

Energy Division

[REDACTED]
ED Unit 2 Diving 2
HSE
100 Temple Street
Bristol, BS1 6HT**Mrs Heidi J Connor**
Senior Coroner for Berkshire
Reading Town Hall
Blagrove Street
Reading, RG1 1QH<http://www.hse.gov.uk/>Manager:
[REDACTED][REDACTED]

Date 2nd June 2026

Dear Madam,

RE: KEVIN JOHN LAPWOOD

I am writing in reply to your report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and Regulations 28 and 29 of the Coroners (Investigations) Regulations 2013. This is in relation to matters identified as part of your investigation into the sad death of Kevin John Lapwood whilst participating in a recreational diving project at Wraysbury Dive Centre on 12th February 2022.

As part of your report, you have raised questions with regards the guidance applicable to volunteers participating in diving projects, which I will answer here. I have also discussed your report and HSE's response with [REDACTED], HSE's Principal Medical Adviser.

Points 1 & 2 for HSE

The Diving at Work Regulations 1997 (DWR) apply when there is a person at work who dives, and place specific duties on persons involved in a diving project. Where there are no persons at work who dive, then DWR specifically does not apply. However, if dives are being conducted as part of an undertaking then it is likely that the general provisions of the Health & Safety at Work etc Act 1974 will still apply.

Where there is a person at work who dives, DWR will apply in its entirety. The dives taking place will be the "diving project", a term defined in Regulation 2(1) of DWR. DWR places duties on all of those engaged in the diving project to ensure that the requirements of DWR are complied with.

DWR Regulation 6(1) requires that the diving contractor, defined as the employer of the at work diver, is responsible for ensuring the safety of all persons taking part, whether or not those persons are at work.

Any employer or self employed person who is engaged in a diving project must make themselves aware of the requirements of DWR, including its application to all persons involved in, or affected by, the diving project, including other employees or self employed persons, students, volunteers, members of public or any other person whose safety or health may be affected by the diving project.

With regards to the “Recreational diving projects – Diving at Work Regulations 1997” approved code of practice (ACoP), the title of the document reflects that it is applicable only to diving projects which come under DWR, and not to dives conducted purely for leisure purposes by members of public.

HSE would reasonably expect that any person whose undertakings come under DWR would be fully conversant with the relevant statutory provisions imposed upon them.

The reference to “associated guidance” on the title page of the ACoP is intended to highlight that throughout the document some paragraphs are “ACoP” and some are “Guidance”. The distinction and meaning of these two terms is set out on page 2 of the document. The volunteer diver guidance note is identified, and a link provided, within the list of Further Reading at page 34 of the ACoP.

DWR Regulation 12(1)(b) does require that no diver shall dive in a diving project unless he has a valid medical certificate of fitness to dive. In its strictest interpretation this duty does only apply to a “diver” as defined by DWR Regulation 2(1), that being a person at work who dives. I do agree that in the case of volunteers who are used to make up the minimum legally required team for a diving project, there is a risk that the requirement for the volunteer to be properly assessed as medically fit could be overlooked or circumvented.

To address this HSE has taken several steps:-

1. HSE has produced the volunteer diver guidance previously referred to, which is both referenced in the ACoP and published on HSE’s website. The volunteer diver guidance contains the wording:

*“...any person taking part in a diving project who is **either** being paid (or in receipt of favour or reward) **or** whose involvement in a diving project is required for that project to be carried out in accordance with DWR97 should be considered to be at work (and therefore a 'diver' under DWR97 regulation 2). If this was a 'volunteer', the diver would need to be sufficiently competent and have a valid certificate of medical fitness to dive (issued by an approved medical examiner of divers).”*

I believe this provides unambiguous guidance that a volunteer acting in the capacity of a safety diver, for example, as was the case with Mr Lapwood, then that volunteer must hold a valid certificate of medical fitness to dive.

2. HSE have worked with the Professional Association of Diving Instructors (PADI) as the largest provider of recreational diver training in GB, where the instructor or other divers are likely to be at work. Since 2004 PADI have published on their own website guidance on how its members should ensure compliance with DWR. This guidance contains near identical wording to the HSE volunteer diver guidance above. <http://apsto.org.uk/wp-content/uploads/2023/01/2022-Diving-at-Work-Regulations-advice-from-PADI-2022.pdf>
3. Through industry liaison with the British Diving Safety Group and annual attendance at recreational diving trade shows, HSE diving specialist inspectors have sought to educate the recreational diving community on the importance of medical fitness to dive and in particular the requirement for any person whose involvement in a diving project is core to the minimum legally required diving team, to be properly assessed as medically fit by holding a valid certificate of medical fitness to dive.

HSE is currently in the process of reviewing and updating its guidance including the volunteer diving guidance document. HSE is committed to ensuring that it provides clear, unambiguous guidance and will be cognisant of the matters you have raised when the ACoP is next reviewed.

Point 3 for HSE

HSE produces a document entitled “The medical examination and assessment of divers (MA1)” (<http://www.hse.gov.uk/pubns/ma1.pdf>). This document details the HSE standards and guidance for the medical assessment of all divers at work, which reflects the need to protect their health, safety and welfare. It takes account of the physical and mental requirements for meeting reasonably foreseeable underwater emergencies and the physiological effects of working in a hyperbaric environment.

DWR Regulation 12(1)(b) requires that a diver in a diving project should have a valid certificate of medical fitness to dive. This certificate of medical fitness to dive is known as document MA2.

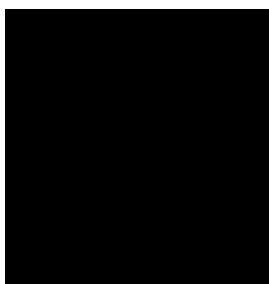
At each medical assessment undertaken by an HSE Approved Medical Examiner of Divers (AMED), the MA2 should be fully completed in respect of the person undergoing assessment. MA2 is designed such that a copy of it can be provided to the person at the time of undergoing their medical.

Should a diver be issued with a restricted or unfit certificate, the reason(s) for this finding should be recorded by the AMED on page 2 of the MA2 document. These reasons should be explained to the person undergoing the medical, together with informing them of their right of appeal. Particularly where the diver is unfit, this discussion should include the implications of any medical issues identified with regards to diving activities.

In paragraph 71 of MA1, it is stated that “Hypertension may increase the risk of pulmonary oedema” and paragraph 85 describes the actions needed in respect of a diver with a history of IPO. We would reasonably expect this information to form part of the discussion with a diver who has high blood pressure (hypertension) or has a history of IPO, particularly where they are found unfit to dive.

Through our ongoing engagement with the AMEDs we will remind them of the importance of explaining the implications of medical conditions for diving, particularly where a person is found unfit to dive at work.

Yours faithfully



HM Chief Inspector of Diving