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Ministry
of Defence

JSP 433
MOD Diving Safety Policy

Part 1: Directive

JSP 433 Pt 1 (V2.0 Jan 15)

Foreword

The Secretary of State for Defence (SofS) through his Health, Safety & Environmental Protection (HS&EP) Policy Statement requires each Top Level Budget Holder or Trading Fund Agency Chief Executive to be the Senior Duty Holder for the safety of defence activities conducted in their area of responsibility in addition to their wider HS&EP responsibilities. They are required to set down and implement HS&EP management arrangements for activities in their area of responsibility. The policy statement also requires there to be organisational separation between those who conduct defence activities and those who provide regulation, so that the latter are independent whilst being part of the Department.

As Director Defence Safety & Environmental Authority (DSEA), I am responsible for providing defence regulatory regimes for HS&EP in the Maritime domain where there are exemptions, derogations or dis-applications from legislation or where UK legislation does not apply. The regulations set out in this JSP are mandatory and full compliance is required. It is the responsibility of commanders and line managers at all levels to ensure that personnel, including contractors, involved in the management, supervision and conduct of defence activities are fully aware of their responsibilities.

The Defence Maritime Regulator Team leader (DMR TL) is empowered to develop and promulgate the regulatory regime for the Defence Maritime domain and enforce these regulations.

JCS Baker
Director Defence Safety and Environment Authority
Defence Authority for Health Safety and Environmental Protection

Preface

How to use this JSP

1. JSP 433 sets out the Defence Regulations to be adopted for diving activity conducted under the auspices of the Ministry of Defence. It is to be used by staff responsible for such activity. This JSP contains the regulations, policy, direction and guidance on the governance structures, risk responsibilities and safety management system and guidance on the processes involved and best practice to apply safe procedures for diving activity. This JSP will be reviewed at least annually.
2. The JSP is structured in Two Parts:
 - a. **Part 1 – Directive.** Directive which provides the direction that must be followed in accordance with Statute, or Policy mandated by Defence or on Defence by Central Government.
 - b. **Part 2 - Guidance.** Which provides the Defence Codes of Practice (DCoP), that provide an acceptable means of compliance with the Defence Regulations. These Diving Manuals describe the way that MOD diving activities are regulated to conform to the statutory regulations (Diving at Work Regulations 1997) and are consolidated in BRd2806 as follows:

Related MOD Publications	Title
BRd 2806(1)	Regulations, Guidance, Training and the Theory of Diving
BRd 2806(2)	Air Diving
BRd 2806(3)	Mixture and Oxygen Gas Diving
BRd 2806(4)	Therapeutic and Medical Management of Diving
BRd 2806(5)	Joint Service Sub-Aqua Diving Regulations
BRd 2806(6)	Special Forces
JSP 430	Regulations for Management of Ship Safety and Environmental Protection
JSP 319	Joint Regulations for the Control and Storage of Gases

Further Advice and Feedback- Contacts

3. The owner of this JSP is the Director Defence Safety and Environment Authority. For further information on any aspect of this guide, or questions not answered within the subsequent sections, or to provide feedback on the content, contact:

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Record Of Change Issue	Authority	Date	Key Changes
JSP375, Leaflet 29	SSB	Jan 2002	Pelly Report to Ship Safety Board
JSP433, Issue 1	DSEA-DMR	Apr 2014	Formation of Defence Maritime Regulator
JSP433, Issue 2	DSEA-DMR	Jan 2015	Annual Review

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1 Regulatory Principles and Application

Scope

1. This JSP is the principal safety policy document for MOD Diving and Diving Related Activities, the Regulations in this JSP take precedence over all other documents relating to MOD diving safety management policy, unless they are enshrined in law and supersedes previously issued diving safety policy statements.
2. When used within this JSP, the term "Line Manager" refers to the person (Service or civilian) with direct responsibility for the safe conduct of the work activity. For military activities this will usually lie within the chain of command. These Regulations apply to all Ministry of Defence (MOD) staff, (Service and civilian), who are involved in any capacity with diving under MOD control.
3. **The Objectives of the Policy Are:**
 - a. to ensure that the highest practicable levels of safety performance are achieved across all MOD Diving and related activities and.
 - b. to ensure that hazards which may result in death, injury, ill health to divers or other parties, and damage to diving plant are identified and that corrective action is taken to reduce the residual risks to at least ALARP
 - c. to foster a just safety culture that seeks continuous safety improvements by learning from experience guided by safety performance management.
4. **The Aims of this Policy Document Are:**
 - a. to ensure that all MOD personnel engaged in diving and related activities are aware of the MOD policy and the requirements placed upon them in this regard.
 - b. to define individual and organisational responsibilities, including the requirement that the Department identifies appropriate levels of Duty Holders for diving operations and Diving Plant acquisition.
 - c. to guide senior managers and other Duty Holders in the discharge of their responsibilities to implement statutory requirements.

Leadership

5. Under United Kingdom law, all employers owe a duty of care to their employees, others who may be affected by their activities and the wider environment. The MOD has an obligation to manage the safety and environmental protection requirements associated with delivery military effect (design, construction and operation of military systems) when at peace and in war. A strong and just safety and environmental protection culture is key to achieving this and requires effective leadership, a positive attitude, clear accountability and commitment to safety and environmental protection at all levels of management. All employees and service personnel shall take reasonable care of their own health and safety and to take reasonable care not to put other people at risk by what they do or don't do in the course of their work.

Independent Regulatory Authority

6. The Secretary of State's policy statement imposes specific requirements in the areas of safety and environmental protection, which are discharged through a delegation to the Defence Safety & Environment Authority (see note), to establish departmental policy, standards, rules and, where appropriate, regulations for the management of safety and environmental protection. The Defence Maritime Regulator is part of the Defence Safety & Environment Authority, and sets safety and environmental protection regimes for all maritime activities, including MOD Diving, shipping, ports and harbours and water safety. The regulatory regime for MOD Diving is set by these regulations.

Note. Joint Service Publication (JSP) 815, Defence Health, Safety and Environmental Protection. Leaflet 01

People Empowered with Delegated Authority

7. Everyone involved in this Regulatory Regime shall be suitably resourced, developed to have the right competencies to discharge their role and, where appropriate, **authorised** through a safety and environmental protection delegation. Overall responsibility for safety and environmental protection within the MOD rests with the Secretary of State for Defence who has delegated authority to the Permanent Under Secretary the duty of ensuring that effective management arrangements are in place to comply with the policy. Top Level Budget Holders shall discharge their authority from the Secretary of State and their Permanent Under Secretary by cascading this authority as appropriate throughout their organisation, so that the safety of personnel and protection of the environment will be ensured.

Simplicity

8. When managing safety and environmental protection every opportunity shall be taken to target action on the highest risks and to simplify and sharpen documentation and advice so that it is clear and remains so. Recognised means of compliance with these **regulations** include compliance with the applicable policies of other safety and environmental regimes. It is important to ensure the occupational safety of people within the maritime domain (for whom a **ship** or harbour may provide a **safe** working environment) in compliance with JSP 430 and with JSP 375, the MOD Health and Safety Handbook, with environmental protection broadly addressed in JSP 418, the MOD Corporate Environmental Protection Manual. JSP 815 Chapter 2 shows the overarching relationship between policies and **regulations**.

Coherece with Other Defence Authority Policy and Guidance

9. Where applicable, this document contains links to other relevant JSPs, some of which may be published by different Defence Authorities. Where particular dependencies exist, these other Defence Authorities have been consulted in the formulation of the policy and guidance detailed in this publication. JSP 433 is a regulatory regime, set by DMR, within the policy set by JSP 815 and takes precedence over all other MOD documents relating to safety management and environmental protection for **MOD Diving**. JSP433 Part 1 presents clear regulations, complemented by these established codes of practice.

Intelligent Customer Capability

10. The MOD is subject to duties embodied in Sections 2 to 9 of The Health and Safety at Work etc. Act 1974, and other legislation, relating to the safety of a given undertaking. Therefore, the Secretary of State for Defence requires that health and safety risks are reduced to as low as reasonably practicable (ALARP). In order to declare risks are ALARP, the MOD must demonstrate an inherent and appropriate knowledge and understanding of the conduct of MOD diving activities.

11. Discharge of a part of MOD's duties through contractors does not in any way diminish the ultimate responsibility of the MOD. Therefore the MOD must remain a sufficiently intelligent customer, within the duty holder chain of delegation to be suitably in control of the undertakings assigned to each organisation and of staff under contract so it is able to assert that these regulations are met. This organisational capability will include the ability to understand and accept a Safety or Environmental Case, to authorise the risks and hazards identified within it, taking account of applicable evidence from contractors and, appropriate assurance from 2nd parties or Regulators. The required size of the organisational capability to be the controlling mind will depend on several factors, including the magnitude and severity of the hazards being managed, the complexity of the equipment, system, its novelty and the extent to which it might be used to the assessed limits or even beyond the standard operating limits

2 Introduction

1. The MOD conducts diving and related activities including the acquisition of diving plant and equipment and the conduct of diving operations undertaken by MOD personnel, both military and civilian, and by sub-contractors.

2. A sound and effective diving safety management system is key to achieving successful, harmonised diving safety performance across the organisation and to nurture a robust, inclusive safety culture. Under the overarching MOD Safety Strategy aim of preventing fatalities and minimising injury and ill-health to MOD personnel and those affected by MOD activities, the aim of the MOD Diving Safety Management System (DSMS) is to achieve the safest practicable operational and business performances that ensure that key operational capabilities are not lost, that morale is sustained, and that the costs of ownership are reduced. This in turn leads to increased operational availability and effectiveness.

3. The Defence Safety and Environment Authority (DSEA) has been charged with the responsibility for regulating safety and environmental protection regimes within the MOD. As the majority of MOD diving activity is conducted in the maritime domain, it is included in the DMR's area of responsibility. All MOD Diving activity safety performance will be monitored and regulated by SofD who is delegated authority as the Diving Regulator by the DMR. The Diving Standards Team (DST) will be part of this group under the direction of SofD. In the role of Regulator, SofD regulates military diving which is exempt from the DWR 97 and all other diving being conducted under MOD auspices outside the UK.

4. To satisfy the requirement of the Diving at Work Regulations 1997 (DWR), SofD is the Diving Contractor Focal Point, nominated to the Health and Safety Executive (HSE). In this role, SofD assures that MOD's obligations as a 'Diving Contractor' or 'Client', as defined in the DWR are being met. This includes leading in all Health and Safety aspects related to diving and being responsible for the maintenance of diving standards throughout the MOD. This assurance of compliance role, gives SofD responsibility to oversee the entire domain, thereby ensuring MOD corporately has a systematic and comprehensive policy for the safety of personnel undertaking this activity.

5. To ensure that MOD diving standards are coherently applied and adhered to throughout the Department, a DSMS configured to the specific area of diving activity is to be employed by all those involved in MOD diving operations. Each Senior Duty Holder has responsibility to provide an effective link to individual Service Unit and MOD commercial diving agency safety management committees and groups. Three MOD Diving Safety Management Working Groups will coordinate safety issues in Military, Commercial and Joint Service sub-aqua diving, (Adventurous Training), MOD sponsored Cadet Forces, Enhanced/Standard Learning Credit Scheme and Resettlement) diving activities. Each of these sub-Working Groups will report its assessment of the health of its SEMS to the overarching MOD Diving Safety Management Panel (DSMP).

3 Policy

1. MOD will manage its diving and related activities in an integrated manner across the organisation by complying with applicable United Kingdom (UK) legislation as far as practicable and by applying best practice principles in the conduct of these activities. Overseas, MOD will apply UK standards where reasonably practicable and if a condition of the Status of Forces Agreement, Memorandum of Understanding or other inter-governmental agreement, will in addition comply with host nations' standards.

2. All employers owe a duty of care to their employees, to the general public and the wider environment. Each employee has a duty of care to themselves and each other. The MOD discharges its obligations to manage the greater safety risks associated with military operations through its Duty Holders. Under the authority of the Secretary of State it is required that all MOD civilian and military personnel comply with this document when conducting Diving and Diving Related Activities.

3. All those with health and safety responsibilities for Diving activities should be aware of their legal obligations under UK statutory safety and common law including those obligations arising from International Maritime Organisation (IMO) treaties. Breaches or omissions may result in prosecutions and/or disciplinary action.

4. Applicable law includes, but is not limited to, compliance with the Health and Safety at Work Act 1974, the DWR, the Merchant Shipping (Diving Safety) Regulations and all subsequent Statutory Instruments so far as reasonably practicable. In addition, MOD diving activity shall comply with all appropriate European Union (EU) directives ratified by the UK Government, where they apply to any MOD diving operations.

5. DWR Regulation 3, exempts operations in which members of the Armed Forces of the Crown or of a visiting Force are engaged in 'warfare or training for warfare' and this is detailed in the MOD/HSE General Agreement. The Secretary of State directs that where MOD has been granted exemptions from specific regulations, health and safety outcomes will be, so far as reasonably practicable, at least as good as those required by statute. Risk during Operations, exempted from DWR, shall be ALARP and the levels of safety performance shall be duly determined. The SofD shall determine whether diving activities are 'exempt' or if military diving activity constitutes "Warfare or Training for Warfare", and where practicable will appraise the HSE. All military diving operations shall have due regard for both military effectiveness and safety.

6. In the development of this policy, due consideration has been given to satisfying relevant national and international standards for managing safety systematically. Diving is classed by the HSE as hazardous activity and considers the MOD to be a significant employer of divers with commensurate expertise and maturity, to operate an effective and robust diving safety management system. Consequently, it is deemed appropriate that each implementation of MOD diving safety management policy shall aim to satisfy the requirements of the British Standard for Occupational Health and Safety Management (OHSAS 18001).

7. Deviation from this policy shall not occur unless agreed by the Defence Maritime Regulator (DMR) and promulgated by the Superintendent of Diving (SofD).

8. This policy applies to any diving and related activities undertaken by or on behalf of the MOD in pursuit of its business, including:

- a. diving operations conducted by MOD staff worldwide on MOD military and civilian operations.
- b. MOD sponsored Joint Service sub-aqua diving activity.
- c. acquiring the services of third party divers and contractors.
- d. acquisition of Diving Plant.

4 Definition of Terms

Diving and Related Activities

1. Diving and related activities are all those that comprise the conduct of diving as defined in the Diving at Work Regulations 1997 (DWR), the Acquisition of Diving Plant and/or diving services from third parties.

2. Diving is defined in the DWR as follows:

"For the purposes of these Regulations a person "dives" if they both-

a. **Enters:**

(1) Water or any other liquid.

Or

(2) A chamber in which they are subject to pressure greater than 100 millibars above atmospheric pressure.

b. And in order to survive in such an environment they breathe in air or other gas at a pressure greater than atmospheric pressure."

Note. *Short Term Air Supply System (STASS) is a short endurance underwater escape breathing apparatus regulated by DES Aircraft Support and Aircraft Commodities (DES-AS-AC) and is therefore not covered by this JSP.*

Military Diving Operations

3. Military diving operations are those undertaken by UK Armed Forces military personnel (AFMP), anywhere in the world and to any visiting foreign AFMP within UK jurisdiction. These operations shall have DWR applied to them with the exception of operations in which members of the Armed Forces of the Crown or of a visiting Force are engaged in 'warfare or training for warfare' (see Chapter 3, Para 3). The Commanding Officer of a Unit must satisfy the legal responsibilities of a Diving Contractor where these apply to the diving being conducted.

Recreational and Vocational Diving

4. Joint Service sub-aqua diving under MOD auspices, is non-operational ie.non-military diving activity, conducted when 'on duty' (therefore 'at work') and authorised by a MOD authority. It includes diving conducted under the Joint Services Adventurous Training (JSAT) scheme by Service military personnel, diving conducted by MOD Joint Service sub-aqua diving instructors and standards inspectors or diving undertaken by Service personnel or employed civilians as part of MOD approved Cadet Forces' activities.

5. Service personnel or civilian staff participating in authorised AT, conducting authorised competency and currency training in recreational diving or when in assignments in the Cadet Forces or employed in paid positions in the Cadet Forces, are classed by MOD as being 'on duty' and subsequently by the HSE as being 'At Work'. Therefore, DWR shall be applied in full without exception in the UK and as far as reasonably practicable overseas.

6. Young persons, who are members of the MOD sponsored Cadet Forces are not deemed to be 'At Work' and therefore are not subject to the provisions of DWR. This does not mean that appropriate safety precautions can be omitted or ignored and in all circumstances where the safety of young persons is in doubt, the diving activity must be immediately stopped or the dive aborted.

7. Vocational diving includes that undertaken by Service personnel on civilian diving courses as part of their resettlement entitlement or under the Standard or Enhanced Learning Credit (S/ELC) scheme for personal development purposes. Personnel attending these courses are classed as being 'on duty' and therefore considered by the HSE to be 'At Work'. DWR must be applied in full in the UK with regard to the requirements for professional training courses and therefore MOD authorities enabling this activity overseas must as far as reasonably practicable ensure that the provisions of DWR are met at overseas MOD Approved Centres (MAC). Within the UK the HSE already executes the regulatory oversight of such courses and of young person's training centres. Overseas, the DST will ensure that the protection is afforded to these individuals through a robust due diligence processes.

8. Any vocational diving conducted by personnel undertaking resettlement or ELC activity must be managed as in the civilian commercial or recreational diving field and must comply with the HSE ACOP for the particular type of diving being conducted.

9. Because diving activity is often undertaken overseas, where conditions and circumstances are different to those existing in the UK for which the HSE ACOPs were written, additional MOD specific instructions are contained in BRd 2806(5) (see note) Adventurous Training, Vocational and Recreational Diving Manual (AVRDM). MOD AT and Resettlement Authorities shall be able to demonstrate when challenged that the facilities used by MOD personnel overseas meet the standards required to ensure that MOD's responsibilities for duty of care, as an employer are fulfilled.

Note. *Superceeds JSP 917 with effect from 1 January 2015*

Civilian Diving Projects

10. Civilian Diving Projects are those undertaken by or on behalf of the MOD by civilian divers and DWR must be applied in full, without exception. This includes all diving undertaken by commercial divers carrying out diving under an approved MOD contract, whose conduct may be anywhere in the world. For MOD commercial, media or scientific/archeological diving projects, the appropriate HSE Approved Code of Practice (ACOP) must be used as the guidance document.

MOD Civilian Diving

11. MOD civilian diving organisations shall have diving safety standards systems as part of their internal safety assurance processes and these will be subject to regulation by the HSE in the UK. Additionally, under DWR MOD shall discharge its responsibilities as a 'client' and/or 'diving contractor' by each ODH ensuring so far as reasonably practicable, that any civilian diving taking place on MOD property or under a MOD contract complies with statutory requirements.

12. A Civilian Diving Contractor Agent is to be appointed by a Duty Holder (this may be the MOD Civilian Diving Organisation) and is responsible through the MOD Diving Contractor Focal Point vested in SofD ensuring that diving operations within their area of responsibility comply with legislation and MOD policy.

13. A 'Client' is an organisation that places a task or contract with a contractor to deliver a diving project, and as such has health and safety responsibilities with regard to the diving project in accordance with Regulation 4 of DWR. The guidance for the responsibilities of the Client are described in the relevant ACOP appropriate to the type of diving activity being conducted. A number of MOD authorities are authorised by DMR-DST to raise contracts with commercial diving agents and are by definition the MOD's 'client representatives' with the associated responsibilities.

14. In some circumstances a MOD authority will act as a 'Client' for contracted diving activity and hold Duty Holder responsibilities for military or MOD civilian diving operations. The legal requirements of a 'Client' under the DWR should not be confused with the MOD policy requirements of Duty Holders.

15. A Diving Contractor is an organisation or individual responsible for the conduct of a diving project or task. The legal responsibilities of the Diving Contractor are laid down in DWR and the HSE ACOPs provide detailed guidance on the scope and requirements of these responsibilities.

16. SofD shall act as the MOD Diving Contractor Focal Point (see Chapter 6, Para 34) to ensure that the responsibilities of the Diving Contractor are being met. Any MOD manager directly responsible for employing divers shall be able to provide SofD, when challenged, with objective evidence that the responsibilities of a Diving Contractor are being fulfilled for all MOD diving operations. This will provide SofD with the necessary assurance that any MOD manager directly responsible for employing divers in the MOD civilian diving context is being fulfilled by an authorised MOD SQEP.

Diving Plant and Equipment

17. Diving Plant includes all Diving Equipment and support systems necessary that are acquired for the conduct of a diving operation. This includes any support vessels, cranes, winches and client specific tools. Diving Plant shall be demonstrated as materially safe to operate, in accordance with JSP 430 Management of Ship Safety and Environmental Protection, whether intended for shipboard use or not.

18. Diving Equipment is a sub-set of Diving Plant and covers all Personal Protective Equipment (PPE) and safety equipment worn and required by a diver to undertake a diving intervention. This includes any life support systems (self-contained, sub-surface and surface supplied), thermal protection, communications equipment, diving dedicated surface compression chambers, portable gas storage, portable compression facilities, chemicals and general-purpose tools.

19. The Acquisition of Diving Plant is any activity that comprises of the management of Diving Plant acquisition, including requirements capture, procurement, in service support and disposal, and the discharge of safety responsibilities with respect to the plant throughout the acquisition cycle. (See Chapter 5, Para 36).

Duty Holders

20. Duty Holders shall be appointed for each diving activity, where there is a risk to life and any wherever a SDH judges a specific management focus is required (see note). In accordance with the principles in JSP815, each chain of accountable Duty Holding shall define each nominated person responsible for coordinating any undertaking where the MOD owes a duty of care such that it can be demonstrated, on behalf of MOD, that parties affected do not suffer unreasonable harm or loss.

21. Duty Holders shall manage risk in line with the goals of MOD Safety Strategy (JSP 815), within a chain of accountability. Senior Duty Holders have responsibility for diving safety delegated to them by the Secretary of State. They are to devolve this responsibility to lower levels of risk owning Duty Holders. The Commanding Officer Duty Holder (or other military or MOD civilian equivalent) shall carry the responsibility for the final approval for authorising a diving project to commence including situations concerning the acquisition of services from third party diving contractors and/or military divers. For MOD diving activity, an Equipment Authority shall be identified and shall hold responsibility for the design and material state of MOD supplied diving and related equipment.

22. Management of risk shall follow the principles set out in JSP430 and the main statutory baseline of Health and Safety at Work etc 1974 and Merchant Shipping Act 1995 and the associated International Maritime Organisation Conventions. This Defence regulatory regime for Diving requires maritime Duty Holders to focus on the management of all sources of potential harm from maritime activities affecting people, the environment and property. The nominated **Duty Holders** within this regulatory framework are the **Senior Duty Holder, Operating Duty Holder, Platform Duty Holder, Delivery Duty Holder** and the **Commanding Officer Duty Holder**.

Note. JSP 815, Chapter 3 draws its main statutory baseline from the Health and Safety at Work Act 1974 and the Environmental Protection Act 1990 etc.

Diving Standards Officers

23. Diving Standards Officers (DSO) shall be responsible for monitoring the practices and procedures of diving and related activities, and to assure that it is being carried out in as safe and efficient manner as the nature of the task will allow. These functions are carried out by separate domain related DSO positions for the Royal Navy, Army, Commercial and Joint Service sub-aqua diving.

24. DSOs are authorised by SofD to monitor diving standards at any venue or location where MOD diving activity is taking place. They shall be delegated authority by SofD to take immediate action where diving safety standards are found to be unsatisfactory and this may include the serving of sanction Notices to formally record safety shortcomings.

5 Conduct of Diving Operations and Projects

Military Diving Operations

1. Military Diving Operations shall be conducted in accordance with BRd 2806 (1-4 & 6) UK Military Diving Manual. These may be supplemented by additional instructions and regulations issued by the SofD. BRd 2806 is a DCOP in accordance with the principles set by JSP815 and is recognised by the HSE as the authorised guidance for UK military diving, such that compliance with it satisfies the statutory diving regulations.
2. BRd 2806 applies to all UK Military Diving Operations including those outside UK territorial waters. In these instances, each Duty Holder shall also comply with the Merchant Shipping (Diving Safety) Regulations and any local or IMO treaty legislation that pertains, as far as reasonably practicable.
3. Any deviation is to be fully justified to and approved by SofD. SofD may delegate authority to the relevant DSO to approve such deviations and such delegations will be recorded in standing or temporary orders as required.

MOD Civilian Diving Projects

4. MOD Civilian Diving Projects must be conducted in accordance with the DWR in the UK and shall be met overseas. The appropriate HSE ACOP must be used within UK waters and shall be used as the standard guidance for operations in waters overseas. These ACOPs may be supplemented by other HSE and industry guidance as appropriate. Where conflicts arise with other documents, the HSE ACOP shall take precedence unless a condition of international agreement described in Chapter 3, Para 1 is in effect.
5. Duty Holders shall also comply with the Merchant Shipping (Diving Safety) Regulations and any local or IMO treaty legislation that pertains as far as reasonably practicable.
6. The ODH responsible for ensuring relevant Duty Holders are involved in the risk assessment of the Diving project shall justify any deviation from these ACOPs for MOD Civilian Diving Operations. SofD shall be authorised to approve such deviations if the circumstances of the case admit, and consult with the DSMP prior to sanctioning any such deviation. Any deviation from an ACOP shall be reported to the HSE as soon as the circumstances (including security considerations) allow.

Joint Service Sub-Aqua Diving

7. All diving activity, when 'on-duty' must be conducted in accordance with the HSE ACOP for Recreational Diving Projects or the appropriate Commercial Diving Projects ACOP (see Chapter 4, Para 9). Due to the worldwide nature of Service Sub-Aqua activity, additional measures shall be complied with overseas as the MOD deems necessary to mitigate the accepted increased risk that diving overseas involves, and are contained in BRd 2806(5).

8. Any deviation from HSE ACOPs and BRd 2806(5) shall only be approved by SofD. Such an intention to deviate from the Regulations shall be through an application to the lead Adventurous Training Authority for Joint Service Recreational Diving (see note) or for Service Sub-Aqua that is not an AT activity through the Unit CO.

Note. *The lead Senior Manager for Joint Service Sub-aqua AT activity is Captain Naval Physical Development based at HMS TEMERAIRE.*

9. Diving by personnel employed as Joint Service sub-aqua diving instructors or Diving Standards Inspectors, for the purpose of individual continuous professional development or Group/Team capability development in recreational diving, shall be in accordance with the HSE ACOP. Therefore, such diving shall adhere to the guidance in BRd 2806(5) which is aligned to the HSE ACOP.

10. Diving by military personnel qualified in Joint Service sub-aqua diving, when 'on duty' conducting diving operations, other than for AT, using recreational diving equipment, shall follow guidance in BRd 2806(5). Depending on the nature of the operation being conducted and the familiarity of the supervisors and divers involved with these diving manuals, will determine which manual is most appropriate. Such diving shall be authorised in writing by the Unit CODH and when necessary, advice sought from SofD regarding the application of the manuals.

Acquiring Third Party Diving Services

11. When acquiring diving services, the MOD Client responsibilities must be discharged by competent staff in a manner that meets the requirements of the HSE ACOP appropriate to the diving operation. The requirement to comply with the Merchant Shipping (Diving Safety) Regulations must be considered whenever such diving services are being acquired.

12. In the event that the Duty Holder or MOD authority acting as a 'Client' does not possess the competency required, guidance shall be sought from the Salvage and Mooring Operations (SALMO) organisation which is part of the DE&S who are the Department's nominated lead for such activity.

13. When a MOD civilian business unit requires military divers to undertake non-military diving operations on their behalf, such as diving required for equipment commissioning trials, the ODH responsible for the military divers shall inform SofD. The conduct of such diving shall be with due regard to the requirements of DWR and may involve measures not required in normal military diving operations.

14. Any MOD Duty Holder or Client shall halt a diving operation if there are concerns regarding the safety and/or conduct of the operation.

15. Combined operations involving both MOD and third party civilian divers shall be conducted in accordance with DWR. Prior to commencing operations it shall be defined which organisation is the 'diving contractor' for the operation. SALMO or other non-military MOD contracted divers shall only be supervised under the relevant HSE ACOP and not BRd 2806.

Diving Plant Used in Diving Operations

16. **Maintenance.** All Diving Plant must be maintained in safe working order, in accordance with authorised maintenance procedures and appropriate HSE and industry guidance.

17. **Diving Plant for Civilian, Joint Service Sub-Aqua and Military Operations**

a. Diving Plant shall not be used outside of any configuration or operating envelope specified in the safety case without agreement from the appropriate Duty Holder for the plant and based on a re-evaluation of the safety case.

b. In the event of an urgent operational requirement, when time does not allow agreement by the Duty Holder/Equipment Authority for the plant, the decision mechanism and justification for a course of action shall be documented and forwarded to the relevant Duty Holder as soon as practicable. The documentation shall include risk assessment in accordance with JSP 375 Volume 2 Leaflet 39.

c. Diving Plant shall only be supplied to a third party providing it is in a safe working order, that all supporting documentation is provided, and that the third party has provided assurance to the Duty Holder that they can be reasonably considered to be competent to operate the plant.

d. **Diving Plant for Joint Service Sub-Aqua Diving.** Diving Plant shall not be used outside of any configuration or operating envelope specified in the safety case or, in the absence of a safety case, by the manufacturer.

Obtaining Technical Advice

18. All technical advice relating to Diving Plant acquired by the MOD shall be sought from the appropriate Equipment Authority (EA).

19. In the event that a Commanding Officer or MOD Civilian Duty Holder is required by the circumstances to authorise the use of any plant, in a configuration not specified in the safety case and/or outside the operating envelope specified in the safety case, advice must be sought and agreement obtained from the appropriate Operating Duty Holder as the circumstances allow, and from SofD prior to any such operation

20. All other technical and operational advice shall be sought from a demonstrably competent organisation.

21. All technical medical advice relating to diving plant shall in the first instance be sought from the Institute of Naval Medicine (INM). Other medical specialists shall be consulted when INM are unable to provide SME or reference to alternative specialists.

Reporting of Accidents and Incidents

22. Accidents, incidents and near misses shall be reported in accordance with the requirements of BRd 2806, MOD civilian diving regulations, Service Incident Reporting Cell instructions and the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) when not managed by single Service Incident reporting procedures.

23. Those related to MOD acquired Diving Plant, including any plant shortfalls shall be reported to the appropriate Equipment Authority as well as the ODH.
24. The Operating Duty Holder shall ensure that an accident, incident and near miss reporting system exists. The reporting system shall:
- a. Ensure that all accidents, incidents and near misses are reported.
 - b. Ensure trends are identified and corrective action taken to prevent reoccurrence.
 - c. Ensure that the organisation learns from experience in a timely manner.
 - d. Put in place control measures to prevent the recurrence of any serious accident, incident or near miss. and
 - e. Include a closed loop feedback mechanism.
25. All accidents and incidents shall be reported to the DST in order that any pan-department equipment related issues can be addressed as quickly as possible.
26. The Commanding Officer Duty Holder shall ensure that the reporting system mandated by the Operating Duty Holder is fully implemented.
27. Accidents involving death or serious injury, significant damage to property or the environment shall be reported to the Defence Maritime Regulator.
28. Such accidents shall be investigated by the Diving Standards Team with the aim of finding out the root cause and to inform learning.
29. Accident investigations shall examine, in a timely manner, all Defence Lines of Development and identify, as a minimum, any relevant:
- a. Design issues.
 - b. Material failures.
 - c. Shortfalls in risk assessments.
 - d. Shortfalls in operating procedures.
 - e. Shortfalls in organisational arrangements, competence and training.
30. Recommendations identified during investigations shall be passed to the relevant Duty Holders, Training Authorities or other stakeholders who have the authority to enact improvement and prevent recurrence.
31. All lessons identified during investigations shall be appropriately disseminated by the Duty Holders as part of a continuous improvement process.

Acquisition of Diving Plant for Military and Civilian Operations

32. The acquisition of all Diving Plant shall be conducted in a manner that satisfies the requirements of JSP430 and, where applicable, the HSE ACOP appropriate to the diving operations for which the plant is to be used. In addition, the requirements of the IMO Code of Safety for Diving Systems and appropriate EU directives shall be complied with as far as reasonably practicable.

33. The Acquisition of Diving Plant, other than Diving Equipment, shall be assessed by the Duty Holder, with the relevant competency and for which this activity forms part of their Area of Responsibility.

34. Safety cases shall be prepared for all such Diving Plant in accordance with the requirements of JSP430, including all legacy plant. Safety cases for rudimentary pieces of diving equipment such as fins, weight belts and knives may be assessed as part of the assessment of the diving activity so long as they are of good quality and are clearly fit for purpose.

35. The System Requirement Document (SRD) shall be reviewed and agreed by all potential users, a demonstrably competent technical authority, and the appropriate acquisition Duty Holder.

Acquisition of Diving Equipment for Military and Civilian Operations

36. In addition to military requirements, all appropriate regulations, directives, standards and guidance issued by appropriate international bodies, the EU, the HSE and industry bodies relating to Diving Equipment shall be adopted as far as reasonably practicable and justified in the Safety Case using the required Risk Control Systems. Any deviation shall be fully justified and approved by the ODH.

37. The acquisition of all Diving Equipment for military and MOD civilian commercial diving operations within the MOD shall be conducted by, or with the agreement of the Underwater and Electronic Warfare (UEW) Project Team – Diving and Life Support Capability Manager, who is the authorised DE&S lead for diving equipment procurement. The SoFD shall exceptionally permit ODHs to purchase diving equipment for specialised military operations.

38. Military equipment, with a specified performance requirement and that contains risks that cannot be justified as ALARP, shall have a full justification proposition sent to the ODH by the EA before in-service procurement activities commence.

39. Diving Equipment Project Safety Case Committees shall be chaired by the EA for Diving Equipment or ODH representative and shall report to the ODH on the status of all safety cases.

40. Safety cases shall be prepared for all such Diving Equipment and shall demonstrate that safety risks are ALARP. All legacy equipments shall have safety cases in place or approved management programmes for their completion.

41. All Diving Equipment must be supplied to users with clear and concise instructions for its use and maintenance.

42. Equipment safety bulletins shall be published and promulgated across the user community by the EA and shall include emergency notices when equipment is no longer considered to be fully compliant with user requirements and/or current regulations.

43. The management, provision and quality control of breathing gases shall be considered as part of the diving equipment acquisition activity. Assessments shall include management of breathing gases which is regulated by the Fuel and Gas Safety Regulator. Regulations governing diving gases and the control of gases are contained in JSP 319 Joint Regulations for the Control and Storage of Gases.

Use of Foreign Diving Equipment for Military Operations

44. Military Divers are sometimes presented with the opportunity to dive using the equipment in use with another nation's Armed Forces. In these circumstances approval to use foreign equipment lies with the respective ODH and shall be formally given through recognised means. SofD (or DSO) shall be consulted prior to such approval being given. The final authority to conduct diving operations using such equipment shall rest with the CODH. Due regard must be taken with regard to the experience, competency and currency of the supervisor and divers using the equipment, as well as the different operating practices and procedures of the nation providing the equipment.

45. Personnel in Loan Foreign Service or Exchange Assignments shall, under the terms of Memoranda of Understanding authorising their position in the host nation's Armed Forces, be expected to use the equipment in use and operate it in accordance with host nation procedures and practices. The requirement for individuals in such circumstances to use foreign diving equipment rests with the appropriate ODH. In these circumstances, SofD shall be asked to provide a letter of authorisation for the individual concerned to deviate from BRd 2806.

46. In all cases where diving equipment is supplied by foreign government sources, appropriate and effective training in the use of the equipment and procedures required to operate it safely shall be conducted, using suitably qualified instructors. It is accepted that the maintenance practices and standards of the equipment provided, will not always align or be compatible with UK standards. Appropriate Duty Holder scrutiny of the standards used shall be necessary before any approval is given to use foreign supplied diving equipment. Where any doubt exists SofD shall be consulted for advice and a recommendation on the most appropriate course of action.

Diving Medicals

47. It is fundamental that diving conducted at work, requires divers involved to be medically 'in date' for diving. MOD divers shall either hold a valid medical Certificate (HSE MA2 or MOD Leaflet 12-03) or, for military divers, have an endorsement in their S1627 Military Diving Log Book showing the date of their diving medical. Only the most pressing of operational circumstances shall justify the validity of a diving medical to be extended by INM or a diving dispensation to be authorised by SofD.

48. The responsibility for ensuring divers are in-date for a diving operation is the legal responsibility of individual divers. Duty Holders must also consider their responsibilities under the DSMS and the consequences of personnel conducting diving when out of date for medical fitness to dive.

49. UK law requires diving medicals as stipulated by the HSE and this is currently a validity period of 12 months. MOD divers will fall into the following categories of diving medical standards:

a. **Military Divers.** Diving medical standard defined in BR 1750A applies to all military personnel including those in the Reserve Forces and serving personnel conducting Service Sub-Aqua diving. Military Divers deploying on operations are liable for ensuring that they remain medically in-date for the duration of the deployment.

b. **Military Divers in Overseas Assignments.** Personnel shall arrange to undergo a Service Diving Medical as close to their departure date as possible. They shall attempt to ensure they remain medically in-date by returning to the UK or by using deployed UK Service medical facilities and staff on an opportunity basis. Where no such opportunity is available they shall contact INM and seek guidance. If the host nation or other nation's medical standards are compatible with those of the UK, INM may sanction the conduct of a diving medical by foreign medical staff using an agreed medical standard for the diving medical.

c. **MOD Civilian Divers Based in the UK.** Diving medical standard defined by the HSE and administered by HSE Approved Medical Practitioners (AMED) including SANMO, civilian diving instructors and standards inspectors.

d. **MOD Civilian Divers Based Overseas.** HSE has agreed that for MOD Civilian Diving Instructors, including locally employed civilian instructors, the requirement to undergo an HSE AMED can be impractical to achieve, as it requires attendance at an HSE AMED in the UK. Exceptionally, Civilian Diving Instructors unable to travel to the UK for this purpose, may have the option of undergoing a Service diving medical, conducted by a suitably qualified Medical Officer (MO) in the base location. Where the MO does not hold this qualification the Head of Diving Medicine at INM shall be consulted. INM will determine if the Diving Medical can be conducted under these circumstances. The validity of the medical Certificate is restricted to the base location or, if acting as essential civilians for an AT Diving Expedition originating from their base location, for the duration of the Expedition provided it is not taking place in the UK. A Service diving medical certificate held by a civilian is not recognised in the UK.

e. **Cadet Force Civilian Adult Volunteers.** As agreed with the HSE, these personnel shall be subject to the AMED or Service medical procedure, depending on whether they are serving Service personnel or not. (In the former case the Service medical and for the latter the AMED apply.)

f. **Foreign Service Personnel.** In general, under the terms of the MOD exemption from DWR, 'for warfare and training for warfare', Foreign Service personnel will be expected to remain within their own national medical requirements for diving while operating with UK Armed Forces. Manning Authorities responsible for the oversight of these personnel shall confirm with the donor nation the medical requirements for diving in the UK or as part of the UK Armed Forces. Only if diving shall be conducted for recreational purposes under the Joint Service AT scheme, will a UK Service Diving Medical be required to be completed before undertaking this kind of diving.

6 Responsibilities for Diving

MOD Policy Sponsor

1. The sponsor of this document is **Responsible** for:
 - a. Maintaining an effective diving policy to manage compliance with diving legislation and regulations.
 - b. Resolving policy issues and disputes as required.

General Responsibilities

2. The authority for implementing this Diving safety and environmental regime is placed with Duty Holders as defined in JSP815 and shall be devolved down the management chain.
3. Where authority flows via Senior Managers, who are not themselves Duty Holders, they will be responsible for ensuring that their staffs are properly able to carry out the requirements of the safety policy defined in this JSP. Line Managers at every level shall ensure that all posts with safety management and environmental protection responsibilities have appropriate letters of delegation or terms of reference that specify the duties and levels of competence required for the post. Delegation shall not be imposed until the post holder is deemed competent to discharge their safety and environmental protection responsibilities:

While everyone holds a duty of care for safety and environmental protection but a Defence "Duty Holder", is a formally appointed role delegated to key staff with responsibility for the people put at risk by the operation of MOD Diving. These are defined in a three-tier structure, at the top of the organisation (Senior Duty Holder), the operational management level (Operating/Intermediate Duty Holder), a separate responsibility for material support (Equipment Authority), and the delivery level (Commanding Officer/Delivery Duty Holder).

These precise terms make it easier to demonstrate compliance with policy. It is important is that individuals are identified that carry out the responsibilities laid out for Duty Holders.

*Although particular organisations may be responsible for particular **Defence Lines of Development**, the products delivered by each line must take into account the other lines. E.g. Equipment must be designed take into account assumptions about the level of Training required and Infrastructure available. Training must make assumptions about the Equipment available and the Doctrine for its use. These assumptions should be made explicit and managed appropriately.*

4. People nominated to hold Duty Holder or Equipment Authority roles shall be given the resource necessary to meet their safety and environmental protection responsibilities.
5. Every individual to whom this policy applies shall exercise due care and diligence, by ensuring that:
 - a. they understand and comply with their legal obligations, applicable safety and environmental policies and objectives.
 - b. immediate action is taken to remedy any concern or shortfall in safety that could pose imminent danger or compromise safety. If the action is outside the individual's control, they shall inform their line management or those with the authority to take appropriate action.

- c. they request adequate resources, including funding and people, for the safety tasks they are responsible for, so that they are achieved in reasonable timescales.
- d. tasks are understood and carried out in accordance with appropriate procedures.
- e. they do not undertake tasks for which they are not suitably competent or allow a third party to undertake tasks on their behalf for which the third party is not competent.
- f. they maintain their competence for their post including an adequate level of currency in diving where necessary.
- g. they take reasonable care of their health and safety and exercise their duty of care to other persons affected by their acts or omissions at work.
- h. they understand their organisation's diving safety management system and its relationship with the other management systems it interfaces with, both within and external to their organisation.
- i. they seek continuous improvement in safety performance.

Senior Duty Holders Responsibilities

6. The Senior Duty Holder shall be accountable and responsible for the safety and environmental protection of MOD diving throughout the acquisition cycle and are key leaders of its safety and environmental culture. They shall set the direction for safety and environmental management and, when challenged, shall be able to demonstrate that their organisation and arrangements enable the requirements of the regulations to be met.

7. The Senior Duty Holder shall ensure that the safety and environmental protection implications of any organisational changes are analysed and appropriately reported in advance through a documented process.

8. The Senior Duty Holder shall ensure that it is made clear which individuals hold the following roles and what the scope of their accountability and responsibility is:

- Operating Duty Holder.
- Platform Duty Holder.
- Equipment Authority.
- Commanding Officer Duty Holder.

9. At all stages of the acquisition cycle, for all MOD diving, the Senior Duty Holder shall ensure that nominated Duty Holders or those with Equipment Authority roles clearly understand who they are accountable to, and are given the resource necessary to meet their safety and environmental protection responsibilities.

Operating/Intermediate Duty Holders Responsibilities

10. The Operating Duty Holder shall be accountable and responsible to the Senior Duty Holder for ensuring that the requirements detailed below are complied with to an extent and to a level of detail that is appropriate to the platform's or equipment's stage in the acquisition cycle:

- a. An effective regime is established and maintained so that the safety and environmental aspects of MOD diving activities are managed as part of a Diving Safety Management System throughout the life of the systems, ensuring that interfaces with other regimes are also managed effectively.
- b. Safety Cases and Environmental Cases exist that justify the operation of MOD diving activity, and are maintained for the operation of each diving system, demonstrating that it is safe to operate, that it is operated safely, and in an environmentally sound manner. and people with sufficient competence are available to assist those charged with developing and maintaining valid arguments and evidence.
- c. Assurance is obtained from an Independent Safety Auditor and an Independent Environmental Auditor that management activities across the whole safety and environmental regime comply with planned arrangements, are implemented effectively and are suitable to achieve objectives. and that related outputs are correct, valid and fit for purpose.
- d. Platform Duty Holders and Equipment Authorities understand the level of safety and environmental information to be provided by them to enable the Operating Duty Holder to make informed and timely decisions about safety risks and environmental aspects associated with a system.
- e. Formally manage the integration of those elements and activities within the Defence Lines of Development that directly affect safety risks and environmental aspects associated with a system.
- f. Valid Each Safety Case Reports and Environmental Case Reports are authorised and available for each diving systems.
- g. Formally indicate their acceptance of the Safety Case Report, Environmental Case Report and the supporting evidence.
- h. Obtaining Defence Maritime Regulator Certification as described in Chapter 7.
- i. Diving systems are operated and maintained by adequate numbers of competent personnel. where sufficient competent personnel cannot be provided, the safety and environmental implications of this shortfall are assessed and suitable mitigation put in place.
- j. Systems and procedures are not modified in a way that prejudices safety or environmental protection.
- k. Diving systems are tasked and operated in accordance with their Safety Cases and Environmental Cases.

l. Emergency arrangements are put in place, documented, followed, understood, tested, monitored and subject to regular review and improvement.

m. Ensuring that all accidents, incidents, near misses and hazards are reported, analysed, investigated and acted upon.

11. If the authority to direct the command of diving project or place tasks on its Commanding Officer Duty Holder shall be passed outside the Operating Duty Holder's organisation, the Operating Duty Holder shall ensure that arrangements and responsibilities for safety and environmental protection remain clear and documented.

Operating Outside the Safety Case

12. If exceptional circumstances require the operation of any system outside of the Safety or Environmental Case, such operation shall be strictly in accordance with JSP 430 Part 1 para 2.1.2. If the operational circumstances allow SofD shall be consulted prior to a final decision being made.

13. Deviation from Diving Regulations shall only be approved by SofD.

14. Deviation from HSE Approved Codes of Practice for Diving Projects - MOD diving projects which are not being conducted by Military Divers must be conducted under the provisions of the DWR 97 and the relevant HSE Approved Codes of Practice (ACOP) for commercial, scientific, media and recreational diving. These ACOPS are legally applicable inside UK Territorial Waters and deviation from them would need to be justified in the event of an incident. Prior consultation with the HSE must be carried out if the need to deviate from an HSE ACOP is identified. SofD is the MOD focal point for contact with the HSE and any application to deviate from an ACOP shall be via SofD. Outside the UK, under the Secretary of State's direction, the provisions of the appropriate ACOPS shall be applied as far as reasonably practicable. Where this is not possible SofD shall be consulted before such a diving project is commenced.

Equipment Authorities Responsibilities

15. The Equipment Authority shall be responsible for ensuring that the requirements detailed below are complied with to an extent and to a level of detail that is appropriate to the platform's or equipment's stage in the acquisition cycle:

a. Implementing and maintaining an effective regime to control the safety and environmental aspects of the design and material state of a diving system or equipment throughout the acquisition cycle, ensuring that interfaces with other regimes are managed.

b. Identifying safety, environmental protection and combat safety requirements, standards and tolerability criteria for the diving system or equipment, in consultation with the Sponsor and Operating Duty Holder and, where appropriate, the Naval Authority or relevant subject matter experts.

c. Advising on balance of investment decisions to the Sponsor or Operating Duty Holder as required to ensure the necessary resources are available to address safety and environmental protection through the whole acquisition cycle.

- d. Identifying, planning and defining funding for through life maintenance activities essential to make sure that the upkeep of the platform or equipment meets the Goal.
 - e. Ensuring feedback processes are in place to confirm that risk control measures are effective.
 - f. Ensuring that suitable arrangements, in conjunction with the Operating Duty Holder, are in place to manage material defects in the platform or equipment and that analysis of the safety and environmental protection implications of defect data is carried out.
 - g. Ensuring that where a safety or environmental argument makes assumptions that those assumptions are validated, and where those assumptions are about actions or risk control measures which are the responsibility of other organisations (e.g. Operating Duty Holder, Training Authorities), those responsible have acknowledged and agreed their responsibilities.
 - h. Authorising of key documents that contribute to Safety Cases or Environmental Cases, irrespective of whether their production is contracted out or not, to confirm that their contents are comprehensive, credible and coherent. Before authorisation, the document shall, where required by the Operating Duty Holder or another Duty Holder, be endorsed by an Independent Safety Auditor and Independent Environmental Auditor.
 - i. Providing comprehensive operating, maintenance and long term storage instructions to the relevant Duty Holder.
 - j. Issuing safety and environmental documentation when needed, particularly before trials.
 - k. Escalating to the Operating Duty Holder, Senior Managers and, if necessary, the Defence Maritime Regulator, any risk that threatens the Goal where control is beyond the control of the Platform Duty Holder or Equipment Authority.
16. The Equipment Authority shall also be specifically responsible for:
- a. Generating and maintaining the argument and evidence about the equipment or sub-system necessary to support the Safety Case and Environmental Case for its use independently or when fitted to a platform. The arguments shall demonstrate compliance with the Goal, unless a more stringent requirement is appropriate.
 - b. Providing safety and environmental documentation to the Platform Duty Holder, at the level of detail and in the timescales set by the Platform Duty Holder. Where the equipment is used independently of a platform, the Operating Duty Holder shall specify these requirements and receive the documentation directly.

17. The Equipment Authorities may formally delegate all or part of the Design Authority function held by them to a suitably competent design organisation. They shall, however, retain responsibility for ensuring the safety of the equipment through-life, minimising the environmental harm caused by the equipment through-life, authorisation of key documents that contribute to the Safety Case or Environmental Case, and ensuring that the organisation that has received the delegation is competent and is fulfilling their delegated duties. In these circumstances the Equipment Authority shall ensure the adequacy of design and that the design organisation is aware of their responsibilities and is suitably contracted to support them.

18. The Equipment Authority shall ensure that safety and environmental protection is not compromised when transferring a system between authorities during its life, or by implementing (or failing to implement) design changes, modifications, updates or upgrades.

Commanding Officer/Delivery Duty Holders Responsibilities

19. Commanding Officer Duty Holders shall be accountable and responsible to the Operating Duty Holder for:

- a. Establishing and maintaining effective Safety and Environmental Management Systems for their diving team that reflect the requirements of the Operating Duty Holder's Safety and Environmental Management Systems and are detailed in Standing Orders and operating instructions.
- b. Operating their diving teams in a way that meets the Goal in accordance with the requirements for Certification specified in Chapter 7, and exercising a duty of care to the divers, any third parties that could be affected, and the environment.
- c. Ensuring that systems and procedures are not modified in such a way as to prejudice safety or environmental protection.
- d. Ensuring that all accidents, incidents, near misses and hazards are reported, analysed, investigated and acted upon.
- e. Ensuring emergency arrangements are in place, followed, understood and tested.
- f. Ensuring that shortfalls in the safety or environmental performance of the diving systems design, material state or procedures are notified to the appropriate authority in a reasonable timescale.

20. If exceptional circumstances requires the operation of any system outside of the Safety or Environmental Case, such operation shall be strictly in accordance with JSP 430 Part 1 para 2.1.2 and, if within the scope of Certification, para 6.1.1a

Senior Managers Responsibilities

21. Senior Managers shall be held responsible for ensuring that the resources allocated to Duty Holders or Equipment Authorities and the directions or advice given, meet the requirements of the regulations at all times. The Senior Managers' responsibilities shall include:

- a. Ensuring that JSP 430 and lower-level safety and environmental protection policies are widely available, understood and applied and that appropriate safety and environmental Management Regimes exist, including formal delegations for safety and environmental protection.
 - b. Making available adequate resources, including funding and people, for the safety and environmental tasks that they delegate, so that they are achieved in reasonable time scales.
 - c. Ensuring adequate arrangements exist to capture feedback and resolve shortfalls relating to safety or environmental issues in management systems, design performance, materiel or operational aspects through-life.
 - d. Ensuring adequate arrangements are in place for learning from experience.
 - e. Reporting safety and environmental performance to the Defence Safety & Environment Authority.
22. When decisions about a safety or environmental protection risk have been escalated to a Senior Manager, the Senior Manager shall take advice (e.g. engineering, safety, environmental and legal) from the Operating Duty Holder, Platform Duty Holder and appropriate specialist areas.

Diving Standards Team Responsibilities

23. On behalf of the Defence Maritime Regulator the Diving Standards Team shall audit Defence diving compliance with these regulations and assure compliance with applicable statutory legislation.
24. Following satisfactory assurance, the Diving Standards Team shall, provide certification for shore based and shipboard safety and environmental management areas specified in Chapter 7.
25. For the MOD diving regulatory regime, the Diving Standards Team shall be responsible for:
- a. Setting safety and environmental policy, specifying duties and outputs so that the MOD is enabled to meet its legal duties and setting performance standards where legislation does not apply.
 - b. Providing advice and guidance on compliance with policy, including advice on risk control systems and leadership role in driving corporate understanding of risk.
 - c. Providing assurance to Director Defence Safety and Environment Authority regarding Duty Holder compliance with policy.
 - d. Scrutinising and providing advice on concessions from Diving regulations and staffing exemptions, derogations or disapplications of diving from statutory legislation where required.
 - e. Auditing and authorising Duly Authorised Persons or Organisations (including the Naval Authority and other independent assurance bodies).
 - f. Providing assurance of the resilience of systems during change.

MOD Civilian Duty Holders (Civilian Diving Projects and Acquisition of Third Party Diving Services)

26. The duties of a DDH shall apply to a MOD civilian holding executive authority and to any MOD diving activity where the Unit is in a non-operational state, e.g. an RN warship in non-fleet time. Additionally where any Platform Duty Holder or other MOD manager with equivalent "safe to operate" duties, instructs their own staff to conduct Civilian Diving Projects or commission agents to acquire the diving services of third party contractors or military divers, they shall ensure their duties are fulfilled to the satisfaction of the ODH.

27. Where MOD authorities engage a prime contractor who arranges third party diving services the delivery of the diving activity shall comply with these Regulations. When MOD authorities contract their own diving services, the process being used shall assure, the contracted diving service provider is operating to standards of practice which conform to UK standards or are recognised by the HSE as being equivalent. Assurance shall be provided when challenged that the competence of those involved meets HSE published guidance on the comparability of international diving qualifications in its 'Approved List of Diving Qualifications'. Any intention by a MOD authority to engage the services of a diving contractor, who uses diving procedures not conforming to these standards or declares that the diving qualifications held by its divers or not recognised by the HSE must be authorised by SofD. Advice and guidance on the selection of compliant overseas diving contractors is available from SANMO.

28. Preference shall be given to major diving contractors who are members of recognised industry bodies, such as the International Maritime Contractors Association (IMCA) and/or the Association of Diving Contractors (ADC). These organisations have adopted standards to which their members must adhere to and in general these align with UK statutory requirements, and have worldwide application. While membership of such industry bodies does not automatically assure compliance with UK statute, it can be part of the body of evidence by which MOD's responsibilities as a client can be demonstrated to have been fulfilled.

Client Responsibilities

29. When commercial diving projects are being conducted appropriate Duty Holders and managers are responsible for:

- a. Appointing a Civilian Diving Contractor Agent in writing, and taking reasonable steps to ensure that any diving contractor selected is capable of complying with the Diving Regulations.
- b. Making available to the diving contractor the results of any risk assessment undertaken by other persons under other statutory legislation that could affect the health and safety of the dive team.
- c. Providing facilities and extend all reasonable support to the supervisor or diving contractor in the event of an emergency.

- d. Considering whether any known underwater or above-water items of plant under their control may cause a hazard to the dive team. The diving contractor should be informed of the location and nature of such hazards. They should also provide the diving contractor, in good time, with details of any change to this information occurring before or during the course of the diving project.
- e. Considering whether other activities in the vicinity may affect the safety of the diving project.
- f. Ensuring they have a formal control system in place to cover diving activities.
- g. Providing the diving contractor with details of any possible substance likely to be encountered that would be hazardous to the dive team. Such information shall be provided in writing in sufficient time to allow the diving contractor to carry out a risk assessment.
- h. Keeping the supervisor informed of any changes that may affect the diving operation in so far as they have control over or knowledge of such changes.
- i. With regard to the acquisition of third party services, the DH is responsible for ensuring that the MOD's 'Client' responsibilities are discharged by competent staff in accordance with this policy.
- j. Reporting any diving safety management issues or incidents to SoFD.

Civilian Diving Contractor Agents

30. Civilian Diving Contractor Agents, as appointed by an appropriate DH, are responsible for ensuring that diving processes, manuals and working practices relating to diving operations within their area of responsibility, comply with legislation and this policy, and are enforced.

User Requirement Sponsors

31. Those formulating diving capability requirements shall consider diving operating safety at all stages of the acquisition cycle and make investment decisions as required and in accordance with departmental safety policy.

Training Authority

32. A Training Authority Shall be Responsible For:

- a. Ensuring that training meets the requirements of the activity Training Needs Analyses and relevant MOD and statutory standards.
- b. Ensuring that the training delivered matches any assumptions made about it in the equipment safety case.
- c. Updating training where appropriate to take account of changes to the role, operating environment or material state of systems and the implications of incidents that are reported as a result of their use.

MOD Superintendent of Diving

33. As the MOD Diving Contractor Focal Point, SofD shall act as the liaison between the MOD and HSE on all diving matters. SofD shall ensure that all MOD managers responsible for diving activities satisfy the responsibilities of the Client and Diving Contractor described in the DWR in so far as it is reasonably practicable to do so and with respect to the MOD exemptions from DWR.

34. The MOD Diving Contractor Focal Point is responsible for:

- a. Acting as focal point for diving safety within the MOD.
- b. Ensuring that an effective and efficient Diving Safety Management System (DSMS) is employed for all MOD diving activity.
- c. Ensuring that Diving Contractor responsibilities or the military equivalent are delegated to appropriate diving managers.
- d. Assuring that Civilian/Commercial Diving Contractor Agents and MOD authorities with responsibility for commissioning commercial diving under MOD contract, comply with statutory requirements when conducting such diving operations.
- e. Monitoring diving technical and procedural developments and legislation.
- f. Ensuring that lessons are learnt in the event of a reported breach of legislation or accident and that processes are improved where necessary.
- g. Auditing the performance of Duty Holders in ensuring that personnel conducting MOD diving activities are suitably qualified and experienced and that their diving currency is at an appropriate level.
- h. Monitoring and reporting on the Department's performance in the implementation of Diving Safety Policy to the DMR.

35. SofD is the MOD Diving Regulator with authority delegated via the DMR from the Director DSEA. The authority of MOD Regulators is described in JSP 815 and includes the power to serve non-conformance Notices where failures to comply with MOD safety policy, procedures and regulations have been identified. With the agreement of the HSE, SofD will serve such Notices on MOD agencies where non-conformance with statutory regulation has been identified as part of the MOD assurance process within the UK. Outside the UK SofD is authorised to serve Notices without agreement of the HSE. All DMR Notices carry the delegated authority of the Director DSEA and while they are not legally 'enforceable' in the same way as a sanction issued by the HSE, they do constitute the removal of MOD authority for the diving activity concerned. Any continued diving activity shall be at the personal liability of the Duty Holder responsible, until the identified safety shortcoming has been addressed as required by SofD. In common with other DSEA Regulators warning and sanction Notices used are as follows:

a. Defence Warning/Advisory letter regarding legislation, Defence Regulations policy compliance or good practice. Where the recipient believes they are meeting the legislative requirements in an alternative way the onus is on them to prove this. Advice may be provided verbally and/or in writing but to avoid possible conflicts of interest with further enforcement action, the regulator will only give advice on the standards required to achieve regulatory compliance or examples of good practice.

b. Defence Improvement Notice where there is an issue of non-compliance with legislation or Defence Regulations and policy. In such circumstances advice will be provided as to how the recipient can become compliant and they will be given a time period in which to achieve compliance.

c. Defence Prohibition Notice where there is an immediate risk of serious personal injury. This Notice will direct that the activity is ceased immediately and direction will be provided to the recipient on remedial actions required. Any risks to safety or environmental impacts remain the responsibility of the recipient and non-compliance with a Prohibition Notice will leave the recipient personally liable for the risk posed.

36. Appeals against the decision of the MOD Diving Regulator with regard to the serving of a sanction Notice or the provisions contained within such a Notice, which are considered necessary to address the safety non-conformance, can be made first to the DMR. The appeal shall be made in writing within 21 days. If the appeal is unresolved a further appeal can be made to the Director DSEA. Where the matter is still unresolved appeal can be made to the PUS and ultimately SofS.

37. SofD directs the Diving Standards Team (DST) in its role in monitoring diving safety. The nature of the existing provisions of DWR and SofS Safety Policy requires the DST to deliver both regulatory and assurance outputs for MOD diving and related activities.

38. SofD delegates the day to day management of MOD diving domains to a nominated Diving Standards Officer (DSO). The DST is resourced to manage the military and recreational diving domains and DSO Navy, Army and Adventurous Training are the nominated Officers. Currently, DSO Army also manages the MOD Commercial Diving domain, but SofD will utilise any spare capacity from within the whole of the DST to meet the requirements of this task until additional resources are made available.

39. SofD and DST personnel are required to possess extensive professional diving and MOD safety management knowledge and experience as a minimum requirement for their roles. Additional training in safety system management is specified by DMR and recorded in individual Terms of Reference Competence Requirements. Continuous professional development of DST staff in safety assurance procedures shall be adopted.

Service Level Agreements

40. Service Level Agreements (SLA) between the DSEA and domain DHs shall define the effective and efficient use of the available SQEP resources in the MOD. Such SLAs will be reviewed as part of the Department's routine business and will be terminated when resources allow.

41. Service Level Agreements arranged between Duty Holders and the DMR, shall not absolve DH of their responsibility to ensure commensurate levels of diving SQEP are managed and developed within their organisations. They shall manage the required diving safety management systems, procedures and structures. The objective of an SLA is to achieve "lean regulation" by avoiding duplication of assurance effort where resources are limited and sustain the overarching safety goal of continuous improvement in safety performance.

42. Work shall be prioritised according to the following hierarchy:
- a. Accident investigations involving death or serious injury, significant damage to property or the environment.
 - b. Level 3 CODH/DDH Diving Safety Certification.
 - c. Level 3 ODH Diving Safety Certification in support of DMR.
 - d. Support to Level 2 ODH lead Intermediate Verifications.
 - e. ODH NLIM technical investigations, support to MOD Duty Holders (Civilian Diving Projects and acquisition of Third Party Diving Services)

7 Certification

1. Validity of Certification. Diving shall not be undertaken by any unit without a valid certification as required by these regulations
2. **Defence Maritime Regulator Certification:**
 - a. Defence Maritime Regulator Certificates shall be required for the Safety and Environmental Management Systems for shore side and shipboard diving activity. These certificates are Diving Safety Certificates.
 - b. The Diving Standards Team shall, on behalf of the Defence Maritime Regulator, following satisfactory audit, issue certification for the Safety and Environmental Management Systems established by the Operating Duty Holder. The issue of a Diving Safety certificate shall follow demonstration by an Operating Duty Holder and Commanding Officer Duty Holder that appropriate safety and environmental protection arrangements are in place for shore based and shipboard diving operations. Diving Safety Certification shall be issued in accordance with the application of the regulations.

ODH Diving Safety Certification

3. The Diving Safety Certificate shall be issued by the Diving Standards Team to any Operating Duty Holder complying with the requirements of these regulations for a period specified by Defence Maritime Regulator which shall not exceed six years. Diving Safety Certification shall routinely be undertaken as an integral part of the Defence Maritime Regulator audit programme however, they can be undertaken in isolation if the timing of the Defence Maritime Regulator audit programme would lead to an unacceptable break in Diving Safety Certification.
4. Diving operations shall only be undertaken by an Operating Duty Holder who has been issued with a Diving Safety Certificate.
5. Compliance of the Operating Duty Holder with the requirements of the regulations shall be reflected through the issue of a Diving Safety Certificate issued in accordance with the following:
 - a. The Diving Safety Certificate shall only be valid for the diving operations explicitly indicated in the document. Such indication shall be based on the types of diving which the initial verification was based. Other diving operations shall only be added after verification of the Operating Duty Holder's capability to comply with the requirements of the regulations.
 - b. The validity shall be subject to periodic verification by the Diving Standards Team. The periodicity shall be set by the Defence Maritime Regulator.
 - c. The Document of Compliance shall be withdrawn by the Defence Maritime Regulator when the periodic verification required in sub para b above expires or if there is systemic evidence of major non-conformities with the requirements of the regulations.

CODH/DDH Diving Safety Certification

6. The compliance of the diving safety management system arrangements with the requirements of these regulations shall be reflected through the issue of a Diving Safety Certificate. The Diving Safety Certificate shall be issued in accordance with the following:

a. It is verified that the CODH/DDH has demonstrated the diving safety management system arrangements operate in accordance with the approved Safety and Environmental Management System.

b. The Operating Duty Holder or, exceptionally, the Defence Maritime Regulator, is satisfied those arrangements align with operational planning requirements.

c. The validity shall not exceed a period of two years with the following exceptions:

(1) *AT Diving:*

(a) *MOD Approved Centres.* 12 months.

(b) *Naval Cadet Force Training Team.* 12 months.

(c) *Dive Branches.* 3 years.

d. Validity shall be subject to at least one intermediate verification by the Operating Duty Holder, the ODH may, exceptionally, use the Diving Standards Team Inspectors to assist with intermediate verifications but must provide the supervising officer to lead the team (see note). The intermediate verification shall be carried out between 9 and 16 months of the date of the Diving Safety Certificate.

e. The Certificate shall be withdrawn by the Diving Standards Team when the intermediate verification required in sub para d above is not undertaken or if there is evidence of major non-conformity with the requirement of the regulations.

Note. *The Diving Standards Team (Adventurous Training) will conduct all certification IAW with sub para c (1) above, there is no requirement for ODH's to conduct intermediate verifications on AT organisations*

Renewal of Defence Maritime Regulator Certification

7. Notwithstanding the requirements of Paras 5 and 6 above, when the renewal audit or supporting verification evidence is completed within three months before the expiry date of the existing certification, the new certification shall be valid for a period two years from the date of expiry of the existing certification.

8. When the renewal verification is completed more than three months before the expiry date of the existing certification, the new certification shall be valid from the date of completion of the renewal verification for a period of two years from the date of completion of the renewal verification.

This document has been archived
and has been superseded by
DSA 02 Defence Diving Regulations
<https://www.gov.uk/government/publications/defence-diving-regulation>

9. When the renewal verification is completed after the expiry date of the existing certification, the new certification shall be valid from the date of completion of the renewal verification for a period of two years.

8 Diving Safety Management System

MOD Diving Safety Management Panel

1. Formed in response to the Crown Censure placed on the MOD by the HSE in 2003, following a series of fatal diving accidents, the Diving Safety Management Panel (DSMP) shall advise the DMR on the development of diving safety policy and management across the MOD. It is comprised of representatives from the key MOD diving activity stakeholder groups and draws experience from all Duty Holders (DH) responsible for ensuring that diving safety management is compliant with the DMR policy. It is for each DH to ensure that diving is managed in a co-ordinated and informed manner and to ensure that safety in diving is in accordance with the objectives of the MOD Safety Strategy. The DSMP supports the Maritime Stakeholders Safety and Environment Committee (MSSEC) as and when required.

2. The DSMP will comprise of standing representatives from the following organisations:

- a. DMR Team Leader (Chairman).
- b. SofD.
- c. Operating Duty Holder Safety Representatives (Navy/Army/DES/JFC/DIO/Dstl).
- d. Training Authority (FOST).
- e. HSE.
- f. INM.
- g. MOD Scientific Advisor (Dstl).
- h. Chairman of the MDSMWG (DSO DSO(N))/(A).
- i. Chairman of the JSSADPAC (NAVY PERS SO1 AT).
- j. Chairman of the CDSMWG (DSO (C)).
- k. DSO (AT).
- l. Equipment Authority Representative.
- m. Secretary (Non-Chair of the MDSMWG DSO(N))/(A).

3. **The Tasks of the DSMP are as Follows:**

- a. Make recommendations to change MOD Diving Safety Management Policy and associated Diving Regulations. (This will normally be as a result of issues contained in sub-Working Group Reports to the DSMP).

- b. Review changes to statutory regulations and industry best practice and advise stakeholders on implication of such changes to MOD diving activity.
- c. Review the diving safety performance of all MOD diving activity, as an indicator of policy and regulatory performance.
- d. Provide SME advice to the DMR.
- e. Provide SME advice to the MSSEC.
- f. To meet at least at six monthly intervals so the Defence Maritime Regulator is appraised of the state of Duty Holder performance in diving safety in the MOD.

Diving Safety Management Working Groups Panel

4. The nature of and wide range of diving activity within the MOD requires an ability to ensure all such activity has safety management oversight. While SofD is the Regulator it is incumbent upon each Duty Holder to maintain sufficient oversight of the areas within their Area of Responsibility and support the DSMP. Therefore individual Diving Safety Management Working Groups, formed from within the groups stakeholder community will coordinate the safety issues emerging from their particular areas of diving activity. There are three Working Groups:

Military Diving Safety Management Working Group

5. **Military Diving Safety Management Working Group (MDSMWG):**
- a. The MDSMWG shall convene 6 monthly to review safety performance or when necessary as directed by an appropriate Duty Holder or SofD. It is chaired by DSO(N)/(A) and the Secretary will be the non-Chair DSO(N)/(A). Meetings shall be called in sufficient time before the DSMP sits to provide military diving domain input. Records of the DST audits, FOST(MPV) and CAA&I reports shall be reviewed as necessary.
 - b. **Membership.** DSO(N), DSO(A), DST(N/A) staff, SEO(FDS), FOST(MPV), DDS DTO(N)/(A), INM, FDS, NDG (inc NSRS), SDG, CHALFONT, HMNB, Gib CDE, RNR, UETU, Equipment Authority, RM Poole, Divisional and Unit ADS (Army), SALMO Sponsored Reserves, ODH Desk Officers.
 - c. **Tasks:**
 - (1) To review safety performance indicators and make recommendations to improve performance.
 - (2) To follow up action items from ship/unit DIRs/Near Miss Returns.
 - (3) To implement actions arising from meeting of the DSMP.
 - (4) To review impending safety legislation.
 - (5) To advise on issues arising from other MOD diving forum.

(6) To advise the DSMP on diving safety high-risk areas.

(7) To identify equipment safety issues.

d. **Agenda.** The agenda is raised by DSO(N)/(A) in consultation with SofD. Standing items are described in the Military Diving Manual.

e. **Actions.** Action items will be closed out at each subsequent MDSMWG meeting or passed to the DSMP for consideration.

f. **Records.** The findings, conclusions and recommendations reached as a result of the reviews shall be recorded as minutes and retained on file for a period of 6 years within the DST.

Joint Service Sub-Aqua Diving Policy Advisory Committee

6. Joint Service Sub-Aqua Diving Policy Advisory Committee (JSSADPAC)

a. The JSSADPAC is a Working Group that shall convene 6 monthly to review safety performance or when necessary as directed by an appropriate Duty Holder or SofD. It is Co-Chaired by NAVY PERS SO1 AT, SofD (For DSMP issues) and the Secretary is SO2 AT. Meetings shall be called in sufficient time before the DSMP sits to provide the recreational diving domain input. Records of the DST audits, single Service Sub-Aqua Diving Association reports shall be reviewed as necessary.

b. **Membership.** SO1 AT, SO2 AT, SofD, DSO(AT), DSI(AT), OIC JSSADC Devonport, Representatives from single Service AT Authorities, Single Service Sub-Aqua Diving Association Chairmen, INM, BSAC representative, Cadet Forces Diving Authority Representatives.

c. **Tasks:**

(1) Ensure all personnel taking part in JSAT sub-aqua diving are aware of and comply with BRd 2806(5) and, through adherence to the HSE ACOP for Recreational Diving, comply with DWR97.

(2) Seek advice and feedback from the OIC JSSADC.

(3) Seek regular updates on sub-aqua diving assurance issues, incidents and lessons identified by the Diving Standards Officer (AT).

(4) Seek advice from the sub-aqua diving medicine specialist.

(5) Seek input from the single Service AT policy desk officers.

(6) Seek input from the single Service sub-aqua Association Chairmen/ Secretaries.

(7) Seek input from the Cadet Forces sub-aqua representative.

(8) Ensure that rapid notification of changes to sub-aqua diving policy are achieved through a cascade messaging system utilising JSSADPAC Committee members and the Bovisand Bulletin.

(9) To advise JSATSG of actions arising from the JSSADPAC.

(10) To ensure through DSO(AT) the DMSP is advised of any safety concerns in the sphere of JSAT sub-aqua diving activity. This will include advising the DMSP on any diving incident or near miss reported.

(11) Agree the list of MOD Approved Centres for the following 2 seasons.

d. **Agenda.** The agenda is raised by NAVY PERS SO1 AT in consultation with stakeholders.

e. **Actions.** Action items will be closed out at each subsequent JSSADPAC meeting or passed to the DSMP for consideration.

f. **Records.** The findings, conclusions and recommendations reached as a result of the reviews shall be recorded as minutes and retained on file for a period of 6 years at HMS TEMERAIRE.

Commercial Diving Safety Management Working Group

7. Commercial Diving Safety Management Working Group (CDSMWG)

a. The CDSMWG shall convene every 6 months to review safety performance or when necessary as directed by an appropriate Duty Holder or SoFD. Meetings shall be called in sufficient time before the Diving Safety Management Panel (DSMP) in order to submit a safety performance report in sufficient time to enable the DSMP to report to the Maritime Stakeholder Safety and Environment Committee (MSSEC). The Chairman of the Working Group is DSO(C) and the Secretary is DSI(C).

b. The membership of this Working Group shall comprise representatives from NBC Diving Safety Organisations (Faslane, Portsmouth, Devonport), Commercial Diving Contractor Agents (BAE, UMC, SERCO, Babcock, Shearwater etc.), DE&S SANMO and DIO. Representatives with responsibility for authorising Diving Projects, DST, HSE (if available) and representatives from other MOD establishments which routinely undertake MOD commercial diving activities. Additional members shall be included in order to ensure MOD responsibilities for commercial diving safety are met:

c. **Tasks:**

(1) To review safety performance indicators and make recommendations to improve performance.

(2) To ensure there is a coherent and common approach to diving safety management in MOD commercial diving.

(3) To ensure lessons identified from MOD commercial Diving Incident Reports/Near Miss are disseminated to all stakeholders and follow up actions as required.

(4) To consider implications on MOD commercial diving of impending safety legislation.

(5) To advise on issues arising from other MOD diving forums.

(6) To advise the DSMP on diving safety in high-risk areas.

(7) To implement actions arising from meeting of the DSMP.

(8) To identify common equipment safety issues.

(9) To produce the MOD Commercial Diving safety performance report to the DSMP.

d. **Agenda.** Agendas shall be issued prior to the meeting by the Chairman. Stakeholders shall submit particular items for discussion as required.

e. **Actions.** Action items will be closed out at each subsequent CDSMWG meeting or passed to the DSMP for consideration.

f. **Records.** The findings, conclusions and recommendations reached as a result of the reviews shall be recorded as minutes and retained on file for a period of 6 years within the DST.

Safety Management Structures

8. The MOD safety management structures for Diving and Diving Related Activities are detailed in the following Appendices:

- a. **Appendix 1.** MOD Diving Safety Management Structure
- b. **Appendix 2.** Military Diving Safety Management Structure
- c. **Appendix 3.** MOD Recreational Diving Operations Structure
- d. **Appendix 4.** MOD Civilian Diving Operations Structure

9. An appropriate DSMS shall be used in every area of MOD diving activity to facilitate and manage diving safety processes and procedures.

10. Service Sub-Aqua diving safety management utilises BR 2806(5) which endorses the procedures and processes in use by the British Sub Aqua Club (BSAC), the Recreational Diving National Governing Body and provides additional MOD specific guidance. All Service sub-aqua branches and clubs are required to be enrolled members of BSAC.

MOD Policy Approval and Control

11. The MOD Diving Contractor Focal Point shall be responsible for maintaining the MOD diving safety policy and advising the Policy Sponsor of all diving issues that require their attention.

12. The DSMP, chaired by DMR Team Leader, shall report upon the safety state of all MOD diving activity to the Director DSEA and inform the future DST inspection programme. The DSMP shall be the forum used for advising other Departmental stakeholders on current diving legislation and regulations.

Diving Manual Approval and Control

13. The authority responsible for BRd 2806 UK Military Diving Manual is SofD. As the HSE recognised guide to military diving, any significant changes shall be made in consultation with the HSE.

14. The authority responsible for the BRd 2806(5) Joint Service Sub-Aqua Diving Regulations is SofD. Any significant changes shall be made in consultation with the HSE.

Policy Implementation

15. SofD will assure compliance with this policy by all MOD management and staff responsible for or involved in Diving and Diving Related Activities.

MOD Policy Review

16. This policy document shall be reviewed every year, or sooner at the discretion of the Policy Sponsor or if events that impact on this policy, including:

- a. Changes in legislation and/or regulation.
- b. Changes in the MOD organisation/roles.

Audit

17. Each Duty Holder shall ensure that the requirements of this policy are being maintained through regular internal audits. The principles of MOD audit procedures are detailed in JSP 375 Volume 4. Duty Holders shall support DSEA Level 3 audits carried out by the Diving Standards Team as directed by the Defence Maritime Regulator. The audit should seek to:

- a. Provide assurance that activities are being performed in accordance with the SEMS.
- b. Identify opportunities to improve the management system.
- c. Identify opportunities to raise awareness of safety and environmental protection issues.
- d. Identify any training needs and competency requirements.

- e. Provide assurance of compliance with applicable safety standards, both statutory and non-statutory.
 - f. Recognise good practice.
 - g. Inform the management review process.
 - h. Inform policy development.
 - i. Improve procedures for the management of safety and environmental processes.
18. The audit programme shall consider at all levels:
- a. Compliance with MOD policy.
 - b. Compliance with DWR.
 - c. Compliance with relevant JSPs.
 - d. Safety assurance.
 - e. Competencies, currency and training.
 - f. Equipment procurement, operation and maintenance.
 - g. Third Party independent audit.
19. Internal audits shall be conducted at least every 12 months by MOD diving organisations, and at least every three years for the acquisition of Diving Plant, or at a more frequent periodicity set by a Duty Holder.
20. Level 3 audits by the DMR shall be conducted at a frequency commensurate with the circumstances and level of risk of the area being monitored according to their programme. The audit procedures used by the DST will conform to ISO 19011 (see note).
21. In order to accredit the assurance effort conducted by the DST, the HSE shall be requested to monitor DST audit procedures and examine audit assessments on a frequency which can demonstrate confidence in MOD's diving safety management system.
- Note.** ISO 19011 Guidelines for auditing management systems.

9 References

1. The Health and Safety at Work Act 1974.
2. The Diving at Work Regulations 1997.
3. The Merchant Shipping (Diving Safety) Regulations 2002.
4. The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.
5. IMO Code of Safety for Diving Systems 1995.
6. JSP375 Health and Safety Handbook.
7. JSP430 Ship Safety Management.
8. JSP442 Accident Reporting System.
9. HSE Approved Codes Of Practice for Diving Projects.
10. OHSAS 18001 Occupational Health and Safety Management Standards.
11. ISO 19011 Guidelines for Auditing Management Systems
12. BRd 2806, UK Military Diving Manual, Vols 1 - 6
13. The Acquisition Handbook.
14. BR 9147 Navy Command Safety and Environment Management System.
15. Army Code 71815 A Commander's Guide to Safety and Environmental Risk Management.

10 List of Abbreviations

2SL	Second Sea Lord
8FEB	8 Force Engineer Brigade
ACNS	Assistant Chief of Naval Staff
ACOP	Approved Code Of Practice
ADS	Army diving Supervisor
ALARP	As Low As Reasonably Practicable
AMED	Approved Medical Practitioner
AT	Adventurous Training
ATVRDM	Adventurous Training Vocational and Recreational Diving Medical
BSAC	British Sub-Aqua Club
CAS	Chief of the Air Staff
CDE	Clearance Diving Element
CDM	Chief of Defence Materiel
CDSMWG	Commercial Diving Safety Management Working Group
CDTT	CHALFONT Diving Training Team
CGS	Chief of General Staff
CNPD	Captain Naval Physical Development
CNS	Chief of Naval Staff
CO	Commanding Officer
CODH	Commanding Officer Duty Holder
DDH	Delivery Duty Holder
DDS	Defence Diving School
DE&S	Directorate of Engineering and Support
DESB	Defence Environment and Safety Board
DH	Duty Holder
DIO	Defence Infrastructure Organisation
DLSE SRC	Diving and Life Support Equipment Safety Review Committee
DMR	Defence Maritime Regulator
DNPTS	Director of Naval Physical Training and Sport
DSEA	Defence Safety and Environment Authority
DSM	Diving Safety Memorandum
DSMC	Diving Safety Management Committee
DSMP	Diving Safety Management Panel
DSMS	Diving Safety Management System
DSO	Diving Standards Officer
DST	Diving Standards Team
DSTL	Defence Science and Technology Laboratories
DWR	Diving at Work Regulations
EU	European Union
FDS	Fleet Diving Squadron
FLEETCMDR	Fleet Commander
FOST	Flag Officer Sea Training
HSE	Health and Safety Executive
IMCA	International Marine Contractors Association
IMO	International Maritime Organisation
INM	Institute of Naval Medicine
IOSH	Institute of Occupational Health and Safety
IPT	Integrated Project Team
IPTL	Integrated Project Team Leader

IRCA	International Register of Chartered Auditors
ISM	In-service Submarines Project Team
ISO	International Standards Office
JSAT	Joint Services Adventurous Training
JSP	Joint Services Publication
JSSADC	Joint Services Sub-Aqua Diving Centre
JSSADPAC	Joint Services Sub-Aqua Diving Policy Advisory Committee
JSSADR	Joint Service Sub-Aqua Diving Regulations
MCMV	Mine Countermeasures Vessel
MDSWG	Military Diving Safety Working Group
MOD	Ministry Of Defence
MSSEC	Maritime Safety Stakeholder Executive Committee
NDG	Northern Diving Group
NLIMS	Naval Lessons Identified Management System
NSRS	NATO Submarine Rescue System
OC	Officer Commanding
ODH	Operating Duty Holder
OIC	Officer-in-Charge
PDH	Platform Duty Holder
PPE	Personal Protective Equipment
PDEV	Physical Development
RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
SADS	Sub-Aqua Diving Supervisors
S&MO	Salvage and Marine Operations
SDG	Southern Diving Group
SOFD	Superintendent of Diving
SQEP	Suitably Qualified and Experienced Person(s)
SRD	System Requirement Document
SUMC	Standard Underwater Medical Course
URD	User Requirements Document
UEW	Underwater and Electronic Warfare

11 Glossary

Note. This policy uses the terms defined here to talk about generic roles. The names of the particular posts carrying out those roles will vary across the organisation.

Accident	An unintended event, or sequence of events, that causes harm . <i>(Def Stan 00-56 issue 4)</i>
ALARP	As Low As Reasonably Practicable. A risk is ALARP when the cost of any further risk reduction (in terms of money, time or trouble including the loss of defence capability), is grossly disproportionate to the benefit obtained from that risk reduction.
Approved Code of Practice	(ACOP) The HSE Provides legal guidance on the application of the Diving at Work Regulations under different operating circumstances. The ones most likely to be applicable to MOD diving activity are as follows: ACOP for Commercial Diving Projects Inland/Inshore ACOP for Commercial Diving Projects Offshore ACOP for Recreational Diving Projects ACOP for Archeological and Scientific Diving Projects
Assurance	Adequate confidence and evidence, through due process, that safety and environment requirements have been met. <i>(JSP 815)</i>
Authorisation (of a document)	The process of endorsing and giving authority to a document and becomes accountable for its contents. Authorisation is indicated by a signature.
Client	An organisation that places a task or contract with a contractor to deliver a diving project, and as such has health and safety responsibilities with regard to the diving project in accordance with Regulation 4 of Diving at Work Regulations 1997.
Commanding Officer Duty Holder	(CODH) The person charged with the Military Command and consequently the responsibility for safe diving operations in all units engaged in any diving under MOD auspices and including the conduct of defined associated diving plant maintenance activities.

Defence Maritime Regulator	(DMR) The maritime component of the Defence Safety & Environment Authority. Headed by the Maritime Regulator, the body that sets maritime safety and environmental policy provides advice and guidance on compliance. The DMR is required to independently check and audit Duty Holders' assurance that safety and environmental protection is being delivered and where necessary to censure non-compliance or scrutinise requests for exemptions.
Delivery Duty Holder	(DDH) used in some MOD safety management structures broadly equating to a safety risk owner level equating to a military CO Duty Holder and includes any Project Team Leader or other MOD manager with equivalent duties. It can also be any Project Team Leader or other MOD manager with equivalent responsibilities, whose staff acquire the diving services of third party contractors or military divers.
Design Authority	<ol style="list-style-type: none"> 1. The authority vested in an individual or organisation to ensure the fitness for purpose of a design and to make or approve changes to the design. 2. The individual or organisation that holds Design Authority.
Diving at Work Regulations 1997	<p>Secondary legislation under the Health and Safety at Work Act 1974, the Diving at Work Regulations 1997 (DWR) places a duty on every person who to any extent is responsible for, has control over or is engaged in a diving project or whose acts or omissions could adversely affect the health and safety of persons engaged in such a project, to take such measures as it is reasonable for a person in his position to take to ensure that these Regulations are complied with.</p> <p>MOD has an exemption to comply with the DWR for operations conducted by members of the Armed Forces of the Crown or of a visiting force engaged in warfare or training for warfare.</p>
Diving Contractor	An organisation responsible for the conduct of a diving project or task as legal responsibilities laid down in DWR and the HSE Approved Codes of Practice (ACOPs) provide detailed guidance on the scope and requirements of these responsibilities. For military diving operations the Diving Contractor equates to the Commanding Officer of the Unit conducting the diving operation or project and these responsibilities are defined in BRd2806 Military Diving Manual. For MOD civilian diving the Diving Contractor is the Team Leader of the department conducting the diving operation.
Diving Safety Management Panel	(DSMP) The overarching management body responsible for advising on diving safety policy set by DMR throughout the MOD and acting as the focal point for the various diving safety management systems used within the MOD.

Diving Safety Management System	<p>(DSMS) A system of comprehensive, coherent and practical processes, procedures and organisational structures which facilitate the required level of checks and balances in MOD diving activity, designed to meet safety requirements and safety policy objectives.</p> <p style="text-align: right;"><i>(Adapted from Def Stan 00-56 issue 3)</i></p> <p>Such a system must enable operating safety to be an integral part of Diving Operational Capability.</p>
Diving Standards Team	<p>(DST) The DST is the component of the DMR responsible for monitoring diving safety standards in all areas where this activity is conducted under MOD auspices. There are three sub-divisions each responsible for a particular field of MOD diving and these are:</p> <p>Diving Standards Team (Navy) Diving Standards Team (Army) Diving Standards Team (Adventurous Training) Diving Standards Team (Commercial)</p>
Duty Holder	<p>A key person appointed to discharge a duty of care for a Defence undertaking such that others do not suffer unreasonable harm or loss from a Defence Activity. They shall have sufficient control to supervise operations that significantly affect the safety and environmental protection of Diving activities. They shall hold responsibility and accountability beyond normal managerial duties to coordinate DLODs that cross line management responsibilities.</p> <p>There are different titles for duty holders in the MOD, in general the following Duty Holder titles are used across the spectrum of MOD diving and will be nominated in department management arrangements as having responsibilities for diving:</p> <ul style="list-style-type: none"> • Senior Duty Holder (SDH) • Intermediate or Operating Duty Holder (ODH) • Delivery Duty Holder (DDH) • Commanding Officer Duty Holder (CODH) • Platform Duty Holder (PDH)
Endorse	<p>To assert that a document meets the requirements of relevant policy, procedures and good practice.</p> <p style="text-align: right;"><i>(JSP 520)</i></p> <p>Endorsement may be provided either by signature of the document or by provision of a separate statement.</p>
Environmental Protection	<p>Prevention of harm to the natural environment.</p> <p style="text-align: right;"><i>(JSP 815)</i></p>

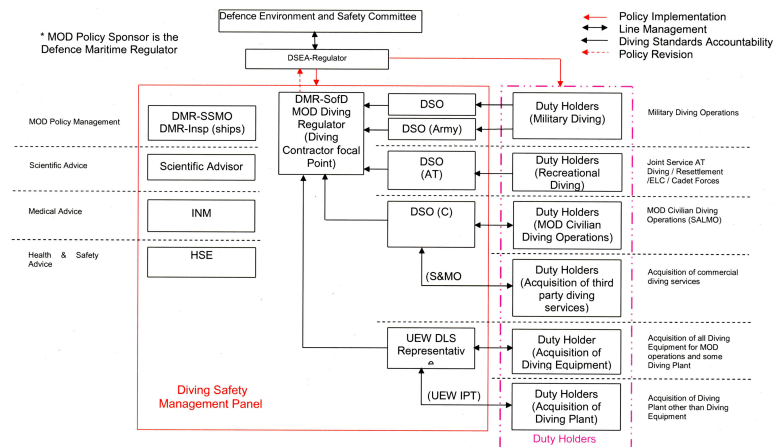
Equipment	An item that is designed to provide one or more services or functions to the user or the system of which it forms a part. e.g. pumps, motors, valves, air conditioning plant, radar, gun, etc. <i>(JSP 520)</i>
Equipment Authority	(EA) The person charged with the development and maintenance of the safety regime for an equipment or a sub-system of a ship . <i>(JSP 430)</i>
Good practice	The generic term for those standards for controlling risk which have been judged and recognised by HSE or another authoritative body as satisfying the law when applied to a particular relevant case in an appropriate manner. <i>(Adapted from HSE ALARP guidance)</i>
Harm	Death, physical injury or damage to the health of people, or damage to materiel or the environment. <i>(Def Stan 00-56 issue 4)</i>
Hazard	A physical situation or state of a system , often following from some initiating event, that may lead to an accident . <i>(Def Stan 00-56 issue 4)</i>
Hazard Log	The continually updated record of the hazards , accident sequences and accidents associated with a system . It includes information documenting risk management for each hazard and accident . <i>(Def Stan 00-56 issue 4)</i>
Incident	The occurrence of a hazard that might have progressed to an accident , but did not. Sometimes referred to as a near miss . <i>(Def Stan 00-56 issue 4)</i>
Independent Safety Auditor	An individual or team, from an independent organisation, that undertakes audits and other assessment activities to provide assurance that safety activities comply with planned arrangements, are implemented effectively and are suitable to achieve objectives, and whether related outputs are correct, valid and fit for purpose. <i>(Def Stan 00-56 issue 4)</i>
Inherent risk	The exposure arising from a specific risk before any action has been taken to manage it. <i>(JSP 892)</i>
Intrinsic risk	The risk posed by a system independent of its interaction with other systems .
Near miss	See incident .

Operating Authority	<p>1. The authority vested in an individual or organisation to conduct the administration of MOD Diving (e.g. manning, maintenance of operating instructions, learning from incidents and accidents).</p> <p>2. The individual or organisation that holds Operating Authority.</p> <p style="text-align: right;"><i>(JSP 430)</i></p>
Operating Duty Holder	(ODH) The person charged with the safe administration and employment of MOD Diving at the operational level. In the MOD this will typically be the Operating Authority .
Operating Environment	The total set of all external natural and induced conditions to which a system is exposed at any given moment. <i>(Def Stan 00-56 issue 4)</i>
Residual risk	The exposure arising from a specific risk after action has been taken to manage it, and making the assumption the action is effective. <i>(JSP 892)</i>
Risk	Combination of the likelihood of harm and the severity of that harm . <i>(Def Stan 00-56 issue 4)</i>
Risk management	The systematic application of management policies, procedures and practices to the tasks of hazard identification, hazard analysis, risk estimation, risk and ALARP evaluation, risk reduction and risk acceptance. <i>(Def Stan 00-56 issue 4)</i>
Safety and environmental regime	The overarching structure for managing safety and environmental protection and discharging associated responsibilities.
Safety/Environmental Case	A structured argument supported by a body of evidence that provides a compelling, comprehensible and valid case that a system is safe or environmentally sound for a given application in a given operating environment . <i>(Adapted from Def Stan 00-56 issue 4)</i>
Safety/Environmental Case Report	A report that summarises the arguments and evidence of the Safety Case/Environmental Case , and documents progress against the safety programme . <i>(Adapted from Def Stan 00-56 issue 4 and POEMS v2.2e)</i>
Safety/Environmental Committee	A group of stakeholders that exercises, oversees, reviews and endorses safety/environmental management and safety engineering/environmental protection activities. <i>(Adapted from Def Stan 00-56 issue 4)</i>

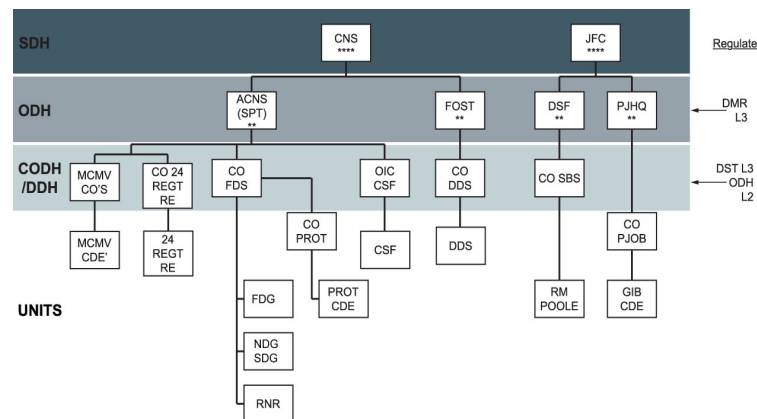
Safety/Environmental Management Plan	A document that defines the strategy for addressing safety or environmental protection and may document the Safety Management System for a specific project. <i>(Adapted from Def Stan 00-56 issue 4)</i>
Safety/Environmental Requirement	A requirement that, once met, contributes to the safety or environmental performance of the system or the evidence of the safety performance of the system . <i>(Adapted from Def Stan 00-56 issue 4)</i>
Senior Duty Holder	The person with overall responsibility for undertaking an element or elements of MOD Diving by an organisation. In the MOD this will typically be a Top Level Budget Holder or agency Chief Executive.
Senior Manager	A person with responsibility for allocating resources or providing direction or advice to Duty Holders , the <i>Naval Authority</i> or other Authorities.
Superintendent of Diving	(SofD) SofD is the MOD Diving Regulator with authority delegated from the DMR and specifically responsible for Regulating MOD Diving activity under the 'exemption' from DWR 97. This person is also the MOD Diving Contractor Focal Point, a legally recognised position, nominated to the HSE in accordance with the DWR and responsible for monitoring diving safety assurance across the MOD.
System	A combination, with defined boundaries, of elements that are used together in a defined operating environment to perform a given task or achieve a specific purpose. The elements may include personnel, procedures, materials, tools, equipment , facilities, services and/or software as appropriate. <i>(Def Stan 00-56 issue 4)</i>
Training Authority	An organisation supplying suitable training for the development of competent personnel to the levels specified in Training Needs Analyses.

APPENDIX 1

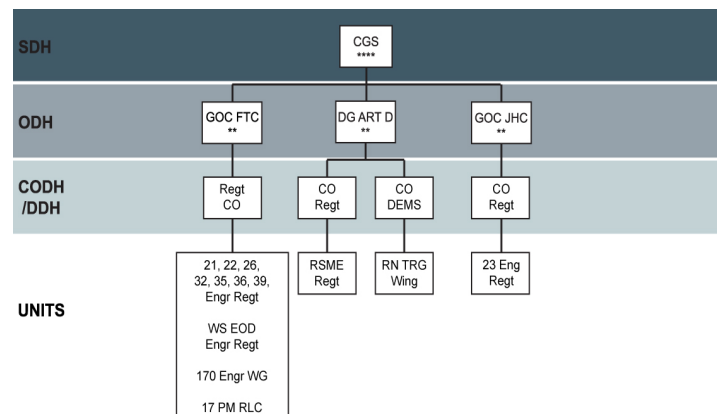
MOD DIVING SAFETY MANAGEMENT STRUCTURE



APPENDIX 2
MILITARY DIVING SAFETY MANAGEMENT STRUCTURE
(NAVY)



MILITARY DIVING SAFETY MANAGEMENT STRUCTURE (ARMY)

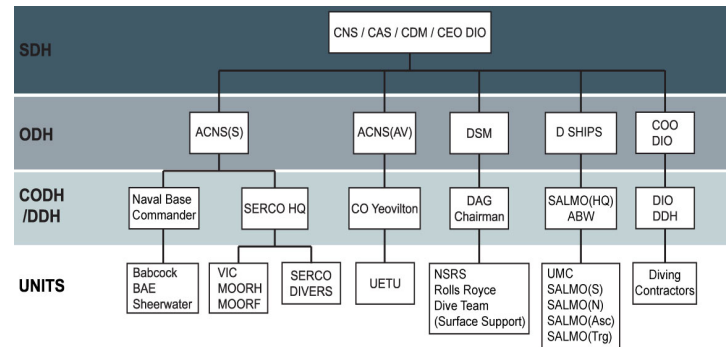


APPENDIX 3

MOD RECREATIONAL DIVING OPERATIONS STRUCTURE

Joint Services sub-aqua diving (exempt Cadet Forces)	RN/RM	Army	RAF
Senior Duty Holder	First Sea Lord	CGS	CAS
Operating Duty Holder	ODH of authorising lead unit		AOC 22(Trg) Gp
Commanding Officer Duty Holder	Unit CO of authorising lead unit		
Cadet Forces	RN/RM	Army	RAF
Senior Duty Holder	First Sea Lord	CGS	CAS
Operating Duty Holder	FOSNI	AG	AOC 22(Trg) Gp
Commanding Officer Duty Holder	Sea Cadets: Captain Sea Cadets CCF (RN/RM): Captain Navy Cadets	Army Cadet Force and CCF (Army): Colonel Cadets	Air Training Corps and CCF (RAF): Wing Cdr CCF

APPENDIX 4 MOD CIVILIAN DIVING OPERATIONS STRUCTURE



This document has been archived
and has been superseded by
DSA 02 Defence Diving Regulations
<https://www.gov.uk/government/publications/defence-diving-regulation>

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