

Workplace Safety and Health (Design for Safety) Regulations 2015

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No. S 428

WORKPLACE SAFETY AND HEALTH ACT (CHAPTER 354A)

WORKPLACE SAFETY AND HEALTH (DESIGN FOR SAFETY) REGULATIONS 2015

In exercise of the powers conferred by section 65 of the Workplace Safety and Health Act, the Minister for Manpower makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Workplace Safety and Health (Design for Safety) Regulations 2015 and come into operation on 1 August 2016.

Definitions

2. In these Regulations, unless the context otherwise requires —

“affected person”, in relation to a structure, means any individual —

- (a) who carries out or is liable to be affected by the construction work for the structure;
- (b) for whom the structure is a workplace, including an individual who maintains or cleans the structure, or anything in or on the structure; or
- (c) who carries out or is liable to be affected by the demolition of the structure;

“construction work” means the carrying out of any building operation or work of engineering construction;

“contract sum”, in relation to any construction work, means the value specified in

a contract of the works to be carried out by the contractor undertaking the construction work, including the goods and services tax payable in relation to the supply of the works;

“contractor” means a person who has entered into a contract for the purpose of carrying out any construction work;

“design-for-safety register” means the register referred to in regulation 7(1);

“design plan” includes drawings, building information modelling, design details, specifications, materials and bills of quantities (including specifications of articles or substances) relating to a structure, and calculations prepared for the purpose of a design;

“design risk”, in relation to a structure, means anything present or absent in the design of the structure that increases the likelihood that an affected person will suffer bodily injury when constructing, working at or demolishing the structure;

“designer” means the person who prepares a design plan relating to a structure;

“developer” means the person who undertakes a project, and, in relation to the modification of a subdivided building, includes the subsidiary management corporation of the subdivided building;

“modify”, in relation to a structure, means to extend, alter, add to or repair the structure;

“prepare”, in relation to a design plan, includes the use or endorsement of a design plan by another designer, with or without modification;

“project” means a process —

- (a) undertaken by a developer for the erection or modification of one or more permanent structures on a plot of land; and
- (b) in which the developer, or a person appointed by the developer —
 - (i) plans and manages the project;
 - (ii) designs all structures (including temporary structures) erected or modified under the project; and
 - (iii) carries out construction work;

“residual design risk” means a foreseeable design risk that is not reasonably practicable to eliminate;

“structure” means any permanent or temporary structure, and a reference to a structure includes any part of the structure and any product or mechanical or electrical system intended for the structure;

“subdivided building” has the same meaning as in section 2(1) of the Building Maintenance and Strata Management Act (Cap. 30C);

“subsidiary management corporation” has the same meaning as in section 2(1) of the Building Maintenance and Strata Management Act.

Application

3.—(1) Subject to paragraph (2), these Regulations apply to —

(a) a project that —

- (i) is undertaken by a developer in the course of the developer’s business;
- (ii) involves or is intended to involve any construction work of a contract sum of \$10 million or more; and
- (iii) involves development under section 3(1) of the Planning Act (Cap. 232); and

(b) a project to modify a permanent structure, in respect of which a design-for-safety register has been kept under regulation 7, that involves development under section 3(1) of the Planning Act.

(2) These Regulations do not apply to a project in respect of which the developer has appointed a designer before 1 August 2016.

PART 2

DUTIES OF DEVELOPER

Design of structure for safety and health of affected persons

4.—(1) The developer of a project must, as far as it is reasonably practicable, ensure that all foreseeable design risks in the project are eliminated.

(2) Where it is not reasonably practicable to eliminate a foreseeable design risk, the developer must ensure that the design risk is reduced to as low as is reasonably practicable, taking into account the following factors as far as reasonably practicable:

(a) the design risk must be reduced at its source;

- (b) collective protective measures must be used instead of individual protective measures.

Developer's duties in respect of designers and contractors

5.—(1) The developer of a project may appoint a person as —

- (a) a designer for a structure required in the project only if the developer reasonably believes that the person is competent to perform the duties of a designer under these Regulations and any other regulation made under section 65 of the Act; or
- (b) a contractor for a structure required in the project only if the developer reasonably believes that the person is competent to perform the duties of a contractor under these Regulations and any other regulation made under section 65 of the Act.

(2) The developer must plan and manage the project in a manner that ensures that all designers and contractors appointed under paragraph (1) for the project have sufficient time and resources to perform their duties under these Regulations and any other regulation made under section 65 of the Act.

(3) The developer must ensure that all relevant information is given to every designer and contractor appointed under paragraph (1) to enable the designer or contractor, as the case may be, to perform the duties of a designer or contractor, as the case may be, under these Regulations and any other regulation made under section 65 of the Act.

Design-for-safety review meeting

6.—(1) The developer of a project must convene such design-for-safety review meetings as are necessary to —

- (a) identify all foreseeable design risks in the project; and
- (b) discuss how each of the foreseeable design risks can be eliminated or reduced.

(2) A developer must ensure that each design-for-safety review meeting is attended by all the relevant designers and contractors appointed under regulation 5(1), 9(6)(a) or 10(2)(a) or (3)(a).

Design-for-safety register

7.—(1) The developer of a project must keep a design-for-safety register containing information and records on —

- (a) every design-for-safety review meeting convened under regulation 6; and
- (b) every residual design risk in the project.

(2) The developer —

- (a) must ensure that the design-for-safety register is kept up to date;
- (b) must ensure that all the designers and contractors appointed under regulation 5(1), 9(6)(a) or 10(2)(a) or (3)(a) for the project have access to the design-for-safety register; and
- (c) must make the design-for-safety register available for inspection by an inspector upon the inspector's request.

(3) Where a developer disposes of the developer's interest in any structure for which the project is undertaken, the developer —

- (a) must ensure that the design-for-safety register is given to —
 - (i) the person who acquires the developer's interest in the structure; or
 - (ii) where the structure is a subdivided building, the subsidiary management corporation of the subdivided building; and
- (b) must inform the person who next acquires the developer's interest in the structure or the subsidiary management corporation, as the case may be, of the nature and purpose of the design-for-safety register.

(4) It shall be an offence for a developer to contravene paragraph (2)(c) and the developer shall be liable on conviction to a fine not exceeding \$10,000.

Delegation of developer's duties

8.—(1) A developer may delegate any of the developer's duties under regulations 6 and 7(1) and (2) to a person whom the developer reasonably believes is competent to perform those duties (called in this regulation the design-for-safety professional).

(2) A developer must provide the design-for-safety professional with all the information necessary for the performance of the duties delegated to the design-for-safety professional under paragraph (1).

(3) Where the developer's duties under regulation 6 are delegated to the design-for-safety professional, the design-for-safety professional must, as soon as reasonably practicable after each design-for-safety review meeting, provide the developer with all relevant information on each foreseeable design risk identified at the

meeting and how each design risk can be eliminated or reduced.

(4) Where the developer's duties under regulation 7(1) or (2) are delegated to the design-for-safety professional, the design-for-safety professional must, as soon as reasonably practicable after any information or record is added to the design-for-safety register, provide the developer with an updated copy of the design-for-safety register.

(5) A developer who delegates a duty under regulation 6 or 7(1) or (2) is not liable for the performance of that duty.

PART 3

DUTIES OF DESIGNER AND CONTRACTOR

Duties of designer

9.—(1) The designer of a structure must, as far as it is reasonably practicable, prepare a design plan for the structure that eliminates all foreseeable design risks.

(2) Where it is not reasonably practicable for the designer preparing a design plan to eliminate a foreseeable design risk posed by the structure, the designer must propose to the person who appointed the designer, a modification to the design plan that reduces the design risk to as low as is reasonably practicable, taking into account the following factors as far as reasonably practicable:

- (a) the design risk must be reduced at its source;
- (b) collective protective measures must be used instead of individual protective measures.

(3) The designer must provide all the information relevant to the design, construction or maintenance of the structure to the person who appointed the designer.

(4) The designer of a structure must, where required by the developer of the project in which the structure is required, attend a design-for-safety review meeting.

(5) For the purposes of paragraph (4), any reference to the developer includes a reference to the person to whom the developer's duties under regulation 6 has been delegated.

(6) The designer —

- (a) may appoint a person as a designer (called in this regulation the delegated designer) for the structure only if the designer reasonably believes that the delegated designer is competent to perform the duties of a designer under these Regulations and any other regulation made under section 65 of the

Act; and

- (b) must provide the delegated designer all relevant information to enable the delegated designer to perform the duties of a designer under these Regulations and any other regulation made under section 65 of the Act.

(7) To avoid doubt —

- (a) any reference to a designer in this regulation includes a reference to a delegated designer and a designer appointed under regulation 10(2)(a); and
- (b) a designer who appoints a delegated designer to prepare a design plan for a structure under paragraph (6)(a) remains liable for the performance of any duty under paragraph (1) or (2) in relation to the design plan.

Duties of contractor

10.—(1) The contractor of a structure must, as soon as practicable, inform the person who appointed the contractor of any foreseeable design risk that the contractor knows the structure poses or will pose to an affected person.

(2) The contractor —

- (a) may appoint a person to design a structure only if the contractor reasonably believes that the person is competent to perform the duties of a designer under these Regulations and any other regulation made under section 65 of the Act; and
- (b) must provide the designer appointed under sub-paragraph (a) all relevant information to enable the designer to perform the duties of a designer under these Regulations and any other regulation made under section 65 of the Act.

(3) The contractor —

- (a) may appoint a person to be a contractor of a structure (called in this regulation the subcontractor) only if the contractor reasonably believes that the subcontractor is competent to perform the duties of a contractor under these Regulations and any other regulation made under section 65 of the Act; and
- (b) must provide the subcontractor appointed under sub-paragraph (a) all relevant information to enable the subcontractor to perform the duties of a contractor under these Regulations and any other regulation made under section 65 of the Act.

(4) A contractor of a structure must, where required by the developer of the project in which the structure is required, attend a design-for-safety review meeting.

(5) For the purposes of paragraph (4), any reference to the developer includes a reference to the person to whom the developer's duties under regulation 6 has been delegated.

(6) To avoid doubt, any reference to a contractor in this regulation includes a reference to a subcontractor.

PART 4

MISCELLANEOUS

Duty of registered proprietors and subsidiary management corporations

11.—(1) Where a design-for-safety register has been kept under regulation 7(1) for a structure that is not a subdivided building, the registered proprietor of the structure must —

- (a) ensure that the design-for-safety register is available for inspection by an inspector upon the inspector's request; and
- (b) where the registered proprietor disposes of the registered proprietor's interest in the structure —
 - (i) ensure that the design-for-safety register is given to the person who next acquires the interest in the structure; and
 - (ii) inform the person who next acquires the interest in the structure of the nature and purpose of the design-for-safety register.

(2) Where a design-for-safety register has been kept under regulation 7(1) for a subdivided building, the subsidiary management corporation of the subdivided building must ensure that the design-for-safety register is available for inspection by an inspector upon the inspector's request.

(3) It shall be an offence for a registered proprietor to contravene paragraph (1)(a) or a subsidiary management corporation to contravene paragraph (2) and the registered proprietor or subsidiary management corporation, as the case may be, shall be liable on conviction to a fine not exceeding \$10,000.

Offences

12. Except as otherwise provided in these Regulations, it shall be an offence for a

person to contravene any provision of these Regulations, and the person shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

Made on 8 July 2015.

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