

**AANNEX M (ANNEX E)****INSPECTION OF MILITARY DIVING****GENERAL**

1. This annex provides additional information regarding the application of the Diving at Work Regulations 1997 (DWR 97) to military diving and outlines HSE's inspection policy with respect to this activity.

**APPLICATION OF THE LAW**

2. Regulation (3)(1)(b) of the Diving at Work Regulations 1997 dissapplies the regulations for *operations in which members of the armed forces of the Crown or of a visiting force are engaged in warfare or training for warfare.*

3. The MoD has acknowledged that some diving activities are clearly not "warfare or training for warfare" and should not be exempt from DWR97. The following definitions have been agreed:

a. Activities which are not considered to be "warfare or training for warfare"

Initial diver training.

Underwater engineering and commercial contracts by military divers unless within an active theatre of operations or in support of the National Deterrent.

Experimental/Trials Diving (human testing)

Experimental/Trials diving (equipment testing except special to task war fare equipment).

Adventurous training

Submarine Escape Training Tower (SETT)

Helicopter Underwater Escape Training Unit (HUET)

b. Activities which are considered to be "warfare or training for warfare"

Mine Countermeasures/ Very Shallow Water Operations/Explosive Ordnance Disposal - specialist training, continuation training and operations.

Special Forces diving - specialist training, continuation training, operations

Army - specialist training, continuation training and combat diving operations

Underwater engineering/repair in an active theatre of operations or when conducting specific pre-deployment training for such tasks.

Diving in support of the National Deterrent

Search and Rescue (SAR)

- c For occasions when a diving activity does not fall within one of the categories above, the MoD Superintendent of Diving will decide whether or not the activity falls within the definition of "warfare or training for warfare" and issue the appropriate instruction/dispensation.
4. Notwithstanding the above, all Military Diving will be conducted under the auspices of the Military Diving Manual (BR 2806). As previously agreed with HSE, for activities carried out under DWR97, the Military Diving Manual will effectively be used as the Approved Code of Practice (ACoP) for military diving although it will not have the same legal status. The only exception to this will be authorised Adventurous Training which will be carried out in accordance with (iaw) the Recreational ACoP.
5. A key point is that all military diving will be conducted iaw BR 2806 and that at the working level, diving teams will not be required to make decisions regarding the application or otherwise of DWR97 or make changes to their plans or procedures as a result. Military divers and supervisors will not be expected to have copies or detailed knowledge of DWR97 or associated ACoPs. Where necessary, the requirements of the regulations and appropriate guidance from relevant parts of the ACoPs (and other HSE/industry guidance) will be incorporated into BR 2806.
6. A similar situation will exist for Adventurous Training (AT) diving which will continue to be conducted iaw Joint Service Sub-Aqua Diving Regulations (JSSADR) and British Sub-Aqua Club (BSAC) Safe Diving Practice. This will be the case for all sport diving by service personnel although some will be "at work" and some will not. The former will generally be authorised Adventurous Training where personnel are considered to be "on duty" and the latter will be service club diving out of working hours when personnel are not considered to be on duty. Again, the requirements of DWR97 and the Recreational ACoP will be reflected in the service manual.
7. Military diving will be considered to be a separate "class of diving" under the DWR97 and military diving qualifications will be listed under this class in the List of Approved Diving Qualifications (DW97 Regulation 14(1))
8. Diving medical examinations for military divers carried out by MoD approved doctors will be accepted under DWR97 Regulation 15(6)

## **INSPECTION ARRANGEMENTS**

9. Specialist Diving Inspectors from HSE's Hazardous Installations Directorate Offshore Division (HID/OSD) regulate all "at work" diving activities in the UK and may carry out pre-planned or reactive inspections of military diving operations in accordance with the procedures laid down in Annex A to the General Agreement.

## **DIVER TRAINING**

10. The Defence Diving School (DDS) in Portsmouth is responsible for almost all military diving training and will be subject to an HSE inspection approximately every 3 years. While DDS is not an HSE Approved Diver Training and Assessment Centre, military diving qualifications are now accepted for use by commercial divers in several industry sectors and are listed in HSE's List of Approved Qualifications. As such, HSE's Diving Operations Strategy Team (DOST) will retain close links with the school with regard to the training and certification of divers.

## **DISPUTE RESOLUTION**

11. Disagreements between MOD and HSE about the application of this Annex that cannot be resolved locally should be referred through the chain of command/line management for discussion at the HSE/MOD Joint Liaison Committee (JLC), if necessary.