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01 Feb 2024	28 Feb 2026	SHEQ Warehouse (Pty) Ltd	Neville
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Major Hazard Installation Regulations, 2022

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1. Definitions

Key definitions include:

- "affected or interested party" - person, group of persons or organizations interested in or affected by an establishment and an organ of state having jurisdiction over an establishment
- "change" - modification in methods, equipment, procedures, handling or processing of dangerous substances that may increase risk profile; increase/decrease in quantity of dangerous substances resulting in reclassification; or when emergency plan is activated for a major incident
- "dangerous substances" - substances/mixtures at the workplace that could cause harm if not properly controlled
- "direction" - notice, recommendation, or instruction served by an inspector in writing
- "duty holder" - employer, self-employed person, user or pipeline operator controlling an establishment
- "establishment" - major hazard installation under a duty holder's control where Chapter 1, 2 or 3 dangerous substances are present
- "emergency plan" - plan contemplated in regulation 15
- "existing establishment" - establishment where dangerous substances are present in quantities listed in Chapter 1, 2 or 3
- "high hazard establishment" - establishment where Chapter 1 or 2 dangerous substances are present in quantities equal to or exceeding quantities in column 3 of Chapter 1 or 2, and pipelines in Chapter 3
- "impact zone" - zone where other installations or neighbors could be affected by a major incident
- "installation" - technical unit within an establishment where substances are produced, used, stored, including equipment, structures, pipework, machinery, tools, etc.



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- "low hazard establishment" - establishment where Chapter 1 or 2 dangerous substances are present in quantity equal to or exceeding quantity in column 1 but less than quantities in column 2
- "licence to operate" - licence contemplated in regulation 13
- "major incident prevention policy" - policy contemplated in regulation 11
- "medium hazard establishment" - establishment where Chapter 1 or 2 dangerous substances are present in quantity equal to or exceeding quantity in column 2, but less than column 3
- "near miss" - event or operational interruption that could have resulted in damage, environmental impact, or loss of life under slightly different circumstances
- "new establishment" - establishment erected or declared after these Regulations come into force
- "prescribed quantity" - quantity equal to value in Annexure A for dangerous substance/category
- "process safety management system" - system contemplated in regulation 11(3)(h)
- "responsible person" - person designated by duty holder to be responsible for premises
- "risk assessment" - process contemplated in regulation 10
- "the Act" - Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- "transit" - time or place in dangerous substances transportation between planned departure and arrival points
- "Safety Data Sheet" - document aligned to globally harmonised systems for hazardous chemicals information
- "safety report" - report contemplated in regulation 12
- "SANS 1461" - South African National Standard: Major Hazard Installation - Risk Assessments
- "SANS 1514" - South African National Standard: Major Hazard Installation: Emergency Response Planning
- "UN number" - four-figure identification number in UN Transport of Dangerous Goods
- "UN Trough Test" - Part III of UN classification procedures for class 2, 3, 4, division 5.1, class 8 and 9
- "United Nations Recommendations on the Transport of Dangerous Goods" - UN guidance for harmonising dangerous goods transport regulations

2. Scope of application

(1) These Regulations apply to: (a) Major hazard installations (b) Establishments with prescribed quantities of substances in Chapter 1 or 2 (c) Major pipeline establishments

(2) These Regulations, excluding regulations 11, 12 and 13, apply to low hazard establishments.

(3) These Regulations, excluding regulations 12 and 13, apply to medium hazard establishments.

(4) Regulations 14 and 15 apply to local government.



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(5) Regulations 21 and 22 apply to an approved inspection authority.

(6) These Regulations do not apply to nuclear installations registered under the Nuclear Energy Act, 1993.

3. Management of establishment

(1) To ensure compliance with the Act and these Regulations, the duty holder must designate a responsible person in writing and in full-time capacity for each premises where an establishment operates.

(2) The chief inspector may require high hazard establishments to be operated by designated responsible persons with relevant qualifications.

(3) A duty holder may appoint one or more deputies to assist the responsible person, with clearly defined duties, without exempting the responsible person from properly discharging their duties.

(4) If the chief inspector deems it necessary, they may instruct the duty holder to appoint a specified number of deputies.

(5) Every duty holder must regularly consult with neighboring establishments and counterparts within the potential impact zone to: (a) Discuss associated major incidents (b) Share information about changes that alter risk profiles (c) Share alert systems for emergencies

(6) The duty holder must keep a record of all such consultations.

4. Notification of establishment

(1) A duty holder must notify the chief inspector, relevant chief director: provincial operations and local government on Form A, 90 days: (a) Before erecting an establishment; or (b) When anticipating changes to an existing establishment

(2) A duty holder, after these Regulations take effect, must update notification of an existing establishment and send it to the chief inspector, relevant chief director: provincial operations and local government on Form A within 24 months.

(3) The notification must be accompanied by: (a) Proof of permission/approval from relevant local government on land use, showing exact site location (b) Letter designating responsible person and competency profile (c) Inventory list and safety data sheets for all dangerous substances making the installation an establishment (d) Statement of maximum quantities of substances that may be present (e) Most recent risk assessment report (f) Site map showing location and developments around vicinity (g) Substance location plan (scale $\geq 1:2500$) identifying storage/handling/processing areas (h) Information about neighbors or establishments within impact zone: (i) Sites likely to be affected by major incidents and



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distances (ii) Known future developments that might increase risk/consequences (iii) Other establishments and distances (i) Proof of advertisement publication per subregulation (4) (j) Latest version of major incident prevention policy, if applicable

(4) A duty holder who erects an establishment, updates a risk assessment, or converts an existing installation into an establishment must: (a) Place an advertisement in at least one local newspaper, in English and predominant local language (b) Post notices in communities nearby, containing: (i) Name and location of establishment (ii) Contact person details (iii) Nature of dangerous substances and potential major incidents (iv) Time and place where risk assessment report will be explained/viewed

(5) Any affected or interested party may make written representations to relevant local government and chief inspector within 60 days after advertisement publication if the establishment is unacceptable and poses a risk.

5. Registration of establishment

(1) After considering the notification, the chief inspector may, on payment of appropriate fee: (a) Register the premises as a major hazard installation with conditions (b) Enter particulars in the register (name, address, other details) (c) Issue a registration certificate within 60 days; or (d) Refuse to register the major hazard installation

(2) If registration is refused, the chief inspector must notify the duty holder of the reasons.

(3) The duty holder must conspicuously display the latest registration certificate.

6. Duration of registration and renewal

(1) Registration is valid for five years or another period determined by the chief inspector, unless suspended or revoked earlier.

(2) The chief inspector shall renew registration upon updating of risk assessment and documents as required, and payment of appropriate renewal fee.

7. Alteration to particulars of registered establishment

The duty holder must furnish alterations in any particulars of a major hazard installation to the chief inspector, relevant chief director: provincial operations and relevant local government within 14 days of such alteration.

8. Revocation or suspension of registration

(1) An inspector may issue a direction instructing the duty holder to immediately comply with specified requirements if premises become unfit because of: (a) Failure to ensure safe



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work (b) Unauthorized changes (c) New hazardous facts/circumstances not present during registration

(2) The chief inspector may revoke registration if: (a) The duty holder fails to comply with the issued direction (b) The chief inspector finds the duty holder has contravened a registration condition (c) An inspector proves the duty holder has ceased occupation/use of the premises

(3) Before advising the chief inspector to revoke or suspend registration, an inspector must: (a) Issue a written direction of the intention to revoke or suspend (b) Give duty holder reasonable opportunity to submit reasons against revocation/suspension

(4) Revocation or suspension of registration does not take effect: (a) Until 21 days after the direction was given to the duty holder; or (b) Where an appeal is made to the Labour Court under section 35 of the Act, until the appeal is determined or withdrawn

(5) An inspector may advise the chief inspector to shorten a suspension period for valid reasons.

9. Sharing of information with adjacent establishments

The chief inspector may designate one or more registered major hazard installations in a certain location as a group of establishments, requiring them to share information, including:

(a) Basic establishment particulars (b) Responsible person details (c) Description of associated major incidents and consequences (d) Information on how neighbors will be alerted during a major incident

10. Risk assessment

(1) A duty holder must, after consulting with relevant health and safety representatives or committee, ensure an approved inspection authority conducts a risk assessment according to SANS 1461 at intervals not exceeding five years or when there is a change in the establishment.

(2) Every duty holder must: (a) Inform relevant health and safety representative or committee in writing about risk assessment arrangements (b) Ensure results are available to representatives or committee for comment

(3) When a risk assessment is reviewed or revised without establishment changes, the duty holder must submit an updated copy to the chief inspector, relevant chief director: provincial operations and local government within 60 days.

(4) Every duty holder must ensure the most recent risk assessment report is available on site for inspection.



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(5) For rolling stock in transit, the railway operator shall ensure: (a) A risk assessment for rolling stock in transit is available for inspection (b) Necessary precautions are taken for public health and safety

(6) Risk assessments must be made available for scrutiny by any potentially affected person, at an agreed time, place and manner.

11. Major incident prevention policy

(1) The duty holder must prepare and retain a written major incident prevention policy on: (a) Construction and building of the establishment (b) Change in the establishment (c) Safe operation of the establishment

(2) Every duty holder must establish and record a major incident prevention policy within 36 months after these Regulations take effect.

(3) The policy must provide high protection levels for employees and public, including at least: (a) Aims and objectives (b) Management roles/responsibilities (c) Process safety performance indicators (d) Maintenance and improvement commitments (e) Aims and objectives of: (i) Emergency plan (ii) Evacuation plan for speedy evacuation, roll-call and plant shutdown (f) Revision reasons (g) Mandatory agreements (h) Process safety management system with principles in Annexure D

(4) The policy must be reviewed every five years or when establishment changes make it inadequate, with updated copies available for inspectors and local government.

12. Safety report

(1) High hazard establishment duty holders must prepare a comprehensive, site-specific safety report: (a) Developed during design phase and updated until operations start (b) Maintained for the establishment's life

(2) The safety report must demonstrate: (a) Suitable built-in safety in design, construction, operation, and maintenance (b) Application of: (i) Major incident prevention policy (ii) Process safety management system (iii) Organizational and prevention measures (iv) On-site emergency plan

(3) The report must include information about off-site emergency plans for major incidents.

(4) For proposed high hazard establishments, the duty holder must submit: (a) Preliminary safety report at design stage (b) Final safety report before operations begin

(5) Existing establishment duty holders must send safety reports to the chief inspector within 36 months of these Regulations taking effect.



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(6) Safety reports must be reviewed: (a) Every five years (b) Before establishment changes (c) When process safety management changes could significantly affect major incident prevention with updated reports sent to the chief inspector within 60 days.

13. Licence to operate

(1) High hazard establishment operators must apply for an operating licence.

(2) Existing duty holders must apply for licences within 36 months after these Regulations take effect.

(3) Upon receiving an application with written proof of occupancy from local government, the chief inspector may: (a) Issue a licence (b) Refuse to issue a licence with reasons (c) Issue a licence with conditions

(4) A licence: (a) Is not transferable to another establishment (b) Lapses after 12 months if the installation hasn't started operations or hasn't been operated within 12 months of issuance

(5) The chief inspector may: (a) Suspend or withdraw a licence for non-compliance with conditions (b) Alter conditions after consultation with the duty holder and relevant health and safety representatives/committee

14. General duties of local government

(1) Local government must not permit new establishment erection or expansion at separation distances posing unacceptable risk per regulation 10 assessment.

(2) Local government must: (a) Permit new development only with separation distances that won't pose unacceptable risk (b) Prohibit new property development adjacent to establishments that would make that development an establishment

(3) Local government must consent to on-site emergency plans and participate in annual emergency test drills.

(4) If lacking facilities to control major incidents or comply with these Regulations, local government must make prior arrangements with neighboring local government, provincial government, or duty holder for assistance.

(5) Local government is responsible for off-site emergency plans for areas outside establishment premises.

(6) Local government must prepare an off-site emergency plan per SANS 1514 in consultation with duty holders and interested/affected persons, within 24 months after these Regulations take effect, and immediately for new establishments, reviewing when hazard profiles change significantly.



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(7) Duty holders must, upon written request and within time limits set by local government, provide information needed for off-site emergency planning.

15. Emergency plan

(1) A duty holder must, immediately after notification submission, appoint in writing an emergency coordinating team including at least: (a) The responsible person; or (b) A responsible person's deputy; and (c) A health and safety committee representative

(2) The duty holder must develop and maintain an on-site emergency plan before operations commence, in consultation with the emergency team and according to SANS 1514.

(3) Existing establishment emergency plans must be aligned with SANS 1514 within 12 months after these Regulations take effect.

(4) A duty holder must: (a) Include in the plan how employees, visitors and neighbors will be warned of major incidents (b) Sign the plan with two witnesses knowledgeable in emergency planning (c) Obtain approval from relevant local government (d) Keep the plan readily available (e) Test the plan at least annually with local government participation (f) Provide early warnings to affected parties if major incidents might extend beyond establishment borders

(5) The duty holder and local government must activate the on-site emergency plan for: (a) A major incident (b) An uncontrolled event potentially leading to a major incident (c) A near miss that could have resulted in a major incident

(6) The duty holder must review the on-site emergency plan at least every three years and revise if necessary.

(7) The duty holder and local government must jointly ensure first responders at major incidents have necessary skills and appropriate personal protective equipment.

16. Reporting of risk and emergency occurrences

(1) A duty holder must: (a) Within 48 hours, inform the chief inspector of: (i) A major incident (ii) An incident activating the emergency plan (b) Investigate and submit a preliminary incident report within seven days (c) Submit a final report within six months (d) Investigate and record all near misses in a register available for inspection

(2) For emerging major incidents or emergency occurrences involving dangerous substances, duty holders must inform the supplier about the incident.

17. Information and training

(1) After consulting with health and safety representatives or committee, a duty holder must ensure employees are adequately trained regarding: (a) These Regulations' scope (b) The



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establishment's nature (c) Potential major hazards and incidents (d) Health and safety risks from major hazards (e) Major incident control procedures (f) Emergency plan content (visitors must also be familiar with this) (g) Safety protocols and on-site measures

(2) Refresher training is required when establishments change or risk assessments are reviewed.

(3) The duty holder must provide induction about stored substances, hazard areas and emergency actions to mandatories, visitors and anyone assisting with duties, before they enter the establishment.

(4) Induction must be refreshed after establishment changes altering risk, with induction valid for maximum 12-month periods.

18. General duties of suppliers

(1) Suppliers of dangerous substances to establishments must provide safety data sheets and basic training information.

(2) On receiving information about emerging major incidents, suppliers must inform all clients supplied with that substance about potential dangers.

(3) For major incidents involving supplied dangerous substances, suppliers must provide 24-hour information and advice to duty holders, local government and other concerned bodies.

19. Payable fees

(1) Duty holders must pay prescribed fees for notifications, renewals, or risk assessment revisions, though the chief inspector may grant exemptions or determine other fees.

(2) The chief inspector may waive but not refund fees payable under these Regulations.

20. MHI Advisory Committee

(1) The chief inspector may, with Advisory Council approval, establish an MHI Advisory Committee for major hazard installations, codes, standards and training requirements, with any accredited training meeting South African Qualifications Authority standards.

(2) The chief inspector shall appoint committee members for determined periods, subject to Advisory Council approval.

(3) Persons affected by committee decisions may appeal to the chief inspector within 60 days, who shall review the grounds, committee's reasons, and confirm, set aside, vary, or substitute decisions.



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(4) Appeals against chief inspector decisions under subregulation (3) may be made to the Labour Court within 60 days.

21. Approved inspection authorities

(1) Inspection bodies accredited under Act No. 19 of 2006, or foreign inspection bodies, must apply for registration to the chief inspector on Form B.

(2) The chief inspector may approve such applications with conditions.

(3) In disputes between an approved inspection authority (AIA) and duty holder regarding technical/safety matters that can't be reasonably resolved, parties may refer the case to the chief inspector in writing for arbitration.

(4) The chief inspector shall appoint a mutually agreed arbitrator with the South African National Accreditation System and parties.

(5) Disputes must be investigated and arbitrated within 90 days after submission.

(6) The chief inspector may withdraw any approval granted to an approved inspection authority, subject to section 35 of the Act.

22. Duties of approved inspection authority

(1) An approved inspection authority must ensure risk assessments are carried out per SANS 1461.

(2) They must provide results on risk classification and acceptability, with recommendations regarding: (a) Emergency procedures suitability (b) Required organizational measures (c) Risk reduction proposals (d) Other relevant matters

(3) After each risk assessment, the authority must furnish the duty holder with the latest report and attachments per SANS 1461, making them available to the chief inspector upon request.

(4) An approved inspection authority must monthly submit a list of all major hazard installations assessed to the chief inspector, in the form contemplated in Annexure E.

23. Closure

A duty holder must notify the chief inspector, relevant chief director: provincial operations and local government in writing at least 60 days before an installation ceases to be a major hazard installation.

24. Offences and penalties



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(1) Duty holders contravening these Regulations may face fines up to R5 million or imprisonment up to 24 months.

(2) Maximum permissible fines for contravening specific regulations are set out in a table, with escalating penalties for repeated contraventions within specified timeframes.

25. Repeal of regulations

The Major Hazard Installation Regulations, 2001, published in Government Notice No. R. 692 of 30 July 2001, are repealed.

26. Short title and commencement

These Regulations are called the "Major Hazard Installation Regulations, 2022", and come into operation on a date determined by the Minister by notice in the Government Gazette. Major incident prevention policy (ii) Process safety management system (iii) Organizational and prevention measures (iv) On-site emergency plan

(3) The report must include information about off-site emergency plans for major incidents.

(4) For proposed high hazard establishments, the duty holder must submit: (a) Preliminary safety report at design stage (b) Final safety report before operations begin

(5) Existing establishment duty holders must send safety reports to the chief inspector within 36 months of these Regulations taking effect.

(6) Safety reports must be reviewed: (a) Every five years (b) Before establishment changes (c) When process safety management changes could significantly affect major incident prevention with updated reports sent to the chief inspector within 60 days.

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(2) Existing duty holders must apply for licences within 36 months after these Regulations take effect.

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(4) A licence: (a) Is not transferable to another establishment (b) Lapses after 12 months if the installation hasn't started operations or hasn't been operated within 12 months of issuance



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(5) The chief inspector may: (a) Suspend or withdraw a licence for non-compliance with conditions (b) Alter conditions after consultation with the duty holder and relevant health and safety representatives/committee

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(4) If lacking facilities to control major incidents or comply with these Regulations, local government must make prior arrangements with neighboring local government, provincial government, or duty holder for assistance.

(5) Local government is responsible for off-site emergency plans for areas outside establishment premises.

(6) Local government must prepare an off-site emergency plan per SANS 1514 in consultation with duty holders and interested/affected persons, within 24 months after these Regulations take effect, and immediately for new establishments, reviewing when hazard profiles change significantly.

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(2) The duty holder must develop and maintain an on-site emergency plan before operations commence, in consultation with the emergency team and according to SANS 1514.

(3) Existing establishment emergency plans must be aligned with SANS 1514 within 12 months after these Regulations take effect.

(4) A duty holder must: (a) Include in the plan how employees, visitors and neighbors will be warned of major incidents (b) Sign the plan with two witnesses knowledgeable in emergency planning (c) Obtain approval from relevant local government (d) Keep the plan readily



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available (e) Test the plan at least annually with local government participation (f) Provide early warnings to affected parties if major incidents might extend beyond establishment borders

(5) The duty holder and local government must activate the on-site emergency plan for: (a) A major incident (b) An uncontrolled event potentially leading to a major incident (c) A near miss that could have resulted in a major incident

(6) The duty holder must review the on-site emergency plan at least every three years and revise if necessary.

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(2) For emerging major incidents or emergency occurrences involving dangerous substances, duty holders must inform the supplier about the incident.

17. Information and training

(1) After consulting with health and safety representatives or committee, a duty holder must ensure employees are adequately trained regarding: (a) These Regulations' scope (b) The establishment's nature (c) Potential major hazards and incidents (d) Health and safety risks from major hazards (e) Major incident control procedures (f) Emergency plan content (visitors must also be familiar with this) (g) Safety protocols and on-site measures

(2) Refresher training is required when establishments change or risk assessments are reviewed.

(3) The duty holder must provide induction about stored substances, hazard areas and emergency actions to mandatories, visitors and anyone assisting with duties, before they enter the establishment.

(4) Induction must be refreshed after establishment changes altering risk, with induction valid for maximum 12-month periods.

18. General duties of suppliers

(1) Suppliers of dangerous substances to establishments must provide safety data sheets and basic training information.



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(2) The chief inspector may waive but not refund fees payable under these Regulations.

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