

## **Case for Regulatory Intervention (CRI)**

**Title: Updating and renaming the Safety, Health and Welfare at Work (Extractive Industries) Regulations 1997 as the Safety, Health and Welfare at Work (Onshore and Offshore Drilling) Regulations**

**Proposed by: Jim Holmes**

**Date 07/03/2014**

**Approved (ACE/PM): PJ Claffey**

**Date 19/03/2014**

**Noted (Legislation Co-ordinator): Michael Walsh**

**Date 31/03/2014**

**Date approved by L&GSC**

**14/04/2014**

## Case for Regulatory Intervention

**Proposed by: Jim Holmes**

**Date: 07/03/2014**

### **Issue to be addressed:**

The replacement of outdated legislation through the development of Safety, Health and Welfare at Work (Onshore and Offshore Drilling) Regulations and, by so doing, creating modern relevant legislation that transposes and gives effect to Council Directive 92/91/EEC.

As a result of legislative changes, that is, the Safety Health and Welfare (Quarries) Regulations as amended by the 2013 Regulations and the proposed Safety Health and Welfare (Mining) Regulations, the Safety, Health and Welfare at Work (Extractive Industries) Regulations 1997 require review, as large sections of the text and two entire schedules no longer, or will no longer, apply.

The Safety, Health and Welfare at Work (Extractive Industries) Regulations 1997 gave effect to Council Directive 92/91/EEC on the minimum requirements for improving safety and health protection of workers in the mineral extracting industry through drilling and to Council Directive 92/104/EEC on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral extracting industries.

The proposed overall legislative changes will result in the Safety, Health and Welfare at Work (Extractive Industries) Regulations 1997 only transposing and giving effect to Council Directive 92/91/EEC so almost 50% of the current text no longer applies.

### **Objectives:**

The specific objective is to prepare Safety, Health and Welfare at Work (Onshore and Offshore Drilling) Regulations and, by so doing, create modern relevant legislation that transposes and gives effect to Council Directive 92/91/EEC

It is proposed to remove large sections of outdated and anomalous provisions and rename the revised Regulations as the Safety, Health and Welfare at Work (Onshore and Offshore Drilling) Regulations.

It is proposed that upon completion of the Safety, Health and Welfare at Work (Onshore and Offshore Drilling) Regulations that the Safety, Health and Welfare at Work (Extractive Industries) Regulations 1997 can be revoked.

### **Need for Intervention**

The Authority has a mandate to review and rationalize existing legislation under the repeals / revocations / replacement / consolidation process provided for in the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005).

The Safety, Health and Welfare at Work (Extractive Industries) Regulations 1997 are

outdated and large sections of the text and two entire schedules no longer, or will no longer, apply following updating of other related legislation

The replacement of this outdated, legislation through the development of Safety, Health and Welfare at Work (Onshore and Offshore Drilling) Regulations and, by so doing, creating modern relevant legislation that transposes and gives effect to Council Directive 92/91/EEC will fulfill the requirement to review and rationalize existing legislation.

**Project Manager:**

Jim Holmes

**Stakeholders:**

- Internal stakeholders within the Authority
- Department of Communications, Energy and Natural Resources
- Oil and Gas Producers with interests in Ireland
- Oil and Gas Prospecting companies with interests in Ireland
- ICTU

**Consultation process envisaged:**

The selected stakeholders above will be contacted directly by the Authority and invited to make submissions when the Safety, Health and Welfare at Work (Onshore and Offshore Drilling) Regulations.

The statutory public consultation will allow interested individuals and any groups that are not represented by the stakeholders above to make representations.

It must be remembered that the proposed Safety, Health and Welfare at Work (Onshore and Offshore Drilling) Regulations must transpose Council Directive 92/104/EEC so any scope to remove or edit any of the remaining regulations and schedules is limited.

It is proposed that these regulations are brought into effect simultaneously with the the Safety, Health and Welfare at Work (Mines) Regulations which have been through the consultation process and are currently being finalised with input from the Parliamentary Counsel, the Authority and Department of Jobs, Enterprise and Employment

**Guidance:**

There is no guidance currently prepared to accompany the Safety, Health and Welfare at Work (Extractive Industries) Regulations 1997 and it is unlikely that any guidance would be required as there are no new or additional requirements imposed upon employers and employees resulting from the changes.