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Police response to energy incidents:

The potential effects on emergency preparedness and police response to offshore energy incidents on the UK continental shelf as a consequence of the transition from oil and gas to alternative energy sources.

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Executive Summary

The Police Scotland Energy Industry Liaison Unit (EILU) is the only dedicated unit across the UK dealing with offshore emergency preparedness and response. This paper will argue that this model requires review and action taken from police services across the country with an offshore energy remit to address engagement, training, and response capabilities as the UK transitions to renewable energy sources.

The paper will suggest that police can take critical learnings from the industry to inform their processes and ensure they are in a position to respond effectively within an Emergency Response Room (ERR) during a major offshore energy incident, whether oil and gas or renewables. There is a real opportunity to develop a robust, consistent selection and assessment process, for Police Incident Liaison Officers (ILOs) which will enhance the resilience of police emergency preparedness in the offshore energy sector across the UK, in the face of a rapidly changing energy industry.

Key Recommendations

Key recommendations for police in relation to emergency preparedness in the offshore energy industry:

1. **Police services across the UK with an offshore remit to review their ability to respond onshore to an offshore incident.**
2. **Police services across the UK with an offshore energy remit to review their capabilities to deploy suitably trained officers offshore including relevant health and safety requirements such as Basic Offshore Safety Induction and Emergency Training (BOSIET) / Global Wind Organisation (GWO) Training / Medical certification.**
3. **Police to consider working with renewable energy emergency response leads to understand current and projected offshore emergency response provision.**
4. **Police to consider liaising with offshore energy industry representatives to understand the level of training provided for Emergency Response Rooms (ERR) personnel. This may require a blended approach consisting of verbal, written and simulated assessments to evaluate competence and could be transferable to police staff.**
5. **Police services across the UK with an offshore energy remit to review the selection and assessment process for ILOs to promote a consistent standard for emergency response in the offshore energy sector.**

1. Introduction

Aberdeen is considered the oil capital of Europe with most, if not all, major oil and gas producers currently having a base in the city, with supporting emergency preparedness, response infrastructure and expertise similarly located. The Police Service of Scotland (PSOS) Energy Industry Liaison Unit (EILU) exists as a direct consequence of the Lord Cullen Report following the Piper Alpha disaster in 1988 and is unique in terms of policing within the UK. Over a period of more than 30 years, the EILU have become subject matter experts in the provision of policing services in the offshore environment, including emergency preparedness. This has resulted in the EILU building strong relationships with police services and external partners across the UK, ideally positioning the unit to inform and influence process and procedure in relation to emergency preparedness in the offshore energy industry on a national basis.

There is a real drive across the world to reduce carbon emissions by transitioning to cleaner energy sources. Due to this the Paris Agreement, which is legally binding, was adopted by 196 nations on 12 December 2015. The purpose of the agreement is to address climate change and keep the world's average temperature increase well below 2 degrees Celsius from before the industrial revolution and preferably to keep the increase below 1.5 degree Celsius. In response the Scottish Parliament passed the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, putting in place a legally binding target for Scotland to end its contribution to Climate Change by 2045.

The objective to comply with reduced emission targets will bring unchartered challenges across the UK from a police emergency preparedness and response perspective due to the move from established oil and gas emergency response procedures. Police need to consider and understand new energy sources from the Shetland Energy Hub to the Hornsea Renewable Energy Wind Farm in Humberside, to the HyNet hydrogen energy and carbon capture project in the North West of England (OGUK 2021), and what that means from a policing engagement and response perspective.

It is expected that Aberdeen will remain a significant centre for energy options, but new developments will be based all around the country. **This will require a review by policing services as to whether all areas of the UK with an offshore responsibility are in a position to deliver the current level of service provided to oil and gas companies, taking into consideration the need to engage with renewable energy companies as they continue to develop.**

For example, because a majority of oil and gas operators currently have operational headquarters in Aberdeen, participation in emergency response exercising is consistent due to the geographical proximity of all parties. As we move forward with the transition to net zero, access to face-to-face testing and exercising will be more challenging due to the fact not all companies will have an emergency response locally and, in the case of renewable energy, this could potentially be situated in a different country. **There is a need for greater engagement by police services across the UK to enhance understanding of the**

implications on emergency preparedness and response across the country in relation to offshore energy provision. All opportunities to engage and exercise should be explored.

This report will review and analyse the development, selection, training, and assessment of key personnel who have an emergency response role in the UK offshore energy industry. This will provide a conclusion as to how the police can work with industry, capturing best practice to ensure the police response to an offshore energy incident is consistent across the UK.

2. Methodology

This paper will draw on both historical and current experience and research from the police and energy industry to examine the potential effects on emergency preparedness and police response to offshore energy incidents on the UK continental shelf as a consequence of the transition from oil and gas to alternative energy sources. Empirical data from previous incidents will be reviewed to establish if subsequent learnings and training methods in the oil and gas industry can be incorporated into the selection and training of Police Incident Liaison Officers (ILOs). Industry experts will be approached to obtain their 'lived' experience in order to capture best practice. The final paper will be published by the Scottish Institute of Policing Research (SIPR) in order for the findings to be readily available to all police services across the UK.

3. Tragedies that shaped Emergency Response

In 1975, the Queen formally began the operation of the UK's first oil pipeline at a ceremony in Scotland by pushing a gold-plated button in BP's control centre in Dyce, Aberdeen. The North Sea oil and gas industry had begun a decade earlier, with the first British discovery of gas being found in the West Sole field, off the coast of East Anglia, by the BP jack-up drilling rig Sea Gem in late 1965. Soon after, on Boxing Day, the Sea Gem capsized with the loss of 13 lives.

The explosion on the Piper Alpha production platform, with the loss of 167 lives on 6th July 1988, was the biggest single disaster in United Kingdom waters since World War II and one which placed unprecedented demands on the emergency services – offshore and onshore. The national response was led by HM Coastguard, through its Maritime Rescue Coordination Centre (MRCC) at Aberdeen supported by the RAF Rescue Coordination Centre. The onshore response, during and after the event, was led by Grampian Police.

On 13 July 1988, the Honourable Lord Cullen was appointed to hold a public inquiry into the Piper Alpha disaster and sought the answers to two questions:

- ***What were the causes and circumstances of the disaster of the Piper Alpha platform on 6 July 1988?***

and

- ***What should be recommended with a view to the preservation of life and the avoidance of a similar accident in the future?***
  (Cullen, 1990)

The inquiry looked at the search and rescue operation but made no formal recommendations.

In one part of the report, Lord Cullen concluded that the conventional selection and training of Offshore Installation Managers (OIMs) is no guarantee of ability to cope if the person is not able in the end to take critical decisions and lead those under their command in a time of extreme stress (Cullen, 1990). Following Lord Cullen's report, Flin and Slaven were commissioned by the Offshore Safety Division of the Health and Safety Executive to examine the selection and training of Offshore Installation Managers (OIMs) for crisis management. It was noted that OIM's responsibilities vary with the type, size, and function of the installation they manage. At that time, no standard qualification or training course existed for the OIM position. (Slaven, G. and Flin, R. 1994).

As the OIM is the most senior person on site in an offshore major incident, it is important to understand the level of assessment and role these individuals undertake. From there, we can draw conclusions as to the level of responsibility placed upon a police Incident Liaison Officer (ILO), who is deployed either at the request of a company representative or on behalf of the relevant Police Commander as a conduit of information from an Emergency Response Room (ERR) (see section 6 for details) and whether a comparable assessment and selection criteria are required.

3.1 Development of OIM Assessment

A training course and accredited standard now exists for the OIMs. OPITO (the global, not-for-profit skills body for the energy industry) first issued 'Standard 7025' in 1992 in order to provide assessment criteria for OIMs Controlling Emergencies. The Oil and Gas UK (OGUK) publication *'Industry Guidelines for the Management of Competence and Training in Emergency Response for Offshore Installations'* (OGUK, 2010) does not discuss how this understanding is assessed, validation of assessment, or requirements for independent audit. However, the Duty Holder is required to sign a declaration stating that the candidate has *'satisfied the core essential knowledge and asset type knowledge defined in Appendix 2 and 3'* (OPITO 7025, Rev 4, Feb 2017). The standard does not require submitted evidence to support the Duty Holder declaration, and no statements exist within the Standard defining the requirements for the recording, validation or audit of any knowledge and understanding assessment carried out by the Duty Holder. Although OPITO have set the standard, there is an onus on the Duty Holder to take responsibility for the competence of OIMs.

As well as an accredited standard, the Prevention of Fire Explosion and Emergency Response Regulation (PFEER) came into force on the 19th July 1995. These regulations provide guidance to those who own, operate or work on offshore installations and looks at how to prevent fires and explosions as well as how to protect people working on offshore

installations should they occur. It also provides advice on how to respond to emergencies, considering issues such as escape, evacuation, rescue, and recovery. (The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 1995).

3.2 Role of the OIM

The OIM is the most senior manager on an oil or gas installation operating on the UK Continental Shelf (UKCS). The individual must be officially registered as an OIM with the Offshore Safety Division of the Health and Safety Executive, and they are responsible for the health, welfare, and safety of the personnel on board the installation, whether a drilling rig, production platform, or a support installation (for example,. a flotel which is a floating hotel and accommodation vessel for workers on an offshore oil rig or platform.). In an emergency situation, the installation manager may take, or require to be taken, any such measure as necessary or expedient to meet or avoid the emergency. In 1994, there were no statutory criteria of suitability for an OIM in terms of character, skills, qualification, or experience (Slaven, G. and Flin, R. 1994).

To understand how best to assess OIMs, Christopher Blaydon of Shell identified that the Royal Navy Submarine Command Training course was a good fit for OIMs because of the realism of the assessment process and the understanding of the participants of what was at stake in that OIMs have autonomy and are responsible for the safety of all persons on their asset. This course has been in place since 1997 and takes four months to complete. Officers cannot become a Submarine Captain until they complete the course which is a strict pass or fail. If you fail, you will never be deployed within a submarine again. In the immediate aftermath of the Piper Alpha disaster Shell were pivotal in the process to progress the assessments of their OIMs and Deputies and made a commitment to the HSE to ensure they were assessed over the coming two years. It should be noted that other companies were also assessing their OIMs.

In relation to the selection of OIMs it was suggested that graduates and people with a high IQ performed well although the ability to deal with stress and how an individual manages this is key. Christopher Blaydon has assessed over 700 OIMs in relation to simulated offshore major accident hazards and has stated that 5 – 10 % of assessments were challenging, 5 – 10% were very good, and 80% were found to be broadly competent but with performance gaps that required further work. In his opinion, you cannot inject the same realism better than the onshore Major Emergency Management simulation. He further explained that the more formal the process the better. The assessments must be meaningful. If livelihoods are at stake, people prepare properly which means they will be more likely to be prepared if they are unfortunate enough to deal with a real major incident. (Personal correspondence with Christopher Blaydon, Emergency Management Consultant, on Monday 8 November 2021).

It is worth exploring the significance of the comment in relation to extreme stress as it is very difficult to identify how a person will react in a high stress environment until they are in the situation. ILOs will be required to deploy during a stressful situation into circumstances they may never have experienced therefore, it is crucial to learn from previous industry experience and consider the best way to apply any learning.

In summary, it could be argued that there are benefits and learning to be captured by combining a blend of simulated, verbal, and written assessments to evaluate competence. This approach could be applied to police officers working in an offshore emergency response setting. An external body can provide a standard and training, but a company or organisation will always maintain responsibility for their employees.

4. Development of North Sea Renewable Energy

Hagshaw Hill, built in 1995, was the first commercial onshore wind farm in Scotland. There is currently approximately 8.4GW of onshore wind power produced in Scotland. By 2030 there is a requirement to increase this to 20.4 GW. In Scotland currently 1 GW of offshore energy is produced. By 2030 this is required to increase to 11 GW. By 2045 this needs to be 40 GW. Most of this will come through East Coast Ports. By 2045 a quarter of houses in Scotland will have solar panels. 97.4% of Scottish electricity demand comes from renewables (electricity is ~25% of our energy use).

The next project is to electrify transport (~25% of our energy use) and heat (~50% of our energy use). As renewable energy increases, we must ensure that the electricity grid remains stable. The grid will be broken into Local Energy Systems catering for approximately 300,000 homes in order to mitigate 'black start' type scenarios where the entire system could go down for days / weeks on end. For this to be effective Scotland will have to double or triple the amount of electricity it generates and increase renewable energy generation four-fold to satisfy the electricity requirement from low carbon sources. All renewable schemes that connect to the national grid must have trip switches that will cut the flow of electricity should the current either surge or drop. This is heavily regulated and only regulated trip switches can be used. These operate within milliseconds. Electricity in the UK operates at a frequency of 50 Hz if this varies by 0.5Hz either way, this can cause the grid to fail. Going forward, hydrogen will be a mainstream fuel in the future for ferries, HGVs, some trains, and some heating, with Aberdeen leading the way with hydrogen buses. By 2045 there could be 300,000 people in Scotland working in the hydrogen energy field (Scottish Hydrogen Assessment, 2020).

Scotland is also leading the way in relation to floating offshore wind, wave, and tidal energy. It is clear from the above that there will be a significant increase in the construction of infrastructure within the renewable energy sector. The construction phase is recognised as having an increased risk of major incidents due to the movement of heavy lifting operations (Personal correspondence with Morag Watson, Director of Policy, Scottish Renewables on 12/10/2021). In relation to major accident hazards a Piper Alpha style incident is less likely in the renewables world.

The EILU are engaging with all regulators and stakeholders to ensure police are aware of industry expectations and requirements such as the Regulatory Expectations for Emergency Response Arrangements for the Offshore Renewable Energy Industry (REER). These regulations were first published in 2019 and set out the principles to be adopted to ensure compliance with relevant legislation. The Health and Safety Executive (HSE) and Maritime and Coastguard Agency (MCA) jointly require renewable energy developments to have arrangements for evacuation, escape, recovery, and rescue to prevent and reduce harm to persons working on these developments (REER, 2019). The EILU have liaised with the Offshore Energy Liaison Officer for the Maritime and Coastguard Agency (MCA) to ensure additional Police content was added to the Offshore Renewable Energy Emergency Cooperation Plan (ERCoP). This is to align with the key principles of Integrated Offshore Emergency Response – Renewables (IOER-R, 2016).

There is ongoing work being led by the MCA and HSE in relation to better cooperation, understanding and information sharing across all Scottish Wind Farm stakeholders. The EILU are heavily involved with this work, to ensure amongst other things, that all opportunities to test and exercise with partners are captured. This engagement is being extended across the UK.

5. Integrated Offshore Emergency Response (IOER)

The Integrated Offshore Emergency Response document was first published in 2013 and is owned by HM Coastguard, Maritime and Coastguard Agency. The document focuses on the at-sea emergency response as survivors, evacuees, or casualties are brought onshore. Once onshore, responsibilities move to the police and other emergency services working closely with the operating companies involved. The document outlines how these responsibilities interact within the concept of Integrated Offshore Emergency Response (IOER, 2021).

A critical element of Integrated Offshore Emergency Response is the need for all parties to clearly understand the roles, responsibilities, capabilities, and limitations of others. The Emergency Preparedness Offshore Liaison group (EPOL) was formed in the aftermath of Piper Alpha to provide such a platform by bringing together key players in emergency response from the industry and from the emergency services. This group is chaired by the EILU Sergeant and meets on a quarterly basis. Representatives from HSE, MCA, OGUK, Operators, Helicopter providers, International Association of Drilling Contractors (IADC), Department for Business, Energy, and Industrial Strategy (BEIS) attend and provide updates. All attendees contribute and suggestions are actioned as appropriate. For example, the EPOL Group is currently reviewing the Evacuee Reception Centre process.

In any offshore emergency the main focus is ensuring the safety of people. There are clearly defined roles and responsibilities, all with a common purpose of supporting the OIM and their team. There are defined responsibilities and phases for an offshore emergency response which require key partners to respond effectively in an emergency situation. Some of the initial responders and regulators are described below.

5.1 Licence Holder

The licensee shall:

(a) ensure that any operator appointed by them is capable of satisfactorily carrying out his functions and discharging his duties under the relevant statutory provisions; and

(b) take all reasonable steps to ensure that any operator appointed by him carries out his functions and discharges his duties under the relevant statutory provisions (HSE, 2005).

It is crucial that all parties involved in the offshore / onshore emergency response process understand their capabilities and those of partners, including drilling contractors, to ensure an effective response in an emergency.

5.2 HM Coastguard

Unlike land-based emergencies in which the police will coordinate the response of the other emergency services, offshore search and / or rescue operations will be led by HM Coastguard. HM Coastguard will also be responsible for notifying hospitals and ambulances

when injured persons are to be brought ashore (IOER 2021). From the above explanations it is very clear who hold primacy in an offshore emergency. The OIM has total autonomy from a company perspective in relation to the asset and safety of people whilst HM Coastguard have primacy for the search and rescue phase. This is an important distinction for clarity in relation to where Emergency Response Rooms will be situated and what companies will be represented. It also brings clarity for the Police if the incident progresses from search and rescue to recovery and investigation phases.

5.3 Health and Safety Executive (HSE)

The Health and Safety at Work etc Act 1974 is the primary piece of legislation covering occupational health and safety in the UK. It's sometimes referred to as HSWA, the HSW Act, the 1974 Act, or HASAWA.

It sets out the general duties which:

- employers have towards employees and members of the public;
- employees have to themselves and to each other; and
- certain self-employed have towards themselves and others.

The Health and Safety Executive (HSE) have defined Emergency Response as follows:

> *"Offshore emergency response (ER) encompasses all the arrangements provided to minimise and mitigate risks to the safety of offshore personnel arising from a major accident on an installation. ER arrangements should be designed to reduce those risks to a level that may be considered As Low As is Reasonably Practicable (ALARP)".*
> (OPRED, 2020)

To achieve ALARP, the Offshore Emergency Response Inspection Guide outlines HSE's ER topic intervention objectives during onshore and offshore inspection. The objectives reflect specific requirements under the Prevention of Fire, Explosion, and Emergency Response (PFEER) 1995 regulations, and the topic breaks conveniently down into ten core inspection areas as follows:

- PFEER risk assessment;
- Preparation and arrangements for emergency command and control;
- Emergency response planning;
- Alarms and communication;
- Control of emergencies;
- Access/egress routes and mustering;
- Arrangements for evacuation;
- Means of escape;
- Arrangements for recovery and rescue; and
- Personal Protective Equipment/Life Saving Appliances (PPE/LSA).

The duty holder (the operator in the case of a fixed installation) should have undertaken an assessment, or assessments, in accordance with PFEER Reg. 5; a summary of which should be in the installation's safety case (a written demonstration of evidence and due diligence provided by a corporation to demonstrate that has the ability to operate a facility safely, and can effectively control hazards)(Schedules 6 & 7, SCR2015).

The assessment record might be a single document, or, more likely, a series of related studies and analyses that together form the PFEER Reg. 5 assessment. It should demonstrate that all credible foreseeable major incident events, and their potential consequences, that could lead to the need for emergency response have been identified; and that measures necessary to controlling / mitigating those events are identified. Until an effective assessment has been undertaken, the measures required to control and mitigate emergencies, and to provide effective muster, evacuation, and escape, cannot be assured.

Onshore inspection might include the request for and review of documentary evidence of the PFEER Reg. 5 assessment itself, or of the section of the installation safety case addressing the assessment's summary findings (HSE, 2020)

6. The Role of Emergency Services in Offshore Incidents

Internal reviews of the Piper Alpha tragedy by HM Coastguard and Grampian Police identified the need for much closer co-operation between the emergency services and the offshore operators, and between the emergency services themselves. In order to drive this process, specialist units were established in the early 1990s by HM Coastguard and Grampian Police to promote improved cooperation and liaison with the offshore oil and gas industry. These units have been tested in a variety of ways including helicopter accidents in 2009 and 2013. In more recent times the EILU have been involved with assisting the facilitation of peaceful protest in the North Sea. These units will continue to evolve with the energy industry and as the UK makes the transition from oil and gas to alternative energy sources these relationships will be developed to focus on emergency preparedness.

The Joint Emergency Services Interoperability Principles (JESIP) use the term 'rapid onset emergency' and defines this as:

> *"An emergency which develops quickly and usually with immediate effects, thereby limiting the time available to consider response options"* (JESIP, 2021)

This definition highlights the importance of effective training and assessment as out with the testing and exercising regime an ILO will be expected to attend at an Emergency Response Room (ERR) and immediately be in a position to add value to the response. The JESIP principles set a framework to assist with successful outcomes which fit well with energy companies and PFEER regulations. They are as follows:

- co-locate;
- communication;
- coordinate;
- joint understanding of risk; and
- shared situational awareness.

Police are adept at responding to emergency situations effectively and are trained to respond quickly, though during the initial emergency, search, and rescue phase of an offshore critical or major incident, police have no active part to play. However, this time should be used efficiently to consider what functions may be required including activating contingency plans, considering locations for ILOs, obtaining details of persons on an asset including production platforms, drilling rigs, helicopters, etc. (IOER 2021).

7. Police Incident Liaison Officers (ILOs)

ILOs are deployed into stressful situations that will require a degree of competence, job knowledge, and understanding of occupational roles within an oil and gas Emergency Response Room (ERR). The selection of these individuals as the conduit of important information to senior police command officers is key. They require to be effective communicators who can work as part as a team, on their own initiative, and be able to communicate with a range of senior personnel.

An ILO will have the added pressure of attending a stressful environment and, because they are wearing a uniform, people will expect them to take control, have answers, and bring order to the situation. It is also worth noting that the term ILO is used consistently across Scotland but, this is not the case in England and Wales. A similar selection process for ILOs would bring an element of pressure and realism to any future course which may be considered. Considering the OIM selection and assessment process along with observations around stress factors, it is important to understand what is expected of an ILO and whether there is a current process that would fit the requirements. Looking within current police roles, training, and assessment processes, it would appear the role of a police search officer has a similar level of responsibility. They require to work as part of a team, individually, and be able to work in stressful situations within time constraints. Once searches are complete the search officer is required to communicate and give confidence that searches have been completed to a high standard. Police search officers in Scotland currently have to complete a 5-day Home Office accredited course at the UK Police Training Centre in Ryton which is pass or fail. They are then required to attend two refresher days per year which includes a pass or fail exam with a 70% pass mark. The participants are allowed one resit should they fail. Searchers are also required to carry out four accredited searches per year which are overseen by a Police Search Advisor.

An important point to make is that search officers and ILOs perform these roles as an addition to their day jobs and therefore the training and assessment process requires to take this into account. Due to the fact the ILO role has been in place since 1990 and has limited use in England and Wales, an accredited standard may not be the best way to bring governance to the process. Indeed, it may bring complications in the sense of current ILOs and how the interim period is managed. This is not an insurmountable issue as this has already been experienced with OIM training and development.

Currently the expectation and level of responsibility on an ILO within the exercising regime is artificially high. Because of time constraints, ILOs notionally make decisions to assist the flow of exercises out with their level of responsibility.

As an alternative to an accredited standard there is benefit in exploring a change of focus in exercises to ensure both the acute and chronic phases are fully exercised. For example, it is common and accepted practice that energy companies test and exercise to major accident hazard scenarios. They are adept at dealing with fire, explosion, hydrocarbon releases, etc. The exercise is generally complete once an effective response has been demonstrated. This is about the time where the onshore emergency response functions including Human

Resource (HR), relative response, Next of Kin (NOK), Evacuee Reception Centre (ERC), and longer term policing considerations come into play. There would be great benefit from police working with their energy company partners to ensure police are getting the opportunity to exercise and test their functions. The EILU dedicate a large amount of time to build strong relationships within industry and it would be significant if companies would agree to continue exercises beyond the acute phase (PFEER and MAH scenarios) into the chronic phase where the investigation processes can be considered to assist Police. This change of focus would allow the EILU to plan for various internal functions to participate including Control Room staff and Area Commanders. This would also allow the EILU to build more involved, focused, and assessable objectives, and permit greater exploration of IOER principles.

The role of the Police ILO is to ***co-locate*** within a company ERR and provide an ***effective interface*** by receiving company information and disseminating accurately to senior police command when responding to an offshore emergency. An ILO should ***quickly establish the circumstances*** and report to the relevant police command which will have been set up to deal with the incident. The focus will initially be on people issues which include liaison with company HR and media representatives. In relation to the emergency services, an ILO will be crucial to the Police response in relation to receiving, clarifying, and disseminating information. The JESIP principles are key.

Police Scotland currently has a cadre of twenty-four ILOs who participate in meetings and attend exercises when day jobs permit, however, there is currently no criteria for the selection and assessment of ILOs in the UK. They understand the importance of coordination, joint understanding of risk, and shared situational awareness. This has allowed the EILU to build strong professional relationships with companies and test and exercise on a regular basis, attending over 100 exercises in 2021. This is a considerable investment of time and resource to attend this level of exercising, however, it is considered necessary from a policing point of view to test emergency preparedness and ensure the JESIP principles are being adhered to and understood.

ILOs have to be aware of their remit and ensure they promote a sense of realism. There is a danger that mission creep may occur the more comfortable an ILO becomes in the environment. ILOs are not in charge nor do they make operational decisions on behalf of police, they are merely there as a conduit of information.

In that sense, the role of the operating company site contact and ILO are similar within an ERR. The company site contact is based within the ERR and is the conduit of information from the OIM into the ERR. The company site contact:

- speaks to an OIM in a stressful situation;
- is able to understand technical information; and
- can convey the information to the ERR with clarity and certainty.

It is desirable that site contacts have offshore experience, but this is not essential as long as they have, and can demonstrate, occupational and operational competence. The previous statement is also accurate when discussing ILOs.

7.1 Non-technical skills

In order to critically assess a candidate's suitability for a role it can be argued that non-technical behaviours should not be overlooked to ensure the selection of competent people in high-risk environments. Analysis in a number of sectors indicated that up to 80% of accident causes can be attributed to human factors (Helmreich, R.L, 2000). The following skills should be considered:

- Situational Awareness;
- Decision Making;
- Team Working;
- Leadership;
- Communication;
- Personal Limitations; and
- Ability to deal with stress and fatigue.

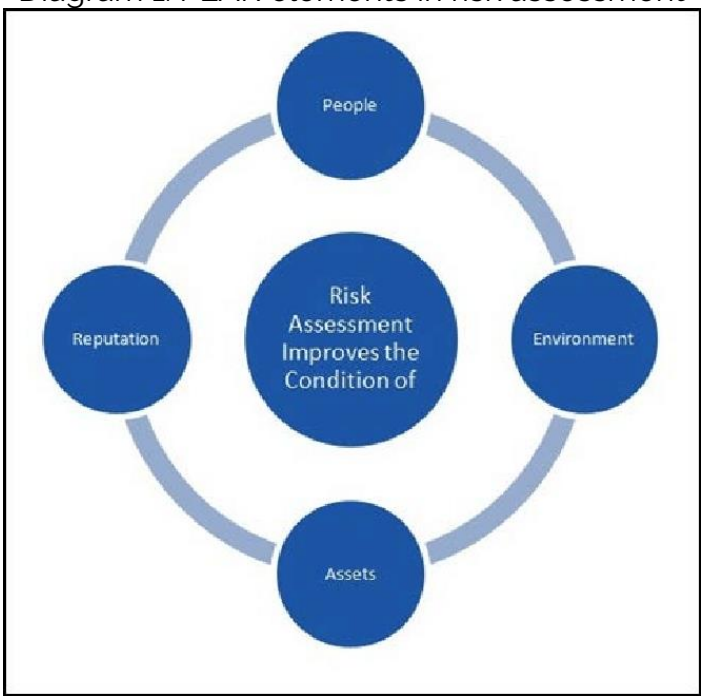
Because of a series of major aviation accidents over thirty years ago, without a primary technical cause, investigators were forced to look for other contributing factors. The aviation industry was fortunate to have one invaluable source of information, namely the cockpit voice recorders that had been built into modern jet aircraft. Analysis of the conversations suggested failures in leadership, poor team co-ordination, communication breakdowns, lack of assertiveness, inattention, inadequate decision making, and personal limitations, usually relating to stress and fatigue (Beaty, 1995). As a result of these major aviation incidents and advances in the understanding of human factors, the implementation of Crew Resource Management (CRM), a socio-technical system-thinking approach to the management of operational risk has assisted aviation to become one of the safest forms of transport (Stanton, Li and Harris 2019). It should be noted that for holistic results, CRM could and probably should be applied beyond the workplace and into how workers live, rest and sleep for example.

From an ILO perspective, an ERR is a high-stress environment and ILOs need to possess the above attributes in order to be able to perform effectively in this environment. To understand how an ILO may perform in this environment a blend of simulated experience, aligned with the CRM system-thinking approach would be beneficial to obtain and analyse performance data. The EILU have produced a guidance document to assist ILOs in the first instance. (see Appendix B).

8. Selection of Key Personnel for Critical Roles

The development of the PEAR acronym is key in this line of work with the "P" for people always being the primary focus. See diagram 1 below:

Diagram 1: PEAR elements in risk assessment



(Kashwani, Ghanim and Neilsen, 2017)

However, how do you ensure you select and develop the appropriate people to hold critical positions in emergency response situations? There must be some measures and indicators to establish a base level. Competence, culture, job knowledge and understanding of occupational roles are arguably a prerequisite list of fundamental qualities required to achieve a successful conclusion in a high stress environment.

Competence can be defined as 'possessing the necessary skills, experience, knowledge and attitude, and being able to apply them in a particular work environment to perform defined tasks to a predefined standard' (OGUK, 2010).

> *"There is a role for regulatory law and a role for government action. But these roles should be predominantly concerned not with detailed prescription for innumerable day-to-day circumstances but with influencing attitudes and creating a framework for better safety and health organisation and action by industry itself".*
> (Todd, Whewell 1996)

Rauner (2007) argues that 'practical knowledge' is gradually acquired within a job role through experience and becomes integrated with theoretical knowledge. It ultimately

allows the 'expert' to solve novel 'non-structured' tasks. However, how do you build experience with so few incidents to learn from or participate in? Is simulating sufficient, or just the best that is available?

According to Debling and Hallmark (1990), truly competent sustainable performance over variable situations requires well-developed understanding in the occupational role. It can be argued that there are advantages of combining goal setting competence and creating a framework to influence culture. For example, the decision-making theory, Recognition-Primed Decision-making (RPD: see Klein, 1989), which is based on findings from 10 years of research with operational commanders (e.g., fire service, military) could be described as a goal setting method. The theory emphasises that courses of action are derived from a rapid assessment of a situation.

In the majority of cases, an experienced commander will recall a single course of action as part of recognising a situation to be typical and will quickly run through this option by a process of mental stimulation to assess its implications before it is put into action. If the plan is deemed problematic, then an attempt will be made to modify or adapt it before it is rejected. If there are good reasons for rejecting the plan, the commander will re-examine the situation to generate a second course of action – though, as Klein (1993) pointed out, this is unusual. To the decision maker, strategic or naturalistic decision making (such as RPD) feels like an intuitive response rather than an analytical judgement of alternative options.

The RPD model has served decision-makers well over the years, however, on review of non-technical skills, there must be a balance where people feel empowered to challenge senior management decisions in an appropriate manner, if required. To achieve this, people need to feel confident and supported to be assertive in these situations which requires a positive, inclusive company culture.

The Health and Safety Executive use the following definition:

> *"The safety culture of an organisation is the product of individual and group values, attitudes, perceptions, competencies, and patterns of behaviour that determine the commitment to, and the style and proficiency of, an organisation's health and safety management. Organisations with a positive safety culture are characterised by communications founded on mutual trust, by shared perceptions of the importance of safety and by confidence in the efficacy of preventive measures."*
> (HSE 1999).

It is not being suggested that the assessment of police ILOs requires to be as stringent as the process for OIMs or indeed submarine captains because they are not comparable roles, however, the principles set out by Christopher Blaydon in relation to ensuring assessments are meaningful with a consequence require to be considered. His comments in relation to Major Emergency Management simulation are also fundamental and should form part of any assessment process being considered.

9. Onshore Emergency Response Rooms (ERR)

Support from onshore is essential to enhance cooperation and ensure there is a common shared strategy for a positive outcome. To that end, onshore emergency response teams have evolved and are required to test and exercise on a regular basis, as per guidance from the Health and Safety Executive (HSE). Becoming accustomed to surroundings, people, and process will prepare individuals to deal more effectively with emergency situations if required. There are several internal and external contributors to an ERR and terminology appears to be dependent on company preference. For example, you might attend within an ERR and speak to an Emergency Response Team (ERT) or an Incident Management Team (IMT). You may be introduced to a Duty Manager (DM), Incident Commander (IC), Ops Section Chief, etc. From an EILU perspective, energy companies have a set of acronyms, MCA similarly and police likewise. It should be a consideration to ensure consistency of terminology / language which would help familiarise the environment. The importance of testing and exercising cannot be over emphasised. Generally, there is a testing and exercising regime consisting of a weekly offshore exercise and monthly onshore exercises which test the ability to respond to a variety of Major Accident Hazards (MAH).

Safe working practices off / onshore require to be maintained, even during a pandemic. The HSE have the ability to visit oil and gas companies to inspect competence in emergency response, and this message has been conveyed very clearly by the HSE Emergency Response, Marine & Aviation Operations, and Energy Division (Offshore). As well as weekly and monthly testing and exercising, operators who produce oil and gas on the UKCS require to demonstrate competence on a three yearly basis in a pollution scenario in order to obtain and keep their licence to operate. The Secretary of State's Representative (SOSREP) is a civil servant appointed to oversee the UK's emergency response in order to reduce the environmental impact and financial cost of maritime disasters. Although appointed by the government, s/he is independent and impartial. This is another important requirement to highlight as it is possible the operator has not experienced any pollution incidents over the three-year period. It is commendable that this level of testing and exercising is required to ensure the operator is in a position to maintain and demonstrate competence at this level.

Police should consider working with renewable energy emergency response leads to understand current and projected emergency response provision.

10. Role of the EILU

The EILU is responsible for ensuring Police Scotland are prepared to deal with an offshore energy emergency, including the administration of training for personnel to attend offshore. A cadre of Officers in Scotland have received Basic Offshore Safety Induction and Emergency Training (BOSIET). These officers also hold valid OGUK medical certificates meaning they can travel offshore to an oil and gas asset as and when required. This is not replicated across the UK. In relation to the oil and gas industry, police officers require to have the BOSIET and OGUK medical to travel by helicopter. To travel offshore to an Offshore Renewable Energy Development (ORED), officers would require to complete the GWO Basic Safety Training which consists of sea survival, fire awareness, first aid, and working at height. A further medical including the Chester Step test is also required.

In October 2019, the EILU undertook an internal review to ensure it was fit for purpose due to the obvious and immediate topic of renewable energy. There was no formal EILU manual, and processes were very much within the previous post holders head to some degree. It was unclear who set the standard for ILOs and this seemed to be an internal process where the person with the most knowledge decided if people were competent or not.

No EILU staff had received formal training to assist ILOs develop their competence, although there is no doubt the officers performing the role were competent. This could be viewed as satisficing (deciding on and pursuance of a course of action that will satisfy the minimum requirements necessary to achieve a particular goal). Herbert Simon's concept of satisficing has been offered as a general metaphor to describe conventional decision making. He saw the satisficing notion as an alternative to the common economic assumption that people expend whatever effort is required in order to maximise the profits they reap from their decisions. When faced with a demanding information-processing task, Simon suggested, people often expend only the effort necessary to make a satisfactory or acceptable decision (Simon, 1957). To bring a level of consistency and uniformity to any process there requires to be a standard. In this case it is recommended any standard is applied nationally (UK wide) in order to provide a consistent approach to emergency preparedness. However, this is an operational decision for police services across the country.

Currently no police officers have undertaken the GWO training however there is an offer from a major renewable energy company to provide training across the UK. At the time of writing there has been no request for police officers to attend on an ORED, however it would seem prudent to take the learnings from the oil and gas industry and consider the training requirements from an emergency preparedness perspective. The role profile for an ILO does not require them to be trained to attend and deal with the criminal investigation phase, however consideration should be given to provide the training to a small number of ILOs in order to ensure improved understanding of the environment and add credibility to the emergency preparedness / exercise regime. This is an area that requires attention and therefore police services with an offshore energy remit should consider reviewing their capabilities to deploy suitably trained officers offshore

including relevant health and safety requirements such as BOSIET / GWO / Medical certification.

11. Conclusion

Because of the nature of the oil and gas industry and the challenges faced, an extensive body of industry research exists on the subject of emergency response and the requirement for regulation, training, and assessment with a clear documented path bringing us to 2021. The industry has a clear focus that during an offshore energy emergency, the OIM and their team are the absolute priority to ensure the wellbeing of all persons. The development of renewable energy is following a similar path with the exception being, at the time of writing, no major incidents have occurred on the UKCS.

The importance of selecting, training, and assessing key personnel, including OIMs was highlighted by the Lord Cullen report and addressed accordingly. Having reviewed existing research it is clear that having national governing bodies such as OGUK to represent the industry alongside a recognised accredited standard brings structure and cohesion. On a similar vein, it can be argued that because the EILU has accrued over thirty years' experience in the oil and gas industry, it is in a good position to represent and support any policing transition in the offshore energy industry across the UK. Energy transition is a crucial area of business with ambitious 'net zero' targets being pursued. Because of the speed of transition, the EILU should build on its extensive industry experience and ensure the police emergency preparedness evolution into alternative energy sources is resilient, efficient, and competent. To achieve this, Police Services across the UK require to be engaged in the process.

The EILU are already represented at national level and chair the National Police Chiefs Council (NPCC) Offshore Energy and Critical National Infrastructure Working Group. As the renewable energy sector grows there is a real opportunity to build and implement an efficient, consistent policing process across the UK. To assist with this transition, the EILU have developed a national ILO role profile which could be shared across the UK. In relation to the selection and assessment of ILOs, police services with an offshore energy responsibility should consider discussing a national process to ensure the role is performed to a consistent level across the country. It is clear that an ILO does not require to be assessed to the same standard as an OIM or maybe even a police search officer. However, as an ILO will be pivotal to a Police Area Commander in the early stages of forming strategies and allocating resource there should be a national understanding and agreement as to what is expected of an ILO and the occupational and operational competence required.

The existing role profile for an ILO and oil and gas industry assessment criteria should be considered to ensure previous research is acknowledged and learning acted upon. Police services throughout the UK should be required to train and assess a small cadre of ILO co-ordinations who can be deployed at a complex incident which may require several ILOs at numerous locations. The co-ordinator role requires a higher level of experience and knowledge in the energy industry emergency preparedness environment. In addition to

general ILO training these persons require to develop and maintain a more in-depth knowledge of energy industry processes.

Selection, training, and assessment of these individuals is crucial to ensure police provide the optimum level of assistance and cooperation with all parties in the energy industry during an emergency response incident. Regular engagement with existing and new partners must be encouraged at every opportunity. This will allow police to be invited to, and participate in, the testing and exercising regime as a trusted partner of the energy industry. Individual police services are encouraged to examine the manner in which they provide emergency preparedness reassurance to the offshore energy industry and consider consolidation such as a UK wide role profile for the ILO post.

Failure to deliver in this area of modern policing could have profound and unacceptable consequences for the reputation of police services across the UK.

11. Glossary

ALARP	As Low As is Reasonably Practicable
BEIS	Department for Business, Energy and Industrial Strategy
BOSIET	Basic Offshore Safety Induction and Emergency Training
DUTY HOLDER	The operator in the case of a fixed installation
EPOL	Emergency Preparedness, Offshore Liaison
ERR	Emergency Response Room
ERT	Emergency Response Team
EILU	Energy Industry Liaison Unit
GWO	Global Wind Organisation
HSE	Health and Safety Executive
IADC	International Association of Drilling Contractors
IC	Incident Commander
IOER	Integrated Offshore Emergency Response
IOER-R	Integrated Offshore Emergency Response - Renewables
ILO	Police Incident Liaison Officer
IMT	Incident Management Team
JESIP	Joint Emergency Services Interoperability Principles
MAH	Major Accident Hazard
MCA	Maritime and Coastguard Agency
MRCC	Maritime Rescue Coordination Centre
OPITO	Offshore Petroleum Industry Training Organisation
ORED	Offshore Renewable Energy Development
OGUK	Oil and Gas UK (now referred to as Offshore Energy UK (OEUK)
OIM	Offshore Installation Manager
PEAR	People, Environment, Asset, Reputation
PFEER	Prevention of Fire, Explosion and Emergency Response Regulations
PSOS	Police Service of Scotland
RPD	Recognition-Primed Decision Making
SAFETY CASE	A written demonstration of evidence and due diligence provided by a corporation to demonstrate that it has the ability to operate a facility safely and can effectively control hazards.
UKCS	UK Continental Shelf
SOSREP	Secretary of State's Representative

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David Cowie

Appendix A

Policing Professional Profile

EILU Incident Liaison Officer

Job Family:	**Operational Support**
Sub group:	**Energy Industry Liaison Unit**
Level:	**Service Deliverer**
Code: ***(for college use only)***	**OPS-EILU-SD EILU Incident Liaison Officer v0.2**

Role Purpose
(This section summarises the key function of the role)

An Incident Liaison Officer (ILO) assists in the response to an offshore incident. An ILO is generally required when 'people' issues are the focus of the incident and will usually be deployed to the onshore Emergency Response Room of the company reporting the incident.

Key Accountabilities
(This section details the key responsibilities required of the role)

- Obtain as much information as possible from the Area Control Room (ACR) when first deployed to establish a thorough understanding of the incident.
- Request a briefing from the Incident Room Manager (IRM) on arrival at the Emergency Response Room (ERR), ensuring this includes building induction and safety, ERR protocols and an incident update to maintain up to date knowledge of the circumstances of the incident.
- Establish nature, scale and location of incident by ensuring the Incident Management Team (IMT) provide a full update on the situation in order to update the ACR or ILO coordinator and consider if additional ILOs should be deployed.
- The first ILO on scene will co-ordinate the management and deployment of other ILOs, if requested, until the ILO Co-ordinator is deployed in order to ensure an appropriate response to incidents.
- Explain the role of the ILO during the first “Time Out” in the ERR and ensure all other personnel are aware of the function of the role and of police priorities in regards to the incident.

- Obtain Vantage Personnel on Board (POB) and PAX **(**refers to helicopter or fixed wing asset**)** lists to reconcile this with the information known at the time and ensure it is relayed to either the ACR Inspector or ILO coordinator.

- Facilitate police notification to next of kin in the event of death, serious injury likely to lead to death, or of missing persons by ensuring that the company does not release any statements or confirmation of death from the incident without prior consultation with force corporate communications department and Senior Investigation Officer (SIO).

Behaviours
(Outlines the behavioural requirements of the role)

All roles are expected to know, understand and act within the ethics and values of the Police Service of Scotland.

The Competency and Values Framework (CVF) has six competencies that are clustered into three groups. Under each competency are three levels that show what behaviours will look like in practice.

It is suggested that this role should be operating or working towards the following levels:

Resolute, compassionate and committed	
We are emotionally aware	Level 1 / 2
We take ownership	Level 1 / 2
Inclusive, enabling and visionary leadership	
We are collaborative	Level 1 / 2
We deliver, support and inspire	Level 1 / 2
Intelligent, creative and informed policing	
We analyse critically	Level 1 / 2
We are innovative and open-minded	Level 1 / 2

Education, Qualifications, Skills, and Experience
(Outlines the skills and educational and qualification requirements to be able to fulfil the role)

Prior education and experience:

- Be successful in the application process
- Complete the initial ILO Training Course
- Previous experience of the oil, gas and renewable energy industry would be of benefit but not essential.

Skills:

- Good communication skills with the ability to listen, empathise, provide support and adapt language, form, and message to meet the needs of different people / audiences.
- Skilled in the use of IT packages, systems and/or databases to fulfil role requirements.
- Able to break down a complex problem into component parts and determine appropriate action in investigations.
- Ability to work effectively in a team to achieve shared objectives, demonstrating awareness of individual differences and providing support and advice as required.
- Able to review own performance objectively and to develop and follow an appropriate improvement plan.
- Able to appropriately prioritise and plan own work.
- Able to proactively develop effective working relationships with colleagues, partners and other stakeholders.
- Able to produce clear and concise reports and other documents within best practice procedures.

Continuing Professional Development (CPD)
(Outlines continuing professional development activities which will enable the individual to maintain and enhance competence in the role)

- Attend Offshore Search and Rescue Management (OSARM) Course
-

Professional Registration/Licences
(Outlines any ongoing registration or licensing requirements of the role)

Links to other profiles
(Indicates links to NPoCC role profiles, or other professional profiles which should be read in conjunction with this professional profile, please not this may not be exhaustive)

Appendix B

Policing the Offshore Energy Industry

Guidance for Incident Liaison Officers

Owning Department:	Operational Support Division, Emergency, Events and Resilience Planning, Energy Industry Liaison Unit
Version Number:	1.00 (to be published as version 1.00)
Date Published:	13/11/2020

Version Control Table

Version	History of Amendments	Approval Date
1.00	Initial Approved Version	13.11.2020

CONTENTS

1. Purpose

The purpose of this document is to provide guidance to Incident Liaison Officers (ILO) when responding to an offshore incident. It is not a list of definitive actions that must be carried out, but it will provide guidance on how to deal with offshore incidents in the event a call is received.

2. Initial Reporting of an Offshore Incident

The Police Scotland (PS) Energy Industry Liaison Unit (EILU) is responsible for Emergency Preparedness in an offshore environment.

PS EILU operates during office hours only. Out of office hours, functionality is provided by Police Scotland Operational Support Division (OSD) Emergency Procedures Advisors (EPA).

Energy Companies reporting an offshore incident have been advised by PS EILU to follow the below process:

In an Emergency

Call the Police Scotland Service Centre on **0141 278 4397 or 0131 203 7914** (Dedicated Industry Offshore Emergency Telephone) or on **999.**

Non-Emergency

Police Scotland Service Centre on **101**.

The PS Service Centre will create an incident and transfer it directly to the North Area Control Room (North ACR) where offshore incidents are managed.

The HM Coastguard, Maritime and Coastguard Agency (MCA) are the first responders to an offshore emergency and will have already been advised by the Offshore Installation Manager (OIM). The MCA will contact the PS Service Centre to advise of any significant incident.

The company should notify the Police of the incident and inform them that their Emergency Response Room (ERR) had been mobilised, if required.

The Company should be in a position to provide answers to the following questions.

- **What is the name/nature of the asset?** (E.g. Drilling Rig, Floating Production Storage and Offloading (FPSO) or Fixed Platform, etc.)
- **Where is it located?**
  (It should be described in miles from the coast of Aberdeen/Shetland etc. and in flying time from Aberdeen. Once known, the Block Number and Latitude/Longitude should also be provided)

- **What has actually happened? (Fire/Explosion/Helicopter Incident etc)** (Give as much information as possible, as the Police will use this information to make an initial assessment);
- **Which company has primacy for the Emergency Response and where is it being managed from? (**e.g. If another company is responding on behalf of the Well Operator or Installation Operator, it should be made clear where the onshore emergency response is being managed from

- **Who is the Well Operator and/or Installation Operator?**
- **What is the POB (Person on Board) / PAX (Helicopter or Fixed Wing assets) number?**
- **What is your name/contact number?** (The person giving intimation may be provided with an alternative direct contact number for the North ACR, a contact name and told to call back with any update. Depending on the urgency, the North ACR may immediately confirm that they will dispatch an ILO.

The company representative must be able to provide a contact name for a person the ILO can ask for on arrival at the company or other location and ensure their Reception is aware.

On arrival at the ERR, the ILO will require a briefing on the following

- Building Induction and Safety
- ERR protocols (how the room operates in terms of time outs, completion and submission of log sheets and instruction in relation to the use of the telephone and/or any other IT system)
- Incident update (the circumstances may have changed significantly between the Officer being deployed and their arrival.

The use of acronyms by all parties should be avoided.

1. Incident Liaison Officer (ILO) Role

An ILO is deployed either at the request of a company representative or on behalf of the relevant PS Divisional Commander or, if appropriate, a force in England/Wales and will be reporting back to their Police Operations Control Centre (POCC) / Tactical Command.

ILOs are generally required when 'people' issues are the focus of the incident.

Immediate requirements placed on the ILO arriving in an ERR are to:

- Establish nature, scale and location of incident. Ensure the Incident Management Team (IMT) provides a full update on the current situation.
- Establish Operating Company/Duty Holder/Contractors/Helicopter provider details.
- Update relevant Police Service Control Room/Host Force POCC or their ILO Co-ordinator.
- Consider if it would be of benefit to deploy additional ILOs to other locations e.g. Helicopter Operator, Contractor Companies.
- Obtain the Vantage Personnel On-board (POB) lists. One of them should include home addresses / Next of Kin (NOK) etc.

- Obtain the PAX list. This list contains details of passengers who were on-board the helicopter if it's a travel related incident.

The ILO should have access to a landline telephone and record actions on the relevant company's admin system. This is usually done by an ILO completing paper action log sheets and submitting them through the companies ERR Team Lead to be recorded by the Admin/Log Keeper.

It is essential, that ILOs also update the relevant STORM incident.

Others in the room will/may be

- ERR Team Lead
- Site Contact - only person who converses with the Offshore Installation Manager (OIM) on the platform
- Technical experts
- Media - ILOs should have good dialogue with Media to ensure all suggested media releases are reviewed by a PS media specialist prior to release
- HR - ILOs should be sat next to HR representatives to discuss people related matters and
- Admin/Log Keeper

As well as dealing with the immediate reconciliation of personnel, the ILO should be asked to view Press releases being issued by the company. Contact should also be made with PS Media, so that consistent messages are being issued.

Once a death has been confirmed (or it is likely with the presented circumstances) the company should not be releasing any statement without prior consultation with the investigating Police Service's Senior Investigating Officer (SIO) and their corporate communications department.

Police will notify individuals' NOK when there is a death, serious injuries likely to result in death or when people are missing. All the other categories should be progressed by the relevant company.

Before Police notify NOK, they require a Notification of Death/ Missing Person form to be completed by the OIM and the Medic on board the asset. This should be sent to the ERR and passed to the ILO. NOK can only be notified once Police receive this document.

2. Offshore Oil and Gas Legislation

Due to the complexities around offshore legislation, legal advice can be sought from PS Legal Services, if required.

Section 21 of the Petroleum Act 1987 provides for the automatic establishment of safety zones extending 500 metres around oil and gas installations whilst they are engaged in the exploitation or exploration of mineral resources in or under the sea bed in the UK Continental Shelf (UKCS). The legislation also extends to installations while they are being constructed or dismantled on site. Section 23 of the Act covers offences where vessels enter or remain within safety zones unlawfully.

Subsea installations may also have safety zones, created by a statutory instrument, to protect them. These safety zones are a 500 meter radius from a central point. Vessels of all nations are required to respect this except in the circumstances listed below.

Essentially any vessel entering a safety zone makes the owner, master or others who have contributed to the offence liable

- on summary conviction, to a fine not exceeding the statutory maximum amount, currently £5000; and
- on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine which may be unlimited, or to both.

Exemptions to the offence described and when entering a safety zone may only apply under the special circumstances outlined below:

- to lay, inspect, test, repair, alter, renew or remove a submarine cable or pipeline in or near that safety zone
- to provide services for the installation, to transport people or goods to or from the installation, under authorisation of a government department, or to inspect any installation in the safety zone
- if it belongs to a general lighthouse authority and is performing duties relating to the safety of navigation
- to save or attempt to save life or property
- owing to bad weather
- when in distress.

A vessel can also enter a safety zone if the order that created it makes provision for it or with the consent of the Health and Safety Executive.

Section 10 of the Petroleum Act 1998 extends UK criminal law to cover acts or omissions that take place on, under or above an offshore oil and gas installation in the UKCS or in waters within 500 metres of any such installation and would if taking place in any part of the UK constitute an offence under the law in that part, shall be treated for the purposes of that law as taking place in that part.

(Note – Sections 21-23 of the 1987 Act relate specifically to the establishment of safety zones and related offences whereas Section 10 of the 1998 Act makes no mention of safety zones.

Although both refer to waters extending 500 metres around installations, Section 10 of the 1998 Act is not conditional to the establishment of a safety zone and provides the Police with the jurisdiction to investigate all relative offences.)

Section 11 of the Petroleum Act 1998 extends UK civil law to relevant waters in the UKCS.

Sections 3 and 4 of the Criminal Jurisdiction (Offshore Activities) Order 1987 provide jurisdiction to Police Forces on, above and under oil and gas installations in the UKCS and within waters extending 500 meters around such installations.

Jurisdiction of UK Police Forces with coastal borders include the area of territorial seas adjacent to the coastline, commonly referred to as the 12-mile limit. The pelagic sea area outside the UK territorial seas and 500 metre zones of such installations are classified international waters or high seas.

International waters do not belong to any state jurisdiction and this is known as the doctrine of Mare Liberum. No country can claim sovereignty over international waters, according to the United Nations Convention on the Law of the Sea (UNCLOS).

Regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations defines an offshore installation as:

(1) a structure which is, or is to be, or has been used, while standing or stationed in relevant waters, 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 the storage of gas in or under the shore or bed of relevant waters or the recovery of gas so stored;

(c) For the conveyance of things by means of a pipe; or

(d) Mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this paragraph, and which is not an excepted structure.

(2) the excepted structures are -

(a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;

(b) a well;

(c) a structure or device which does not project above the sea at any state of the tide;

(d) a structure which has ceased to be used for any of the purposes specified in paragraph (1), and has since been used for a purpose not so specified;

(e) a mobile structure which has been taken out of use and is not for the time being intended to be used for any of the purposes specified in paragraph (1); and

(f) any part of a pipeline.

(3) For the purposes of these Regulations there shall be deemed to be part of an offshore installation

(a) any well for the time being connected to it by pipe or cable;

(b) such part of any pipeline connected to it as is within 500 metres of any part of its main structure;

(c) any apparatus or works which are situated –

(i) on or affixed to its main structure; or

(ii) wholly or partly within 500 metres of any part of its main structure and associated with a pipe or system of pipes connected to any part of that installation.

(4) Where two or more structures are, or are to be, connected permanently above the sea at high tide they shall for the purposes of these Regulations be deemed to comprise a single offshore installation.

3. Renewable Energy Legislation

Energy Act 2004

Section 84 - Exploitation of areas outside the territorial sea for energy production

(1) The rights to which this section applies shall have effect as rights belonging to Her Majesty by virtue of this section.

(2) This section applies to the rights under Part V of the Convention that are exercisable by the United Kingdom in areas outside the territorial sea-

(a) with respect to the exploitation of those areas for the production of energy from water or winds;

(b) with respect to the exploration of such areas in that connection; or

(c) For other purposes connected with such exploitation.

(3) The other purposes so connected include, in particular, the transmission, distribution and supply of electricity generated in the course of such exploitation.

(4) The area within which the rights to which this section applies are exercisable (the Renewable Energy Zone)

(a) is any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009 (exclusive economic zone), but

(b) If Her Majesty by Order in Council declares that the Renewable Energy Zone extends to such other area as may be specified in the Order, is the area resulting from the Order.

(5) The Secretary of State may by order designate the whole or a part of a Renewable Energy Zone as an area in relation to which the Scottish Ministers are to have functions.

(6) Orders in Council under this section, and orders under subsection (5), are subject to the negative resolution procedure

(7) In this section-

"the Convention" means the United Nations Convention on the Law of the Sea 1982 and any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom; "exploration" includes the doing of anything (whether by way of investigations, trials or feasibility studies or otherwise) with a view to ascertaining whether the exploitation of an area is, in a particular case, practicable or commercially viable, or both.

Section 85 - Application of criminal law to renewable energy installations etc.

(1) Her Majesty may by Order in Council provide that acts and omissions which-

(a) fall within subsection (2), and

(b) would, if they took place in a part of the United Kingdom, constitute an offence under the law in force in that part, are to be treated for the purposes of that law as taking place in that part.

(2) An act or omission falls within this subsection if it takes place on, under or above -

(a) a renewable energy installation situated in waters to which this section applies; or

(b) waters to which this section applies that are within a safety zone.

(3) Her Majesty may by Order in Council provide that a constable is to have -

(a) on, under and above a renewable energy installation situated in waters to which this section applies, and
(b) on, under and above any waters to which this section applies that are within a safety zone,

all the powers and privileges that he has in the area of the force of which he is a member.

(4) Subsection (3) is in addition to any other enactment or any rule of law or subordinate legislation conferring a power or privilege on constables; and this section is to be disregarded in determining the extent of those other powers and privileges.

(5) The waters to which this section applies are-
(a) tidal waters and parts of the sea in or adjacent to Great Britain up to the seaward limits of the territorial sea; and
(b) waters in a Renewable Energy Zone.

(6) Proceedings for anything that is an offence by virtue only of an Order in Council under this section may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

(7) In this section subordinate legislation includes an instrument made under an Act of the Scottish Parliament.

APPENDIX A

ILO CHECKLIST

1. Obtain as much information as possible from the Area Control Room (ACR) when first deployed.

2. Obtain full briefing from the Incident Room Manager upon arrival at the Company Emergency Response Room (ERR).

3. Make sure you introduce yourself at the first "Time Out" and explain the ILO Role, why you are there and the Police priorities in regards to the incident.

4. Ensure you have a copy of the POB or PAX List.

5. Relay all information you receive to either the ACR or ILO Co-Ordinator (when appropriate).

6. Consider ILO deployment to other locations, such as The HM Coastguard, Maritime and Coastguard Agency (MCA) or Contractor Companies.

7. If applicable, liaise with Contractor Company Reps who may arrive at the ERR.

8. Have sight of and liaise with relevant Police Media Department to review statements as they are produced by the Media Rep in the ERR.

9. If a Reception Centre is to be established, ensure you are fully briefed and familiar with the arrangements and relay all the information to the ACR Inspector/ILO Co-Ordinator.

10. Consider any requirement to deploy suitably trained Officers offshore.

11. Other considerations may be applicable, dependant on circumstances and nature of incident. In that case, your judgement will be key and if in doubt, seek advice from the ILO Co-Ordinator or ACR Inspector.

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