

No. S 95

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

WORKPLACE SAFETY AND HEALTH (AMENDMENT) ORDER, 2013

ARRANGEMENT OF SECTIONS

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**CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))**

WORKPLACE SAFETY AND HEALTH (AMENDMENT) ORDER, 2013

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation and commencement.

1. This Order may be cited as the Workplace Safety and Health (Amendment) Order, 2013 and shall commence on the same date as the Workplace Safety and Health Order, 2009.

Substitution of section 2 of S 44/2009.

2. Section 2 of the Workplace Safety and Health Order, 2009, in this Order referred to as the principal Order, is repealed and the following new section substituted therefor —

“Application of Order.

2. Except as otherwise expressly provided in this Order (but not the regulations), this Order shall apply to all workplaces.”.

Amendment of section 5.

3. Section 5 of the principal Order is amended by repealing subsection (2) and by substituting the following new subsection therefor —

“(2) Subject to this section, “factory” means any premises within which persons are employed in any of the following processes —

(a) the handling, sorting, packing, storing, altering, repairing, construction, processing or manufacturing of any goods or products;

(b) the handling, sorting, packing, storing, processing, manufacturing, use, disposal or in relation to, of any hazardous substance;

(c) the repair, construction or manufacturing of any vessel or vehicle;

(d) any building operation or work of engineering construction;

(e) the operation or maintenance of any facility or system related to the provision of any public utility.”.

Amendment of section 12.

4. Section 12 of the principal Order is amended, in subsection (3) —

(a) in paragraph *(e)*, by deleting the fullstop and by substituting a semicolon therefor;

(b) by adding the following new paragraph —

(f) the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health.”

Amendment of section 27.

5. Section 27 of the principal Order is amended by repealing subsection (2) and by substituting the following new subsection therefor —

“(2) Regulations made under subsection (1) may apply to a person who is an exempt person at work specified in the Sixth Schedule.”

Amendment of section 49.

6. Section 49 of the principal Order is amended, in paragraph *(b)*, by deleting “\$500,000” from the first line and by substituting “\$10,000,000” therefor.

Amendment of section 50.

7. Section 50 of the principal Order is amended, in sub-paragraph (ii), by deleting “\$1,000,000” from the second line and by substituting “\$20,000,000” therefor.

Amendment of section 61.

8. Section 61 of the principal Order is amended, in subsection (1), by deleting “specified in the First Schedule” from the last line.

Amendment of section 63.

9. Section 63 of the principal Order is amended, in subsection (1), by deleting “Subject to section 2(2), the” from the first line and by substituting “The” therefor.

Amendment of section 64.

10. Section 64 of the principal Order is amended, in subsection (2), by repealing paragraph *(g)* and by substituting the following new paragraph therefor —

“(g) the handling, sorting, packing, storing, processing, manufacturing, use, disposal or in relation to, of any harmful organisms, hazardous substance and biohazardous material;”.

Repeal of First Schedule.

11. The First Schedule to the principal Order is repealed.

Amendment of Third Schedule.

12. The Third Schedule to the principal Order is amended —

(a) by deleting item 9; and

(b) in item 13, by deleting “Catart” and by substituting “Cataract” therefor.

Amendment of Fifth Schedule.

13. The Fifth Schedule to the principal Order is amended by repealing Part II and by substituting the following new Part therefor —

“PART II

HAZARDOUS SUBSTANCES

Division 1

General hazardous substances

1. Corrosive substances
2. Flammable substances
3. Explosives
4. Oxidising substances
5. Pyrophoric substances
6. Gases under pressure
7. Organic peroxides
8. Self-heating substances
9. Self-reactive substances

10. Substances which, in contact with water, emit flammable gases
11. Toxic substances
12. Mutagens
13. Carcinogens
14. Teratogens
15. Sensitisers
16. Irritants
17. Substances hazardous to aquatic environment.

Division 2

Specific hazardous substances

The quantities to be considered are the threshold quantities of hazardous substances for the purposes of hazard management.

| Item | Substance | UN Number | Threshold quantity (in tonnes) |
|------|--|-----------|--------------------------------|
| 1. | Acetylene | 1001 | 50 |
| 2. | Ammonia – anhydrous, liquefied or ammonia solutions, relative density less than 0.880 at 15°C in water, with more than 50% ammonia | 1005 | 200 |
| 3. | Ammonium nitrate fertilisers | 2067 | 5000 |
| 4. | Ammonium nitrate – with not more than 0.2% combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance | 1942 | 2500 |
| 5. | Benzene | 1114 | 5000 |
| 6. | Bromine or bromine solutions | 1744 | 100 |
| 7. | Chlorine | 1017 | 25 |
| 8. | Crude oil | 1267 | 500 |

Division 2 — (Continued)

| Item | Substance | UN Number | Threshold quantity (in tonnes) |
|------|--|--------------------------------------|--|
| 9. | Ethylene oxide | 1040 | 50 |
| 10. | Fluorine | 1045 | 25 |
| 11. | Formaldehyde | 1198 or 2209 | 50 |
| 12. | Hydrofluoric acid solution, greater than 50% | 1790 | 50 |
| 13. | Hydrogen | 1049 | 50 |
| 14. | Hydrogen chloride — anhydrous | 1050 | 250 |
| 15. | Hydrogen chloride — refrigerated liquid | 2186 | 250 |
| 16. | Hydrogen cyanide | 1051 or 1614 | 20 |
| 17. | Hydrogen fluoride | 1052 | 50 |
| 18. | Hydrogen sulfide | 1053 | 50 |
| 19. | Methanol | 1230 | 500 |
| 20. | Methane or natural gas (liquid or gas) | 1971 or 1972 | 200 |
| 21. | Oxides of nitrogen — including nitrous oxide, nitrogen dioxide and nitrogen trioxide | 1067, 1070, 1660, 1975, 2201 or 2421 | 50 |
| 22. | Oxygen | 1072 or 1073 | 2000 |
| 23. | Paraxylene | 1307 | 5000 |
| 24. | Petroleum gases — example — hydrogen condensate, butane, butylene, LPG, propylene, propane | 3295, 1011, 1012, 1075, 1978, 1077 | 200 (total capacity of all petroleum gases). |

Division 2 — (Continued)

| Item | Substance | UN Number | Threshold quantity (in tonnes) |
|------|--|-----------|---|
| 25. | Extremely flammable petroleum products (flash point < 0°C or risk phrase R12) — example, jet fuel, petroleum fuel blends such as RON 85 or RON 97 | Various | 200 (total capacity of all extremely flammable petroleum products) |
| 26. | Other petroleum products — (a) gasolines and naphthas; (b) kerosenes; (c) gas oils (including diesel fuels, home heating oils and gas oil blending streams) | Various | 25000 (total capacity of all petroleum products)." |

Made this 28th. day of Safar, 1435 Hijriah corresponding to the 31st. day of December, 2013 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM