

THE OCCUPATIONAL SAFETY AND HEALTH ACT, 2006

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An Act to consolidate, harmonize and update the law relating to occupational safety and health; to repeal the Factories Act, Cap 220 and to provide for connected matters.

DATE OF ASSENT: 24th May, 2006.

Date of Commencement: See section 1.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Commencement

This Act shall come into force on a date to be appointed by the Minister by statutory instrument and different dates may be appointed for the commencement of different provisions.

2. Interpretation

In this Act, unless the context otherwise requires—

“air receiver” means any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air, connected with an air compressing plant or any fixed vessel for containing compressed air or compressed exhaust gases, used for the purpose of starting an internal combustion engine;

“area under the influence of” includes any area where the fall of the contaminant released directly or indirectly from an undertaking may come to rest or be present and cause its deleterious effect whether in its original form or in a chemically modified form through natural processes having been carried there by prevailing wind, rain water run-off or by any other natural agent, and any area where dangerous levels of the contaminant may be present and cause its effects, having been taken there through the effluent or other waste disposal methods used at the undertaking;

“article” means solid, liquid or gas or any of their combination or any plant designed for use or operation (whether exclusively or not) by persons at work or any article designed for use as a component in any plant or work process;

“authorised person” means in relation to the performance of any function or duty under this Act, a person who is authorised in writing by the Commissioner for Occupational Safety and Health, to perform that function or duty;

“bodily injury” includes injury to health;

“building operation” means the construction, structural alteration, repair or maintenance of a building (including re-painting, re-decoration and external cleaning of the structure), the demolition of a building, but does not include any operation which is a work of engineering construction within the meaning of this Act;

“chemical substance” means any natural or artificial substance intended for use in any physical state whether gaseous, liquid or solid and in particular includes; pesticides, fungicides, fumigants, herbicides, wood preservatives, fertilizers, growth control chemicals, industrial chemicals, laboratory chemicals, solvents, pharmaceuticals and food preservatives and food additives;

“class or description” in relation to a workplace, includes a group of workplaces described by reference to locality;

“Commissioner” means the Commissioner for Occupational Safety and Health and includes any other inspector authorised to act on his or her behalf, by the appointing authority;

“competent authority” means a government department, or other public authority with the power to issue regulations, orders or other instructions having the force of law;

“competent person” means a person with suitable training and sufficient knowledge, experience and skill for the performance of specific work;

“confined space” includes any chamber, vat, pit, pipe, flue, tank, drain, sewer, still, tower or any other confined space (other than a steam boiler) where there may be a concentration of dangerous fumes, toxic materials or substances, harmful liquids or lack of oxygen, that cause danger to the health of an employed person;

“currency point” has the meaning assigned to it in Schedule 1;

“dangerous occurrence” means a readily identifiable event, with potential to cause an injury, or disease to persons at work or the public;

“driving-belt” includes any driving strap or rope;

“fatal occupational injury” means occupational injury leading to death;

“fume” includes gas or vapour;

“gas” means any combustible gas produced for the purpose of heating or lighting;

“gas plant” means any plant, apparatus or machine for generating gas (including any container holding compressed, dissolved or liquified gas under pressure) connected to a system of appliances or points and includes

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