



اوتوريٽي ڪيٽيگري ڪمپائونڊ
ڪميٽي: دن عالم سڪيٽر
Safety, Health and Environment
National Authority

NOTE TO INDUSTRY (NTI)

TOPIC WORKPLACE SAFETY AND HEALTH (FACILITIES) (CONTROL OF MAJOR ACCIDENT HAZARDS) REGULATIONS, 2013 (COMAH, 2013): IMPLEMENTATION OF FEES FOR REGULATORY INSPECTIONS AND INVESTIGATIONS PURSUANT TO REGULATION 28			Reference Number 2022/NTI/01
Approved by: Head of Enforcement Division & Head of Investigation and Response Division	Issue date: 24 February 2022	Expiry date: None	Revision No: 1

Purpose: This Note to Industry serves to inform all Principals, Occupiers, Employers, Duty Holders and relevant stakeholders at all Fixed and Mobile Facilities under the jurisdiction of the Workplace Safety and Health (Facilities) (Control of Major Accident Hazards) Regulations, 2013, that the Safety, Health and Environment National Authority (SHENA) will commence the enforcement and implementation of fees for Regulatory Inspections and Investigations with provisions under Regulation 28 of the COMAH Regulations and as detailed under Schedule 8 of the same.

Following from the previous Note to Industry (2017/NTI/7) dated 1st May 2017 entitled Control of Major Accident Hazards (Amendment) Regulations 2017 (COMAH) Amendments Implementation, this Note to Industry seeks to inform that with effect from 3rd January 2022, SHENA will be enforcing and implementing the fees for Regulatory Inspections and Investigations as provided under Regulation 28 of the Workplace Safety and Health (Facilities) (Control of Major Accident Hazards) Regulations, 2013 (Amendment 2017) which reads:

Fees

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

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

All stakeholders are asked to take note of Paragraphs 5 and 6 of Schedule 8 of the Regulations, which detail the charging regime for regulatory inspections and investigations:

Regulatory inspections

5. The identified duty holder will be charged –

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

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

Investigations

6. The competent authority will undertake investigations into accidents and incidents that may occur in facilities or at locations where facility activities are undertaken, such investigations will be charged at an hourly rate per inspector per hour. This fee is payable on receipt of the investigation report from the competent authority.

All stakeholders are reminded to take note of the provisions of Schedule 8 of the Regulations which detail the fees to be paid for Facility Notifications, Facility Safety Cases, Well Notifications, Regulatory Inspections, and Investigations.

SHENA seeks the support of all relevant stakeholders in ensuring Brunei Darussalam is a safe place to work and live. Should further clarifications be required, please email info@shena.gov.bn or contact SHENA Office general line at 2382000.

END