



اوتوريتي كبحسائين كسلامتن
كصيجين. دان عالم سكيتر
Safety Health and Environment
National Authority

Note to Industry (NTI)

TOPIC Implementation of Safety Case requirements as per Workplace Safety and Health (Facilities) (Control of Major Accident Hazards) Regulations, 2013			Reference Number 2020/NTI/02
Approved by: Chief Inspector	Issue date: 6 th March 2020	Expiry date: None	Revision No: 1

Purpose: This Notification to Industry serves to provide guidance to oil and gas industry operators and Duty Holders pertaining to the requirements of Safety Case submissions at COMAH facilities. **This Guidance shall apply with effect from 1st July 2020.**

It has been observed that submissions of Safety Cases have not been timely and consistent. As required under the COMAH Regulations, the Safety, Health and Environment National Authority (SHENA) continues to undertake a full review of safety cases submitted by Duty Holders during the 5th year revalidation cycle.

All Duty Holders are hereby notified to submit their Safety Case with all necessary documentation and in accordance with the necessary processes, no less than 3 months prior to the expiry of the Safety Case in respect of a mobile facility and no less than 6 months prior to the expiry of the Safety Case in respect of a Fixed Facility.

1. Duty Holders who intend to revalidate their Safety Cases with regards to any COMAH facility with SHENA shall undertake a self-assessment of the implementation of their Safety Case against the COMAH Regulations annually and maintain all records of actions taken. SHENA may require details of this self-assessment as a formal submission of self-assessments undertaken by the Duty Holder at the time of the 5th year revalidation process.
2. SHENA may also undertake a site verification to understand implementation onsite as part of the review process of the Safety Case, for all new and existing Safety Cases prior to acceptance of the Safety Case.

Applicable Law: Workplace Safety and Health (Facilities) (Control of Major Accident Hazards) Regulations, 2013

Regulation 13 (1)

Safety Case for fixed facility

The duty holders of a fixed facility shall ensure that it is not operated unless:

- (a) he has prepared a Safety Case containing particulars specified in Regulation 17(1) and the Schedule 2;
- (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 start of operations; and
- (c) he has received a Safety Case Certificate which shall be valid for a term not exceeding 5 years from the competent authority.

Regulation 14(1)

Safety Case for Mobile facility

The duty holder of a mobile facility shall ensure that a mobile facility is not present within the territory of Brunei Darussalam 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 Schedule 3;
- (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 within the territory of Brunei Darussalam with a view to it being operated there; and
- (c) he has received a Safety Case Certificate which shall be valid for a term not exceeding 5 years from the competent authority.

Regulation 15

Safety Case for Combined Operations

(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 Schedule 4 (other than those already notified to the competent authority pursuant to regulations 12 and 17(1) and Schedules 2 and 3 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 -

- (c) each duty holder has received a Safety Case Certificate which shall be valid for a term not exceeding one year from the competent authority.

Regulation 18

Review of Safety Case

Regulation 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.

Regulation 18(2)

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

- (a) review the current Safety Case prior to the expiry of that current Safety Case Certificate;
- (b) submit a summary of the review to the competent authority within 28 days of its completion; and
- (c) not continue to operate beyond the current Safety Case expiry date, unless he has received a new Safety Case Certificate from the competent authority.

Regulation 20

Duty to conform to Safety Case

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

Regulation 27

Offence

Any duty holder who contravenes any provision of these Regulations which imposes a duty on him is guilty of an offence.

Workplace Safety and Health Order, 2009 (S 44/2009)

Section 64(3)

The regulations made under this section may prescribe offences in respect of the contravention of any provision thereof, and may prescribe that fines not exceeding \$20,000 and imprisonment for a term not exceeding 2 years may, on conviction, be imposed in respect of any such offence.

NOTE : Duty Holders are reminded to use the current COMAH Matrix, as provided in the SHENA website to support the evaluation and submission of the Safety Case.

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