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Defence
Safety
Authority



DSA02-DMR

Defence Diving Regulations

Defence Maritime Regulator

DMR

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PREFACE

Disclaimer: Nothing contained within this Regulatory Framework for MOD Diving activity, removes the ultimate responsibility of any person's failures to comply with legislation or other Defence Authority requirements. Any conflicts should be brought to the attention of the Defence Authorities affected. Neither MOD Holding to Account nor any absence of Assurance by the DMR's Diving Standards Team (DST), absolves any Duty Holder, when challenged, of their requirement to supply suitable and sufficient evidence of compliance, with these Defence Diving Regulations and with applicable legislation.

Equality and Diversity: This document has been equality and diversity tested in accordance with Departmental policy and no direct discrimination or adverse impact has been identified.

Authority: The Defence Safety Authority DSA-01-1 is the Level 1 Policy document which expands the Secretary of State for Defence's statement. This is a DSA Level 2 Regulatory Directive, forming part of the Defence Safety Regulatory Publication set. The Directive is the DSA02-DMR – Defence Diving Regulations (named Diving Regulations hereafter) to apply governance to all Defence Diving Activity, either setting policy for compliance with the law or Regulation where Defence has Disapplication's, Exemptions or Derogations (DED) from statute.

The DSA Charter authorises DMR to publish these Diving Regulations to set goals, whose outcomes for Defence Diving Activity are at least as good as the legislative DEDs. The Diving Regulations are supported by DSA Level 3 Defence Codes of Practice (DCOP) that specify an approved means of compliance with applicable legislation and with associated Defence Regulations. Each DSA03-DMR-Diving DCOP is also used in assurance of MOD Diving activity. Compliance with a Defence Regulation may be achieved by following Defence Codes of Practice. As with any Approved Code of Practice (ACOP) sponsored by statutory regulators, other means of compliance can be used by any Duty Holder, but each DCOP is the norm for assurance by DMR.

Glossary: The DSA02-DMR-Diving Regulations and associated DSA03-DMR-DCOPs use standard terms defined to outline generic roles. The names of the particular posts, created by organisations to carry-out those roles will vary. Common diving phrases have been placed in the DSA 01 Series Glossary.

Document Data

Issue Status: These Diving Regulations supersede Joint Service Publication 433 Part 1 and are issued by the Defence Maritime Regulator, under the authority of the DSA Charter as directed by the Secretary of State for Defence. Printed copies of Defence Safety Regulatory Publications are uncontrolled.

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Amendment History

Issue	Amdt	Authority	Date	Key Changes
Initial		DSA-DMR	Jan 17	Reformatted effective from 1 April 2017

Feedback: The Superintendent of Diving can be contacted with comments and queries about this publication addressed to:

Superintendent of Diving
 Fleet Diving Headquarters
 Bridge Building
 Horsea Island
 Cosham
 PORTSMOUTH
 Hampshire
 PO6 4TT
DSA-DMR-DST-SOFD@mod.uk

<p>Important Note</p>	<p>The term must indicates a legal requirement, and will have the legal provenance referenced. The term shall indicates a Defence Regulation and the provenance of the rule will be referenced. The term should indicates one or more Risk Control Option (RCO) considered within a DCOP to be a good practice solution and considered sufficient to demonstrate compliance with the regulation to which it refers. Other alternative approaches may be suitable where they produce an outcome to the mutual satisfaction of Duty Holder and Regulator that is at least as good as the means proposed</p>
<p>Rationale</p>	<p>In accordance with the authority granted him on the DSA Charter, the Defence Maritime Regulator (DMR) has delegated Superintendent of Diving (SofD) the authority to enforce Health and Safety Executive’s Diving at Work Regulations 1997 (DWR 97) within Defence and to place Defence Regulations, arising from Disapplication under the DWR 97. The provenance of Regulatory clauses aligns where possible with the DWR 97 and in more detailed DCOPs. The Secretary for State for Defence requires the DSA to provide audit assurance, to report non-compliance and enforce, proportionate to risk. These risks are to be managed directly by Duty Holders, Authorities, Duly Authorised Persons and Recognised Organisations, and samples and Inspection of the Organisations facing those parties, and shall according to the DSA common enforcement model (2016DIN06-020)</p>

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

Contents		Page
Preface		i
Document Data		ii
Part A - Introduction and Regulatory Principles		
Introduction		1
The Regulatory Framework		1
The Legal Status of HSE Approved Codes of Practice (ACOPs)		2
The Legal Status of DMR Defence Codes of Practice (DCOPs)		2
Leadership Principle		2
Principle of Independent Regulatory Authority		3
Principle of People Empowered with Delegated Authority		3
Commercial Diving Contractors		4
MOD SALMO Diving		4
Enforcement Policy		4
Simplicity Principle		4
Part B - Military and Adventurous Training Diving Regulations		
Regulation 1	The Goal	5
Regulation 2	Interpretation	5
Regulation 3	Application and Extent	6
Regulation 4	Duty to Ensure Compliance With These Regulations	6
Regulation 5	Appointment of the Diving Officer	6
Regulation 6	Duties of the Diving Officer	7
Regulation 7	Information to be Supplied to the Diving Regulator by Diving Officers	7
Regulation 8	Diving Project Plan	8
Regulation 9	Appointment of the Supervisor	8
Regulation 10	Duties of the Supervisor	8
Regulation 11	Power of supervisor to give directions	8
Regulation 12	Duties of and Restrictions on Divers	9
Regulation 13	Duties of and Restrictions on Persons Engaged in a Diving Project	9
Regulation 14	Approved Qualifications	9
Regulation 15	Certificate of Medical Fitness to Dive	10
Regulation 16	Exemption Certificates	11
Part C - DMR and DST 3rd Party Assurance		
Regulation 17	DMR Document of Compliance	12
Regulation 18	DST Diving Safety Certification	12
Part D - Responsibilities		
Regulation 19	Responsibilities and Authority	14
Regulation 20	Duty Holders and Authorities	14
Regulation 21	Senior Duty Holder	14
Regulation 22	Duty Holders	15
Regulation 23	Operating Duty Holder	15
Regulation 24	Delivery Duty Holder	17
Regulation 25	Platform Authority	18
Regulation 26	Equipment Authority	18
Regulation 27	Training Authority	20

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

Regulation 28	Those Holding Client responsibilities	20
Regulation 29	The Diving Officer	22
Regulation 30	MOD Superintendent of Diving	22
Regulation 31	- Diving Standards Team	23

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

Part A - Introduction and Regulatory Principles

Introduction

1. The Superintendent of Diving (SofD) is the Principal Defence Diving specialist within the Defence Maritime Regulator (DMR) which is part of the Defence Safety Authority (DSA). The DSA operates under the Secretary of State (SofS)'s Charter to host fully independent Regulation, Assurance and Enforcement in particular over Disapplication's, Exemptions or Derogations (DED) from statute.
2. Maritime Regulation evolved as an outcome of the inquiries into the Herald of Free Enterprise (1987), Piper Alpha (1988) and Clapham Junction Rail Crash (1988) accidents. The Chalmers Report and subsequent Carver Report (1992) to the House of Lords resulted in Defence Shipping Regulations. Subsequently, the Pelley Report (1999) reviewed a series of diving accidents and documented procedures, which resulted in Defence Diving Regulations. The Diving Regulation that were developed use a triple lock of effective governance, assurance and regulation across the MOD Diving Domain and were first established by JSP 375 Leaflet 29 in 2002 which became JSP 433 in 2014 as the Diving Safety Directive. These Defence Lessons and the Haddon Cave Inquiry led to the formation of DSA and moved Maritime Regulation to the DMR in 2012.
3. The Director General DSA has directed that the regulators publications be delivered under a DSA cover with Level 1 Policy documents, Level 2 Regulatory documents forming the Defence Safety Regulatory Publication set.
4. This DSA Level 2 Document (DSA02), replaces JSP 433 Part 1 Diving regulations, and is the central DMR Regulatory Framework for the Safety of Defence Diving Activity. The Diving Regulations address Defence lessons and **shall** align where practicable to the goals arising from statute, with particular attention to achieving an outcome as least as good as where practical if there is a DED. All supporting information and guidance has been moved to supporting Defence Codes of Practice (DCOP), which are DSA level 3 publications.

The Regulatory Framework

5. These Diving Regulations **shall** apply terms applicable to Defence Diving, consistent with legislation and applicable statute. The Diving Regulations, DCOPs and their supporting documents collectively form Standing Orders within the meaning of the Armed Forces Act, and **shall** hold primacy overall Defence Diving related orders or instructions, whether Top-level Budget (TLB) policy, guidance, process or standards, except insofar as any Regulation therein is amended by a DSA Regulatory or statutory notification. Any conflicts **shall** be brought to the attention of DMR through the SofD.
6. These Diving Regulations are written to enable Defence Diving activity to be compliant with the law and have their provenance mapped to the Health and Safety Executive's (HSE) Diving at Work Regulations 1997 (DWR 97) and/or conclusions/recommendations from Defence Lessons.
7. The supporting DCOPs form a benchmark for assuring Defence Maritime activity complementing established statutory codes of practice from regulators collectively assisting legal compliance, they are:
 - a. DSA03/DMR/DCOP20 Guidance on MOD Military Diving Projects.
 - b. DSA03/DMR/DCOP21 Guidance on MOD MAB Diving Projects.

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- c. DSA03/DMR/DCOP22 Guidance on Joint Service Sub-Aqua Diving Projects.
- d. DSA03/DMR/DCOP23 Guidance on NATO Submarine Rescue System Diving Projects.

8. Having been approved by the DSA in consultation with the HSE and the MCA, each DCOP gives practical advice on how to comply with the law. These duties are embodied in Sections 2 to 9 of The Health and Safety at Work Act 1974 and the DWR 97 within territorial limits. Outside of territorial limits, diving projects involving MOD Government Shipping **shall** apply the Merchant Shipping (Diving Safety) Regulations 2002. Where DED exist, it is the SofS's policy that MOD **shall** have outcomes at least as good as statute, where reasonably practicable, that **should** comply with international coastal maritime and environmental legislation, relating to the safety of given activities. The Secretary of State for Defence requires that work related fatalities, injuries, ill health and health and safety risks are reduced to as low as reasonably practicable (ALARP) and any adverse effects upon the environment are minimised.

9. Guidance from a Statutory Regulator is advice to help compliance with the law, to explain specific requirements, technical information or to reference further sources of information to help with legal duties. Following guidance is not compulsory, unless specifically stated, leaving readers to take alternative action, so long as it meets the Regulation. However as following recommended guidance will normally be enough to comply with the law, Regulatory Inspections often assess compliance to such guidance.

The Legal Status of HSE Approved Codes of Practice (ACOPs)

10. HSE's ACOPs describe preferred or recommended methods of complying with HSE sponsored regulations and duties imposed by the Health and Safety at Work etc. DWR 97. Evidence of compliance with an ACOP is a defence in court if prosecuted for breach of health and safety law. A court may seek a higher burden of evidence if the law was met in another way.

The Legal Status of DMR Defence Codes of Practice (DCOPs)

11. In contrast to the application of ACOP's, tested in court, the application of DSA advice within a DCOP is considered enough to comply with the law as it applies to specific civil activities. A DCOP also gives advice on the management of military activities. Any operation under the jurisdiction of another nation **shall** be reviewed so that compliance with local laws can be assured, or equivalence with local Codes can be demonstrated. A DCOP is recognised by DSA Regulators as aiding compliance and will be used as a baseline for audit and inspection where applicable.

12. The DSRP's requirements **shall** be cascaded through contracts with commercial organisations designing, producing, maintaining plant or handling, controlling or operating systems contributing to Diving Activities, on behalf of a **Client**. Contractors **shall** be made aware of the risks associated in following legacy Regulation; obsolescent policy or of standards no longer supported by MOD. All future contracts and contractual amendments **shall** ensure they comply with the DSRP at the dates that contracts are let or amended. Any Crown person placing contracts with diving contractors to deliver a Diving Project **shall** be considered a **Diving Client**.

Leadership Principle

14. To ensure MOD corporately remains an intelligent customer, each SDH **shall** define a construct of Duty Holding, supported by competent authorities, for an Area of Responsibility (AoR). The construct **shall** demonstrate leadership by example, commensurate with status, with

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evidence that a strong and just safety and environmental protection culture exists which is continuously developed.

15. In accordance with the leadership principle each Duty Holder **shall** demonstrate sufficient inherent and appropriate knowledge, supported by Accountable persons who **shall** demonstrate understanding of the design and operation of **Diving Plant**, (as operator and controller of Defence Diving activity) so that risks may be declared as tolerable and ALARP.

16. Each individual with the responsibility of the '**Diving Contractor**' **must** be identified, as required by law and Regulation 5. Each Duty Holding construct **shall** identify the Military diving projects and **shall** appoint an individual tasked to be the **Diving Officer** to deliver the diving project. This **shall**, usually be the Ship's Commanding Officer or Delivery Duty Holder. Where a Duty Holding construct uses a commercial company to perform the role of client, or where they gain benefit from a diving activity, they **shall** be responsible for the diving project. The individual engaging the company **shall** be the MOD's **Client Authority** with Client responsibilities (Regulation 28). The DDH shall provide them with a letter of delegation (Regulation 24.4) prior to the contract being let.

17. Where any of MOD's duties are discharged through contractors the ultimate accountability and responsibility of MOD officials to be sufficiently intelligent customers, **shall** not in any way be diminished. Any Duty Holding construct **shall** link suitably competent persons in control of multiple Defence Lines of Development (DLOD) to deliver Defence tasks. A chain of delegation **shall** be defined within each organisation which will collate resources (of staff and under contract), to demonstrate the requirement of these Diving Regulations is met.

18. The collective organisational baseline **shall** be suitable and sufficient to provide an intelligent customer of Duty Holders with sufficient organisational capability (across line management and supporting specialist authorities) to understand and accept the Safety and/or Environmental Cases for the Diving Plan, and enable authorisation of the identified risks and management of environmental aspects within it, taking account of applicable objective evidence and, provide appropriate assurance to 2nd and 3rd parties including Regulators.

19. The organisation's size and capability **shall** be justified in writing identifying the balance of factors, including the magnitude and severity of the hazards being managed, the complexity of the equipment, activity, system or platform, its novelty and the extent to which it might be used to the assessed limits or even beyond the standard operating limit.

Principle of Independent Regulatory Authority

20. Only the DMR or their SofD **shall** set Diving Regulations or enforce compliance with its Regulatory frameworks for Defence Diving, informed by the MOU with the HSE.

21. Under the DSA Charter the Regulator **shall** hold authority to approach any person or organisation pursuant to establishing that diving regulatory requirements are being met. Those challenged **shall** demonstrate, without delay, they meet specific requirements for safety and environmental protection, conduct assurance and can demonstrate compliance with established standards and rules. Where appropriate, the management of safety and environmental protection **shall** be demonstrated through compliance with departmental policy and other DSA Regulations.

Principle of People Empowered with Delegated Authority

22. Overall responsibility for safety and environmental protection within the MOD remains with the SofS. The DSA has the delegated duty of assuring that effective management arrangements

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are in place and comply with MOD policy. Therefore TLBs **shall** discharge the authority of the SofS by cascading their appropriate authority throughout their organisation. No Duty Holder's authority **shall** be unreasonably constrained by organisational boundaries, and all accountable persons **shall** keep the duty to collaborate at the forefront of demonstrations of leadership, at all times, so that the safety of personnel and protection of the environment is ensured.

23. Everyone involved in applying these Diving Regulations **shall** be
- Suitably resourced.
 - Developed to have the right competencies to discharge their role.
 - Authorised¹, through a safety and/or environmental protection delegation.

Commercial Diving Contractors

24. All UK commercial diving contractors conducting diving on behalf of the MOD, in UK Territorial Waters (TTW) or overseas, **must** undertake diving operations in accordance with the HSE's Diving at Work Regulations 1997 and the Commercial diving project inland/inshore Approved Code of Practice and guidance. Non UK commercial diving contractors, conducting diving on behalf of the MOD, outside of UK TTW, **must** be able to demonstrate that they are undertaking diving operations in accordance with regulations and guidance equivalent to, or better than, the HSE's Diving at Work Regulations 1997 and the Commercial diving project inland/inshore Approved Code of Practice and guidance.

MOD SALMO Diving

25. MOD SALMO divers **shall** undertake diving operation in accordance with the HSE's Diving at Work Regulations 1997 and the Commercial diving project inland/inshore Approved Code of Practice and guidance. Exceptionally SALMO may request exemptions from the SofD providing that it can be demonstrated that the risk has been managed to ALARP.

Enforcement Policy

26. Any enforcement action will be Implemented in accordance with the DSA Enforcement Policy.

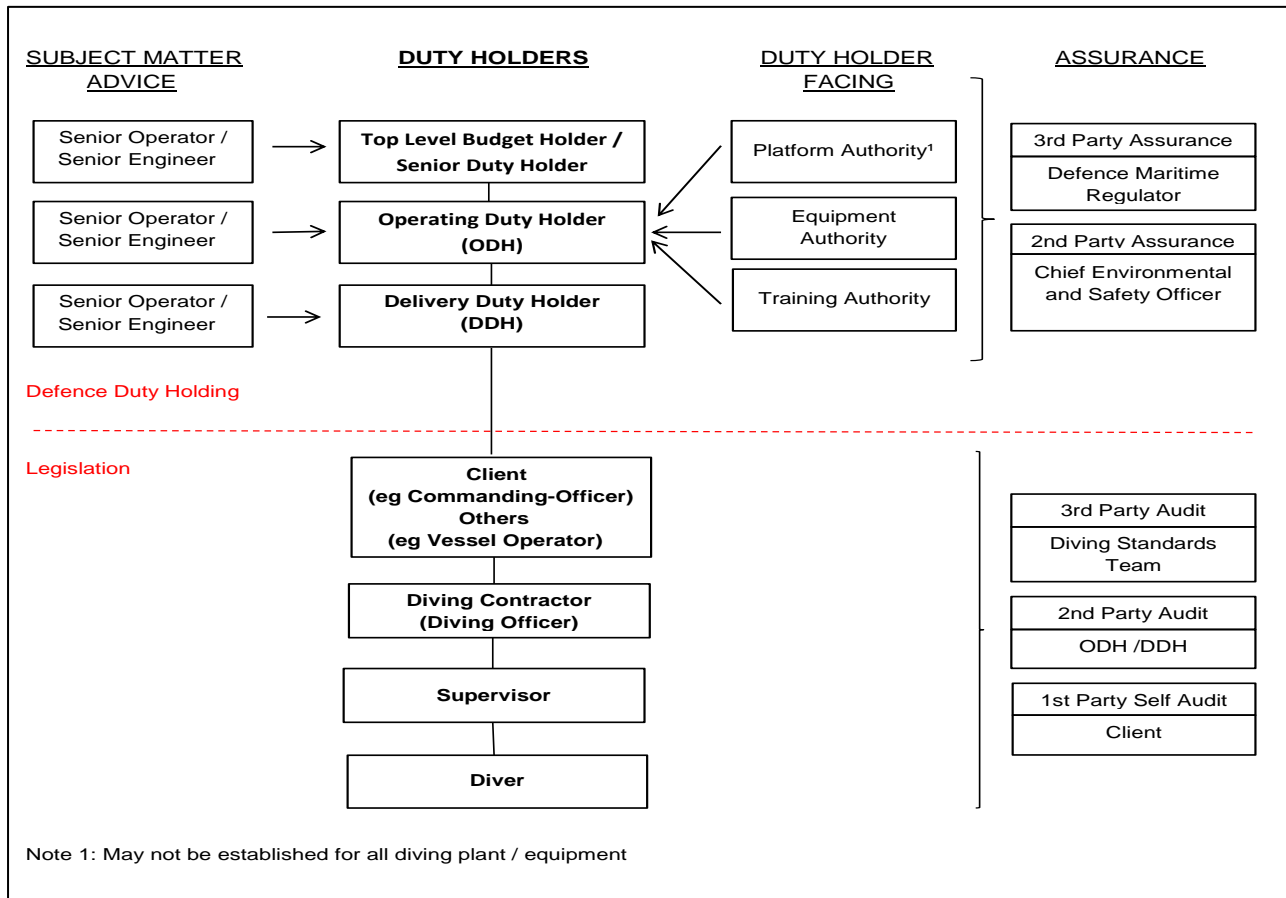
Simplicity Principle

27. When managing safety and environmental protection every opportunity **shall** be taken to simplify and sharpen documentation and advice so that it is proportionate, clear and remains so.

Table 1. Duty holding and legislative responsibilities

¹ Appropriately delegated and recorded.

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Part B - Military and Adventurous Training Diving Regulations

Regulation 1 – The Goal

1. To ensure the MOD Defence Diving activities are safe and environmentally sound during peace, tension and war, the Goal of these Diving Regulations is that the management of all MOD Diving activities **shall** be shown to achieve outcomes assessed against the relevant safety and environmental requirements. Organisations **shall** minimise work related fatalities², injuries, ill health and adverse effects on the environment and reduce health and safety risks to tolerable and be as low as reasonably practicable (ALARP).

Regulation 2 - Interpretation

2.1 In these Regulations the following meanings **shall** apply:

- “approved qualification” means such qualification as approved under regulation 14.
- “certificate of medical fitness to dive” means a certificate issued in accordance with regulation 15;
- “diver” means a person at work who dives;

² Also referred to as Risk to Life

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- d. “diving officer” **shall** be construed in accordance with regulation **5**;
- e. “diving operation” means a diving operation identified in the diving project plan pursuant to regulation **8**
- f. “diving operation record” means the record required to be kept in accordance with regulation **6.2h**;
- g. “diving project” means any activity, made up of one or more diving operations, in which at least one person takes part or will take part as a diver and extends from the time when that person, or the first such person, commences to prepare to dive until that person, or the last such person, has left the water, chamber or other environment in which the dive, or any part of the dive, took place and has completed any requisite decompression procedures, including, where it may be reasonably anticipated that this will be needed, any therapeutic recompression;
- h. “diving project plan” means a document prepared under regulation **6.2a** in accordance with regulation **8**;
- i. “supervise” means the exercise of direct personal control and “supervising” **shall** be construed accordingly;
- j. “supervisor” means a person appointed to supervise under regulation **6.2b**;
- k. “visiting force” has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952.

2.2 For the purposes of these Regulations a person “dives” if:

- a. they enter –
 - (i) water or any other liquid; or
 - (ii) a chamber in which they are subject to pressure greater than 100 millibars above atmospheric pressure; and
- b. in order to survive in such an environment they breathe in air or other gas at a pressure greater than atmospheric pressure;

and references to “a dive” and “dive” **shall** be construed accordingly;

Regulation 3 - Application and extent

3.1 These Regulations **shall** apply to and in relation to any diving project apart from the following:

- a. the care or treatment of patients in a hospital or other place, not under the control of the Diving Officer, where emergency medical treatment is provided or in transit to such **These**

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hospital or place where the means of transit is provided by or in respect of the hospital or other place;

b. work carried out in any air which is compressed in order to prevent the ingress of ground water to the works or to stabilise the area around the works.

3.2 Where Defence diving activities are conducted overseas:

a. Relevant UK National and Host Nation Legislation **shall** be complied with.

b. Outside of any requirement to respond to relevant Host Nations' HS&EP expectations, diving projects **shall** co-operate with Host Nation HS&EP authorities and **shall** put in place, arrangements that produce outcomes which are, so far as is reasonably practicable, at least as good as those required by UK Legislation.

c. All actions and system activities affecting MOD Diving being conducted anywhere in the world, including the planning or development of such diving activities **shall** manage the Risks and Impacts according to the Goal.

Regulation 4 - Duty to ensure compliance with these Regulations

4. 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, **shall** take such measures as it is reasonable for a person in their position to take to ensure that these Regulations are complied with.

Regulation 5 - Appointment of the Diving Officer

5.1 Those holding Client responsibilities **shall** appoint a single Diving Officer for each diving project.

5.2 The Diving Officer **shall** be the employer of the diver or divers engaged in the diving project.

Regulation 6 - Duties of the Diving Officer

6.1 The Diving Officer **shall** ensure, so far as is reasonably practicable, that the diving project is planned, managed and conducted in a manner which protects the health and safety of all persons taking part in that project.

6.2 The Diving Officer **shall**:

a. ensure that, before the commencement of the diving project, a diving project plan is prepared in respect of that project in accordance with regulation **8** and that the plan is thereafter updated as necessary during the continuance of the project;

b. before the commencement of any diving operation:

(i) appoint a person to supervise that operation in accordance with regulation **9**; making a written record of that appointment; and

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- (ii) ensure that the person appointed is supplied with a copy of any part of the diving project plan which relates to that operation;
- c. as soon as possible after the appointment of a supervisor, provide that supervisor with a written record of their appointment.
- d. ensure that there are sufficient people with suitable competence to carry out safely and without risk to health both the diving project and any action (including the giving of first-aid) which may be necessary in the event of a reasonably foreseeable emergency connected with the diving project;
- e. ensure that suitable and sufficient plant is available whenever needed to carry out safely and without risk to health both the diving project and any action (including the giving of first-aid) which may be necessary in the event of a reasonably foreseeable emergency connected with the diving project;
- f. ensure that the plant made available under paragraph **6.2e** is maintained in a safe working condition;
- g. ensure, so far as reasonably practicable, that any person taking part in the diving project complies with the requirements and prohibitions imposed on him by or under the relevant statutory provisions and observes the provisions of the diving project plan;
- h. ensure that a record containing the required particulars is kept for each diving operation; and
- i. ensure that the diving operation record is retained in the diving unit for at least six years after the date of the last entry in it.

Regulation 7 - Information to be supplied to Defence Diving Regulator by Diving Officers

- 7.1 No person **shall** act as a Diving Officer unless his particulars have been supplied in writing to the relevant domain Diving Standards Officer by, or in respect of, that person.
- 7.2 Particulars supplied under paragraph **7.1 shall** include an effective date for the assumption of Diving Officer's responsibilities.

Regulation 8 - Diving Project Plan

- 8.1 The diving project plan **shall** be based on an assessment of the risks to the health and safety of any person taking part in the diving project and **shall** consist of a record of the outcome of the planning carried out in accordance with regulation **6.1** including all such information and instructions as are necessary to give advice to and to regulate the behaviour of those so taking part to ensure, so far as is reasonably practicable, their health and safety.
- 8.2 Without prejudice to the generality of Paragraph **8.1**, each diving project plan **shall** identify which civil or Defence Code Of Practice is to be applied and **shall** apply any guidance from ODH O&A or other material on these or related regulations applicable to the diving project.

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8.3 The diving project plan **shall** identify each diving operation which makes up the diving project and the nature and size of any diving operation so identified **shall** be such that it can be safely supervised by one person.

Regulation 9 – Appointment of the Supervisor

9.1 Only one supervisor **shall** be appointed to supervise a diving operation at any one time.

9.2 No person **shall** be appointed, or **shall** act, as a supervisor unless they are competent and, where appropriate, suitably qualified to perform the functions of supervisor in respect of the diving operation which they are appointed to supervise.

Regulation 10 – Duties of the Supervisor

10.1 The supervisor **shall**, in respect of the diving operation for which they have been appointed:

- a. ensure that it is carried out, so far as is reasonably practicable:
 - (i) without risk to the health and safety of all those taking part in that operation and of other persons who may be affected thereby;
 - (ii) in accordance with the requirements and prohibitions imposed on them by or under any relevant statutory provisions; and
 - (iii) in accordance, where this would not conflict with either (i) or (ii) above, with the diving project plan; and
- b. before the commencement of the operation, ensure that each person taking part is aware of the contents of the diving project plan which relate to that operation; and
- c. enter in the diving operation record the particulars required by regulation **6.2h** during the course of the operation.

10.2 The supervisor **shall not** dive during the diving operation which they are supervising.

Regulation 11 – Power of supervisor to give directions

11. A supervisor may, whilst supervising the diving operation in respect of which they are appointed, give such reasonable directions to any person taking part in that operation or who may affect the safety of that operation as are necessary to enable them to comply with regulation **10**

Regulation 12 – Duties of and Restrictions on Divers

12.1 No diver **shall** dive in a diving project unless they:

- a. have a valid certificate of medical fitness to dive: and
- b. have, subject to paragraph a, an approved qualification which is valid for any activity they may reasonably expect to carry out while taking part in the diving project.

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- 12.2 Sub-paragraph b of paragraph **12.1 shall not** apply to a diver who dives:
- a. as a part of training which, if successfully completed, would lead to the issue of an approved qualification; or
 - b. only by virtue of entering a chamber can provide emergency medical treatment.
- 12.3 Every diver engaged in a diving project **shall**:
- a. maintain a daily record of their diving; and
 - b. keep that record in their possession for at least six years after the date of the last entry in it.

Regulation 13 – Duties of and restrictions on persons engaged in a diving project

- 13.1 No person **shall** dive in a diving project:
- a. unless they are competent to carry out safely and without risk to health any activity they may reasonably expect to carry out while taking part in the diving project; or
 - b. if they know of anything (including any illness or medical condition) which makes them unfit to dive.
- 13.2 Every person engaged in a diving project **shall** comply with:
- a. any directions given to him by a supervisor under regulation **11**; and
 - b. where they would not conflict with those directions, any instructions applicable to them in the diving project plan.

Regulation 14 – Approved Qualifications

14.1 The Operational Sea Training Authority (OST-A) may approve in writing any such qualification as the ODH considers suitable for the purpose of ensuring the adequate competence of Navy or Army divers respectively for the purposes of regulation **12.1b**.

14.2 The DSF Deputy Director may approve in writing any such qualification as the ODH considers suitable for the purpose of ensuring the adequate competence of divers undertaking MAB specific diving operations for the purposes of regulation **12.1b**.

14.3 Joint Service Sub-Aqua Personnel. The National Governing Body: the British Sub-Aqua Club (BSAC) and Assistant Chief Naval Staff Personnel (Sub-Aqua Diving Supervisor (SADS) qualifications only).

14.4 Any approval given under paragraphs **14.1-3** may be limited to any diver or class of divers or any dive or class of dive, subject to conditions or limited to time, and may be revoked in writing by the relevant Training Authority or the SofD at any time.

14.5 An approved qualification **shall not** be valid for the purposes of Regulation **12.1b** unless any limitation or any condition as to the approval of the qualification under this regulation is satisfied or complied with and the approval has not been revoked.

Regulation 15 – Certificate of Medical Fitness to Dive

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15.1 For regular and reserve military personnel undertaking military or adventurous training diving, a certificate of medical fitness to dive is a certificate from a medical examiner of divers in accordance with BRd 1750A (or from the Institute of Naval Medicine (INM) following an appeal in accordance with BRd 1750A) that the person issuing the certificate considers the person named in the certificate to be fit to dive.

15.2 For MOD civil servants employed to deliver Joint Service Sub-Aqua diving or Joint Service Sub-Aqua essential civilian divers, a certificate of medical fitness to dive is a certificate from a medical examiner of divers (or from the HSE following an appeal under paragraph 15.5 that the person issuing the certificate considers the person named in the certificate to be fit to dive.

15.3 A certificate of medical fitness to dive **shall** state:

- a. The period (which **shall** not exceed 12 months) during which the person issuing the certificate considers the person named in the certificate will remain fit to dive; and
- b. Any other limitations as to the nature or category of diving to which it relates.

15.4 A certificate of medical fitness to dive may be subject to conditions stated in the certificate and may be revoked at any time on medical grounds by a medical examiner of divers, the HSE or the INM.

15.5 Where a certificate of medical fitness to dive is:

- a. refused,
- b. granted subject to limitations under paragraph 15.3, or
- c. subjected to conditions or revoked under paragraph 15.4,

by a medical examiner of divers, the person who applied for or holds the certificate may, within 28 days of the decision in question, appeal against that decision. The HSE / INM **shall** thereupon review the decision and if satisfied that the decision **should** be reversed or altered **shall** issue a certificate to that effect.

15.6 A certificate of medical fitness to dive **shall** not be valid unless any limitation or any condition stated in it is satisfied or complied with and it has neither expired nor been revoked.

15.7 A “medical examiner of divers” for regular and reserve military divers, means a medical practitioner who is, or who falls within a class of medical practitioners in accordance with BRd 1750A, approved in writing by the INM for the purposes of this regulation; and any which may be given generally or restricted to any class of diver or dive.

15.8 A “medical examiner of divers” for MOD civil servants employed to deliver Joint Service Sub-Aqua diving or Joint Service Sub-Aqua essential civilian divers, means a medical practitioner who is, or who falls within a class of medical practitioners which is, for the time being, approved in writing by the HSE for the purposes of this regulation; and which may be given generally or restricted to any class of diver or dive.

Regulation 16 – Exemption Certificates

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

16.1. Only the SofD **shall** authorise exemption certificates to deviate from these diving regulations and associated DCOP.

16.2 The SofD **shall** issue exemption certificates in writing, exempting any person or class of persons, any diving operation or class of diving operations and any plant or class of plant from any requirement or prohibition imposed by any provision of these Regulations, subject to conditions and to a limit of time.

16.3 The SofD **shall not** grant any such exemption unless, having regard to the circumstances of the case, and in particular to:

- a. the conditions, if any, which it proposes to attach to the exemption, and
- b. any other requirements imposed by or under any enactment which apply to the case.

is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced by consequence of it.

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

Part C - DMR and DST 3rd Party Assurance

Regulation 17 - DMR Document of Compliance

17.1 Defence Diving **shall** only be undertaken by an Operating Duty Holder (ODH) holding a DMR issued Document of Compliance (DOC) or an Interim DMR Document of Compliance (iDOC). A DOC **shall** only be issued to ODHs who are required to undertake diving activity who comply with these Diving Regulations and the principles laid down in MOD Shipping Regulations Part B.

17.2. A DOC **shall** be issued by the DMR to any ODH complying with these regulations for a period specified by the DMR which **shall** not exceed six years. DOC inspection **shall** routinely be undertaken as an integral part of the DMR audit programme; but, may be undertaken in isolation if the timing of the DMR audit programme would lead to an unacceptable break in Certification.

17.3. Diving Operations **shall** only be undertaken by an ODH possessing a DOC or an iDOC. ODH currently undertaking Defence Diving activities may continue to dive until such time as DMR is able to undertake its first DOC Audit. ODH's without a valid DOC issued within the previous 6 years **shall** no longer be authorised to undertake diving operations.

17.4. Compliance of an ODH with the requirements of the regulations **shall** be reflected through a DOC Issued in accordance with:

- a. The DOC only being valid for the type of diving operations explicitly indicated. Such indication **shall** be based on the types of diving assessed in the initial verification. Additional diving operations **shall** only be added following verification of the ODH's capability to comply with the Diving Regulations.
- b. The validity of any DOC **shall** be subject to periodic verification by the DH and by DST at a periodicity set by the DMR.
- c. The DOC **shall** be withdrawn by the DMR when verification required above expires, or if there is systemic evidence of major non-conformities with the requirements of the regulations.

Regulation 18 - DST Diving Safety Certification

18.1 Line Managers, Commanding Officers, Heads of Establishment or other parties holding Client responsibilities, Diving Officers and their associated diving units **shall** be subject to 3rd Party auditing by the Diving Standards Team. Successful completion of a DST audit will result in the issuing of Diving Safety Certification.

18.2 Diving **shall not** be undertaken by any Line Manager, Commanding Officer, Head of Establishment or other parties holding Client responsibilities, Diving Officers or their associated diving units unit or organisation that does not hold valid Diving Safety Certification unless exceptional circumstances exist where failure to conduct that activity presents a greater risk to safety or national security than ceasing the activity and the risk assessment is reported to the Delivery Duty Holder by the fastest practical means and without delay.

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

18.3. Diving Safety Certification **shall** be issued in accordance with:

- a. Verification that the Line Manager, Commanding Officer, Head of Establishment or other party holding Client responsibilities, Diving Officers and their associated diving units have demonstrated that their management arrangements are in accordance with an approved Diving Safety Management System, are compliant with diving legislation, diving standards and these Regulations and associated DCOPs.
- b. The DDH demonstrating they are satisfied that arrangements align with operational planning requirements.
- c. The validity **shall not** exceed a period of re-verification for Diving of:
 - (i) Navy, Army, MAB, SALMO, Commercial – 2 years.
 - (ii) AT Diving from MOD Approved Centres – 12 months.
 - (iii) Naval Cadet Force Training Team – 12 months.
 - (iv) Joint Service Sub-Aqua Dive Branches – 3 years.
- d. Validity being subject to 1st party auditing in accordance with Regulation **28.3** and at least one 2nd party Intermediate Verification in accordance with Regulation **24.6**.
- e. Failure to conduct Intermediate Verification **shall** cause certification to be immediately removed and the organisation involved to require a DST 3rd Party certification re-verification audit before re-commencing diving operations. Costs for additional certification inspections **shall** be borne by the organisation allowing their certification to lapse. Any failure to conduct 1st party self-auditing **shall** be investigated by the DDH as a condition of the DOC.
- f. Certification **shall** be withdrawn by the DST if any 2nd party Intermediate Verification required under Regulation **18.3d** is not undertaken; or if there is evidence of major non-conformity with the requirements of the regulations.

18.4. Notwithstanding Regulation **18.3**, when the renewal 3rd Party audit is completed in the 3 months prior to the expiry date of an existing Diving Safety Certification, the new certification **shall** be valid for a period as defined at Regulation **18.3c** from the date of expiry of the existing certification.

18.5. When the renewal 3rd Party audit is completed more than 3 months before the expiry date of existing Diving Safety Certification, new certification **shall** be valid for a period as defined at paragraph **18.3c** from the date of completion of the renewal certification.

18.6. When the renewal 3rd Party audit is completed after any expiry date of the existing certification, the new Diving Safety Certification **shall** be valid for a period as defined at paragraph **18.3c** from the date of completion of the renewal Level 3 audit.

18.7. When Diving Safety Certification has been withdrawn due to a Level 2 audit not being completed within the specified period, it can only be re-instated after a 3rd Party audit by the relevant Diving Standards Team.

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

Part D - Responsibilities

Regulation 19 - Responsibilities and Authority

19. Within MOD responsibility ultimately rests with the SofS, who delegates the Service Chiefs' authority, who **shall** identify and authorise Duty Holders, Accountable Persons and Authorities for a defined area of responsibility.

Regulation 20 - Duty Holders and Authorities

20.1 Duty Holders and Authorities **shall** ensure that their management arrangements, letters of delegation and terms of reference reflect the supporting and supported roles of all accountable persons. They **shall** copy DMR and DST on all letters of delegation. Processes **shall** exist to collaborate in management of safety and environmental protection across all interfaces and over the whole DSA regulatory regime in an integrated and coherent way and in particular adherence to these Diving Regulations.

20.2 Duty Holders and Authorities **shall** be personally accountable for ensuring that diving safety is not compromised when transferring any system between authorities during its life, or by implementing (or failing to implement) design changes, modifications, updates or upgrades or changes in use or training.

20.3 Senior Managers who hold a letter of delegation at any level who are not themselves delegated Duty Holders **shall** ensure the corporate governance of any delegated diving activities and assure that their staff are properly able to carry out the requirements of the Diving Regulations, through their chain of command.

20.4 Senior Managers at any level **shall** be responsible for ensuring that the resources allocated to Duty Holders, Platform and Equipment Authorities and the directions or advice given, meet the requirements of these Diving Regulations at all times.

Regulation 21 - Senior Duty Holder

21.1 The Senior Duty Holder (SDH) **shall** ensure that it is made clear which named individuals hold the following roles and to define what the scope of their accountability and responsibility is:

- a. Operating Duty Holder (ODH).
- b. Delivery Duty Holder (DDH).
- c. Platform Authority (PA).
- d. Equipment Authority (EA).
- e. Training Authority (TA).
- f. Line Managers, Commanding Officers, Heads of Establishment or other parties holding Client responsibilities.

21.2 The SDH **shall** have in place appropriate organisation and management arrangements (O&A) that:

- a. Identify the military, adventurous training, SALMO and commercial diving activity the SDH requires to be undertaken.
- b. Identify the responsibilities, scope of authority and interrelation of all ODH, DDH, Duty Holder Facing Organisations, Defence Contractors and relevant Line Managers, Commanding Officers, Heads of Establishment or any other parties holding Client

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responsibilities to undertake any diving activity within the jurisdiction of these Diving Regulations.

c. Specify what resources will be made available to relevant ODHs to undertake diving activity identified at Paragraph **21.2a**.

21.3. The SDH **shall** provide those ODH's they have identified with a letter of delegation identifying the diving activity required to be undertaken, their responsibilities, scope of authority and the resources, including funding and people, available to undertake the activity.

Regulation 22 - Duty Holders

22.1 All Duty Holders **shall** appoint named personnel and define their responsibilities according to their authority under Regulation **19**. This includes if applicable suitably competent Senior Engineer and Senior Operators to advise them on the application of and outcomes from these Diving Regulations.

22.2 All Duty Holders **shall** identify and manage the risks arising from change to physical or management systems, organisation and resources, prior to implementation of that change, or where those risks were not foreseeable prior to the change, as soon as they are identified so that there is no adverse impact on safety or environmental protection.

22.3 All Duty Holders **shall** establish procedures to ensure that new personnel and personnel transferred to new assignments related to safety and protection of the environment are given proper familiarisation with their duties.

22.4 Every Duty Holder **shall** escalate any risk that has consequences greater than they are authorised to hold. Where breaches are beyond the control of any current Authority, this **shall** be highlighted. In line with the People Principle every individual **shall** exercise due care and diligence according to the principles established in these Diving Regulations.

Regulation 23- Operating Duty Holder

23.1 As a condition of retaining their DOC, the ODH **shall** ensure compliance with these Diving Regulations for all diving activity undertaken within their Area of Responsibility by actively managing the overarching safety and environmental management system and O&A.

23.2 In accordance with their DOC, each ODH **shall** routinely conduct 1st party assurance of the Safe Operating Envelope for each diving activity within each diving project.

23.3 The ODH **shall** respond to the SDH's letter of delegation by identifying each diving activity that they are responsible for and highlight any circumstances where they are unable to undertake activity or any resource shortfalls (funding and people), that preclude the undertaking of the diving activity safely.

23.4 The ODH **shall** provide those DDH's identified by the SDH with a letter of delegation identifying the diving projects required to be undertaken, their responsibilities, scope of authority and the resources, including funding and people, available to undertake each activity.

23.5 The ODH **shall** be accountable to the SDH and is responsible for ensuring that the requirements detailed below are complied with to an extent and level of detail that is appropriate to the diving activity or plant's stage in the acquisition cycle, where:

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- a. An effective management regime is established, maintained and continuously improved so that the safety and environmental aspects of MOD diving activities are managed within a live Diving Safety Management System, ensuring that interfaces of diving projects with other regimes are also managed effectively.
- b. The diving project Safety and Environmental Cases are maintained and **shall** demonstrate that the equipment and plant is safe to operate and can be operated safely within a system of people with sufficient competence who are available to assist accountable persons charged with maintaining the validity of the arguments and evidence within the diving project safety and environment case.
- c. First party Assurance is validated by an Independent Safety Auditor assessing management activities across the whole safety and environmental regime comply with planned arrangements, are implemented effectively, are suitable to achieve objectives and that related outputs are correct, valid and fit for purpose.
- d. DH Facing organisations understand the level of safety and environmental information to be provided by them to enable the DDH 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. Validate and ensure Safety Case Reports and Environmental Case Reports are authorised and available to their DDHs for each diving system.
- g. Formally indicate their acceptance of Operating Safety Case reports, Equipment Safety Case Reports and Environmental Case Reports and the supporting evidence.
- h. Obtain DMR Document of Compliance in accordance with Regulation 17.
- 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 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, dangerous occurrences and hazards are reported, analysed, investigated and acted upon.
- n. Ensuring measures are in place to ensure female divers do not dive whilst pregnant or within a period of 3 months post-partum.

23.6 If the authority to direct the command of a diving project, or place tasks on the individual holding Client responsibilities, is outside the ODH's organisation, the ODH **shall** ensure that

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arrangements and responsibilities for safety and environmental protection remain clear and documented.

Regulation 24 - Delivery Duty Holder

24.1. A DDH **shall** be responsible to the ODH for ensuring compliance with these Diving Regulations for any diving activity within their Area of Responsibility by actively managing the overarching DSMS and O&A.

24.2 The DDH **shall** ensure that each diving unit is manned in order to encompass all the aspects of maintaining safe diving operations with suitably qualified, current and medically in date divers to levels that are at least as good as statute.

24.3 The DDH **shall** respond to the ODH's letter of delegation identifying any diving activity for which they are to be held responsible that they are unable to undertake and any resource shortfalls, including funding and people, that will preclude them undertaking the diving activity safely.

24.4 The DDH **shall** provide those Line Managers, Commanding Officers, Heads of Establishment or other parties holding Client responsibilities identified by the SDH with a letter of delegation identifying the diving activity required to be undertaken, their responsibilities, scope of authority and the resources, including funding and people, available to undertake the activity.

24.5 The DDH **shall** be accountable and responsible to the ODH for ensuring that the requirements detailed below are complied with to an extent, and level of detail that is appropriate to the MOD diving in their area of responsibility:

- a. Ensuring that all diving systems and equipment is suitable for the task.
- b. Ensuring diving activity is conducted in accordance with all extant policy, instructions and procedures.
- c. Assuring a diving safety management system is fully implemented through a comprehensive and auditable system of checks and controls with oversight of level 1 and 2 assurance activity.
- d. Identifying operational risk appetite (safety, environmental and combat safety risk) according to capability readiness and force generation order in consultation with the operational authority and ODH.
- e. According to the risk appetite, defining the operating envelope to be applied to the diving activity and by the equipment and training authority in consultation with the ODH.
- f. Consider whether all diving systems and equipment are safe to operate and operated safely and within the parameters authorised by the ODH. Where appropriate amending, constraining or ceasing the nature and volume of activity.
- g. Ensuring feedback processes confirm that risk control is effective and suitable and sufficient arrangements are in place for reporting all accidents, incidents, near misses and hazards.
- h. Managing dynamic risks within the certified margins of the safe operating envelope and mitigating impacts once extraordinary circumstances are identified.
- i. Escalating any intolerable risks that breach certified margins or threaten the Goal because control is beyond the current authority to the ODH or Senior Managers.

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24.6 The DDH **shall** ensure that Level 2 auditing is undertaken. Level 2 Intermediate Verification **shall** be carried out between 9 and 16 months of the date of the Diving Safety Certificate. For Joint Service Sub-Aqua Dive Branches Level 2 auditing **shall** be carried out between 11-14 months and 23-26 months of the date of the Diving Safety Certificate. Where DST 3rd Party auditing is undertaken on an annual basis there is no requirement to undertake a Level 2 Intermediate Verification.

Regulation 25 - Platform Authority

25.1 The PA **shall** be responsible to each ODH and DDH for ensuring risk control to the acquisition cycle for all Diving Plant and equipment in their Area of Responsibility by actively managing the argument and objective evidence necessary to support the Safety and Environmental Case demonstrating that the platform is safe to operate.

25.2 The PA **shall** agree with the Naval Authority on the Certification Strategy when Certification is required. When Certification is not required the PA and/or DDH **shall** mitigate the relevant hazard through other suitable and sufficient means, in accordance with all Defence Regulations.

25.3 The PA **shall** support the ODH / DDH in establishing the margins of a safe and environmentally sound operating envelope for the Defence Diving for which they are responsible. The envelope **shall** draw from the objective evidence in their live Safety Case and the limits set by certification, as advised by the PA, TA, EA and Naval Authority.

25.4 PAs holding Design Authority may formally delegate all or part of the Design Authority function to a suitably competent design organisation but **shall** retain responsibility (as part of the Intelligent Customer requirement) for:

- a. Ensuring the safety of diving plant and equipment through-life and minimising the environmental harm,
- b. Authorisation of key documents that contribute to the Safety and / or Environmental Case,
- c. Ensuring that the organisation that has received the delegation is competent and is fulfilling their delegated duties.
- d. The support required to the design organisation is sufficient through life.

Regulation 26 - Equipment Authority

26.1 The EA **shall** be responsible to each PA, or ODH where no PA exists, for ensuring risk control to the acquisition cycle for diving plant and equipment within their Area of Responsibility by actively managing the argument and objective evidence necessary to support the Safety and Environmental Case demonstrating that the equipment or system is safe to operate. 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 DSA02-DMR – MOD Shipping Regulations for Safety and Environmental Protection, whether intended for shipboard use or not. 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.

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26.2 The acquisition of all diving equipment for military and MOD SALMO diving operations within the MOD **shall** be conducted by, or with the written agreement of the Underwater and Electronic Warfare (UEW) Project Team (PT) – Diving and Life Support (DLS) Capability Manager (CM), who is the authorised DE&S lead for diving equipment procurement. For PTs, other than DLS, the relevant EA **shall** be able to demonstrate to the UEW DLS CM that they have the relevant SQEP prior to commencing acquisition of diving equipment.

26.3 An EA **shall** be specifically accountable and responsible to each PA, or ODH where no PA exists, for:

- a. The arguments relating to combat safety **shall** demonstrate that the risk of death or injury to personnel involved in diving operations from hostile activity is minimised so far as reasonably practical.
- b. The arguments relating to environmental factors to the individual **shall** demonstrate that the risk of death or injury to personnel involved in diving operations is minimised so far as reasonably practical.
- c. The arguments related to environmental impact protection **shall** demonstrate that environmental aspects are managed and harm to the environment is minimised as far as reasonably practicable;
- d. Leading on Supporting Integration of equipment and systems into the platform, to ensure that functional and integrity requirements for equipment and systems are met to a level of detail required to supply the right safety and environmental information;
- e. Ensuring closed loop feedback processes are in place to confirm that risk control measures are effective.
- f. Ensuring suitable arrangements, are in place to manage material defects in the system or equipment, and that analysis of the safety and environmental protection implications of defect data are carried out in support of the ODH.
- g. Ensuring where any safety or environmental argument makes assumptions that these are validated where feasible, and where actions or risk control measures are the responsibility of other organisations (e.g. ODH or TAs), those responsible have acknowledged and agreed.
- h. Authorisation of key documents that contribute to Safety or Environmental Cases, irrespective of whether the document production is contracted out or not, to confirm that their contents are comprehensive, credible and coherent. Before authorisation, the document **shall** be endorsed by an Independent Safety Auditor and Independent Environmental Auditor, meet relevant British (BS) / European (EN) or International (ISO) safety standards and meet the performance standards required by the ODH.
- i. Providing comprehensive operating, maintenance and long term storage instructions to the relevant DH for all systems they supply
- j. Issuing safety and environmental documentation when needed, particularly before trials.
- k. Escalating to the ODH, Senior Managers and, if necessary, the DMR, any risk that threatens the Goal where control is beyond the control of the EA.

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

l. Generating and maintaining evidence necessary to support the Safety Case and Environmental Case to demonstrate the equipment is materially safe to operate independently or as part of a system. The arguments **shall** demonstrate compliance with BS / EU safety standards, the regulations and aims unless a more stringent requirement is appropriate.

m. Providing safety and environmental documentation to the DHs at the level of detail and in the timescales set by the ODH.

n. Providing sufficient spares and maintenance to the DDH / Line Managers, Commanding Officers, Heads of Establishment or other parties holding Client responsibilities for the safe operation of the diving plant or equipment.

26.4 EAs holding Design Authority may formally delegate all or part of the Design Authority function to a suitably competent design organisation but **shall** retain responsibility (as part of the Intelligent Customer requirement) for:

a. Ensuring the safety of the diving plant or equipment through-life and minimising the environmental harm,

b. Authorisation of key documents that contribute to the Safety and/or Environmental Case,

c. Ensuring that the organisation that has received the delegation is competent and is fulfilling their delegated duties.

d. The support provided to the design organisation is sufficient through life.

Regulation 27 - Training Authority

27. A Training Authority (TA) **shall** be responsible for:

a. Ensuring that training meets the requirements of the activity Training Needs Analysis 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.

Regulation 28 – Those Holding Client responsibilities

28.1 The Line Managers, Commanding Officers, Heads of Establishment or other parties holding Client responsibilities **shall** respond to the DDH's letter of delegation identifying any diving activity for which they are to be held responsible that they are unable to undertake and any resource shortfalls, including funding and people, that will preclude them undertaking the diving activity safely.

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

28.2 Line Managers, Commanding Officers, Heads of Establishment or other parties holding Client responsibilities **shall** discharge their responsibilities in accordance with Diving Regulations with accountability for:

- a. Implementing a Diving Safety Management System.
- b. Undertaking diving operations in a way that ensures that meets the Goal and in accordance with these regulations, certification and specified requirements of the Operating, Equipment and / or Environmental Safety Case.
- c. Ensuring that all members of the diving team are provided with sufficient time and resource to maintain their currency.
- d. Ensuring that systems and procedures are not modified in such a way as to prejudice safety or environmental protection.
- e. Exercising a duty of care to all members of the diving team and other third parties that could be affected by the activity.
- f. Motivating a just diving safety culture within the unit.
- g. Periodically reviewing the Diving Safety Management System and reporting deficiencies to the DDH.
- h. Ensuring that all accidents, incidents, near missed and hazards are reported, analysed, investigated and acted upon.
- i. Ensuring that emergency arrangements are in place, followed, understood and tested.

28.3 Line Managers, Commanding Officers, Heads of Establishment or other parties holding Client responsibilities **shall** ensure that self-verification and self-auditing is undertaken (also called 1st party). This **shall** be undertaken at least once between 3rd party DST and any 2nd party Intermediate audits, conducted by the Duty Holder. Self-verification **shall** be undertaken at least once at the midpoint between these audits and **shall** not exceed a period of 8 months since the last audit. Commercial MACs need not undergo self-audits but, personnel using a MAC are to report back any issues or shortcomings to the DST.

28.4 Line Managers, Commanding Officers, Heads of Establishment or other parties holding Client responsibilities **shall** nominate an individual to undertake the duties of, and hold the responsibilities of, the Diving Contractor:

- a. Military diving projects – The Diving Officer
- b. Diving projects undertaken by SALMO – The SALMO Deputy Team Leader
Salvage Operations
- c. A UK commercial company – The individual registered with the HSE
- d. An overseas commercial company it will be the individual / post identified during the initial DST 3rd Party audit.
- e. Joint Services Sub-Aqua Branch diving – The Branch Diving Officer

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

- f. Joint Services Sub-Aqua diving expeditions – The Expedition Sub-Aqua Diving Supervisor (ESADS) nominated as the Expedition Diving Officer.

Regulation 29 - The Diving Officer

29.1 Any individual nominated by their Line Managers, Commanding Officers, Heads of Establishment or other parties holding Client responsibilities as the Diving Officer (Regulation **28.4**) **shall** hold the responsibilities of the Diving Contractor.

29.2 They **shall** be responsible to the Line Managers, Commanding Officers, Heads of Establishment or other parties holding Client responsibilities for the following:

- a. To ensure that diving is conducted safely.
- b. That a suitable diving project plan has been written. The diving project plan **shall** clarify each diving operation which makes up the diving project and satisfy the regulatory requirements of the appropriate DCOP.
- c. The proper employment of the diving plant and the efficiency and training in their roles of all personnel involved in diving operations.
- d. Keeping themselves and all personnel involved in diving operations informed of the latest diving safety information, notices and memoranda.
- e. Give advice on diving safety, legislation, regulation and relevant Operating, Equipment and Environmental Safety Cases.
- f. That all personnel involved in the diving operation remain current.

Regulation 30 - MOD Superintendent of Diving

30.1 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.

30.2 The MOD Diving Contractor Focal Point **shall** be responsible for:

- a. Acting as focal point for diving safety within the MOD, monitoring and reporting on the Department's performance in the implementation of Diving Safety Policy to DMR.
- b. Ensuring an effective and efficient 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.

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

- 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 DHs in ensuring that personnel conducting MOD diving activities are suitably qualified and experienced and that their diving competency is at an appropriate level and ensuring that those with management or DH responsibilities have sufficient levels of SQEP within their organisation.

Regulation 31 - Diving Standards Team

31.1 On behalf of the DMR the DST **shall** audit compliance with these defence diving regulations and thereby assure compliance with applicable statutory legislation and other applicable defence regulations..

31.2 The DST **shall** provide certification for diving safety and environmental management areas specified in accordance with Regulation **18** following satisfactory compliance with these regulations and other applicable defence regulations.

31.3 For the MOD diving regulatory regime, the DST **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 roles in driving corporate understanding of risk.
- c. Providing assurance to Director Defence Safety Authority regarding DH compliance with policy.
- d. Scrutinising and providing advice on concessions from diving regulations and staffing exemptions, derogations or disapplications of defence diving from statutory legislation where required.
- e. Auditing and accrediting Duly Authorised Persons or Organisations (including the Naval Authority and other independent assurance bodies).
- f. Providing assurance of the resilience of systems during change.