

Technical Information

HSE AND RECREATIONAL DIVING T.14

The BSAC is an amateur training organisation

The BSAC is primarily involved with the provision of diver training within the many Branches affiliated to the organisation. The organisation and its associated branches are amateur in their operation and follow the safety guidelines and training programme of the BSAC.

The HSE monitors 'at work' diving operations

The HSE is concerned with all matters relating to Health & Safety and their Diving Division is the department that oversees all diving matters that are considered 'at work'. The 'at work' situation covers any diving contractor that is receiving payment for the provision of an 'undertaking' or contract. With respect to recreational diving, the HSE's interest is with commercial diving centres that provide diver training services, at all levels of training, in return for a payment from their client.

BSAC UK Schools are commercial

BSAC Schools are such a group of diver training providers and UK-based schools must follow the HSE 'Diving at Work Regulations 1997' and the guidance provided in the Approved Code of Practice (ACoP) 'Recreational Diving Projects'. All BSAC Schools based in the UK are made aware of their responsibilities upon joining the organisation and records are kept at HQ to verify that all UK schools comply.

BSAC UK Branches are non-commercial

The HSE deem BSAC UK Branches to be groups of amateur recreational sport diving members' clubs and not as commercial operations. As such the Diving at Work Act 1997 and the ACoP 'Recreational Diving Projects' do not apply to BSAC branches.

Reimbursing instructor expenses

An instructor becomes a 'commercial' instructor when they are making a living from their diver training activities and drawing a wage from the proceeds. Reimbursing branch instructors for their travelling and bona fide expenses incurred on the day would not be considered making that instructor a commercial instructor. The basis of guidance on this aspect should be the BSAC 'Policy for the Reimbursement of Volunteer and Staff Expenses' guidelines available from HQ.

FREQUENTLY ASKED QUESTIONS

Q. What is the HSE concerned with?

A. The HSE is concerned with all matters relating to Health & Safety at work and their Diving Division is a specific department that oversees all diving matters that are considered commercial. The 'at work' situation covers any diving contractor that is receiving payment for the provision of an 'undertaking' or 'contract'. This provision is often known as a 'project'.

Q. What is the 'Diving at Work Regulations' (1997)?

A. This is the title of a set of regulations that came into operation in 1998 and applies to all diving in the Great Britain that is considered commercial. Thus all commercial diving centres/companies in the UK must comply with these regulations. Diving centres overseas do not need to comply with these UK regulations but may have similar local legislation that they must comply with.

Q. What is an 'ACoP'?

A. An ACoP is an Approved Code of Practice and is a set of guidelines associated with regulations to assist in the understanding and compliance to the regulations that the ACoP covers. The Diving at Work Regulations 1997 has a series of ACoPs depending on the type of commercial diving operation that is being undertaken. (scientific, recreational, media, etc.)

Q. What is the 'Recreational Diving Projects' ACoP?

A. This is one of the series of ACoPs associated with the Diving at Work Regulations and is guidance for those operators and team members involved in providing recreational diver training or guided dives on a commercial basis to their clients.

Q. Are the HSE interested in Recreational Diving?

A. Yes. They are interested if the recreational diving project is commercial. With respect to recreational diving, the HSE's interest is with commercial diving centres, or instructors, that provide diver training services, at all levels of training, in return for a payment from their client. The HSE see that there is an 'undertaking' by the centre to provide a defined course of training to those paying clients.

Q. Are Schools commercial?

A. Yes. All diver training schools are commercial centres since they are offering recreational diver training to clients for a payment. Those commercial centres operating in the Great Britain therefore need to comply with the 'Diving at Work Regulations 1997' as do their instructors, even if they are not being paid.

Q. How are recreational diving associations' branches/clubs perceived by the HSE?

A. All diving associations' branches and clubs are primarily involved with the provision of diver training within their many branches and clubs affiliated to the associations. The HSE regard the associations and their branches/clubs as amateur and 'non-commercial' in their operation so expect the members to follow the safety guidelines and training programme of the respective diving association.

Q. Do branches/clubs have to comply with the HSE Regulations?

A. No. The HSE regard Great Britain recreational diving branches and clubs as being groups of amateur recreational sport diving members' clubs and not as commercial operations. Provided the branch/club is not involved in a commercial operation then the HSE would not perceive them as commercial and as such the Diving at Work Regulations 1997 and the ACoP 'Recreational Diving Projects' do not apply.

The HSE would expect diving associations to put in place suitable training and safety measures and for branches to follow these guidelines.

Q. Can instructors be reimbursed for their expenses?

A. Yes. Branch/club instructors can be reimbursed for the expenses they have incurred in connection with the training they are doing on the day. Travelling, entrance fees and other bona fide expenses can be reimbursed to the instructor by the trainee club members, if they wish, and this would not be considered making the training exercise 'commercial'. The basis of guidance in this aspect should be their association's current guidelines, or policy, for the reimbursement of volunteer expenses.

Q. When is an instructor considered to be 'commercial'?

A. An instructor becomes a 'commercial' instructor when they are drawing a wage, or financial reward, from the proceeds received such that it is going towards them making a living from their diver training activities.

Alternatively, an instructor is considered to be commercial when he or she are acting on behalf of a contractor, who has an 'undertaking' with a client that is paying that contractor for the services being provided, even though the instructor is a 'volunteer'.

Sources of Information

<p>Legislation: The Diving at Work Regulations 1997 SI 1997/2776 The Stationery Office 1997 ISBN 0 11 065170 7</p>	<p>Approved Code of Practice and Guidance: Recreational Diving Projects. Diving at Work Regulations 1997. Approved Code of Practice L105 HSE Books 1998 ISBN 0 7176 1496 4</p>
<p>HSE Information Leaflets: 'Are you Involved in a Diving Project?' Leaflet INDG266</p>	<p>For further health and safety at work information: HSE Information Services Caerphilly Business Park Caerphilly CF83 3GG Tel: 08701 545 500 Fax: 02920 859 260 Email: hseinformationservices@natbrit.com HSE website: www.hse.gov.uk/diving</p>
<p>To order HSE Regulations: The Stationery Office (formerly HMSO) The Publications Centre PO Box 276 London SW8 5DT Tel: 0870 600 5522 Fax: 0870 600 5533 Website: www.hmso.gov.uk</p>	<p>To order HSE Publications: HSE Books PO Box 1999 Sudbury Suffolk CO10 2WA Tel: 01787 881165 Fax: 01787 313995 Website: www.hsebooks.co.uk</p>