



Pinsent Masons

# Health & Safety in Offshore Renewables

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A purpose-led professional services  
business with law at the core

# Topics to be covered

1. Health & Safety Fundamentals
2. Legislative Framework in UK
3. Planning Phase
4. Construction Phase
5. Operation and Maintenance Phase
6. Decommissioning Phase
7. Typical Risks



# 1. Health & Safety Fundamentals

- Need to assess risks
- Need to control risks
- Need to ensure health & safety (H&S) “so far as reasonably practicable”
- Breach can risk lives, and lead to prosecution

Everything else is detail!



## 2. Legislative Framework

- Health & Safety at Work etc Act 1974 (HSWA 1974)
  - Cornerstone of H&S legislation in UK
  - Obligations under criminal law
- Section 2
  - Duty to ensure the safety of your employees so far as reasonably practicable
- Section 3
  - Duty to ensure the safety of those not employed by you so far as reasonably practicable
- Absolute duty to ensure safety



# Legislative Framework cont'd

- Onus on accused to establish statutory defence that did all that was reasonably practicable but nonetheless exposure to risk occurred
- Exposure to risk creates the breach – no need for actual harm
- Management of Health & Safety at Work Regulations 1999
  - Duty to carry out “suitable and sufficient” risk assessments in the planning and execution of work
  - Need for effective planning, organisation, control, monitoring and review of safety measures



# Legislative Framework cont'd

- Construction (Design & Management) Regulations 2015 (CDM Regs)
- Duty to plan and execute the work safely
- Main Players
  - Principal Designer(s)
  - Designer(s)
  - Principal Contractor(s)
  - Contractor(s)
  - Client(s)
  - Workers
- Duty to ensure procedures actually followed



# Legislative Framework cont'd

- H&S Legal Framework applies onshore and within Territorial Sea (12 mile limit)
- Also applies in certain areas beyond 12 mile limit
  - Health & Safety at Work etc Act 1974 (Application Outside Great Britain) Order 2013
  - Offshore Wind H&S same as onshore – with complication because ships involved
- Merchant Shipping Act 1995 (MSA 1995) applies to all ships within UK Territorial Sea
- Also applies to UK registered ships wherever they are



# Legislative Framework cont'd

- Merchant Shipping & Fishing Vessels (Health & Safety at Work) Regulations 1997
  - Reg 7 – Duty to carry out suitable and sufficient risk assessments





### 3. Planning Phase

- Detailed procedures for construction
- Detailed procedures for ships involved
- Bridging Document for interface between worksite and shipping including
  - Transfer of personnel/materials/equipment
  - Lifting operations
  - Load sharing
- Crucial to ensure Bridging Document creates total consistency between how ships and workers on structure inter-link
- Need very clear lines of communication



## 4. Construction Phase

- Risks associated with:
  - Large number of workers at site
  - Lifting operations - heavy and awkward loads
  - Load sharing
  - Ship stability
  - Potentially intensive operation of wide range of ships
  - Weather sensitive tasks within available weather windows
  - Subsea operations
  - Management of change



# Construction Phase cont'd

- Special considerations during construction
  - Work at height
  - Entrapment
- Falling overboard



## 5. Operation and Maintenance Phase

- Ongoing obligation to plan and execute the work safely
- Continual need to
  - Assess the risks
  - Control the risks so far as reasonably practicable
- Remote and lone working risks
- Falling overboard



## 6. Decommissioning Phase

- “Decommissioning Plan” generally needs to be approved by Regulator before construction starts
- Various specific risks including:
  - Integrity of lifting points may have deteriorated
  - Flooded compartments may have unknown weights
  - Cutting of structures at seabed level



## 7. Typical Risks

- Working at height
- Electrical hazards
- Entrapment
- Lifting operations
- Simultaneous operations (SIMOPS)
- Fire
- Mechanical/structural failure



# Typical Risks cont'd

- Loss of stability
- Collision between ship and structure
- Subsea operations
- Management of change
- Access/egress between ship and structure
- Hazardous substances
- Enclosed spaces



# Conclusion

Key points to remember:

Plan fully

Keep the risks continually under review

The Bridging Document is crucial

Control risks to as low as reasonably practicable

Keep the control measures continually under review



# Any questions?





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