

No. S 28

**WORKPLACE SAFETY AND HEALTH ORDER, 2009**  
(S 44/2009)

**WORKPLACE SAFETY AND HEALTH (FACILITIES) (CONTROL OF MAJOR  
ACCIDENT HAZARDS) (AMENDMENT) REGULATIONS, 2017**

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ACCIDENT HAZARDS) (AMENDMENT) REGULATIONS, 2017

In exercise of the power conferred by section 64 of the Workplace Safety and Health Order, 2009, the Minister of Home Affairs, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

**Citation and commencement**

1. These Regulations may be cited as the Workplace Safety and Health (Facilities) (Control of Major Accident Hazards) (Amendment) Regulations, 2017 and shall be deemed to have commenced on 1st January 2017.

**Amendment of regulation 2 of S 96/2013**

2. Regulation 2 of the Workplace Safety and Health (Facilities) (Control of Major Accident Hazards) Regulations, 2013, in these Regulations referred to as the principal Regulations, is amended —

(a) in sub-regulation (1), by deleting “on State Land” and by substituting “in the territory of Brunei Darussalam” therefor;

(b) in sub-regulation (2) —

(i) in paragraph (a) —

(A) in sub-paragraph (i), by deleting “or”;

(B) in sub-paragraph (ii), by deleting “the release of hazardous substances from beneath State Land; and” and by substituting “the release of a hazardous substance; or” therefor;

(C) by adding the following new sub-paragraph —

“(iii) when the facility is used for the provision of accommodation, temporary or otherwise, for any number of persons; and”;

(ii) in paragraph (b) —

(A) in sub-paragraph (i), by deleting “the release of hazardous substances from beneath State Land” and by substituting “the release of a hazardous substance” therefor;

(B) in sub-paragraph (iii), by deleting “on State Land” and by substituting “in the territory of Brunei Darussalam” therefor.

**Amendment of regulation 3**

3. Regulation 3 of the principal Regulations is amended —

(a) by inserting “{1}” immediately before “In these Regulations,”;

(b) by inserting the following new definitions in the appropriate alphabetical order —

“conveyance system” means any apparatus connected to the facility used to transport any material in liquid, gaseous or solid form in bulk between two locations;

“decommissioning” means the process of taking a facility, well, pipeline or other conveyance system from cessation of production (or operation) of that facility, well, pipeline or other conveyance system to the final declared state of that facility, well, pipeline or other conveyance system, and includes the planning and implementing of any activity required to achieve that final declared state;

“final declared state” means an agreement between the duty holder and the competent authority on the expected condition of —

(a) the facility, well, pipeline or other conveyance system; and

(b) the location site,

at the end of the decommissioning and restoration process, taking into consideration the health, safety and environmental matters and the regulatory requirements;

“restoration” means the actions required to take a location site to its final declared state;”;

(c) by deleting the definition of “combined operation” and by substituting the following new definition therefor —

“combined operation” means two or more operated facilities, where one has the potential to affect the major accident hazards (or associated Safety Critical Equipment or safety critical people or procedures) of the other, whilst engaged in a temporary operation;”;

(d) by deleting the definition of “dismantling”;

(e) in the definition of “hazardous substance”, by deleting “hazardous” which appears for the second time;

(f) in the definition of “major accident” —

(i) in paragraph (b), by deleting “located on State Land”;

(ii) by deleting paragraph (c) and by substituting the following new paragraph therefor —

“(c) any other event arising from a work activity on the facility involving —

(i) death; or

(ii) serious personal injury to three or more persons,

on the facility or in neighbouring areas;”;

(g) by deleting the definition of “material change” and by substituting the following new definition therefor —

“ “material change” means any change in design or operations that is significant to require a re-submission of the notification or Safety Case, and includes —

(a) physical changes to the plant;

(b) changes to operational parameters;

(c) organisational or staff changes; or

(d) change in risk profile;”;

(h) by deleting the definition of “Safety Case Certificate” and by substituting the following new definition therefor —

“ “Safety Case Certificate” means a certificate issued by the competent authority to the duty holder when the competent authority is satisfied that the Safety Case has complied with the requirements under these Regulations and may include any further actions which the duty holder is required to comply with;”;

(i) by deleting the definition of “State Land”;

(j) in the definition of “well operation”, in paragraph (b), by deleting “operation” and by substituting “activity” therefor;

(k) by adding the following new sub-regulation —

“(2) For the purposes of these Regulations —

(a) references to the territory of Brunei Darussalam include the territorial sea and exclusive economic zone of Brunei Darussalam;

(b) references to the exclusive economic zone of a country are references to the exclusive economic zone of that country established in accordance with international law.”

**Amendment of regulation 4**

4. Regulation 4 of the principal Regulations is amended by repealing sub-regulation (2).

**Amendment of regulation 6**

5. Regulation 6 of the principal Regulations is amended —

(a) by inserting the following new sub-regulation immediately after sub-regulation (1) —

“(1A) The competent authority may within a reasonable period of time of receiving a Safety Case communicate the conclusions of the examination of the Safety Case to the duty holder of the facility.”;

(b) in sub-regulation (2), by deleting “a duty holder” and by substituting “any person” therefor;

(c) in sub-regulation (4), by inserting “person or” immediately before “duty holder” in the second line.

**Amendment of regulation 7**

6. Regulation 7 of the principal Regulations is amended —

(a) in sub-regulation (1), by inserting “and investigations” immediately after “inspections” in the second line;

(b) in sub-regulation (2), by inserting “and investigations” immediately after “inspections” in the first line;

(c) by adding the following new sub-regulation —

“(3) The competent authority shall provide the duty holder with a written report of any inspection, investigation or other control measures conducted under this regulation.”.

**Amendment of regulation 8**

7. Regulation 8 of the principal Regulations is amended, in paragraph (a), by deleting “that” and by substituting “who” therefor.

**Amendment of regulation 9**

8. Regulation 9 of the principal Regulations is amended, in paragraph (g), by deleting “the Seventh Schedule” and by substituting “Schedule 7” therefor.

**Substitution of regulation 10**

9. Regulation 10 of the principal Regulations is repealed and the following new regulation is substituted therefor —

**“Meaning of “facility” and “fixed facility”**

10. (1) For the purposes of these Regulations, “facility” means —

(a) any onshore premises where hazardous substances, in the quantities specified in the Order —

(i) have been present, are present, are intended to be present, or may be present during loss of control of any process; or

(ii) are being used, or prepared for use;

(b) any offshore premises whose primary use has included, includes or will include one of the following activities —

(i) the recovery, processing or storage of hazardous substances, or any combination of those activities;

(ii) the provision of offshore accommodation for persons working on another such premises, whether connected to that other premises or not; or

(c) any premises that has drilled or serviced, drills or services, or will drill or service a well for any hazardous substance; and

(d) includes —

- (i) any well connected to the facility by pipe or cable;
- (ii) such part of any pipeline or other conveyance system connected to the facility as is within 500 metres of any part of an offshore facility structure or within the boundary line of onshore facility;
- (iii) any apparatus or works which are situated —
  - (A) on, or affixed to, the facility's main structure;
  - (B) wholly or partly within 500 metres of any part of an offshore facility's main structure and associated with a pipe connected to any part of that facility;
  - (C) wholly or partly within the boundary line of an onshore facility and associated with a pipe or system of pipes connected to any part of that facility.

(2) For the purposes of these Regulations, "fixed facility" means a facility which is designed and intended to operate at a single location and includes a mobile facility or vessel converted for use at a single location so long as it is not moved from that location.

(3) Notwithstanding sub-regulation (1)(d), the following are considered to be part of a fixed facility —

(a) equipment, structures, pipework, conveyance systems, machinery and tools;

(b) railway sidings, docks and unloading quays serving the facility;

(c) jetties, single buoy mooring and associated pipeline, warehouses, bulk storage tanks and associated structures which are necessary for the operation of the facility."

#### **Amendment of regulation 11**

10. Regulation 11 of the principal Regulations is amended —

(a) in the subheading, by deleting "notifications" and by substituting "notification" therefor;

(b) in sub-regulation (1) —

- (i) by deleting “on State Land” from the first line and by substituting “in the territory of Brunei Darussalam” therefor;
- (ii) by deleting “on State Land” from the second line and by substituting “within the territory of Brunei Darussalam” therefor;
- (iii) by deleting “the First Schedule” from the third line and by substituting “Schedule 1” therefor;
- (iv) by deleting “him” from the penultimate line and by substituting “the duty holder” therefor;
- (v) by deleting “any matters relating to safety and health” from the penultimate line and by substituting “any matter relating to safety, health and the environment” therefor.

**Insertion of new regulation 11A**

11. The principal Regulations are amended by inserting the following new regulation immediately after regulation 11 —

**“Decommissioning and restoration notification for fixed facility**

11A. (1) Prior to cessation of production (or operation) of a fixed facility, any associated well or connected pipeline or other conveyance system, the duty holder of the fixed facility shall prepare a decommissioning and restoration notification containing the particulars specified in Schedule 1A; and submit the notification to the competent authority at such time that will enable the duty holder to take account of any matter relating to safety, health and the environment raised by the competent authority.

(2) Sub-regulation (1) shall only require the particulars in the decommissioning and restoration notification to the extent that it is reasonable to expect the duty holder to address them at the time of submitting the notification to the competent authority.

(3) The duty holder shall, as soon as practicable, revise the decommissioning and restoration notification and resubmit to the competent authority —

(a) where there is a material change in any of the particulars notified pursuant to sub-regulation (1); or

(b) when directed to do so by the competent authority.”

**Amendment of regulation 12**

12. Regulation 12 of the principal Regulations is amended —

(a) in sub-regulation (2), by deleting “In the case of a fixed facility, a” and by substituting “A” therefor;

(b) by deleting “the Sixth Schedule” where they appear and by substituting “Schedule 6” therefor.

**Amendment of regulation 13**

13. Regulation 13 of the principal Regulations is amended, in sub-regulation (1) —

(a) in paragraph (a), by deleting “the Second Schedule” and by substituting “Schedule 2” therefor;

(b) in paragraph (c), by inserting “which shall be valid for a term not exceeding 5 years” immediately after “Certificate”.

**Amendment of regulation 14**

14. Regulation 14 of the principal Regulations is amended, in sub-regulation(1) —

(a) in paragraph (a), by deleting “the Third Schedule” and by substituting “Schedule 3” therefor;

(b) in paragraph (c), by inserting “which shall be valid for a term not exceeding 5 years” immediately after “Certificate”;

(c) by deleting “on State Land” where they appear and by substituting “within the territory of Brunei Darussalam” therefor.

**Amendment of regulation 15**

15. Regulation 15 of the principal Regulations is amended —

(a) in sub-regulation (1) —

(i) by deleting “the Fourth Schedule” from the third and fourth lines and by substituting “Schedule 4” therefor;

(ii) by deleting “regulation 12 and the Second and Third Schedules” from the fifth line and by substituting “regulations 12 and 17(1) and Schedules 2 and 3” therefor;

(b) in sub-regulation (2)(c), by inserting “which shall be valid for a term not exceeding one year” immediately after “Certificate”.

**Substitution of regulation 16**

16. Regulation 16 of the principal Regulations is repealed and the following new regulation is substituted therefor —

**“Safety Case for decommissioning and restoration of fixed facility**

16. (1) The duty holder of a fixed facility that has ceased production (or operation) shall ensure that the activities required to achieve the final declared state are not commenced unless —

(a) he has prepared a Safety Case for decommissioning and restoration containing the particulars as specified in Schedule 5;

(b) he has submitted the Safety Case for decommissioning and restoration to the competent authority, at such time that will enable the duty holder to take account of any matter relating to safety, health and the environment raised by the competent authority; and

(c) he has received a Safety Case Certificate for decommissioning and restoration from the competent authority.

(2) Where there is a material change in any of the particulars notified pursuant to sub-regulation (1)(a) prior to the competent authority issuing a Safety Case Certificate, the duty holder shall, as soon as practicable, notify the competent authority of that change.

(3) Sub-regulation (1)(a) shall only require the particulars in the Safety Case to demonstrate the matters referred to in that sub-regulation to the extent that it is reasonable to expect the duty holder to address them at the time of submitting the Safety Case to the competent authority.”

**Amendment of regulation 18**

17. Regulation 18 of the principal Regulations is amended by repealing sub-regulation (2) and by substituting the following new sub-regulation therefor —

“(2) In the absence of a direction under sub-regulation (1), a duty holder shall —

(a) review the current Safety Case prior to the expiry of that current Safety Case Certificate;

(b) submit a summary of the review to the competent authority within 28 days of its completion; and

(c) not continue to operate beyond the current Safety Case expiry date, unless he has received a new Safety Case Certificate from the competent authority.”.

**Amendment of regulation 19**

18. Regulation 19 of the principal Regulations is amended —

(a) by inserting the following new sub-regulation immediately after sub-regulation (1) —

“(1A) The duty holder shall submit the revised Safety Case to the competent authority, at such time that will enable the duty holder to take account of any matter relating to safety, health and the environment raised by the competent authority.”;

(b) in sub-regulation (2)(b), by inserting “new” immediately before “Safety”.

**Amendment of Part V**

19. Part V of the principal Regulations is amended, in the heading, by deleting “PLANS” and by substituting “PROVISIONS” therefor.

**Amendment of regulation 21**

20. Regulation 21 of the principal Regulations is amended —

(a) in sub-regulation (1), by deleting “the Second and Third Schedules” and by substituting “Schedules 2 and 3” therefor;

(b) in sub-regulation (2), by inserting “and implemented” immediately after “prepared”.

**Substitution of regulation 22**

21. Regulation 22 of the principal Regulations is repealed and the following new regulation is substituted therefor —

**“Review and testing of emergency plans**

22. (1) A duty holder who has prepared an emergency plan pursuant to a duty imposed on him by these Regulations shall, at suitable intervals not exceeding 3 years —

(a) review and, where necessary, revise the plan; and

(b) test the plan and take reasonable steps to arrange for the emergency services to participate in the test to such extent as is necessary.

(2) Any review under sub-regulation (1)(a) shall take into account —

(a) the changes occurring in the facility to which the plan relates;

(b) any new technical knowledge; and

(c) any knowledge concerning the response to major accidents.

(3) The emergency services arranged to participate in the test under sub-regulation (1)(b) shall take into account —

(a) any new technical knowledge; and

(b) any knowledge concerning the response to major accidents.”

#### **Amendment of regulation 23**

22. Regulation 23 of the principal Regulations is amended, in the subheading, by deleting “Implementing” and by substituting “Execution of” therefor.

#### **Insertion of new regulation 23A**

23. The principal Regulations are amended by inserting the following new regulation immediately after regulation 23 —

##### **“Emergency shutdown valves**

23A. (1) Subject to sub-regulation (3), the duty holder shall ensure that any pipeline with an internal diameter of 40 millimetres or more conveying a hazardous substance connected to a facility is fitted with an automatically actuated emergency shutdown valve.

(2) The automatically actuated emergency shutdown valve shall be —

(a) located such that it reduces major accident hazard risks to as low as reasonably practicable; and

(b) maintained in an efficient state, efficient working order and in good repair.

(3) On the commencement of these Regulations, any existing pipeline for which no emergency shutdown valves are fitted —

(a) the duty holder shall demonstrate that he has reduced the risks to as low as reasonably practicable; or

(b) in the case where the duty holder is unable to demonstrate that he has reduced the risks to as low as reasonably practicable, an emergency shutdown valve shall be fitted.”

**Amendment of regulation 24**

24. Regulation 24 of the principal Regulations is amended, in sub-regulation (2), by deleting the Seventh Schedule” and by substituting “Schedule 7” therefor.

**Substitution of regulation 25**

25. Regulation 25 of the principal Regulations is repealed and the following new regulation is substituted therefor —

**“Provision of information to competent authority**

25. The duty holder of a facility shall, when requested to do so by the competent authority, provide such information as the competent authority deems necessary, to demonstrate that the duty holder has taken all measures necessary to comply with these Regulations, and the information shall be provided within such period as the competent authority may specify.”

**Insertion of new regulation 25A**

26. The principal Regulations are amended by inserting the following new regulation immediately after regulation 25 —

**“Duty to report major accident to competent authority**

25A. Where a major accident has occurred at a facility, the duty holder shall inform the competent authority of that accident within 6 hours of the occurrence.”

**Amendment of regulation 26**

27. Regulation 26 of the principal Regulations is amended by repealing sub-regulation (1) and by substituting the following new sub-regulation therefor —

“(1) A duty holder shall —

(a) ensure that, when he submits —

- (i) the design notification, in the case of a fixed facility;
- (ii) the Safety Case, in the case of a mobile facility; or
- (iii) the Safety Case for an existing facility,

to the competent authority, the competent authority is notified of an address within the territory of Brunei Darussalam for the purposes of paragraphs (b) and (c);

(b) keep copies, at the address referred to in paragraph (a) and on the facility, of the following documents relating to the facility –

- (i) any Safety Case and any material changes thereto;
- (ii) any summary of any review of the current Safety Case prepared pursuant to regulation 18;
- (iii) any notification and any material changes thereto;
- (iv) any audit report; and
- (v) any report provided by the competent authority pursuant to regulation 7;

(c) ensure that, in respect of each audit report, a written statement is made, recording –

- (i) the main findings of the report;
- (ii) the recommendations in the report; and
- (iii) the actions proposed to implement those recommendations, including the timescales involved,

and a copy of that written statement kept on the facility; and

(d) ensure that a record is made of any action taken in consequence of an audit report, and a copy of that record kept at the address referred to in paragraph (a) and on the facility.”

#### **Amendment of regulation 27**

28. Regulation 27 of the principal Regulations is amended by deleting “and liable on conviction to a fine not exceeding \$20,000, imprisonment for a term not exceeding 2 years or both”.

**Insertion of new regulation 28**

29. The principal Regulations are amended by inserting the following new regulation immediately after regulation 27 —

**“Fees**

28. (1) The competent authority shall charge fees prescribed in Schedule 8 in relation to the issuance of Safety Case Certificates, notifications, inspections and investigations undertaken by the competent authority on facilities.

(2) Fees shall be payable by the duty holder to the competent authority and are not refundable.”.

**Substitution of First Schedule**

30. The First Schedule to the principal Regulations is repealed and the following new Schedule is substituted therefor —

**“SCHEDULE 1  
(regulation 11(1))**

**PARTICULARS IN DESIGN AND RELOCATION NOTIFICATION  
FOR FIXED FACILITY**

**Duty holder**

1. The name and address in Brunei Darussalam of the duty holder of the facility.

**Description of facility**

2. A summary of the design process from an initial concept to the submitted design and the decision process used to ensure compliance with any relevant written laws.

3. A description of the facility, operations, activities and environment with suitable descriptions and diagrams of —

(a) the principal process and safety features;

(b) the location, layout, neighbouring facilities, populations (for example, public areas or buildings) and environmentally sensitive areas;

(c) the process technology to be used;

(d) the principal features of any connected pipeline or other conveyance system;

(e) any hazardous substance intended to be exploited;

(f) the basis of design for any well to be connected to the facility;

(g) the basis of design for any other structure (including jetties, bulk storage tanks, single buoy mooring) to be connected to the facility;

(h) the type of operation, and activities in connection with an operation, which may be performed;

(i) the maximum number of persons allowed on the facility at any one time, their location and accommodation details;

(j) particulars of —

(i) environmental conditions to which the facility, may foreseeably be subjected to; and the limits to which the facility has been designed;

(ii) properties of the land or seabed and subsoil at its location; and

(iii) any existing hazards that may impact the facility at that location.

#### **Inventories and properties of hazardous substances**

4. Details of expected hazardous substances to be present including —

(a) names of the hazardous substances, including properties and location;

(b) maximum inventories;

(c) physical and chemical behavior;

(d) details of potential (immediate and delayed) harm to the public, property and the environment.

#### **Others**

5. Where a fixed facility may be converted for use as a mobile facility, an explanation of why the duty holder considers the facility suitable for conversion.

6. Where a fixed facility is to be moved to a new location, an explanation of why the duty holder considers the facility suitable for the new location.”

**Insertion of new Schedule 1A**

31. The principal Regulations are amended by inserting the following new Schedule immediately after the First Schedule —

**“SCHEDULE 1A  
(regulation 11A(1))**

**PARTICULARS IN DECOMMISSIONING AND RESTORATION NOTIFICATION  
FOR FIXED FACILITY**

**Duty holder**

1. The name and address in Brunei Darussalam of the duty holder of the facility associated with the decommissioning and restoration activity.

**Decommissioning and restoration summary**

2. A description of the facility or part thereof to be decommissioned and restored.

3. A description of any remaining structure that will be in operation (including ongoing activities) during the decommissioning and restoration process.

4. The proposed date of cessation of production (or operation) of the facility or part thereof.

5. The proposed dates for start and completion of the decommissioning and restoration activity.

6. The proposed final declared state of the facility or part thereof and the location.

**Inventories and properties of substances**

7. Details of substances that may be present on the facility or part thereof to be decommissioned including —

*(a)* names of the substances, including properties and location;

*(b)* actual inventories;

*(c)* physical and chemical behaviour;

(d) details of potential (immediate and delayed) harm to the public, property and the environment.

**Particulars required**

8. A summary of the decommissioning and restoration strategy and plan from cessation of production (or operation) to the start of the decommissioning activity and to the final declared state of the facility or part thereof, to ensure compliance with any relevant written laws including —

(a) any decommissioning and restoration concepts under consideration and the preferred decommissioning and restoration concept with an assessment of the safety, health and environment impact; including any potential cross border impact;

(b) any ongoing maintenance or operational requirements for the facility or part thereof to ensure it remains in an efficient state, efficient working order and good repair, during the various phases of the decommissioning and restoration process, including financial and operational resource commitment;

(c) particulars of any impact on safety critical equipment, people or procedures, including particulars of the maintenance and decommissioning requirements of any associated Safety Critical Equipment during the various phases of the decommissioning and restoration process;

(d) details of the cleaning, removal and disposal methodology for any substance that may be present during the decommissioning and restoration process of the facility or part thereof;

(e) a description of how all the facility interfaces will be disconnected, including the principal process and safety features;

(f) current particulars of —

(i) environmental conditions at the location;

(ii) properties of the land or seabed and subsoil at the location;

(iii) any existing hazards that may impact the decommissioning and restoration at that location; and

(g) details of the cleaning, removal and disposal methodology for the facility or part thereof, during the decommissioning and restoration process.

9. Where a fixed facility or part thereof may be converted for alternative use, an explanation of why the duty holder considers it suitable for conversion.

10. Where a facility or part thereof is to be moved to a new location, an explanation of why the duty holder considers it suitable for the new location.”

**Amendment of Second Schedule**

32. The Second Schedule to the principal Regulations is amended —

(a) by deleting paragraph 3 and by substituting the following new paragraph therefor —

**“Description of facility**

3. A description of the facility, operations, activities and environment with suitable descriptions and diagrams of —

(a) the principal process and safety features including technical control measures identified from the major accident hazard assessment;

(b) the location, layout, populations (for example, public areas or buildings) and neighbouring facilities and environmentally sensitive areas;

(c) the process technology used;

(d) the principal features of any connected pipeline or other conveyance system with the potential to cause a major accident, including a description of the following —

(i) the fluid which it conveys;

(ii) its dimensions and layout;

(iii) its contained volume and the declared maximum allowable design and operating pressure; and

(iv) any apparatus and works intended to secure safety;

(e) any hazardous substance intended to be exploited using the facility;

(f) the basis of design for any well to be connected to the facility;

(g) the maximum number of persons allowed on the facility at any one time, their location and accommodation details;

(h) particulars of —

- (i) environmental conditions to which the facility may foreseeably be subjected to; and the limits to which the facility has been designed;
- (ii) properties of the land or seabed and subsoil at its location;
- (iii) the types of operation, and activities in connection with the facility, which are expected to be performed;

(i) particulars of the equipment and arrangements for the control of well operations, including those —

- (i) to control pressure in a well;
- (ii) to prevent the uncontrolled release of hazardous substances; and
- (iii) to minimise the effects of damage to subsea or land based equipment by drilling equipment.”;

(b) in paragraph 5 —

- (i) by inserting the following new sub-paragraph immediately after sub-paragraph (c) —

“(ca) includes detailed drawings of over-pressure, thermal impact and hazardous area classification zones on the facility and on the neighbouring community.”;

- (ii) in sub-paragraph (g), by deleting “all”;

(c) in paragraph 7(b), by deleting “of” and by substituting “on” therefor;

(d) in paragraph 8 —

- (i) by inserting “in support of the facility” immediately after “place” in the second line;
- (ii) in sub-paragraph (b), by deleting “of” and by substituting “on” therefor;

(e) in paragraph 9, by inserting “with the workforce” immediately after “consultation”.

**Amendment of Third Schedule**

33. The Third Schedule to the principal Regulations is amended —

(a) in paragraph 2, by deleting “matters” and by substituting “matter” therefor;

(b) in paragraph 3 —

(i) in sub-paragraph (d), by deleting “substances” and by substituting “substance” therefor;

(ii) in sub-paragraph (g)(ii), by deleting “hazardous substances” and by substituting “any hazardous substance” therefor;

(c) in paragraph 5 —

(i) by inserting the following new sub-paragraph immediately after sub-paragraph (b) —

“(ba) includes detailed drawings of over-pressure, thermal impact and hazardous area classification zones on the facility and on the neighbouring community;”;

(ii) in sub-paragraph (f), by deleting “all”;

(d) in paragraph 7(b), by deleting “of” and by substituting “on” therefor;

(e) in paragraph 8 —

(i) by inserting “in support of the facility” immediately after “place” in the second line;

(ii) in sub-paragraph (b), by deleting “of” and by substituting “on” therefor;

(f) in paragraph 9, by inserting “with the workforce” immediately after “consultation”.

**Amendment of Fourth Schedule**

34. The Fourth Schedule to the principal Regulations is amended —

(a) in paragraph 2, by deleting “Particulars of any facility to be used in connection with the combined operation but which is not described in the current Safety Case for any” and by substituting “Summary description” therefor;

(b) in paragraph 5, by deleting sub-paragraph (c) and by substituting the following new sub-paragraph therefor —

“(c) the likely impact of the identified major hazards, including detailed drawings of over-pressure, thermal impact and hazardous area classification zones for the facilities involved and on the neighbouring community.”;

(c) in paragraph 11, by deleting “and participation of the workplace safety and health officer for each of the facilities” from the last two lines and by substituting “with the workforce and participation of the workplace safety and health officer of each of the facilities involved” therefor.

#### **Substitution of Fifth Schedule**

35. The Fifth Schedule to the principal Regulations is repealed and the following new Schedule is substituted therefor —

#### **“SCHEDULE 5 (regulation 16(1)(a))**

#### **PARTICULARS IN SAFETY CASE FOR DECOMMISSIONING AND RESTORATION OF FIXED FACILITY**

1. The name and address in Brunei Darussalam of the duty holder of the facility associated with the decommissioning and restoration activity.
2. A description of the facility or part thereof to be decommissioned and restored.
3. A description of any remaining structure that will be in operation (including ongoing activities) during the decommissioning and restoration activities.
4. The date for start and completion of the decommissioning and restoration activity.
5. The final declared state of the facility or part thereof and the location.
6. A description of the extent to which the duty holder has taken into account any matter raised by the competent authority pursuant to these Regulations.
7. Particulars of any impact on safety critical equipment, people and procedures, including particulars of the maintenance and decommissioning requirements of any associated Safety Critical Equipment during the various phases of the decommissioning and restoration process.

8. The maximum number of persons expected to be on the facility or part thereof at any time during its decommissioning.

9. A general description of the means by which the management system of the duty holder will ensure safe decommissioning and restoration of the facility or part thereof that will comply with any relevant written laws.

10. A description of how the arrangements, methods and procedures for decommissioning of the facility or part thereof and restoration of the location; take adequate account of the present condition of the facility or part thereof and adjacent structures.

11. A summary description and assessment of the impact of the decommissioning and restoration activities, on the major accident hazards of any adjacent facilities.

12. A description of any substance specified in the Fifth Schedule to the Workplace Safety and Health Order, 2009 (S 44/2009), expected on the facility or part thereof and the arrangements for their safe removal and disposal.

13. A summary of the organisation and predetermined actions that are in place in order to respond effectively to any emergency event on the facility or part thereof.

14. Details of the cleaning, removal and disposal methodology for the facility or part thereof, during the decommissioning and restoration activities.

15. A summary of the consultation process that has taken place to ensure that the development of the Safety Case document is through effective participation of all relevant stakeholders.”.

#### **Amendment of Seventh Schedule**

36. The Seventh Schedule to the principal Regulations is amended by adding the following new paragraph —

“12. The duty holder shall ensure that the information referred to in this Schedule is updated and provided again at intervals not exceeding 5 years.”.

#### **Addition of new Schedule 8**

37. The principal Regulations are amended by adding the following new Schedule —

**“SCHEDULE 8  
(regulation 28)**

**FEES**

**Fees**

1. The fees as prescribed are chargeable by the competent authority for specific activities undertaken and authorised by the competent authority.

2. Facility notifications —

*(a)* for a fixed facility design notification, fees are to be paid at the time of submission of the notification to the competent authority. Fees charged are \$50,000 per submitted notification;

*(b)* for a decommissioning and restoration notification of a fixed facility, fees are to be paid at the time of submission of the notification to the competent authority. Fees charged are \$20,000 per submitted notification;

*(c)* for any material change to any fixed facility design or decommissioning and restoration notification, fees are to be paid at the time of submission of the material change to the competent authority. Fees charged are \$10,000 per submitted material change.

3. Facility Safety Cases —

*(a)* for onshore fixed facilities, a fee is to be paid at the time of first submission of the Safety Case document to the competent authority and then annually from the date of issue of a Safety Case Certificate. Fees charged are \$100,000;

*(b)* for offshore fixed facilities where more than two premises are included in the description under a field Safety Case, a fee is to be paid at the time of first submission of the Safety Case document to the competent authority and then annually from the date of issue of a Safety Case Certificate. Fees charged are \$200,000;

*(c)* for offshore fixed facilities where one or two premises is or are described under the Safety Case, a fee is to be paid at the time of first submission of the Safety Case document to the competent authority and then annually from the date of issue of a Safety Case Certificate. Fees charged are \$100,000;

*(d)* for any mobile facility, a fee is to be paid at the time of first submission of the Safety Case document to the competent authority and then

annually from the date of issue of a Safety Case Certificate. Fees charged are \$100,000;

(e) for any decommissioning and restoration Safety Case, fees are to be paid at the time of first submission of the Safety Case document to the competent authority. Fees charged are \$50,000;

(f) for any combined operations Safety Case, fees are to be paid at the time of first submission of the Safety Case document to the competent authority. Fees charged are \$25,000 per duty holder;

(g) for any material change to a fixed facility Safety Case, fees are to be paid at the time of first submission of the material change to the competent authority. Fees charged are \$20,000;

(h) for any material change to a mobile facility Safety Case, fees are to be paid at the time of first submission of the material change to the competent authority. Fees charged are \$10,000;

(i) for any material change to a combined operations Safety Case, fees are to be paid at the time of first submission of the material change to the competent authority. Fees charged are \$10,000;

(j) for any material change to a decommissioning and restoration Safety Case, fees are to be paid at the time of first submission of the material change to the competent authority. Fees charged are \$10,000.

4. Well notifications - for a well notification, fees are to be paid at the time of first submission of the notification to the competent authority. Fees charged are \$10,000.

#### **Regulatory inspections**

5. The identified duty holder will be charged the following fee —

(a) for offshore inspections to any facility, the duty holder will be charged \$10,000, to be paid on receipt of the inspection report from the competent authority;

(b) for onshore inspections to any facility, the duty holder will be charged \$5,000, to be paid on receipt of the inspection report from the competent authority.

#### **Investigations**

6. The competent authority will undertake investigations into accidents and incidents that may occur in facilities or at locations where facility activities are

undertaken, such investigations will be charged at an hourly rate of \$250 per inspector per hour. This fee is payable on receipt of the investigation report from the competent authority.

**Trainee and junior inspectors**

7. Trainee and junior inspectors' time is not chargeable."

**Further amendment of principal Regulations**

38. The principal Regulations are amended by deleting "First Schedule, "Second Schedule", "Third Schedule", "Fourth Schedule", "Fifth Schedule", "Sixth Schedule" and "Seventh Schedule" where they appear and by substituting "Schedule 1", "Schedule 2", "Schedule 3", "Schedule 4", "Schedule 5", "Schedule 6" and "Schedule 7" respectively therefor.

Made this 22nd. day of Jamadilakhir, 1438 Hijriah corresponding to the 21st. day of March, 2017.

PEHIN ORANG KAYA SERI KERNA DATO SERI SETIA  
(DR.) HAJI AWANG ABU BAKAR BIN HAJI APONG  
Minister of Home Affairs,  
Brunei Darussalam.