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## GOVERNMENT NOTICE GOEWERMENSKENNISGEWING

### DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

**No. R. 692****30 July 2001**

### OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 MAJOR HAZARD INSTALLATION REGULATIONS

The Minister of Labour has, after consultation with the Advisory Council for Occupational Health and Safety, under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), made the regulations in the Schedule.

## SCHEDULE

### Definitions

1. In these regulations any expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates —

**"emergency plan"** means a plan in writing which, on the basis of identified potential incidents at the installation, together with their consequences, describes how such incidents and their consequences should be dealt with on-site and off-site;

**"local government"** means a local government as defined in section 1 of the Local Government Transition Act, 1993 (Act No. 209 of 1993);

**"material safety data sheet"** means a material safety data sheet as contemplated in regulation 7 of the General Administrative Regulations;

**"near miss"** means any unforeseen event involving one or more hazardous substances which, but for mitigating effects, actions or systems, could have escalated to a major incident;

**"on-site emergency plan"** means the emergency plan contemplated in regulation 6;

**"risk assessment"** means the process contemplated in regulation 5;

**"rolling stock"** means any locomotive, coach, railway carriage, truck, wagon or similar contrivance used for the purpose of transporting persons, goods or any other thing, and which can run on a railway;

**"temporary installation"** means an installation that can travel independently between planned points of departure and arrival for the purpose of transporting any substance, and which is only deemed to be an installation at the points of departure and arrival, respectively;

**"the Act"** means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

**"transit"** includes any time or place in which rolling stock may be between planned points of departure and arrival.

### Scope of application

2. (1) Subject to the provisions of subregulation (3) these regulations shall apply to employers, self-employed persons and users, who have on their premises, either permanently or temporarily, a major hazard installation or a quantity of a substance which may pose a risk that could affect the health and safety of employees and the public.
- (2) These regulations shall apply to local governments, with specific reference to regulation 9.
- (3) These regulations shall not apply to nuclear installations registered in terms of the Nuclear Energy Act, 1993 (Act No. 131 of 1993).

**Notification of installation**

3. (1) Every employer, self-employed person and user shall notify the chief inspector, provincial director and relevant local government in writing of —
  - (a) the erection of any installation that will be a major hazard installation, prior to commencement of erection thereof; and
  - (b) the conversion of any existing installation into a major hazard installation, prior to such conversion.
- (2) Every employer, self-employed person and user shall notify the chief inspector, the local government and the provincial director within 60 days of the promulgation of these regulations of an existing major hazard installation.
- (3) No employer, self-employed person and user shall modify an installation by increasing its storage or production capacity, or altering the process or by effecting any other change that may increase the risk of an existing major hazard installation, without notifying the chief inspector, relevant local government and provincial director in writing.
- (4) The information submitted by an employer, self-employed person and user in terms of subregulations (1), (2) and (3), shall include —
  - (a) the physical address of the installation;
  - (b) the complete material safety data sheets of all substances that resulted in the installation being classified as a major hazard installation;
  - (c) the envisaged maximum quantity of such substance that may be on the premises at any one time;
  - (d) the risk assessment of the major hazard installation as contemplated in regulation 5(1); and
  - (e) any further information that may be deemed necessary by an inspector in the interests of the health and safety of the public.
- (5) Subregulations (1), (2) and (3) shall not apply to rolling stock in transit.
- (6) An employer, self-employed person and user shall advertise the notifications contemplated in subregulations (1), (2) and (3) in at least one newspaper serving the communities in the vicinity of the installation which is to be declared a major hazard installation, a proposed major hazard installation or an existing installation which is to be modified, and by way of notices posted within those communities.
- (7) Any interested or affected person may make representations in writing to the relevant local government or provincial director within 60 days about an existing major hazard installation or after the erection, conversion, modification of a major hazard installation, if that installation is not acceptable to that person.



**Temporary installations**

4. (1) Any employer, self-employed person and user who has a temporary installation on his or her premises which would, taking into consideration the risks attached to the quantity of substance and the procedure of discharge, result in that temporary installation being declared a major hazard installation if it were not a temporary installation, shall be deemed to be responsible for the storage and discharge of that installation while on his or her premises.
- (2) An employer, self-employed person and user contemplated in subregulation (1) shall ensure that a risk assessment for the storage and discharge procedure be carried out for a temporary installation prior to the risk coming into existence.
- (3) An employer, self-employed person and user contemplated in subregulation (1) shall, after taking into consideration the risk assessment, take the reasonably practicable steps that may be necessary to reduce the risks attached to the storage and discharge of a temporary installation.

**Risk assessment**

5. (1) An employer, self-employed person and user shall, after consultation with the relevant health and safety representative or relevant health and safety committee, carry out a risk assessment at intervals not exceeding five years and submit such risk assessment to the chief inspector, relevant local government and provincial director.
- (2) The risk assessment is the process of collecting, organising, analysing, interpreting, communicating and implementing information in order to identify the probable frequency, magnitude and nature of any major incident which could occur at a major hazard installation, and the measures required to remove, reduce or control the potential causes of such an incident.
- (3) An employer, self-employed person and user shall inform the relevant health and safety representative or relevant health and safety committee in writing of the arrangements made for the assessment contemplated in subregulation (1), give them 60 days within which to comment thereon and ensure that the results of the assessment are made available to the relevant representative or committee who may comment thereon.
- (4) An employer, self-employed person and user shall make available on the premises a copy of the latest risk assessment for inspection by an inspector.
- (5) An employer, self-employed person and user shall ensure that the risk assessment contemplated in subregulation (1), shall —
- (a) be carried out by an Approved Inspection Authority which is competent to express an opinion as to the risks associated with the major hazard installation; and
- (b) at least include —
- (i) a general process description of the major hazard installation;

- (ii) a description of the major incidents associated with that type of installation and the consequences of such incidents, which shall include potential incidents;
  - (iii) an estimation of the probability of a major incident;
  - (iv) a copy of the site emergency plan;
  - (v) an estimation of the total result in the case of an explosion or fire;
  - (vi) in the case of toxic release, an estimation of concentration effects of such release;
  - (vii) the potential effect of an incident on a major hazard installation or part thereof on an adjacent major hazard installation or part thereof;
  - (viii) the potential effect of a major incident on any other installation, members of the public and residential areas;
  - (ix) meteorological tendencies;
  - (x) the suitability of existing emergency procedures for the risks identified;
  - (xi) any requirements laid down in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989); and
  - (xii) any organisational measures that may be required.
- (6) (a) An employer, self-employed person and user shall ensure that the risk assessment required in terms of subregulation (1) is reviewed forthwith if -
- (i) there is reason to suspect that the preceding assessment is no longer valid;
  - (ii) there has been a change in the process involving a substance resulting in the installation being classified a major hazard installation or in the methods, equipment or procedures in the use, handling or processing of that substance; or
  - (iii) after an incident that has brought the emergency plan into operation or after any near miss.
- (b) Where the risk assessment has been updated an employer, self-employed person and user shall submit a copy of the updated risk assessment to the chief inspector, the relevant local government and the provincial director within 60 days.
- (7) Subregulation (5)(b) shall not apply in the case of rolling stock in transit: Provided that the operator of a railway shall ensure —
- (a) that a risk assessment applicable to rolling stock in transit is carried out and made available for inspection at the request of an inspector or local

government or both that local government and inspector, as the case may be; and

- (b) that in the interests of the health and safety of the public the necessary precautions are taken.
- (8) An employer, self-employed person and user shall ensure that the risk assessments contemplated in subregulations (1) and (5)(a) be made available for scrutiny by any interested person or any person that may be affected by the activities of a major hazard installation, at a time and place and in a manner agreed upon between the parties.

### **On-site emergency plan**

6. (1) An employer, self-employed person and user shall after submission of the information contemplated in regulation 3(4) —
- (a) establish an on-site emergency plan to be followed inside the premises of the installation or part of the installation classified as a major hazard installation in consultation with the relevant health and safety representative or the relevant health and safety committee;
  - (b) discuss the emergency plan with the relevant local government, taking into consideration any comment on the risk related to the health and safety of the public;
  - (c) review the on-site emergency plan and, where necessary, update the plan, in consultation with the relevant local government, at least once every three years;
  - (d) sign a copy of the on-site emergency plan in the presence of two witnesses, who shall attest the signature;
  - (e) ensure that the on-site emergency plan is readily available at all times for implementation and use;
  - (f) ensure that all employees are conversant with the on-site emergency plan; and
  - (g) cause the on-site emergency plan to be tested in practice at least once a year and keep a record of such test.
- (2) Any employer, self-employed person and user owning or in control of a pipeline that could pose a threat to the general public shall inform the relevant local government and shall be jointly responsible with the relevant government for the establishment and implementation of an on-site emergency plan.
- (3) Subregulation (1) shall not apply to rolling stock in transit: Provided that the operator of a railway shall —
- (a) establish an emergency plan for each route traversed within 12 months of the coming into operation of these regulations;

- (b) draw up the plan contemplated in paragraph (a) in consultation with the local government through whose jurisdiction that rolling stock is being transported;
- (c) sign a copy of the on-site emergency plan in the presence of two witnesses, who shall attest the signature;
- (d) ensure that the plan is readily available at all times for implementation and use; and
- (e) cause that plan to be tested when reasonably practicable and keep a record of such test.

#### **Reporting of risk and emergency occurrences**

7. (1) Every employer, self-employed person and user of a major hazard installation and owner or user of a pipeline shall –
- (a) subject to the provisions of regulation 6 of the General Administrative Regulations, within 48 hours by means of telephone, facsimile or similar means of communication inform the chief inspector, the provincial director and relevant local government of the occurrence of a major incident or an incident that brought the emergency plan into operation or any near miss;
  - (b) submit a report in writing to the chief inspector, provincial director and local government within seven days; and
  - (c) investigate and record all near misses in a register kept on the premises, which shall at all times be available for inspection by an inspector and the local government.
- (2) Every employer, self-employed person and user shall in the case of a major incident or an incident contemplated in subregulation (1) that was or may have been caused by a substance, inform the supplier of that substance of the incident.
- (3) An employer, self-employed person and user shall –
- (a) record all near misses in a register kept on the premises, which shall at all times be available for inspection by an inspector; and
  - (b) ensure that the contents of the register contemplated in paragraph (a) shall also be available in the event of an inspection contemplated in regulation 5(4).

#### **General duties of suppliers**

8. (1) Every person that supplies a substance to a major hazard installation that has been classified as a major hazard installation for the reason of the presence of that substance in that installation shall ensure that he or she supplies with the substance a material safety data sheet contemplated in regulation 7 of the General Administrative Regulations.



- (2) On receipt of the information contemplated in regulation 7(2), every supplier of the relevant substance shall assess the circumstances and substance involved in an incident or potential incident and inform all persons being supplied with that substance, of the potential dangers surrounding it.
- (3) Every supplier of a hazardous substance to a major hazard installation shall provide a service that shall be readily available on a 24-hour basis to all employers, self-employed persons and users, the relevant local government and any other body concerned, to provide information and advice in the case of a major incident with regard to the substance supplied.

#### **General duties of local government**

9. (1) Without derogating from the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), no local government shall permit the erection of a new major hazard installation at a separation distance less than that which poses a risk to —
  - (a) airports;
  - (b) neighbouring independent major hazard installations;
  - (c) housing and other centres of population; or
  - (d) any other similar facility:

Provided that the local government shall permit new property development only where there is a separation distance which will not pose a risk in terms of the risk assessment: Provided further that the local government shall prevent any development adjacent to an installation that will result in that installation being declared a major hazard installation.

- (2) Where a local government does not have facilities available to control a major incident or to comply with the requirements of this regulation, that local government shall make prior arrangements with a neighbouring local government, relevant provincial government or the employer, self-employed person and user for assistance.
- (3) All off-site emergency plans to be followed outside the premises of the installation or part of the installation classified as a major hazard installation shall be the responsibility of the local government.

#### **Closure**

10. An employer, self-employed person and user shall notify the chief inspector, relevant provincial director and local government in writing, 21 days prior to the installation ceasing to be a major hazard installation.

**Offences and penalties**

11. Any person who contravenes or fails to comply with any provision of regulations 3(1), 3(2), 3(3), 3(4), 3(6), 4(2), 4(3), 5, 6, 7, 8 or 9, shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period of 12 months and, in the case of a continuous offence, to an additional fine of R200 or additional imprisonment for each day on which the offence continues: Provided that the period of such additional imprisonment shall not exceed 90 days.
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**WET OP BEROEPSGESONDHEID EN VEILIGHEID, 1993****REGULASIES VIR HOËRISIKO-INSTALLASIES**

Die Minister van Arbeid het ingevolge artikel 43 van die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993), na oorleg met die Adviesraad vir Beroepsgesondheid en Veiligheid, die regulasies in die Bylae uitgevaardig.

**BYLAE****Woordomskrywing**

1. In hierdie regulasies het enige uitdrukking waaraan die Wet 'n betekenis heg, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken —

**“ampernoodvoorval”** ‘n onvoorsiene gebeurtenis waarby een of meer gevaarlike stowwe betrokke is en wat in ‘n ernstige voorval kon ontwikkel het as dit nie vir stabiliserende gevolge, bedrywighede of stelsels was nie;

**“binneterrein-noodplan”** die noodplan bedoel in regulasie 6;

**“die Wet”** die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993);

**“materiaalveiligheidsdatablad”** ‘n materiaalveiligheidsdatablad soos bedoel in regulasie 7 van die Algemene Administratiewe Regulasies;

**“noodplan”** ‘n skriftelike plan wat op grond van geïdentifiseerde potensiële voorvalle by die installasie, tesame met hulle gevolge, beskryf hoe sodanige voorvalle en hulle gevolge binne en buite die terrein hanteer moet word;

**“plaaslike regering”** plaaslike regering soos omskryf in artikel 1 van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993);

**“risikoberaming”** die beraming bedoel in regulasie 5;

**“rollende materiaal”** enige lokomotief, passasierswa, spoorwa, trek, wa of soortgelyke toestel wat gebruik word vir doeleindes van die vervoer van persone, goedere of enige ander ding, en wat op ‘n spoorlyn kan beweeg;

**“transito”** ook enige tyd of plek waar rollende materiaal tussen beplande punte van vertrek en aankoms kan wees;

**“tydelike installasie”** ‘n installasie wat onafhanklik tussen beplande punte van vertrek en aankoms kan beweeg vir doeleindes van die vervoer van ‘n stof en wat slegs by die punte van vertrek en aankoms, onderskeidelik, ‘n installasie geag word.

**Toepassingsbestek**

2. (1) Behoudens die bepalings van subregulasie (3) is hierdie regulasies van toepassing op werkgewers, persone in eie diens en gebruikers wat, óf permanent óf tydelik op hul perseel ‘n hoërisiko-installasie of ‘n hoeveelheid van ‘n stof het wat ‘n risiko vir die gesondheid en veiligheid van werknemers en die publiek kan inhou.
- (2) Hierdie regulasies is van toepassing op plaaslike regerings, met spesifieke verwysing na regulasie 9.
- (3) Hierdie regulasies is nie van toepassing nie op kerninstallasies wat ingevolge die Wet op Kernenergie, 1993 (Wet No. 131 van 1993), geregistreer is.

**Kennisgewing van installasie**

3. (1) Elke werkgewer, persoon in eie diens en gebruiker moet die hoofinspekteur, provinsiale direkteur en tersaaklike plaaslike regering skriftelik in kennis stel van —
- (a) die oprigting van 'n installasie wat 'n hoërisiko-installasie sal wees, voordat daar met die oprigting daarvan begin word; en
  - (b) die omskepping van enige bestaande installasie in 'n hoërisiko-installasie, voor sodanige omskepping.
- (2) Elke werkgewer, persoon in eie diens en gebruiker moet, binne 60 dae na die promulgering van hierdie regulasies, die hoofinspekteur, plaaslike regering en die provinsiale direkteur in kennis stel van 'n bestaande hoërisiko-installasie.
- (3) Geen werkgewer, persoon in eie diens en gebruiker mag 'n installasie modifiseer nie deur sy bergings- of produksiekapasiteit te verhoog of die proses te verander of enige ander verandering aan te bring wat die risiko van 'n bestaande hoërisiko-installasie beduidend kan verhoog, sonder om die hoofinspekteur, die tersaaklike plaaslike regering en provinsiale direkteur vooraf skriftelik daarvan in kennis te stel.
- (4) Die inligting wat ingevolge subregulasies (1), (2) en (3) deur die werkgewer, persoon in eie diens en gebruiker voorgelê word, moet insluit —
- (a) die fisiese adres van die installasie;
  - (b) die volledige materiaalveiligheidsdatablaai van alle stowwe wat daartoe aanleiding gegee het dat die installasie as 'n hoërisiko-installasie geklassifiseer is;
  - (c) die beoogde maksimum hoeveelheid van sodanige stof wat op enige tydstip op die perseel kan wees;
  - (d) die risikoraming van die hoërisiko-installasie soos bedoel in regulasie 5(1); en
  - (e) enige verdere inligting wat in belang van die gesondheid en veiligheid van die publiek deur 'n inspekteur nodig geag word
- (5) Subregulasies (1), (2) en (3) is nie van toepassing op rollende materiaal in transito nie.
- (6) 'n Werkgewer, persoon in eie diens en gebruiker moet die kennisgewings bedoel in subregulasies (1), (2) en (3) adverteer in minstens een koerant wat die gemeenskappe bedien in die omgewing van die installasie wat tot 'n hoërisiko-installasie verklaar gaan word, 'n voorgenome hoërisiko-installasie of 'n bestaande installasie wat gemodifiseer gaan word, en deur middel van kennisgewings wat binne hierdie gemeenskappe aangebring word.
- (7) Enige belanghebbende of persoon wat hierdeur geraak word, kan binne 60 dae tot die tersaaklike plaaslike regering of provinsiale direkteur skriftelik vertoë rig oor 'n bestaande hoërisiko-installasie of na die oprigting, omskepping, modifisering van 'n hoërisiko-installasie, indien daardie installasie nie vir daardie persoon aanvaarbaar is nie.



**Tydlike installasies**

4. (1) 'n Werkgewer, persoon in eie diens en gebruiker wat op sy of haar perseel 'n tydelike installasie het wat, met inagneming van die risiko's verbonde aan die hoeveelheid van die stof en die uitlaatprosedure, daartoe aanleiding kon gee dat daardie tydelike installasie as 'n hoërisiko-installasie geklassifiseer sou word indien dit nie 'n tydelike installasie was nie, word geag verantwoordelik te wees vir die berging en uitlaat van daardie installasie terwyl dit op sy of haar perseel is.
- (2) 'n Werkgewer, persoon in eie diens en gebruiker bedoel in subregulasie (1) moet toesien dat 'n risikoraming vir die bergings- en uitlaatprosedure vir sodanige tydelike installasie uitgevoer word voordat die risiko ontstaan.
- (3) 'n Werkgewer, persoon in eie diens en gebruiker bedoel in subregulasie (1) moet, na inagneming van die risikoraming, sodanige redelik uitvoerbare stappe doen as wat nodig is om die risiko's verbonde aan die berging en uitlaat van sodanige tydelike installasie te verminder.

**Risikoraming**

5. (1) 'n Werkgewer, persoon in eie diens en gebruiker moet, na oorleg met die betrokke gesondheids- en veiligheidsverteenvoorder of tersaaklike gesondheids- en veiligheidskomitee, 'n risikoraming met tussenposes van hoogstens vyf jaar uitvoer en sodanige risikoraming by die hoofinspekteur, tersaaklike plaaslike regering en provinsiale direkteur indien.
- (2) Die risikoraming is 'n proses van versameling, organisering, ontleding, interpretering, kommunikasie en implementering van inligting ten einde die waarskynlike frekwensie, omvang en aard van enige ernstige voorval wat by 'n hoërisiko-installasie kan plaasvind, te identifiseer, en die maatreëls wat nodig is om die potensiële oorsake van so 'n voorval te verwyder, te verminder of te beheer.
- (3) 'n Werkgewer, persoon in eie diens en gebruiker moet die betrokke gesondheids- en veiligheidsverteenvoorder of gesondheids- en veiligheidskomitee skriftelik inlig oor die reëlings wat vir die risikoraming bedoel in subregulasie (1) getref is, moet hulle 60 dae toelaat om kommentaar daarop te lewer en moet toesien dat die uitslag van die risikoraming beskikbaar gestel word aan die betrokke verteenwoordiger of komitee wat kommentaar daarop kan lewer.
- (4) Die werkgewer, persoon in eie diens en gebruiker moet 'n afskrif van die jongste risikoraming op die perseel beskikbaar stel vir inspeksie deur 'n inspekteur.
- (5) 'n Werkgewer, persoon in eie diens en gebruiker moet toesien dat die risikoraming soos bedoel in subregulasie (1) —
  - (a) uitgevoer word deur 'n Goedgekeurde Inspeksie-owerheid wat bevoeg is om uitspraak te lewer oor die risiko's verbonde aan die hoërisiko-installasie; en

## (b) ten minste insluit —

- (i) 'n algemene prosesbeskrywing van die hoërisiko-installasie;
  - (ii) 'n beskrywing van die ernstige voorvalle verbonde aan daardie tipe installasie en die gevolge van sodanige voorvalle, insluitende potensiele voorvalle;
  - (iii) 'n raming van die waarskynlikheid van 'n ernstige voorval;
  - (iv) 'n afskrif van die terreinnoodplan;
  - (v) 'n raming van die totale gevolg in die geval van 'n ontploffing of brand;
  - (vi) in die geval van toksiese vrylating, 'n raming van konsentrasie-uitwerkings van sodanige vrylating;
  - (vii) die potensiele uitwerking van 'n ernstige voorval by 'n hoërisiko-installasie of 'n gedeelte daarvan op 'n aangrensende hoërisiko-installasie of 'n gedeelte daarvan;
  - (viii) die potensiele uitwerking van 'n ernstige voorval op enige ander installasie, lede van die publiek en woongebiede;
  - (ix) meteorologiese tendense;
  - (x) die geskiktheid van bestaande noodprosedures vir die geïdentifiseerde risiko's;
  - (xi) enige vereistes soos neergelê ingevolge die Wet op Omgewingsbewaring, 1989 (Wet No. 73 van 1989); en
  - (xiii) enige organisatoriese maatreëls wat nodig kan wees.
- (6) (a) 'n Werkgewer, persoon in eie diens en gebruiker moet toesien dat die risikoraming bedoel in subregulasie (1) onmiddellik hersien word indien —
- (i) daar rede is om te vermoed dat die voorgaande raming nie meer geldig is nie;
  - (ii) daar 'n verandering was in die proses waarby 'n stof betrokke is wat tot die klassifisering van die installasie as 'n hoërisiko-installasie gelei het, of in die metodes, toerusting of prosedures vir die gebruik, hantering of verwerking van daardie stof; of
  - (iii) na 'n voorval wat die noodplan in werking gestel het of nadat 'n ampernoodvoorval plaasgevind het.
- (b) Indien die risikoraming bygewerk is, moet 'n werkgewer, persoon in eie diens en gebruiker binne 60 dae 'n afskrif van die nuwe bygewerkte risikoraming by die hoofinspekteur, die tersaaklike plaaslike regering en provinsiale direkteur indien.

- (7) Subregulasie (5)(b) is nie van toepassing nie in die geval van rollende materiaal in transito nie: Met dien verstande dat die operateur van 'n spoorweg moet toesien —
- (a) dat 'n risikoraming wat op rollende materiaal in transito van toepassing is, uitgevoer word en op versoek van 'n inspekteur of plaaslike regering of van sowel daardie plaaslike regering as inspekteur, na gelang van die geval, vir inspeksie beskikbaar gestel word; en
  - (b) dat die nodige voorsorgmaatreëls in belang van die gesondheid en veiligheid van die publiek getref word.
- (8) 'n Werkgewer, persoon in eie diens en gebruiker moet toesien dat die risikoramings bedoel in subregulasies (1) en (5)(a) op 'n tyd, plek en wyse ooreengekom tussen die partye, beskikbaar gestel word vir bestudering deur enige belanghebbende of persoon wat deur die bedrywighede van 'n hoërisiko-installasie geraak word.

### **Binneterrein-noodplan**

6. (1) 'n Werkgewer, persoon in eie diens en gebruiker moet na die indiening van inligting bedoel in regulasie 3(4) —
- (a) in oorleg met die spesifieke gesondheids- en veiligheidsvertegenwoordiger of gesondheids- en veiligheidskomitee, 'n binneterrein-noodplan opstel wat gevolg moet word binne die perseel van die installasie of gedeelte van die installasie wat as 'n hoërisiko-installasie geklassifiseer is;
  - (b) die noodplan met die tersaaklike plaaslike regering bespreek, met inagneming van enige kommentaar oor die risiko met betrekking tot die gesondheid en veiligheid van die publiek;
  - (c) minstens een keer elke drie jaar die binneterrein-noodplan hersien en, waar nodig, die plan in oorleg met die tersaaklike plaaslike regering bywerk;
  - (d) 'n afskrif van die binneterrein-noodplan onderteken in die teenwoordigheid van twee getuies wat die handtekening moet waarmerk ;
  - (e) toesien dat die binneterrein-noodplan te alle tye gereedlik beskikbaar is vir implementering en gebruik;
  - (f) toesien dat alle werknemers met die binneterrein-noodplan vertroud is; en
  - (g) die binneterrein-noodplan minstens een keer per jaar in die praktyk laat toets en moet 'n rekord van sodanige toets hou.
- (2) 'n Werkgewer, 'n persoon in eie diens en gebruiker wat in besit of in beheer is van 'n pypleiding wat 'n bedreiging vir die algemene publiek inhou, moet die tersaaklike plaaslike regering inlig en saam met die tersaaklike owerheid verantwoordelik wees vir die opstel en implementering van 'n binneterrein-noodplan.

- (3) Subregulasie (1) is nie van toepassing op rollende materiaal in transito nie: Met dien verstande dat die operateur van 'n spoorweg —
- (a) binne 12 maande na die inwerkingtreding van hierdie regulasies 'n noodplan opstel vir elke roete wat gebruik word;
  - (b) in oorleg met die plaaslike regering deur wie se regsgebied daardie rollende materiaal beweeg, die plan bedoel in paragraaf (a) opstel;
  - (c) sodanige plan onderteken in die teenwoordigheid van twee getuies wat die handtekening moet waarmerk;
  - (d) toesien dat die plan te alle tye gereedlik beskikbaar is vir implementering en gebruik; en
  - (e) daardie plan laat toets wanneer dit redelik uitvoerbaar is en moet 'n rekord van sodanige toets hou.

#### **Aanmelding van risiko- en noodvoorvalle**

7. (1) Elke werkgewer, persoon in eie diens en gebruiker van 'n hoërisiko-installasie en eienaar of gebruiker van 'n pyplyn moet —
- (a) behoudens die bepalings van regulasie 6 van die Algemene Administratiewe Regulasies, binne 48 uur die hoofinspekteur, die provinsiale direkteur en tersaaklike plaaslike regering telefonies of per faksimilee of soortgelyke metode inlig oor 'n ernstige voorval wat plaasgevind het of oor 'n voorval wat die noodplan in werking gestel het of oor 'n ampernoodvoorval;
  - (b) binne sewe dae 'n skriftelike verslag aan die hoofinspekteur, provinsiale direkteur en plaaslike regering voorlê; en
  - (c) alle ampernoodvoorvalle ondersoek en aanteken in 'n register wat op die perseel gehou word en te alle tye vir inspeksie deur 'n inspekteur en die plaaslike regering beskikbaar moet wees.
- (2) Elke werkgewer, persoon in eie diens en gebruiker moet in die geval van 'n ernstige voorval of 'n voorval bedoel in subregulasie (1) wat deur 'n stof veroorsaak is of kon gewees het, die verskaffer van daardie stof oor die voorval inlig.
- (3) 'n Werkgewer, persoon in eie diens en gebruiker moet —
- (a) alle ampernoodvoorvalle in 'n register aanteken wat op die perseel gehou word en wat te alle tye vir inspeksie deur 'n inspekteur beskikbaar moet wees; en
  - (b) toesien dat die inhoud van die register bedoel in paragraaf (a) ook beskikbaar is in die geval van 'n inspeksie bedoel in regulasie 5(4).

**Algemene pligte van verskaffers**

8. (1) Elke persoon wat 'n stof verskaf aan 'n hoërisiko-installasie wat omrede die teenwoordigheid van daardie stof in daardie installasie as 'n hoërisiko-installasie geklassifiseer is, moet toesien dat hy of sy saam met die stof 'n materiaal-veiligheidsdatablad bedoel in regulasie 7 van die Algemene Administratiewe Regulasies verskaf.
- (2) Elke verskaffer moet by ontvangs van die inligting bedoel in regulasie 7(2) die omstandighede en stof wat by 'n voorval of potensiele voorval betrokke is, evalueer en alle persone wat van daardie stof voorsien word, inlig oor die potensiele gevare verbonde aan daardie stof.
- (3) Elke verskaffer van 'n gevaarlike stof aan 'n hoërisiko-installasie moet op 'n 24-uur-basis 'n noodkoördineringsdiens voorsien wat gereedlik beskikbaar moet wees vir alle werkgewers, persone in eie diens en gebruikers, die tersaaklike plaaslike regering en enige ander betrokke liggaam, om inligting en raad te voorsien in die geval van 'n ernstige voorval rakende die stof wat verskaf is.

**Algemene pligte van plaaslike regering**

9. (1) Sonder om afbreuk te doen aan die bepalings van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977), mag geen plaaslike regering die oprigting van 'n nuwe hoërisiko-installasie toelaat nie op 'n skeidingsafstand wat korter is as dié wat 'n risiko inhou vir —
- (a) lughawens;
  - (b) aangrensende onafhanklike hoërisiko-installasies;
  - (c) behuising en ander bevolkingsentrums; of
  - (d) enige ander soortgelyke fasiliteit:
- Met dien verstande dat die plaaslike regering nuwe eiendomsontwikkeling toelaat slegs waar daar 'n skeidingsafstand is wat ooreenkomstig die risikoraming nie 'n risiko inhou nie: Met dien verstande voorts dat die plaaslike regering enige ontwikkeling verbied wat aan 'n installasie grens en tot gevolg sal hê dat daardie installasie tot 'n hoërisiko-installasie verklaar word.
- (2) Indien 'n plaaslike regering nie oor fasiliteite beskik om 'n ernstige voorval te beheer of aan die vereistes van hierdie regulasie te voldoen nie, moet daardie plaaslike regering vooraf met 'n nabygeleë plaaslike regering, tersaaklike provinsiale owerhede of met die werkgewer, persoon in eie diens en gebruiker reëlings vir bystand tref.
- (3) Alle buiteterrein-noodplanne wat buite die perseel van die installasie of gedeelte van die installasie wat as 'n hoërisiko-installasie geklassifiseer is, gevolg moet word, is die verantwoordelikheid van die plaaslike regering.



**Sluiting**

10. 'n Werkgewer, persoon in eie diens en gebruiker moet die hoofinspekteur, tersaaklike provinsiale direkteur en plaaslike regering binne 21 dae voordat die hoërisiko-installasie ophou om 'n hoërisiko-installasie te wees, daarvan in kennis stel.

**Misdrywe en strawwe**

11. 'n Persoon wat 'n bepaling van regulasie 3(1), 3(2), 3(3), 3(4), 3(6), 4(2), 4(3), 5, 6, 7, 8 of 9 oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van 12 maande en, in die geval van 'n voortdurende oortreding, met 'n bykomende boete van R200 of bykomende gevangenisstraf van een dag vir elke dag waarop die misdryf voortduur: Met dien verstande dat die tydperk van sodanige bykomende gevangenisstraf nie 90 dae oorskry nie.

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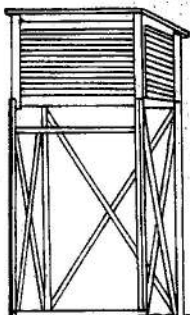
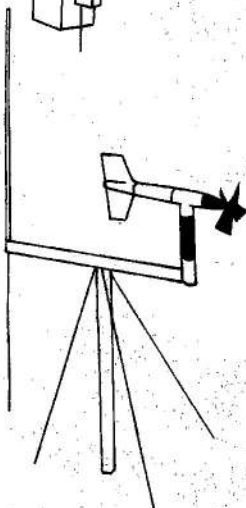
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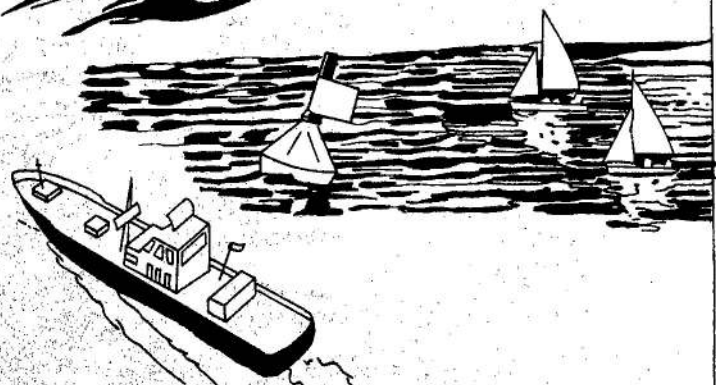
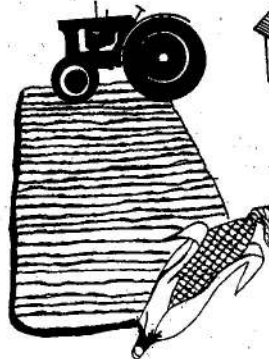
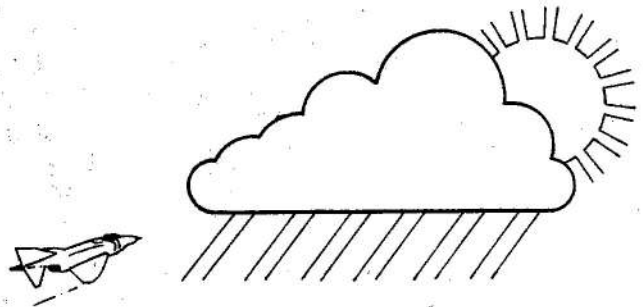
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