

WORKPLACE SAFETY AND HEALTH ORDER, 2009

(S 44/2009)

**WORKPLACE SAFETY AND HEALTH (FACILITIES) (CONTROL OF MAJOR
ACCIDENT HAZARDS) REGULATIONS, 2013**

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**WORKPLACE SAFETY AND HEALTH (FACILITIES) (CONTROL OF MAJOR
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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 –

**PART I
PRELIMINARY**

Citation and commencement.

1. These Regulations may be cited as the Workplace Safety and Health (Facilities) (Control of Major Accident Hazards) Regulations, 2013 and shall commence on the 1st January 2014.

Application.

2. (1) These Regulations shall apply to all facilities operating or intended to be operated on State Land.

- (2) For the purposes of these Regulations, a facility is operated –
- (a) in the case of a fixed facility –
 - (i) when a hazardous substance is present; or
 - (ii) on the start of the first well drilling operation from the facility which could potentially involve the release of hazardous substances from beneath State Land; and
 - (b) in the case of a mobile facility –
 - (i) on the start of the first well drilling operation from the facility which could potentially involve the release of hazardous substances from beneath State Land;
 - (ii) when a mobile facility is used for the provision of offshore accommodation for persons working on another facility, whether connected to that other facility or not;
 - (iii) when a mobile facility starts the service of a well on State Land;
or
 - (iv) when a mobile facility enters the Safety Zone of an offshore facility or boundary of an onshore fixed facility.

(3) For the purposes of these Regulations, a facility shall be regarded as a workplace.

Interpretation.

3. In these Regulations, unless the context otherwise requires –

“combined operation” means two or more facilities, each with the potential to affect the major accident hazards (or associated Safety Critical Equipment) on the other, engaged directly in a temporary operation;

“competent authority” means the authority appointed by the Minister under regulation 4(1);

“dismantling” means the dismantling or removal of the main and secondary structure of a fixed facility at the place at which it was operated;

“duty holder” has the meaning ascribed to it by regulation 8;

“facility” has the meaning ascribed to it by regulation 10(1);

“fixed facility” has the meaning ascribed to it by regulation 10(2);

“hazardous substance” means any hazardous substance specified in Division 2 of Part II of the Fifth Schedule to the Order;

“major accident” means –

(a) an occurrence such as a loss of containment, fire or explosion resulting from uncontrolled developments in the course of the operation of any facility, and leading to serious danger to human health, property or the environment, immediate or delayed, inside or outside the facility, and involving one or more hazardous substances;

(b) any event involving major damage to the structure of the facility or plant affixed thereto or any loss in the stability of a facility located on State Land; or

(c) any other event arising from a work activity on the facility involving death or serious personal injury to five or more persons on the facility or in neighbouring areas;

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

(a) physical changes to the plant;

(b) changes to operational parameters of the facility;

(c) organisational or staff changes; or

(d) change in risk profile;

“mobile facility” means a facility other than a fixed facility;

“operated” has the meaning ascribed to it by regulation 2(2);

“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 –

(a) to notify that the Safety Case has been received; and

(b) may include any further actions which the duty holder is required to comply with;

“Safety Critical Equipment” means any part of a facility or such part of its plant (including computer programmes), or any part thereof –

(a) the failure of which could cause or contribute substantially to a major accident; or

(b) a purpose of which is to prevent or limit the effect of a major accident;

“Safety Zone” means any area that is declared to be a Safety Zone under the Merchant Shipping (Safety Zones) Order, 1988 (S 11/1988);

“State Land” has the same meaning as in the Petroleum Mining Act (Chapter 44);

“well” means a borehole drilled with a view to the extraction of hazardous substances through it or another borehole, and shall be deemed to include any device on it for containing the pressure in it;

“well operation” means –

(a) the drilling or construction of a well, including the restart of drilling after a well has been completed, suspended or abandoned by plugging; or

(b) any operation in relation to a well during which there may be an accidental release of hazardous substances from that well which could give rise to the risk of a major accident;

“well operator”, in relation to a well or proposed well, means –

(a) the duty holder of that well; or

(b) the person appointed by the duty holder for that well or proposed well to execute the function of organising and supervising the drilling of that well and all operations to be carried out by means of that well.

PART II

COMPETENT AUTHORITY

Competent authority.

4. (1) The Minister may appoint any person, who has sufficient experience and training to perform the work required to be carried out for the purposes of these Regulations, to be the competent authority.

(2) The competent authority may within a reasonable period of time of receiving a Safety Case –

(a) communicate the conclusions of the examination of the Safety Case to the duty holder of the facility; or

(b) prohibit the operation or bringing into operation of the facility in accordance with regulation 5.

Prohibition of use.

5. The competent authority shall prohibit the operation or bringing into operation of any facility where the measures taken by the duty holder for the prevention or mitigation of major accidents are seriously deficient.

Power of competent authority in relation to Safety Cases and related documents.

6. (1) The competent authority may prohibit the operation or bringing into operation of any facility if the duty holder has failed to submit any notification, Safety Case or other information required by or under these Regulations within the time so required.

(2) The competent authority may direct a duty holder to prepare and submit a Safety Case or notification.

(3) The competent authority may direct a duty holder to prepare revisions to a current Safety Case or notification in relation to such matters as the competent authority may notify to him.

(4) When making a direction for the purposes of sub-regulations (2) and (3), the competent authority shall specify a time by which the duty holder is to submit the documents and the competent authority shall explain the reasons for such necessary action.

(5) The competent authority shall be provided with a copy of any document which, in the opinion of the competent authority, may be directly or indirectly relevant to the Safety Case or notification for a facility within such reasonable time of the demand, being a period of not less than 14 days, as may be specified by the competent authority.

(6) The competent authority may prohibit the operation of any facility if the duty holder is operating that facility without a Safety Case Certificate.

Inspections and investigations.

7. (1) The competent authority shall organise an adequate system of inspections of facilities or other measures of control appropriate to the type of facility concerned.

(2) The inspections or control measures referred to in sub-regulation (1) shall not be dependent on the receipt of any Safety Case submitted by the duty holder and they shall be sufficient for a planned and systematic examination of the systems being employed at the facility, whether of a technical, organisational or managerial nature, so as to ensure in particular that –

(a) the duty holder can demonstrate that he has taken appropriate measures to prevent major accidents;

(b) the duty holder can demonstrate that he has provided appropriate means for limiting the consequences of major accidents both inside and outside the facility;

(c) the information contained in any Safety Case submitted to the competent authority by the duty holder of the facility adequately reflects the conditions in the facility; and

(d) information has been supplied to the public pursuant to regulation 24.

PART III DUTY HOLDERS

Meaning of “duty holder”.

8. For the purposes of these Regulations, “duty holder” means –

(a) the person that manages and has direct control of a facility;

(b) where a facility is yet to be constructed or operated, the person who proposes to control its operation or, if that person is not known, the person who has commissioned the design and construction of the facility; or

(c) the person who executes the function of organising, designing and supervising the drilling or service of a well and all operations to be carried out by means of that well.

Duties of duty holder.

9. The duty holder shall –

(a) take all reasonably practicable measures necessary to prevent major accidents and limit their consequences to the public, property and the environment;

(b) prepare an onsite emergency plan and liaise with the authority responsible;

(c) prepare an offsite emergency plan and liaise with the authority responsible;

(d) describe in the Safety Case the means by which the duty holder will ensure the adequacy of the design, construction, operation, maintenance or modification of the facility, for the relevant stage or stages in its life;

(e) submit a relevant Safety Case for the facility as required by these Regulations and not operate the facility unless the duty holder has a Safety Case Certificate from the competent authority;

(f) submit a relevant notification for the facility or well as required by these Regulations; and

(g) make the information specified in the Seventh Schedule available to the public.

PART IV

NOTIFICATIONS AND SAFETY CASES

Meanings 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) 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 includes 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 drill or service a well for any hazardous substance, and includes –

- (i) any well connected to the facility by pipe or cable;
- (ii) such part of any pipeline connected to the facility as is within 500 metres of any part of an offshore facility structure or within the boundary line of an 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 or system of pipes 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) a mobile facility or vessel converted for use as a fixed facility for so long as it is so converted;
- (b) a fixed facility which has ceased production so long as it is not converted to a mobile facility; and
- (c) a fixed facility which has not come into use.

- (3) The following are considered to be part of a fixed facility –
- (a) equipment, structures, pipework, machinery and tools;
 - (b) railway sidings, docks and unloading quays serving the facility;
 - (c) jetties, single buoy mooring and associated pipeline, warehouses or similar structures which are necessary for the operation of the facility.

Design and relocation notifications for fixed facility.

11. (1) The duty holder of a fixed facility which is to be located on State Land for the first time, or is to be relocated on State Land, shall prepare a design notification containing the particulars specified in the First Schedule; and submit the design notification to the competent authority at such time that will enable him to take account in the design of any matters relating to safety and health raised by the competent authority.

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

(3) Where there is a material change in any of the particulars notified pursuant to sub-regulation (1) prior to the duty holder sending a Safety Case under regulation 13 to the competent authority, the duty holder shall, as soon as practicable, notify the competent authority of that change.

Notification of well operations.

12. (1) Subject to sub-regulation (2), a well operator shall ensure that no well operation is started unless he has sent a notification containing the particulars specified in the Sixth Schedule to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before the start of that operation.

(2) In the case of a fixed facility, a well operator shall ensure that no well operation which involves –

- (a) insertion of a hollow pipe in the well; or
- (b) altering the construction of the well,

is started unless he has sent a notification containing the particulars specified in the Sixth Schedule to the competent authority at least 10 days (or such shorter period as the competent authority may specify) before the start of that operation.

(3) Where there is a material change in any of the particulars notified pursuant to sub-regulations (1) and (2) prior to completion of the relevant well operation, the well operator shall, as soon as practicable, notify the competent authority of that change.

Safety Case for fixed facility.

13. (1) The duty holder of a fixed facility shall ensure that it is not operated unless –
- (a) he has prepared a Safety Case containing the particulars specified in regulation 17(1) and the Second Schedule;
 - (b) he has submitted the Safety Case to the competent authority at least 6 months (or such shorter period as the competent authority may specify) before the start of operations; and
 - (c) he has received a Safety Case Certificate 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.

Safety Case for mobile facility.

14. (1) The duty holder of a mobile facility shall ensure that it is not present on State Land with the intention of it being operated there unless –

(a) he has prepared a Safety Case containing the particulars specified in regulation 17(1) and the Third Schedule;

(b) he has sent the Safety Case to the competent authority at least 3 months, (or such shorter period as the competent authority may specify), before the facility is present on State Land with a view to it being operated there; and

(c) he has received a Safety Case Certificate 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.

Safety Case for combined operations.

15. (1) A duty holder for a facility which is to be involved in a combined operation shall ensure that the facility does not engage in a combined operation unless a joint Safety Case containing the particulars specified in the Fourth Schedule (other than those already notified to the competent authority pursuant to regulation 12 and the Second and Third Schedules in respect of that combined operation) is sent to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before it is due to start.

- (2) The requirements of sub-regulation (1) shall be satisfied if –
- (a) the duty holders for every facility involved in the combined operation prepare and agree to a joint Safety Case containing the particulars specified in that sub-regulation;
 - (b) one of the duty holders involved in the combined operation submits the joint Safety Case to the competent authority at least 21 days (or such shorter period as the competent authority may specify) before the start of the combined operation; and
 - (c) each duty holder has received a Safety Case Certificate from the competent authority.

(3) Where there is a material change in any of the particulars notified pursuant to sub-regulation (1) prior to completion of the relevant combined operation, the duty holder referred to in sub-regulation (2)(b) shall, as soon as practicable, notify the competent authority of that change.

(4) Sub-regulation (1) 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.

Safety Case for dismantling fixed facility.

- 16.** (1) The duty holder of a fixed facility shall ensure that it is not dismantled unless –
- (a) he has prepared revisions to the current Safety Case containing, subject to sub-regulation (3), the particulars specified in regulation 17(1) and the Fifth Schedule not contained in the current Safety Case for that facility;
 - (b) he has sent the current Safety Case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority at least 3 months (or such shorter period as the competent authority may specify) before the start of the dismantling; and

(c) the duty holder has received a Safety Case Certificate from the competent authority.

(2) Where there is a material change in any of the particulars notified pursuant to sub-regulation (1) 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 proposed revisions to the current Safety Case to describe 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 proposed revisions to the competent authority.

Management of safety and health and control of major accident hazards.

17. (1) The duty holder who prepares a Safety Case pursuant to these Regulations shall include in the Safety Case sufficient particulars to demonstrate that –

(a) there is clarity in the roles, responsibilities and accountabilities in the management structure of the facility, including organisational interfaces;

(b) there are effective means of ensuring the implementation of a safety and health management system;

(c) there are effective means of defining and managing material changes to their operations;

(d) he has established adequate arrangements for audit of the safety and health management system and for the making of a report thereof;

(e) there are effective means of ensuring continual and systematic improvement of the safety and health management system; and

(f) the safety and health management system ensures that the operation of the facility remains in compliance with any relevant written laws.

(2) The audit referred to in sub-regulation (1)(d) shall be carried out by persons who are sufficiently independent of the safety and health management system (but who may be employed by the duty holder) to ensure that the assessment is objective.

(3) In this regulation, “audit” means a systematic assessment of the adequacy of the safety and health management system to achieve the purpose referred to in sub-regulation (1).

Review of Safety Case.

18. (1) A duty holder shall review the current Safety Case and submit a summary of the review to the competent authority as and when directed to do so by the competent authority.

(2) In the absence of a direction under sub-regulation (1), a duty holder shall review the current Safety Case within 5 years of –

(a) the date on which the competent authority issued a Safety Case Certificate for that current Safety Case; or

(b) the date that the last review was submitted to the competent authority, and submit a summary of the review to the competent authority within 28 days of its completion.

Revisions and material changes to Safety Case.

19. (1) A duty holder shall revise a current Safety Case –

(a) when appropriate;

(b) when directed to do so by the competent authority; or

(c) in the event of a material change to the Safety Case.

- (2) Any material change to the Safety Case shall not be implemented unless –
- (a) the duty holder has sent the current Safety Case which incorporates the proposed revisions, showing clearly where they are to be made, to the competent authority; and
 - (b) the duty holder has received a Safety Case Certificate from the competent authority.

Duty to conform to Safety Case.

20. The duty holder shall ensure that the procedures and arrangements described in the current Safety Case are followed.

**PART V
EMERGENCY PLANS**

Onsite and offsite emergency plans.

21. (1) The duty holder of a facility shall prepare an onsite emergency plan and an offsite emergency plan which shall contain the particulars specified in the Second and Third Schedules.

(2) The onsite emergency plan and offsite emergency plan shall be prepared before the facility starts to operate.

Review and testing of emergency plans.

22. 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,

and any such review shall take into account changes occurring in the facility to which the plan relates and within the emergency services concerned, new technical knowledge, and knowledge concerning the response to major accidents.

Implementing emergency plans.

23. A duty holder who has prepared an emergency plan pursuant to a duty imposed on him by these Regulations shall take reasonable steps to put it into effect without delay when –

- (a) a major accident occurs; or
- (b) an uncontrolled event occurs which could reasonably be expected to lead to a major accident.

PART VI

PROVISION OF INFORMATION BY DUTY HOLDERS

Provision of information to public.

24. (1) The duty holder of a facility shall –

(a) ensure that persons who are likely to be affected by a major accident occurring at the facility are supplied, without their having to request it, with information on safety measures at the facility and on the requisite behaviour in the event of a major accident at the facility; and

(b) make that information available to the public.

(2) The information referred to in sub-regulation (1) shall contain at least the information specified in the Seventh Schedule.

(3) The duty holder shall ensure that the information referred to in sub-regulation (1) is supplied in accordance with that sub-regulation within a reasonable period of time after the offsite emergency plan has been prepared for the facility and that the information is supplied again at intervals not exceeding 5 years.

Provision of information to competent authority.

25. (1) Every duty holder of a facility shall, when requested to do so by the competent authority, provide sufficient information to the competent authority to demonstrate that he 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.

(2) Without prejudice to sub-regulation (1), the duty holder shall, when requested to do so by the competent authority, provide the competent authority with any information necessary to enable the competent authority –

(a) to assess the possibility of a major accident and to determine the scope of possible increased probability or aggravation of a major accident;

(b) to take substances into account which, due to their physical form, particular conditions or location, may require additional consideration; or

(c) to perform its functions of obtaining or collecting information, and the information shall be provided within such period as the competent authority may specify.

(3) 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.

**PART VII
GENERAL**

Documents.

26. (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 on State Land 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) the relevant design notification;
- (ii) the current Safety Case;
- (iii) any summary of any review of the current Safety Case prepared pursuant to regulation 18;
- (iv) the audit report;
- (v) any relocation notification and any material changes thereto;
- (vi) any joint Safety Case and any material changes thereto; and
- (vii) any notification of well operations and any material changes thereto;

(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 action proposed to implement those recommendations, including the timescales involved,

and a copy of that 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.

(2) A copy of the current Safety Case and any other relevant documents shall be kept for a period of 5 years after being made.

(3) In this regulation, “audit report” means a report made pursuant to the arrangements referred to in regulation 17(1)(d).

Offence.

27. Any duty holder who contravenes any provision of these Regulations which imposes a duty on him is guilty of an offence and liable on conviction to a fine not exceeding \$20,000, imprisonment for a term not exceeding 2 years or both.

FIRST SCHEDULE

(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 of the facility;
 - (b) the facility 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;
 - (e) any reservoir bearing hazardous substances intended to be exploited using the facility;
 - (f) the basis of design for any wells to be connected to the facility;
 - (g) the type of operation, and activities in connection with an operation, which the facility may perform;
 - (h) the maximum number of persons allowed on the facility at any one time, their location and accommodation details;
 - (i) particulars of –

- (i) environmental conditions to which the facility may foreseeably be subjected to; and the limits to which the facility has been designed; and
- (ii) properties of the land or seabed and subsoil at its location.

Inventories and properties of hazardous substances.

- 4. Details of expected hazardous substances to be present on the facility including –
 - (a) names of the hazardous substances, including properties and location;
 - (b) maximum inventories;
 - (c) physical and chemical behaviour;
 - (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.

SECOND SCHEDULE

(regulations 13(1)(a), 15(1) and 21(1))

PARTICULARS IN SAFETY CASE FOR FIXED FACILITY

Duty holder.

1. The name and address in Brunei Darussalam of the duty holder of the facility.
2. 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.

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 of the facility;
 - (b) the facility 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 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 reservoir bearing hazardous substances intended to be exploited using the facility;
 - (f) the basis of design for any wells 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.

Inventories and properties of hazardous substances.

- 4. Details of expected hazardous substances to be present on the facility –
 - (a) names of the hazardous substances, including properties and location;
 - (b) maximum inventories;
 - (c) physical and chemical behaviour;
 - (d) details of potential (immediate and delayed) harm to the public, property and the environment.

Major accident hazard assessment.

- 5. A detailed description of the major accident hazard assessment for the facility being an assessment or series of assessments conducted by the duty holder that –
 - (a) ensures all the major accident hazards at the facility that can impact the facility or neighbouring facilities, have been identified in cooperation with the duty holders of neighbouring facilities;

- (b) ensures all major accident hazards at the facility that can impact the neighbouring community, have been identified and the potential impact has been notified to the public;
- (c) is a detailed and systematic assessment of the risks associated with each of those hazards, including the likelihood and consequences of each major accident event;
- (d) identifies the measures needed to respond to each of the identified major accident events, including the impact on the availability and effectiveness of the escape, evacuation and rescue facilities;
- (e) identifies the technical and other control measures that are necessary to ensure compliance with any relevant written laws;
- (f) effective onsite and offsite emergency response plans are in place;
- (g) there are effective means to test the emergency response plan at least every 3 years, involving all relevant internal and external parties; and
- (h) an effective recovery plan and arrangements for the execution of this plan are in place.

Safety critical people, procedures and Safety Critical Equipment.

- 6. A description of –
 - (a) the safety critical people, procedures and Safety Critical Equipment required to mitigate and control the major accident risks;
 - (b) performance standards to be met by the safety critical people, procedures and Safety Critical Equipment;
 - (c) contingency measures that will be implemented should a performance standard not be met;
 - (d) how the duty holder ensures that –
 - (i) each Safety Critical Equipment shall provide a minimum level of operational performance in terms of functionality, availability, reliability, suitability and survivability throughout its operating life;

- (ii) there is a suitable competence assurance system for safety critical people associated with a facility (including contractors and sub-contractors) to assure they have the necessary skills, training and ability;
- (iii) a process is in place for the management and review of the safety critical procedures.

Onsite emergency response plan.

7. A summary of the onsite organisation and predetermined actions that are in place in order to respond effectively to the identified major accident events that may occur on the facility. It shall include a summary of –

- (a) the names or positions of persons authorised to command and control resources during an onsite emergency;
- (b) arrangements for communicating the necessary information to all employees, staff and visitors of the facility;
- (c) arrangements for communicating the necessary information to the public and to the emergency services and authorities concerned in the area;
- (d) the actions which should be taken to control the identified major accident events and to limit their consequences, including a description of the safety equipment and the resource available;
- (e) means of escape, muster and evacuation;
- (f) arrangements and drills in place for training staff in the duties they will be expected to perform, in response to the identified major accident events and where necessary coordinating this with the emergency services; and
- (g) periodic review of procedures to ensure continuous development of arrangements.

Offsite emergency response plan.

8. A summary of the offsite organisation and predetermined actions that are in place in order to respond effectively to the identified major accident events that may occur on the facility. It shall include a summary of –

- (a) the name or position of the person with responsibility for liaison with the authority responsible for preparing the offsite emergency plan;
- (b) arrangements for communicating the necessary information to all employees, staff and visitors of the facility;
- (c) arrangements for communicating the necessary information to the public and to the emergency services and authorities concerned in the area;
- (d) the names or positions of persons authorised to set emergency procedures in motion and of persons authorised to take charge of and coordinate offsite action;
- (e) arrangements for providing warning of the incident to the authority responsible for setting the offsite emergency plan in motion, the type of information which should be contained in an initial warning and the arrangements for the provision of more detailed information as it becomes available;
- (f) arrangements in place with the authority responsible for providing assistance with onsite emergency response action;
- (g) arrangements for offsite emergency response action;
- (h) arrangements for providing the public with specific information relating to the accident and the behaviour which it should adopt;
- (i) arrangements for the provision of information to the emergency services in the neighbouring states in the event of a major accident with possible transboundary consequences;
- (j) arrangements for coordinating drills and exercises with offsite emergency services in response to the identified major accident events; and
- (k) arrangements for the provision of recovery and restoration of the environment following a major accident.

Workforce consultation process.

9. The Safety Case shall reflect that the duty holder has ensured that the development of the document is through effective consultation and participation of the workplace safety and health officer for that facility.

Combined operations.

10. A description of any potential combined operations which may involve the facility shall include –

- (a) a summary of the arrangements in place for co-coordinating the safety, health and environment management systems of all duty holders involved in any such combined operation;
- (b) a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which shall include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;
- (c) the equipment likely to be used during any such combined operation; and
- (d) the likely impact any such combined operation may have on the facilities involved and neighbouring communities.

THIRD SCHEDULE

(regulations 14(1)(a), 15(1) and 21(1))

PARTICULARS IN SAFETY CASE FOR MOBILE FACILITY

Duty holder.

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

2. A description of the extent to which the duty holder has taken into account any matters raised by the competent authority pursuant to these Regulations.

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 of the facility;
 - (b) the layout and configuration of the facility;
 - (c) the process technology used, where applicable;
 - (d) any hazardous substances the facility is designed to exploit;
 - (e) the maximum number of persons allowed on the facility at any one time, their location and accommodation details;
 - (f) particulars of –
 - (i) environmental conditions to which the facility may foreseeably be subjected to; and the limits to which the facility has been designed; and
 - (ii) the types of operation, and activities in connection with the facility, which are expected to be performed;
 - (g) where applicable, 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.

Inventories and properties of hazardous substances.

- 4. Details of expected hazardous substances to be present on the facility –
 - (a) names of the hazardous substances, including properties and location;
 - (b) maximum inventories;
 - (c) physical and chemical behaviour;
 - (d) details of potential (immediate and delayed) harm to the public, property and the environment.

Major accident hazard assessment.

- 5. A detailed description of the major accident hazard assessment for the facility being an assessment or series of assessments conducted by the duty holder that –
 - (a) identifies all hazards having the potential to cause a major accident event;
 - (b) is a detailed and systematic assessment of the risks associated with each of those hazards, including the likelihood and consequences of each major accident event;
 - (c) identifies the measures needed to respond to each of the identified major accident events, including the impact on the availability and effectiveness of the escape, evacuation and rescue facilities;
 - (d) identifies the technical and other control measures that are necessary to ensure compliance with any relevant written laws;
 - (e) identifies effective onsite and offsite emergency response plans are in place;
 - (f) identifies there are effective means to test the emergency response plans at least every 3 years, involving all relevant internal and external parties;
 - (g) identifies an effective recovery plan and arrangements for the execution of the recovery plan are in place.

Safety critical people, procedures and Safety Critical Equipment.

6. A description of –
- (a) the safety critical people, procedures and Safety Critical Equipment required to mitigate and control the major accident risks;
 - (b) performance standards to be met by the safety critical people, procedures and Safety Critical Equipment;
 - (c) contingency measures that will be implemented should a performance standard not be met;
 - (d) how the duty holder ensures that –
 - (i) each Safety Critical Equipment shall provide a minimum level of operational performance in terms of functionality, availability, reliability, suitability and survivability throughout its operating life;
 - (ii) there is a suitable competence assurance system for safety critical people associated with a facility (including contractors and sub-contractors) to assure they have the necessary skills, training and ability;
 - (iii) a process is in place for the management and review of the safety critical procedures.

Onsite emergency response plan.

7. A summary of the onsite organisation and predetermined actions that are in place in order to respond effectively to the identified major accident events that may occur on the facility. It shall include a summary of –
- (a) the names or positions of persons authorised to command and control resources during an onsite emergency;
 - (b) arrangements for communicating the necessary information to all employees, staff and visitors of the facility;
 - (c) arrangements for communicating the necessary information to the public and to the emergency services and authorities concerned in the area;

- (d) the actions which should be taken to control the identified major accident events and to limit their consequences, including a description of the safety equipment and the resource available;
- (e) means of escape, muster and evacuation;
- (f) arrangements and drills in place for training staff in the duties they will be expected to perform, in response to the identified major accident events and where necessary coordinating this with the emergency services; and
- (g) periodic review of procedures to ensure continuous development of arrangements.

Offsite emergency response plan.

8. A summary of the offsite organisation and predetermined actions that are in place in order to respond effectively to the identified major accident events that may occur on the facility. It shall include a summary of –

- (a) the name or position of the person with responsibility for liaison with the authority responsible for preparing the offsite emergency plan;
- (b) arrangements for communicating the necessary information to all employees, staff and visitors of the facility;
- (c) arrangements for communicating the necessary information to the public and to the emergency services and authorities concerned in the area;
- (d) the names or positions of persons authorised to set emergency procedures in motion and of persons authorised to take charge of and coordinate offsite action;
- (e) arrangements for providing warning of the incident to the authority responsible for setting the offsite emergency plan in motion, the type of information which should be contained in an initial warning and the arrangements for the provision of more detailed information as it becomes available;
- (f) arrangements in place with the authority responsible for providing assistance with onsite emergency response action;
- (g) arrangements for offsite emergency response action;

- (h) arrangements for providing the public with specific information relating to the accident and the behaviour which it should adopt;
- (i) arrangements for the provision of information to the emergency services in the neighbouring states in the event of a major accident with possible transboundary consequences;
- (j) arrangements for coordinating drills and exercises with offsite emergency services in response to the identified major accident events; and
- (k) arrangements for the provision of recovery and restoration of the environment following a major accident.

Workforce consultation process.

9. The Safety Case shall reflect that the duty holder has ensured that the development of the document is through effective consultation and participation of the workplace safety and health officer for that facility.

Combined operations.

10. A description of any potential combined operations which may involve the facility shall include –

- (a) a summary of the arrangements in place for co-coordinating the safety, health and environment management systems of all duty holders involved in any such combined operation;
- (b) a summary of the arrangements in place for a joint review of the safety aspects of any such combined operation by all duty holders involved, which shall include the identification of hazards with the potential to cause a major accident and the assessment of risks which may arise during any such combined operation;
- (c) the equipment likely to be used during any such combined operation; and
- (d) the likely impact any such combined operation may have on the facilities involved and neighbouring communities.

FOURTH SCHEDULE

(regulation 15(1))

PARTICULARS IN SAFETY CASE FOR COMBINED OPERATIONS

Duty holder.

1. The name and address in Brunei Darussalam of each duty holder preparing the Safety Case and a confirmation that every such duty holder has agreed to the contents of the Safety Case.

Description of facilities.

2. 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 of the facilities involved in the combined operation.

3. Particulars of any plant installed solely for the purpose of permitting the facilities to engage in the combined operation.

Inventories and properties of hazardous substances.

4. Particulars of any hazardous substance introduced to any of the facilities as a result of the combined operation.

Major accident hazards assessment.

5. A summary of the joint major accident hazard review which shall include –

- (a) a demonstration that any limit for the safe operation or use of plant which are contained in the specifications for the design of the facilities or their plant will not be exceeded while the facilities are engaged in the combined operation;
- (b) a description of any activities during the combined operation which may involve hazards with the potential to cause a major accident; and

- (c) the likely impact of the identified major hazards on the facilities involved and on the neighbouring community.

Safety critical people, procedures and Safety Critical Equipment.

6. A description of any additional risk control measures that is introduced as a result of a major accident hazard review which may include, but not limited to, any safety critical people, procedures or Safety Critical Equipment.

Emergency response plan.

7. A description of changes and additional arrangements, if any, that is to be made in the existing emergency response plans as a result of the combined operations.

Safety and health management system.

8. A description of how the safety and health management systems for the facilities involved in the combined operation will be coordinated so as to reduce the risks from a major accident to comply with any relevant written laws.

9. A description of the roles and responsibilities of each duty holder engaged in the combined operation.

10. A description of the combined operation and a program of work, which shall include the dates on which the combined operation is expected to start and complete.

Workplace consultation process.

11. The combined operations Safety Case shall reflect that all the duty holders have ensured that the development of the document is through effective consultation and participation of the workplace safety and health officer for each of the facilities.

FIFTH SCHEDULE

(regulation 16(1)(a))

PARTICULARS IN SAFETY CASE FOR DISMANTLING FIXED FACILITY

1. The name and address in Brunei Darussalam of the duty holder of the facility.
2. The dates on which dismantling is expected to start and complete.
3. A description of how the proposed arrangements, methods and procedures for dismantling the facility and connected pipelines take adequate account of the design and method of construction of the facility.
4. The maximum number of persons expected to be on the facility at any time during its dismantling.
5. A general description of the means by which the management system of the duty holder will ensure safe dismantling that will control major accident risks to comply with any relevant written laws.
6. A summary of the organisation and predetermined actions that are in place in order to respond effectively to the identified major accident events that may occur on or around the facility.
7. A summary of how Safety Critical Equipment will be decommissioned to ensure suitable coverage over the various phases of the dismantling program.

SIXTH SCHEDULE

(regulation 12)

PARTICULARS IN NOTIFICATION OF WELL OPERATION

1. The name and address in Brunei Darussalam of the well operator.
2. Where the well operation is to be carried out from a facility, the name of the facility and the name and address of the duty holder for that facility.
3. Particulars of the fluids to be used to control pressure of the well.
4. Particulars of any plant, not described in the current Safety Case for the facility, such as a blowout preventer, which is to be used in connection with the well operation.
5. Particulars of the type of well, the well number, and the name of any field development of which it may be part.
6. A description of the well operation and a programme of works which shall include –
 - (a) the date on which each well operation is expected to start and complete; and
 - (b) the intended operational state of the well at the end of each well operation.
7. In the case of a well which is to be drilled –
 - (a) particulars, with suitable diagrams, of –
 - (i) the location of the top of the well;
 - (ii) the directional path of the well-bore;
 - (iii) its terminal depth and location; and
 - (iv) its position, and that of nearby wells, relative to each other;

- (b) particulars of the geological strata and formations, and of fluids within them, through which it will pass, and of any hazards with the potential to cause a major accident which they may contain;
 - (c) the procedures for effectively monitoring the direction of the well-bore, and for minimising the likelihood and effects of intersecting nearby wells; and
 - (d) a description of the design of the well, including the limits on its safe operation and use.

- 8. In the case of an existing well –
 - (a) a diagram of the well;
 - (b) a summary of earlier operations in relation to it;
 - (c) the purposes for which it has been used;
 - (d) its current operational state;
 - (e) its state of repair;
 - (f) the physical conditions within it; and
 - (g) its production capacity.

- 9. Where a well operation is to be carried out by means of an offshore mobile facility –
 - (a) particulars of –
 - (i) the meteorological and oceanographic conditions to which that facility may foreseeably be subjected;
 - (ii) the depth of water;
 - (iii) properties of the land or seabed and subsoil at its location, at the location at which the well operation will be carried out; and
 - (b) description of how the well operator and the duty holder of the facility involved in the well operation will coordinate their management systems to comply with any relevant written laws.

- 10. Details of the hazardous substances involved –
 - (a) names of substances, including property and location;

- (b) inventory;
- (c) physical and chemical behaviour;
- (d) details of immediate and delayed harm to the public, property and the environment.

11. Description of any activities on or in connection with a facility during the well operation which may involve any hazards with the potential to cause a major accident; and such hazards.

12. A summary of the organisation and predetermined actions that are in place in order to respond effectively to the identified major accident events that may occur on or around the well operation. It shall include a summary of the onsite, offsite, restoration, recovery and clean-up arrangements.

SEVENTH SCHEDULE
(regulations 9(g) and 24(2))

INFORMATION TO PUBLIC

1. Name of the duty holder and address in Brunei Darussalam of the facility.
2. Identification, by position held, of the person giving the information.
3. Confirmation that the facility is subject to these Regulations and that the notification or the Safety Case has been submitted to the competent authority.
4. An explanation in simple terms of the activity or activities undertaken at the facility.
5. The common names or, in the case of hazardous substances, the generic names or the general danger classification of the substances and preparations involved at the facility which could give rise to a major accident, with an indication of their principal hazardous characteristics.
6. General information relating to the nature of the major accident hazards, including their potential effects on the public, property and the environment.
7. Adequate information on how the public concerned will be warned and kept informed in the event of a major accident.
8. Adequate information on the actions the public concerned should take, and on the behaviour they should adopt, in the event of a major accident.

