking activities that involve mechanically entering the pressure containment boundary of a well; or
 - (e) primarily for the provision of accommodation for persons who work on or from a structure falling within any of sub-paragraphs (a) to (d),together with any supplementary unit which is ordinarily connected to it and all the connections.
- (3) Any reference in paragraph (2) to a structure or supplementary unit does not include —
 - (a) a structure which is connected to dry land by a permanent structure providing access at all times and for all purposes;
 - (b) a well;
 - (c) a mobile structure which has been taken out of use and is not yet being moved with a view to its being used for any of the purposes specified in paragraph (2); and
 - (d) any part of a pipeline.
- (4) Subject to paragraph (5), the following activities fall within this paragraph —
 - (a) transporting, towing or navigating an installation;
 - (b) any of the following activities carried on in or from a vessel —
 - (i) giving assistance in the event of an emergency;
 - (ii) training in relation to the giving of assistance in the event of an emergency;
 - (iii) testing equipment for use in giving assistance in the event of an emergency;
 - (iv) putting or maintaining a vessel on stand-by ready for an activity referred to in any of sub-paragraphs (b)(i) to (iii).

- (5) Paragraph (4)(b) does not apply in respect of a vessel in or from which an activity is carried on in connection with, or any activity that is immediately preparatory to an activity in connection with, an offshore installation other than an activity falling within paragraph (4)(b).

6 Wells

SI 2013/240/5

- (1) Subject to paragraph (2), the 1974 Act applies within the territorial sea to and in relation to —
- (a) a well and any activity in connection with it; and
 - (b) an activity which is immediately preparatory to any activity in sub-paragraph (a) above.
- (2) Paragraph (1) includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation.

7 Pipelines

SI 2013/240/6

- (1) The 1974 Act applies within the territorial sea to and in relation to —
- (a) any pipeline;
 - (b) any pipeline works;
 - (c) the following activities in connection with pipeline works —
 - (i) the loading, unloading, fuelling or provisioning of a vessel engaged in pipeline works;
 - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel engaged in pipeline works; or
 - (iii) the moving, supporting, laying or retrieving of anchors attached to a pipe-laying vessel including the supervision of those activities and giving of instruction in connection with them.

- (2) In this article —

“pipeline” means a pipe or system of pipes for the conveyance of any thing, together with —

- (a) any apparatus for inducing or facilitating the flow of any thing through, or through part of, the pipe or system;
- (b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;
- (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
- (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in the preceding paragraphs;

- (e) apparatus for the transmission of information for the operation of the pipe or system;
- (f) apparatus for the cathodic protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system,

but does not include a pipeline of which no initial or terminal point is situated in the Island or its territorial sea;

“pipeline works” means one or more of —

- (a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;
- (c) changing the position of or dismantling or removing a pipeline or length of pipeline;
- (d) opening the seabed for the purposes of the works mentioned in sub-paragraphs (a) to (c) of this definition, and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in sub-paragraph (a) to (d); and
- (f) a diving project in connection with any of the works mentioned in sub-paragraphs (a) to (e) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.

8 Mines

SI 2013/240/7 [and drafting]

- (1) The 1974 Act applies to and in relation to a mine within the territorial sea or extending beyond it, and any activity in connection with it, while it is being worked.
- (2) In this article **“mine”** has the same meaning as in the Mines and Quarries Regulation Act 1950.
- (3) For the purposes of this article a mine is treated as being worked at any time when there are persons at work below ground or plant or equipment is in operation at the mine to maintain the safety of that mine or of any other mine or the operation of driving a shaft or outlet is being undertaken at the mine.

9 Gas importation and storage

SI 2013/240/8

- (1) Subject to paragraph (3), the 1974 Act applies within the territorial sea to and in relation to any activities connected with or immediately preparatory to the activities set out in paragraph (2).
- (2) The activities are —
 - (a) the unloading of gas to an installation or pipeline;
 - (b) the storage of gas, whether temporary or permanent, in or under the shore or bed of any water;
 - (c) the conversion of any natural feature for the purpose of storing gas, whether temporarily or permanently;
 - (d) the recovery of gas stored;
 - (e) exploration with a view to, or in connection with, the carrying on of activities within sub-paragraphs (a) to (d).
- (3) Paragraph (1) does not apply to an activity falling within paragraph (2) if the 1974 Act applies to or in relation to that activity by virtue of article 5(1) (offshore installations).
- (4) In this article —

“**gas**” means any substance which is gaseous at a temperature of 15°C and a pressure of 101.325 kPa (1013.25 mb); and

“**installation**” includes any floating structure or device maintained on a station by whatever means.
- (5) For the purposes of paragraphs (2) and (4), references to gas include any substance which consists wholly or mainly of gas.

10 Production of energy from water or wind

SI 2013/240/9

- (1) The 1974 Act applies within the territorial sea to and in relation to any energy structure or activities connected with or preparatory to —
 - (a) the exploitation of those areas for the production of energy from water or wind;
 - (b) the exploration of such areas with a view to, or in connection with, the production of energy from water or wind; or
 - (c) the operation of a cable for transmitting electricity from an energy structure.
- (2) In this article “**energy structure**” means a fixed or floating structure or machine, other than a vessel, which is, or is to be, or has been, used for producing energy from water or wind.

11 Other activities within the territorial sea

SI 2013/240/11

- (1) Subject to paragraph (2), the 1974 Act applies within the territorial sea to and in relation to —
 - (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any building, or other structure, not being in any case a vessel, or any preparation for any such activity;
 - (b) the transfer of people or goods between a vessel or aircraft and a structure (including a building) mentioned in sub-paragraph (a);
 - (c) the loading, unloading, fuelling or provisioning of a vessel;
 - (d) a diving project;
 - (e) the laying, installation, inspection, maintenance, operation, recovery or repair of a cable;
 - (f) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel;
 - (g) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which article 5(3)(c) (offshore installations) applies;
 - (h) the transfer of people or goods between a vessel or aircraft and a structure mentioned in sub-paragraph (g).
- (2) This article does not apply —
 - (a) to a case where article 5, 6 (wells), 7 (pipelines), 8 (mines), 9 (gas importation and storage) or 10 (production of energy from water or wind) of this Order applies; or
 - (b) to vessels which are registered outside the Island and are on passage through the territorial sea.

12 Legal proceedings

SI 2013/240/12

- (1) Proceedings for any offence under section 33 (offences) of the 1974 Act, being an offence to which that section applies by virtue of article 4, may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the Island, excluding the territorial sea.
- (2) Section 3 (restriction on institution of proceedings for punishment of offence) of the Territorial Waters Jurisdiction Act 1878 (an Act of Parliament) (which requires certain consents for the institution of proceedings) does not apply to proceedings for any offence to which paragraph (1) relates.

13 Revocation

Paragraph 3 of Schedule 1 (United Kingdom subsidiary legislation applied to the Island), and Schedule 5 (exceptions, adaptations and modifications subject to which the provisions of the Health and Safety At Work Etc. Act 1974 (Application outside Great Britain) Order 1995 applied by Schedule 1 shall have effect in the Island) to the Submarine Pipe-lines and Installations (Application and Amendment) Order 1995⁵ are revoked.

MADE

CLARE BARBER

Minister for Environment, Food and Agriculture

⁵ SD 277/95.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies the Health and Safety at Work etc. Act 1974 (an Act of Parliament) to certain premises and activities in the territorial sea adjacent to the Isle of Man. The Act is applied to the Island with modifications by the Health and Safety at Work Order 2024. That Order provides that if an order is made under section 84(3), the Act will apply within the territorial sea only as specified within the order.

Consultation draft