

## Submissions from the the public consultation on the Diving Codes of Practice

### Submissions Received in Relation to the Code of Practice for Inland Diving and Inshore Diving

#### Submission 1

Document Submitted by  
Organisation                      Oceandivers Limited  
Section                                Code of Practice for Inland Diving and Inshore Diving  
Category                              Code of Practice for Inland Diving and Inshore Diving (related to )  
Submission Date                      25 November 2018

I have two observation's regarding the proposed code of practice for inshore diving. Firstly I think there needs to be more clarification regarding the qualifications of divers. The words suitable/relevant Commercial Diving qualifications should be used to eliminate any likely hood of recreational diving qualifications being accepted. Diving Supervisors should be required to hold a Diving Supervisors qualification. Such qualification is readily available through the ADC in the UK. Divers with adequate logged commercial experience can apply to take the exam on line so there is no barrier to the qualification and it will ensure supervisor are properly qualified to carry out the role safely and not just appointed to satisfy the regulations as they often are at present.

Secondly, I don't think there is any rational for insisting the recreation diving instructor complete commercial divers medical. I think they should have a standard diving medical which is already accepted in the industry and there is no evidence to suggest that this is inadequate in any way. A commercial diving medical will simply unnecessary expense to instructors in an industry that has a short season with low income.

#### Response to Submission 1

- The Health and Safety Authority will provide information in relation to qualifications on their website prior to the implementation date of the Code of Practice.
- The Code of Practice applies to anyone who dives for work purposes and is not just specifically for commercial divers.
- Paragraph 14.10(c) of the Code of Practice states "where available, a supervisor's certificate in diving, would be desirable".
- The medical risks for any given dive are the same irrespective of whether it is being carried out for commercial or recreational instruction purposes. Medical issues such as loss of consciousness resulting in drowning or barotrauma apply to all divers. Anyone who dives for work purposes must be fit to do so.

#### Submission 2

Document Submitted by  
Organisation                      UK ADC Ltd - Association of Diving Contractors UK & Ireland  
Section                                Code of Practice for Inland Diving and Inshore Diving  
Category                              Code of Practice for Inland Diving and Inshore Diving (related to )  
Submission Date                      23 November 2018

A great deal of Members in the UK and Ireland have expressed their concern with the requirement to have separate medicals when working in Southern Ireland. HSE medicals are accepted in other countries and they

cannot see the point in having separate medicals especially when divers will work across both authorities. This needs to be looked at urgently as it will cause a lot of members major issues when conducting their operations - email address secretary@adc-uk.info was not being accepted by the system therefore personal email address has been used. However responses should be to the Secretary@adc-uk.info email address.

### Response to Submission 2

- The Health and Safety Authority acknowledges the concerns in relation to recognition of diver's medicals from other jurisdictions and, especially in light of Brexit, is working with the Department of Business, Enterprise and Innovation to develop a solution.

### Submission 3

Document Submitted by

Organisation	Irish Sea Contractors
Section	Code of Practice for Inland Diving and Inshore Diving
Category	Code of Practice for Inland Diving and Inshore Diving (related to )
Submission Date	23 November 2018

I wish to make the following submissions;

1. I strongly encourage the authority to recognise HSE (UK) approved doctors to carry out medicals as most divers come from the UK and the diver training school is also in the UK. This will cause major problems in the industry as it will lead to a shortage of divers as they will not work in Ireland, delay projects, cause freelance divers a considerable amount of financial hardship to keep two medicals in date per year i.e. Ireland and the UK and breaches of the legislation.
2. I think the Dive Supervisor should be required to undertake a medical as he is the sole person in charge of the diving operations and he has been appointed by the diving contractor. If the supervisor becomes incapacitated, then this would mean other members of the team who may not have the appropriate training/competence are tasked with recovering the diver from the water in accordance with dive tables etc.
3. I think the minimum team size should be 5 as being realistic about things, a diver recovery in an emergency situation cannot be carried out with a 4-man team. A safety boat is nearly always required now to be in site. By stating that its up to the contractor's risk assessment, the contractor will just argue its safe coming from their risk assessment until something does go wrong which will then be too late. We have been operating with a 5-man team for the last 4 years and find its just enough for other work duties as well.
4. I think under no circumstance should a tender not employed by the contractor carry out this role. For example, if diving on site for a main contractor and they lend a person, that person will not have a clue about tendering to divers and will be back and forth the site throughout the dive. By again saying it's up to the contractor is really not worth the paper its written on as contractors will argue that they are satisfying the 4 man team requirement.

### Response to Submission 3

- The Health and Safety Authority acknowledges the concerns in relation to recognition of diver's medicals from other jurisdictions and, especially in light of Brexit, is working with the Department of Business, Enterprise and Innovation to develop a solution.
- The diving supervisor is not required to have a certificate of medical fitness as they are not entering the water and so would not be subjected to pressure. In the event that a diving supervisor plans to dive, another diving supervisor must be in charge and the diving supervisor entering the water must have a certificate of medical fitness to dive.

- The Authority has reviewed the relevant paragraph and taken account of your submission. The Code of Practice now requires a team size of 5 as a minimum for surface supplied diving.
- Under Regulation 7(6) of the Safety, Health and Welfare at Work (Diving) Regulations 2018 (S.I. No. 254 of 2018), the diving contractor must ensure that there are a sufficient number of competent persons available to carry out the diving project safely. This includes ensuring a competent diving tender(s) where required. The term competent person is enshrined in health and safety legislation. Competent person is defined in Section 2(2)(a) of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) whereby “*a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size or hazards (or both of them) of the undertaking or establishment in which he or she undertakes work, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken*”. As a member of the dive team, the diving contractor must ensure the tender meets with the requirement of Regulations 7(6) and takes account of paragraph 10.14 of the Code of Practice.

#### **Submission 4**

Document Submitted by

Organisation	Gas plant ltd
Section	Code of Practice for Inland Diving and Inshore Diving
Category	Code of Practice for Inland Diving and Inshore Diving (related to )
Submission Date	23 November 2018

I would like to object to this requirement for an Irish medical for divers. UK Divers already have an internationally recognised HSE medical. Furthermore, these type of regulation red tape simply increases the financial pressure on onshore divers. This appears to be a money making venture that will not only restrict UK divers working in Ireland, but will restrict Irish divers working worldwide. I think this legislation has not been properly thought out.

#### **Response to Submission 4**

- The Health and Safety Authority acknowledges the concerns in relation to recognition of diver’s medicals from other jurisdictions and, especially in light of Brexit, is working with the Department of Business, Enterprise and Innovation to develop a solution.

#### **Submission 5**

Document Submitted by

Organisation	Camden Broadcast Limited
Section	Code of Practice for Inland Diving and Inshore Diving
Category	Code of Practice for Inland Diving and Inshore Diving (related to )
Submission Date	22 November 2018

I wish to draw your attention to the following flaws that I have discovered in the proposed code of practice for Inland Diving and Inshore diving.

1. In the wording, there is no reference to the level of qualification that a diver must have achieved in order to carry out a dive. Allowing the diver to decide whether her or she is "competent" brings a level of subjectivity that

is not acceptable when dealing with a high risk activity such as diving. There needs to be a clear indication of minimum experience and qualification. All divers who are diving for commercial gain should be suitably qualified and have completed a recognised commercial diving course. There are enormous differences between diving for pleasure and being competent to work under water, with the possible problems that can be encountered. Even the highest qualification of sport diver would struggle to work under water. Commercial divers, by the nature of their work, are required to have far greater knowledge of Dive tables, dive medicine, first aid, oxygen administration, equipment maintenance and many other areas than a sports diver - who would consider themselves to be "competent". This is not necessarily their fault, as they would not be aware of the extra knowledge that is required.

2. There does not seem to be a strong emphasis on safety, as, again the dive supervisors and cover divers are not required to have a particular level of experience or qualifications. A diving supervisor has many responsibilities, as specified, but at no stage is there any reference to their level of training and experience.

3. In almost every other country, there is an internationally recognised grading system of commercial diver. There is no reference in your proposed document to any grading system. It is possible that someone with no training or qualification, having tried diving and enjoyed it, could decide they are "competent" to continue diving and perform jobs, such as camerawork under the water, or work on fish farms etc.

4. Divers who are serious about their work will have studied hard and invested large amounts of money in their training and equipment. There is no account being taken of this in the proposed documentation, which is disingenuous to these people. In summary, the lack of reference to qualifications, will lead to dangerous situations, which could lead to injury and subsequent court proceedings.

#### **Response to Submission 5**

- Under Regulation 7(6) of the Safety, Health and Welfare at Work (Diving) Regulations 2018 (S.I. No. 254 of 2018), the diving contractor must ensure that there are a sufficient number of competent persons available to carry out the diving project safely. This includes ensuring competent divers are engaged and that a competent diving supervisor is appointed. The term competent person is enshrined in health and safety legislation. Competent person is defined in Section 2(2)(a) of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) whereby "a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size or hazards (or both of them) of the undertaking or establishment in which he or she undertakes work, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken". As qualifications are only one of the constituents of competency, the Health and Safety Authority will provide information in relation to qualifications on their website prior to the implementation date of the Code of Practice.

#### **Submission 6**

Document Submitted by

Organisation

Hulltec Ltd

Section

Code of Practice for Inland Diving and Inshore Diving

Category

Code of Practice for Inland Diving and Inshore Diving (related to )

Submission Date

22 November 2018

Sir Hulltec is a Belfast based inshore / Inland diving company and have operated in ROI, UK and NI for the past 28 years. We employ divers from all three above jurisdictions. the majority of these divers have all been trained in the UK and hold UK diving certificates, ROI divers included. These UK certificates are accepted world wide. In

view of this why would the Authority pass a rule not allowing diver medicals from the UK & NI. Divers are hard enough to get at times without further imposed restrictions on a system that has work well in both direction for a decades. This new systems will only hurt divers as they are responsible for getting there own medicals. This will mean that divers on this Island will have to hold two medicals one for the UK and one for ROI. In my opinion this is unnecessary duplication for the sake of it. I would ask to at least allow NI diving medicals to be accepted in ROI. Lets hope common sense wins through on this subject. Regards [REDACTED] Hulltec Ltd.

#### **Response to Submission 6**

- The Health and Safety Authority acknowledges the concerns in relation to recognition of diver's medicals from other jurisdictions and, especially in light of Brexit, is working with the Department of Business, Enterprise and Innovation to develop a solution.

#### **Submission 7**

Document Submitted by

Organisation	ABCO Marine
Section	Code of Practice for Inland Diving and Inshore Diving
Category	Code of Practice for Inland Diving and Inshore Diving (related to )
Submission Date	22 November 2018

Dive Medical There are two registered HSE Dive Doctors in Northern Ireland, how can there medical examination not be deemed suitable for a diver resident in the six counties.

#### **Response to Submission 7**

- The Health and Safety Authority acknowledges the concerns in relation to recognition of diver's medicals from other jurisdictions and, especially in light of Brexit, is working with the Department of Business, Enterprise and Innovation to develop a solution.

#### **Submission 8**

Document Submitted by

Organisation	Sealane Inshore Ltd
Section	Code of Practice for Inland Diving and Inshore Diving
Category	Code of Practice for Inland Diving and Inshore Diving (related to )
Submission Date	22 November 2018

So if the HSA do not recognise UK or NI issued medicals then presumably divers who have Southern Ireland medicals will not be able to dive in UK water's.

#### **Response to Submission 8**

- The Health and Safety Authority acknowledges the concerns in relation to recognition of diver's medicals from other jurisdictions and, especially in light of Brexit, is working with the Department of Business, Enterprise and Innovation to develop a solution.
- The recognition/non-recognition of Irish certificates of medical fitness to dive within Great Britain and Northern Ireland is a matter for the Health and Safety Executive within these jurisdictions.

## Submission 9

Document Submitted by  
Organisation IRISH SEA CONTRACTORS  
Section Code of Practice for Inland Diving and Inshore Diving  
Category Code of Practice for Inland Diving and Inshore Diving (related to )  
Submission Date 22 November 2018

The 1981 Diving Regs served their purpose very well until the HSE in UK published the 1997 Diving Regs & ACOP. Having been involved in Diving Industry since 1984, I am probably the oldest person in the state who is still managing a diving company for last 34 years. Since 1997, in order to get insurance cover for commercial diving, we have signed up to implementing all our diving operations to comply with 1997 HSE Regs. Because the HSA Regs of 1981 were outdated, the HSE 1997 Regs have been mandatory ever since. Some 10 years ago, the proposed new Irish Diving Regs were effectively a copy of the HSE Diving Regs but these Regs never became Law ? Now the HSA have decided to introduce these new Regulations which personally feel are a return to the dark ages and there is no way we will get proper Diving Insurance cover based on these. Also what was wrong with the current medical system as we have to import UK divers all the time as there are not enough Irish divers available ?? This new medical is now going to place a huge burden unnecessarily on the Contractor as what was wrong with the UK HSE approved annual medical ? I am a Director and Treasurer of the ADC who are the only trade organisation representing Inland Inshore Diving Contractors in UK & Ireland. The HSA is an associate member of the ADC. The ADC are continuously in consultation with the HSE regarding the diving ACOP and updating to suit current diving practices. The HSA were invited on two previous occasions to attend an ADC Irish Regional meeting in Dublin to explain the new diving regulations to the Irish ADC members but never turned up for either meeting even though the HSA are associate members. Now the HSA are bringing out new Regulations which I find to be completely nullifying all the progress made in the Industry over the last 20 years and all this progress relates to the Health & Safety of the diver in the water - accident statistics verify this completely. Our ability to stay in the Diving Industry for the last 34 years was based on getting comprehensive diving insurance cover. This attempt to re-write the 1981 HSA Diving Regs is ill advised and has very serious repercussions for the Commercial Diving Industry as we will not be able to get Insurance cover anymore. What was wrong with just updating & copying the HSE Diving ACOP as there was an enormous amount of work put into these Regs and nearly all Irish Diving Contractors work in the UK jurisdiction as well as in Ireland. These new Regs will just not work at all for the commercial diving sector. Yours Sincerely [REDACTED] Irish Sea Contractors.

### Response to Submission 9

- The 1981 Diving Regulations have a limited application only applying to diving in relation to places of work covered by the Factories Act. The Safety, Health and Welfare at Work (Diving) Regulations 2018 have a broader remit, covering anyone who dives for work purposes. The 2018 Regulations are goal setting in their nature compared to the prescriptive 1981 Regulations and set down the requirements for a safety management system for diving at work. These new diving Regulations were based on the United Kingdom's diving Regulations and were initially developed with input and learnings from the Health and Safety Executive (UK). Over the course of the drafting of the Regulations, the Office of Parliamentary Counsel to Government (OPCG) have legally scrutinised and tested the Regulations for the Irish legal system. Taking account of this testing and the fact that the Irish legal system varies to that of the United Kingdom, the legislation may have been altered or worded differently to that of the United Kingdom as necessary.
- The Health and Safety Authority acknowledges the concerns in relation to recognition of diver's medicals from other jurisdictions and, especially in light of Brexit, is working with the Department of Business, Enterprise and Innovation to develop a solution.
- The Safety, Health and Welfare at Work (Diving) Regulations 2018 were signed into law as of 12<sup>th</sup> July 2018. Prior to this the Health and Safety Authority would not have been in a position to explain the new Diving Regulations.
- During the development of these Codes of Practice, the Health and Safety Authority has consulted widely and carried out three public consultations. Where appropriate, comments have been taken on board.

### Submission 10

Document Submitted by

Organisation	Murphy Surveys Ltd
Section	Code of Practice for Inland Diving and Inshore Diving
Category	Code of Practice for Inland Diving and Inshore Diving (related to )
Submission Date	21 November 2018

I am inquiring about the notification of intention to dive. Must the dive contractor still send in a notice of intention to dive to the HSA for each site they wish to dive on or is it being changed to just registering with the HSA as a dive contractor - no notice of intention to dive (similar to HSE UK & N.I.)

### Response to Submission 10

- The requirement for notification of intention to dive will cease on the 1<sup>st</sup> May 2019.

## Submission received in relation to the Code of Practice for Offshore Diving

### Submission 1

Document Submitted by

Organisation

Gabriel Subsea Services LTD

Section

Code of Practice for Offshore Diving

Category

Code of Practice for Offshore Diving (related to )

Submission Date

21 November 2018

Dear Sir/Madam I am a specialist in diving standards and offshore subsea intervention legislation. I own and operate a UK based company called Gabriel subsea services, ([www.gssconsultancy.com](http://www.gssconsultancy.com)). My previous clients include British petroleum, Statoil, EMBW, The national hyperbaric centre to name a few. If you require support with the creation of the Irish diving standards ensuring that they will ultimately comply with international best practice then please feel free to contact me at [REDACTED] or my telephone on [REDACTED].  
Kindest Regards [REDACTED]

### Response to Submission 1

- Submission does not relate to the direct contents of the Offshore Code of Practice but details are noted.