

Confidential filing.

Burgoyne committee report on the responsibility for  
all aspects of offshore safety.

ENERGY

324

March 1980.

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>17.5.80.</del>							
<del>29.5.80</del>							
<del>7.8.80</del>							
<del>21.8.80.</del>							
29.10.80							

PREM 19/211

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*File 16  
Energy*

10 DOWNING STREET

*From the Private Secretary*

29 October 1980

The Prime Minister has seen the Secretary of State for Employment's minute about off shore safety, and the Secretary of State for Energy's minute on the same subject.

She has approved the transfer of responsibility proposed in these minutes.

I am sending copies of this letter to Julian West (Department of Energy), Godfrey Robson (Scottish Office), John Craig (Welsh Office), Stuart Hampson (Department of Trade) and Jeremy Colman (Civil Service Department).

*CS*

M. A. PATTISON

Richard Dykes, Esq.,  
Department of Employment.

Prime Minister

OFFSHORE SAFETY

I fully endorse the proposals in the Secretary of State for Employment's minute to you of 28 October to transfer to me his responsibility for occupational safety policy offshore, with the responsibility of the Secretary of State for Trade, for the safety of ships and seafarers, remaining unchanged.

I am copying this to Jim Prior, George Younger, Nicholas Edwards John Nott and Sir Ian Bancroft.

*Jt.*  
*2*

Secretary of State for Energy

29 October 1980



29 OCT 1980



MS 1.  
Prime Minister (through MS-MS)



PRIME MINISTER

Agree transfer of responsibility for offshore safety from Employment to Energy, following the Burgoyne C'ttee recommendation?

MP 28/1

Yes ms.

OFFSHORE SAFETY

1. I am writing to seek your approval to the transfer of responsibility for offshore safety inspection and policy from me to the Secretary of State for Energy. The responsibility of the Secretary of State for Trade, for the safety of ships and seafarers, would remain unchanged.

2. At present I am responsible for occupational safety policy offshore taking advice from the Health and Safety Commission, but the Petroleum Engineering Division of the Department of Energy act as the inspection agency of the Health and Safety Commission on matters of occupational safety. The Secretary of State for Energy is already responsible for the technical aspects of structural safety and the blow-out risks involved in tapping the oil and gas reservoir.

3. The principal recommendation of the Burgoyne Committee, whose Report was presented to Parliament on 6 March 1980, was that the Government should discharge its responsibility for offshore safety via a single Government Agency. The majority view on the Committee was that the Department of Energy is capable of discharging this responsibility. Because of a minority report by the two trade union members of the Committee which recommended that the Health and Safety Commission/Health and Safety Executive should assume total responsibility in this area, we set up an interdepartmental working group of officials under a chairman from the Civil Service Department, to advise Ministers. The Group recommended that the most appropriate solution would be for the Secretary of State for Energy to take sole Ministerial responsibility and that he should look to the Health and Safety Commission for policy advice and the preparation of legislation, as in the case of nuclear safety. This could be achieved by a revision of the existing agency agreement between the Health and Safety Commission and the Department of Energy.



4. We feel that the Group's proposal offers a useful re-definition of Ministerial responsibility in what is a difficult area, and accordingly seek your approval to the formal transfer of Ministerial responsibility for offshore safety inspection from me to the Secretary of State for Energy.

5. On 28 March 1980 during the debate in the House on the collapse of the Norwegian oil rig "Alexander Keilland", the hope was expressed that the House would have an opportunity to discuss the report of Dr J H Burgoyne (Cmnd 7866) "Offshore Safety". I understand that it is hoped to arrange for this debate to take place in the week beginning November 3 which would be the only convenient opportunity in the near future. This would be the appropriate occasion for the transfer of responsibility to be announced; it would not be sensible to have the debate if it cannot. Since, if the debate is to be held next week, it will need to be announced in this week's business statement, it would therefore be very desirable if you could approve the proposed transfer by Thursday morning. I am sorry that the time is so short.

6. I am copying this to David Howell, George Younger, Nicholas Edwards, John Nott and Sir Ian Bancroft.

J P

28 October 1980

28 OCT 1980





THE MINISTER OF STATE

DEPARTMENT OF ENERGY  
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Hamish Gray Esq MP

Paul Channon Esq MP  
Minister of State  
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21<sup>st</sup> August 1980

*Dear Paul,*

BURGOYNE COMMITTEE REPORT

Thank you for your letter of 7 August which enclosed a note by officials setting out proposals for the reorganisation of responsibilities for offshore safety following the report of the Burgoyne Committee.

I am content with the main recommendation of the note that, with the exception of those aspects at present administered by the Department of Trade, Ministerial responsibility for offshore safety should rest solely with the Secretary of State for Energy, looking to the Health and Safety Commission for policy advice. The detailed proposals of the officials' note showing how the arrangements would work in practice are also acceptable.

I do not think that further discussions between Departments or with outside interests are necessary at this stage. The next step should be for the Health and Safety Commission to be consulted. If Patrick Mayhew agrees to the proposals, I suggest that his Department handles this, consulting my Department as necessary.

I believe that the solution proposed goes a long way towards satisfying the Burgoyne Committee's concern about the present complex situation of divided Ministerial responsibilities. The solution does of course run counter to the minority report of the Burgoyne Committee and its presentation will require careful handling. However, the position of the Trades Unions with regard to offshore safety will be preserved by virtue of their membership of the Health and Safety Commission and of the proposed Offshore Oil and Gas Industry Advisory Committee.





Because of the considerable interest generated by the Burgoyne Report I believe we must aim to make a statement of our intentions soon after the House reassembles.

I am copying this letter to Patrick Mayhew, Norman Tebbit and for information to Mr Whitmore (No. 10).

*Yours ever*

*Harriet*



Minister of State

✓ M/D Energy  
Civil Service Department  
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7 August 1980

Hamish Gray Esq MP  
Minister of State  
Department of Energy  
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SW1P 4QJ

Dear Hamish,

BURGOYNE COMMITTEE REPORT

In my letter of 19<sup>th</sup> May I agreed with your proposal, with which Patrick Mayhew and Norman Tebbit were content, that an official group should meet under CSD chairmanship to examine and report to Ministers on the issues of inter-departmental responsibility raised in the Burgoyne Report. The group has now completed its work. I enclose a copy of the note which it has prepared setting out proposals for the future distribution of responsibilities. (The scheme leaves undisturbed the present responsibilities of the Department of Trade).

I hope that these proposals will prove acceptable to you and to the other departmental Ministers concerned. If so, I think it will be for you and Patrick Mayhew to carry out any further discussions or consultations that you may think necessary (in particular with the HSC). It will then be for Jim Prior as the "ceding" Minister to obtain the Prime Minister's agreement to the proposed change in Ministerial responsibilities.

I am copying this letter to Patrick Mayhew, Norman Tebbit, and for information to Mr Whitmore (No 10).

PAUL CHANNON

Y  
PCH

PROPOSALS FOR THE FUTURE DISTRIBUTION OF THE RESPONSIBILITIES FOR OFFSHORE SAFETY NOW EXERCISED BY THE DEPARTMENTS OF EMPLOYMENT AND ENERGY AND BY THE HEALTH AND SAFETY COMMISSION

Ministerial responsibility

Three Secretaries of State - of Employment, Energy and Trade - have responsibilities for health and safety offshore. In its recommendations on the division of responsibilities the Burgoyne Committee did not question the part played by the Secretary of State for Trade, which covers the safety of ships and seafarers, and no change is proposed in this note. In relation to the Committee's recommendation for a single government agency responsible for other aspects of offshore safety, there is a good case for unifying the separate responsibilities now exercised by the Secretaries of State for Employment and Energy. In theory, one way of achieving this would be for the responsibilities to be exercised by the two Secretaries of State acting together; but there are clear practical advantages in one or other Secretary of State being solely responsible, provided that this can be done so as to find an acceptable balance between the majority and minority views expressed by the Burgoyne Committee. Officials recommend that the most appropriate solution would be for the Secretary of State for Energy to take sole Ministerial responsibility, looking to HSC for policy advice and the preparation of legislation, as in the case of nuclear safety.

2. Policy-making responsibility

(a) Subject to the ultimate authority of the Secretary of State for Energy, the Health and Safety Commission would become fully responsible for the making of policy (ie the development of legislation and guidance) in so far as relevant to health and safety at work in connection with offshore installations. This means that the Commission would retain its existing offshore policy responsibilities for occupational health and safety, and that blow-out and associated fire prevention and technical aspects of the structural integrity of offshore installations\*, in so far as these are relevant to health and safety at work, would be included in its responsibilities. In addition the Commission would be made more clearly responsible for administering and keeping under review other relevant legislation for which the Secretary of State for Energy has Ministerial responsibility.

\* In this context, submarine pipelines are not regarded as offshore installations because their structural integrity has little relevance for Health and Safety at Work (see paragraph 4 on "pipe laying works")

(b) In all these aspects, the Commission would look to the (PED) of the Department of Energy for advice. Ministers may be expected to regard the Commission as their principal source of advice in respect of health and safety at work in connection with offshore installations and submarine pipelines, excluding matters concerned with shipping and seafarers. It is recognised, however, that Department of Energy Ministers might also turn to PED officials directly for information and advice on a range of offshore matters.

### 3. Policy-making machinery.

(a) Advisory Committees: The Health and Safety Commission would be asked to consider the possibility of setting up an Offshore Oil and Gas Industry Advisory Committee either by converting their Oil Industry Advisory Committee (which has no formal responsibility for advising on offshore gas matters) or by setting up a new committee. It might be desirable to include some independent experts on this Committee. The chairmanship of the Committee would be provided by PED, and appropriate HSE and Department of Trade officials would attend as advisers and/or observers.

(b) Official: under the Commission and in conjunction with the new Industry Advisory Committee, the development of policy in respect of health and safety at work in connection with the offshore oil and gas industries\* would be entrusted to PED in the same way as the development of policy in respect of the health and safety of workers in the railways industry has been entrusted to the Railway Inspectorate of the Department of Transport, and would likewise be the subject of an agency agreement under s.13 of the 1974 Act. This means that the head of PED (or his immediate deputy), like the head of a policy or enforcement division of HSE, would attend the HSE Management Board in order to present PED's proposals before submitting them to the Commission, and also in order to participate in the Board's consideration and endorsement of those proposals from other policy divisions which could have relevance to the offshore oil and gas industries as well as to other industries. HSE's Safety Policy Division would no longer have any special policy-making role in respect of the offshore oil and gas industries, but would remain responsible for liaison between the rest of HSE and PED and for the administration of the agency

\* The term "offshore oil and gas industries" as used in this note excludes matters concerned with shipping and seafarers.

agreement between the Commission and the Secretary of State for Energy. Posts within HSE's Safety Policy Division which have been dedicated to the offshore oil and gas industries would be transferred to PED; some if not all of the staff concerned would be moved with their posts, on secondment or permanent transfer. Within PED these posts would be primarily dedicated to health and safety at work in the offshore oil and gas industries and would accordingly continue to be financed by HSE via the agency agreement.

(c) HSC would remain responsible for the safety of all diving activities under the Health and Safety at Work Act; PED and HSE acting jointly on behalf of the Commission would formulate policy.

(d) No change is proposed in the role of the Employment Medical Advisory Service of HSE, which would continue to be the source of advice on medical matters affecting the offshore oil and gas industries.

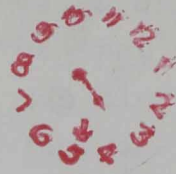
#### 4. Enforcement responsibility.

Under an agency agreement, PED would continue to be responsible for enforcing the Health and Safety at Work etc Act 1974 on behalf of the Health and Safety Executive in its application to work in connection with offshore installations. In addition, responsibility for enforcing the Health and Safety at Work Act in respect of pipe-laying etc works offshore should be transferred from H M Factory Inspectorate to PED. Moreover, the understanding which is already reflected in the financing of the agency agreement that PED are responsible to HSE for enforcing the <sup>relevant parts of</sup> the Mineral Workings (Offshore Installations) Act 1971 and the associated Regulations made by the Department of Energy as well as the general duties of the HSW Act would be made more explicit. There would be continuing liaison between HSE and PED to ensure common standards and practices in the enforcement of safety both onshore and offshore.

#### 5. Department of Trade's policy and enforcement responsibilities.

Nothing in these arrangements would affect the Department of Trade's policy and enforcement responsibilities for health and safety offshore in respect of ships and seafarers.

- 8 AUG 1980





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*Greggy*

*Parliamentary Under Secretary  
 of State*

*✓ MPA*

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29 May 1980

#### BURGOYNE COMMITTEE REPORT

I am glad that the official group mentioned in your letter to Paul Channon of 1 May has already met. They must get the organisation questions sorted out as quickly as possible. But these are complex, and the timetable is tight: so we may have to help.

I am sorry not to have written sooner. A hitch somewhere led to my seeing your letter to Paul only last week.

I am copying this letter to Paul Channon, Norman Tebbit and Mr Whitmore (No 10).  
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PATRICK MAYHEW

30 MAY 1980

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✓ MAP  
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Minister of State

Hamish Gray Esq MP  
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19 May 1980

Dear Hamish

BURGOYNE COMMITTEE REPORT

Thank you for your letter of 1 May.

There is now general agreement between the departmental Ministers concerned that an official group should meet under CSD chairmanship to examine and report to Ministers on the issues of inter-departmental responsibility raised in the Burgoyne Report. I am content for my officials to help in this way and they are already in touch with their colleagues in other departments.

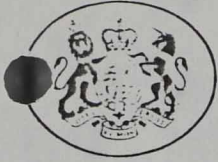
The timetable which you suggest is a tight one. I think, however, this is right. We want to avoid going over all the ground already covered by Burgoyne. I suggest that our officials should be asked to examine the case, advanced in Burgoyne, that responsibilities for offshore safety should be concentrated in a single Department, and if so, whether that Department should be Energy or Employment (as suggested in the majority and minority reports respectively). As you know, any changes in the allocation of Ministerial responsibilities require the approval of the Prime Minister. She will therefore need to be consulted on the outcome of the study. No 10 have been told that the study is to be undertaken.

I am copying this letter to Patrick Mayhew, Norman Tebbit and Mr Whitmore (No 10).

✓  
Paul  
PAUL CHANNON

20 MAY 1980

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THE MINISTER OF STATE  
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*MS*  
*↑*

H/S - 2 MAY 1980 E-16

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*M<sup>r</sup> Osmothely*

*PS/Labres*

*PS/RemSec*

*PS/2nd RemSec*

May 1980

*M<sup>r</sup> Widding*

*M<sup>r</sup> Pearce*

*M<sup>r</sup> Traynor*

*MS*

*Dear Paul,*

You will have seen Patrick Mayhew's letter to me of 29 April, agreeing with my proposal of 27 March that an inter-departmental group of officials under CSD chairmanship should examine and report to Ministers on the re-organisation of responsibilities for offshore safety following publication of the report of the Burgoyne Committee. Norman Tebbit indicated his agreement on 14 April.

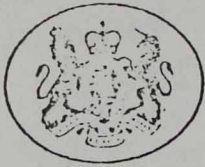
I should be grateful if, subject to any consultation which you may think appropriate with No 10, you would now arrange for the official group to be set up. I am sure you will share my view that it is important for the organisational questions to be resolved as rapidly as possible, and (hopefully) for a statement to be made before the summer recess.

In the meantime, my officials are pressing ahead with examination of the various technical recommendations in consultation with other Departments and the Health and Safety Executive.

I am copying this letter to Patrick Mayhew and Norman Tebbit.

*Yours truly*

*Hamish*



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Parliamentary Under Secretary  
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M/S 29 APR 1980 E 21

*MS*

*Mr Osmotherly*  
*PS/1/2/3/4/5*  
*"PS/1/2/3/4/5"*  
*PS/2/3/4/5/6*  
*Mr Widding*  
*Mr Pearce*  
*Mr Taylor*  
*MS ✓*

29 April 1980

I am replying to your letter of 27 March to Grey Gowrie about the handling of the recommendations in the report of the Burgoyne Committee.

I take your point that the principal recommendation that a single Government agency should be responsible for all aspects of offshore safety is potentially contentious, and I agree with your proposal that a group of officials from the interested Departments should examine the arguments and report to Ministers. I also share your hope that the Civil Service Department will provide a Chairman for the group. Both my Department and the Health and Safety Executive will need to be represented on the group.

On the other Burgoyne recommendations, I agree with your suggestion that these should be dealt with by your officials in direct co-operation with those of the Health and Safety Executive, Department of Trade, and others as necessary.

I am copying this letter to Cecil Parkinson and to Paul Channon.

PATRICK MAYHEW



From the  
Parliamentary Under Secretary of State

Hamish Gray Esq MP  
Minister of State  
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H/S 15 MAY 1980 E-8

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D. Hamish

M' Osm O'herly

PS/1st President

PS/Perm Sec

PS/2nd Perm Sec

M' Widdig

M' Pearce

M' Traynor

MS

14<sup>th</sup> April 1980

You sent Cecil Parkinson a copy of your letter of 27 March to Lord Gowrie about the Report of the Burgoyne Committee on Offshore Safety. I am replying as this subject falls within my direct Departmental responsibilities for marine safety and shipping questions.

This is simply to say that I am content to handle consideration of the organisational and the technical recommendations contained in the Report in the way you propose.

I am copying this letter to Lord Gowrie (Employment) and Paul Channon (CSD).

NORMAN TEBBIT

cc Mr TP Jones  
Mr Beasley  
Mr Street.



M/S 28 MAR 1980. EG

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THE MINISTER OF STATE

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Mr Abbott  
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Lord Gowrie  
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"PS/ld Pres  
PS/Perm Sec  
PS/2nd Perm Sec  
Mr Widding 27<sup>th</sup> March 1980  
Mr Peace  
Mr Traynor  
MS ✓

You will be aware that considerable interest has been generated by the report of the Burgoyne Committee presented to Parliament on 6 March 1980, and in particular to the speculation aroused by its principal recommendation, that the Government shall discharge its safety responsibility for offshore oil and gas operations through a single Government agency,

At present there is divided responsibility, with policy for occupational safety resting with the Health and Safety Executive (HSE) and the technical aspects of structural safety and the 'blow-out' risks involved in tapping the oil or gas reservoir resting with my Department's Petroleum Engineering Division, which also acts as the inspecting agency of the HSE on matters of occupational safety, the Department of Trade is also concerned. This division of responsibility was criticised by most of the organisations giving evidence.

The majority of the Committee recommended that the Department of Energy is capable of discharging the entire responsibility effectively, providing it seeks advice from other bodies on matters of common concern, for instance Health and Safety Executive on occupational safety, but there was a strong minority report by the two trade union members, recommending that total responsibility should go to the Health and Safety Executive.

For a number of reasons and subject to the necessary reallocation of funds and financing between Departments I am disposed to accept the recommendation of the main committee; because the chief hazards offshore concern the possibility of total loss of an installation by fire, storm or blow-out; because the risk of blow-out is dependant on geological conditions and the geologists and geophysicists in Department of Energy have access to the necessary information to advise on the risks; because the environmental and structural hazards are intimately linked with occupational safety and the Governmental expertise in these areas rests in the Department. I do of course recognise that you may have differing views as my Cecil Parkinson in the Department of Trade.



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I would like, in view of the possible differences of opinion, to seek your agreement that a group of officials from the concerned Departments, should examine the arguments and report to Ministers. I further suggest that since these Departments are likely to hold conflicting views, the Committee should meet under impartial chairmanship. In my opinion, the Civil Service Department is the logical provider of the Chairman, and I very much hope they will be willing to take on the role.

There are 60 or so generally non-controversial technical recommendations in the Burgoyne Report and these are being considered by the Department's Petroleum Specialists who will discuss them in the usual manner with their opposite numbers in the Health and Safety Executive, Department of Trade and so on, and I will make a report on them to Parliament this summer. I assume that you are content with this arrangement, but if you have any comments please let me know.

I am copying this letter to Cecil Parkinson and to Paul Channon at the CSD who will no doubt consult No. 10 if he thinks it necessary.

*C. Channon*

*H. H. H.*

