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Does UK health and safety law apply to offshore wind farms?

Up until now, there has been a lack of certainty about the application of the UK health and safety regime to offshore wind farms situated more than 12 nautical miles from the UK coastline (the boundary of the UK territorial sea). New rules come into force on 5 August 2009 to clarify the law.

From 5 August, the Health and Safety at Work Act 1974, the cornerstone of UK health and safety law, will apply to wind farms within renewable energy zones designated under the Energy Act 2004, as well as those within UK territorial waters. In general terms, any owner or operator of an offshore wind farm will need to take all reasonably practicable steps to ensure the health, safety and welfare of employees and contractors working on that wind farm. Many of the more detailed UK health and safety regulations will also apply.

The new law applies to a wide variety of activities associated with "energy structures" such as: wind turbines; any cable or other apparatus linking the turbines to the mainland; and accommodation provided for construction workers. Activities which are covered include:

- Construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any wind turbine;
- The transfer of people or goods between a vessel or aircraft and a wind turbine or related structure;
- The loading, unloading, fuelling or provisioning of a vessel; and
- Diving projects associated with any of these activities.

For further information on what these changes mean for your organisation, please contact:

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