

OHSA: PROMULGATION OF MAJOR HAZARD INSTALLATION REGULATIONS, 2022

Hi there

The Minister of Employment and Labour has, under section 43(1)(c) of the Occupational Health and Safety Act 85 of 1993, promulgated the new regulations relating to Major Hazard Installations. The new Regulations will repeal the Major Hazard Installation Regulations, 2001, which was published in Government Notice R. 692, of 30 July 2001. The new Regulations will come into operation on a date determined by the Minister by notice in the Government Gazette.

More information:

The abovementioned regulations will apply to -

- (a) major hazard installations;
- (b) establishments with the prescribed quantity of substances listed in Chapter 1 or 2 of the Regulations; and
- (c) major pipeline establishments (according to Chapter 3 of the Regulations).

Establishments means a major hazard installation under the control of a duty holder where chapter 1, 2, or 3 dangerous substances are present. The Regulations do not apply to nuclear installations registered in terms of the Nuclear Energy Act 131 of 1993.

The regulations deal with, inter alia, the following matters:

Regulation 1 Definitions

Regulation 2 Scope of application

Regulation 3 Management of establishment

Regulation 4 Notification of establishment

Regulation 5 Registration of establishment

Regulation 6 Duration of registration and renewal

Regulation 7 Alteration to particulars of registered establishment

Regulation 8 Revocation or suspension of registration

Regulation 9 Sharing of information with adjacent establishments

Regulation 10 Risk assessment

Regulation 11 Major incident prevention policy

Regulation 12 Safety report

Regulation 13 Licence to operate

Regulation 14 General duties of Local Government

Regulation 15 Emergency plan

Regulation 16 Reporting of risk and emergency occurrences

Regulation 17 Information and training

Regulation 18 General duties of suppliers

Regulation 19 Payable fees

Regulation 20 MHI Advisory Committee

Regulation 21 Approved inspection authorities

Regulation 22 Duties of approved inspection authority

Regulation 23 Closure

Regulation 24 Offences and penalties - duty holder who contravenes any of the provisions of these Regulations commits an offence and is, on conviction, liable to a fine not exceeding R5 000 000 or to imprisonment for a period not exceeding 24 months.

Regulation 25 Repeal of the MHI Regulations, 2001

Annexure A Dangerous Substances to which these Regulations apply

- Chapter 1 Named Dangerous Substances and their qualifying quantities
- Chapter 2 Categories of dangerous substances
- Chapter 3 Classification of pipelines as major hazard establishment

Publication details:

The Regulations were published in Government Gazette 47970, Government Notice R. 2989 of 31 January 2023

Where do I access this information?

<https://implex.co.za/wp-content/uploads/2023/02/HS-OHSA-MHIR-G47970-GoN2989-Jan2023.pdf>

What are the practical implications of these changes?

The Implex Team will be hosting an on-line workshop on 2 March 2023, dealing with commencement and the compliance implications as well as the way forward with the Major Hazard Installation Regulations, 2022. For more information, please, contact Lebo Sedupane, lebo@implex.co.za.

We trust that this information will serve to be of some assistance to you and look forward to your positive feedback!

Implex regards,
Marlize



"Innovation comes only from readily and seamlessly sharing information rather than hoarding it." Tom Peters