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## **LAWS OF SOLOMON ISLANDS**

1996 Edition]

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## CHAPTER 74

### SAFETY AT WORK ACT

AN ACT TO PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF PERSONS AT WORK AND TO PROTECT PERSONS AGAINST RISKS TO HEALTH OR SAFETY ARISING OUT OF OR IN CONNECTION WITH THE ACTIVITIES OF PERSONS AT WORK; TO IMPOSE SPECIFIC REQUIREMENTS IN RESPECT OF CERTAIN ARTICLES AND SUBSTANCES THAT ARE A POTENTIAL SOURCE OF DANGER; TO MAKE MINOR AMENDMENTS OF THE LABOUR ACT AND THE WORKMEN'S COMPENSATION ACT; AND FOR CONNECTED PURPOSES

*3 of 1982*

*[All provisions except para. 7 of Sch. 2, para 6 of Sch. 3 and para. 1(5) of Sch. 7. (in respect only of ss. 66, 67, 68 and 72 of the Labour Act)... ...1st May 1982\**  
*Para. 7 of Sch. 2 and para 6 of Sch. 3 ...1st Nov. 1982\**  
*Para. 1(5) of Sch. 7 (in respect only of ss. 66, 67, 68 and 72 of the Labour Act) .....Not in operation on 1st March 1996]*

*\* L.N. 18/1982.*

## **PART I INTRODUCTORY**

### **Short title**

**1.** This Act may be cited as the Safety at Work Act.

### **Meaning of "employer" and "employee"**

**2.** The following cases apply to decide, for the purposes of this Act, whether an individual (call him "A") is the employee of another person; and the words "employer" and "employee" are to be interpreted accordingly:

*Case 1* A works under a contract of employment with another person (call him "B") in connection with B's business: A is B's employee.

*Case 2* A works under a contract of employment with another person (call him "B") but the work is done for a third person (call him "C") in connection with C's business under an arrangement between B and C whereby C may tell A what to do and how to do it: A is C's employee, not B's employee.

*Case 3* A works for another person (call him "D") in connection with D's business under an arrangement between A and D (which does not provide for any pay or other consideration for the work) whereby D may tell A what to do and how to do it: A is D's employee.

### **Meaning of "workplace"**

**3.** In this Act, "workplace" means any premises or other place made available in the course of business-

(a) as a place of work, or

(b) as a place where persons at work may use plant or substances provided for their use there,

and any place used in connection with such a place and includes any means of entering or leaving such a place.

## **PART II GENERAL DUTIES**

### ***Codification of existing duties of employers and others***

#### **General duty of employers to their employees**

4. (1) It is the duty of every employer to ensure, so far as is reasonably practicable, the health and safety at work of all his employees.
- (2) Schedule 1 contains examples of the duty imposed by this section.

#### **General duty of the employers and self-employed to persons other than their employees**

5. (1) It is the duty of every employer to conduct his business in such a way as to ensure, so far as is reasonably practicable, that persons who are not his employees but may be affected by the way he conducts his business are not exposed by the way he conducts it to risks to their health or safety.
- (2) It is the duty of every self-employed person to conduct his business in such a way as to ensure, so far as is reasonably practicable, that he and other persons who are not his employees but may be affected by the way he conducts his business are not exposed by the way he conducts it to risks to their health or safety.

#### **General duty of employees at work**

6. It is the duty of every employee while at work to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work.

#### **General duty of those who control workplaces, etc., to person not their employees**

7. (1) It is the duty of every person in control-
- (a) of any workplace, or
- (b) of any plant or substance in a workplace,

to ensure, so far as is reasonably practicable, that the workplace or the plant or substance in it (as the case may be) is safe and without risks to health for persons other than his employees.

- (2) The duty imposed by this section is in addition to any duty imposed on a person as occupier of premises.

### **Duty of manufacturers, suppliers, etc., of tools and equipment**

**8.** (1) It is the duty of any person who designs, manufactures, imports or supplies any article for use at work-

(a) to ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risks to health when properly used;

(b) to carry out or arrange for the carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him by the previous paragraph;

(c) to take such steps as are necessary to secure that there will be available in connection with the use of the article at work adequate information about the use for which it is designed and has been tested, and about any conditions necessary to ensure that, when put to that use, it will be safe and without risks to health.

(2) It is the duty of any person who erects or installs any article for use at work in any premises where that article is to be used by persons at work to ensure, so far as is reasonably practicable, that nothing about the way in which it is erected or installed makes it unsafe or a risk to health when properly used.

### **Duty of manufacturers, suppliers, etc., of chemicals and other substances**

**9.** It is the duty of any person who manufactures, imports or supplies any substance for use at work:

(a) to ensure, so far as is reasonably practicable, that the substance is safe and without risks to health when properly used;

(b) to carry out or arrange for the carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him by the preceding paragraph;

(c) to take such steps as are necessary to secure that there will be available in connection with the use of the substance at work adequate information about the results of any relevant tests which have been carried out on or in connection with the substance and about any conditions necessary to ensure that it will be safe and without risks to health when properly used.

### **Provisions supplementary to sections 8 and 9**

**10.** (1) Any duty imposed on any person by sections 8 and 9 extends only to things done in the course of his business and to matters within his control.

(2) Nothing in those sections requires any person to repeat any testing or examination which has been carried out otherwise than by him or at his instance, in so far as it is reasonable for him to rely on the results of that testing or examination for the purposes of those sections.

(3) For the purposes of those sections, an article or substance is not to be regarded as properly used where it is used without regard to any relevant information or advice relating to its use which has been made available by a person by whom it was designed, manufactured, imported or supplied.

### **Effect on common law**

**11.** The duties imposed by the preceding sections have effect in place of the corresponding duties at common law; but do not affect any other liability at common law (such as the liability of an employer for the acts of his employees).

### ***Extension of existing duties***

#### **Strict liability of employer for defective equipment, etc**

**12.** (1) If an individual suffers personal injury at work in consequence of a breach by a person other than his employer of a duty imposed by sections 8 and 9 then, even though the employer is not personally at fault, those sections and subsection (1) of section 14 (but not subsection (2) of that section) shall apply as if the employer also were in breach of that duty.

(2) Subsection (1) does not prevent an employer who incurs liability by virtue of that subsection from obtaining relief by way of contribution, or in contract or otherwise.

#### **Extension of duties to those abroad**

**13.** The duties imposed by sections 8 and 9 on those who design, manufacture or supply articles or substances extend, in respect of an article or substance which is used at work in Solomon Islands, to those who design, manufacture or supply it at any place outside Solomon Islands.

### ***Consequences of breach of duty***

#### **Civil liability and criminal penalties for breach of duty, etc**

**14.** (1) If an individual suffers personal injury in consequence of a failure to discharge a duty imposed by sections 4 to 9, the failure is actionable.

(2) A person who fails to discharge a duty imposed by sections 4 to 9 is guilty of an offence and liable on conviction to a fine of \$1000, or imprisonment for one year, or both.

(3) Any term of an agreement which purports to exclude or restrict the operation of subsection (1), or any liability arising by virtue of that subsection, is void.

(4) Where a person has been convicted of an offence of failure to discharge a duty imposed by sections 4 to 9 then, in any civil proceedings in which the question arises as to whether or not he

failed to discharge the duty, the conviction is to be conclusive evidence that he failed to do so and is to be admissible in evidence accordingly.

### **PART III SPECIFIC DUTIES**

#### ***Dust, fumes, etc.***

#### **Duty to protect persons from harmful dust, fumes, etc**

**15.** (1) Where an employee is at work and either-

(a) he is engaged in work which involves the use of a harmful substance; or

(b) a harmful substance is present where the work is being carried on;

then the duties in subsections (2) and (3) arise.

(2) It is the duty of the employer to ensure that neither the employee nor any other person is exposed to that substance to any degree that is likely to cause personal injury.

(3) It is the duty of any person in control of that substance to ensure, so far as is practicable, that neither the employee nor any other person is exposed to that substance to any degree that is likely to cause personal injury.

(4) For the purposes of this section and section 16, a person is exposed to a harmful substance if-

(a) it comes into contact with his body; or

(b) it enters his body (by inhalation, ingestion, absorption through the skin or any other means).

(5) In this section and section 16, "harmful substance" means any substance that is capable of causing personal injury by-

(a) contact with the body; or

(b) entry into the body (by inhalation, ingestion, absorption through the skin or any other means);

and includes a substance that is capable of causing personal injury only under particular conditions (for example, if it is heated, vaporises or ignites).

(6) A person who fails to discharge a duty imposed by this section is guilty of an offence.

#### **Specific limits on exposure to dust, fumes, etc**



**16.** (1) The Minister may approve any document (including a revision of a document) specifying, in any form, the limit beyond which a person should not be exposed to any harmful substance; and may at any time withdraw any approval given under this subsection.

(2) Where the Minister gives or withdraws any approval under subsection (1), he must by notice in the Gazette identify the document concerned and state the date (not being earlier than the date of the notice) on which the approval is to have effect or cease to have effect.

(3) If a person is exposed to any harmful substance beyond the limit specified in a document for the time being approved under subsection (1), he is to be treated for the purposes of section 15(2) and (3) as having been exposed to that substance to a degree that is likely to cause personal injury.

(4) Where-

(a) a document specifying a limit is for the time being approved by the Minister under this section; and

(b) the limit specified is expressed as an average concentration of the substance to or above which a person should not be exposed over a particular period or particular periods of time,

then, for the purposes of any proceedings for an offence under section 15, evidence that that concentration was exceeded at any time is evidence, but not conclusive evidence, that the limit was exceeded.

(5) The power conferred by this section to approve or withdraw approval of a document includes power to approve or withdraw approval of part of it; and references in this section to a document approved under this section are references to a document to the extent that it is approved under this section.

(6) A document approved under this section is not subsidiary legislation for the purposes of the Interpretation and General Provisions Act.

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### ***Pressure and vacuum systems***

#### **Pressure and vacuum systems**

**17.** (1) Where a pressure system is used in the course of a business carried on by any person, the requirements imposed by or under Schedule 2 must be complied with in respect of that system.

(2) If any of those requirements is not complied with in respect of that system, the person referred to in subsection (1) and any person in control of the system is guilty of an offence.

(3) In this section and Schedule 2, "pressure system" means anything used for the generation, storage or conveyance of any relevant substance at a pressure above or below atmospheric pressure, but does not include -

(a) anything (not being part of a pressure system) with an internal volume of less than 250 litres where the pressure does not exceed either 0.5 bar or 7.5 psig;

(b) an internal combustion engine; and

(c) a system of a prescribed type.

(4) In subsection (3), "relevant substance" means-

(a) air or any substance in the form of a gas or vapour;

(b) any gas in liquefied form; and

(c) such other substances as may be prescribed.

(5) Where a person conducting a test or examination of a pressure system under paragraph 7 of Schedule 2 is not satisfied that the system is safe when properly used, he must forthwith inform the Commissioner of Labour of that fact by notice in writing.

(6) A person who fails to comply with subsection (5) is guilty of an offence.

### ***Machinery***

#### **Lifting equipment**

**18.** (1) Where a lifting machine or lifting tackle is used in the course of a business carried on by any person, the requirements imposed by or under Schedule 3 must be complied with in respect of the machine or tackle.

(2) If any of those requirements is not complied with in respect of the machine or tackle, the person referred to in subsection (1) and any person in control of the machine or tackle is guilty of an offence.

(3) In this section and Schedule 3, "lifting machine" means any crane, winch, pulley block, derrick, truck or similar device (whether mobile or not) used for the purpose of raising or lowering goods, persons or materials or moving them while suspended or partly suspended; and includes a lift, whether for passengers or goods.

(4) In this section and Schedule 3, "lifting tackle" means any chain, rope, chain sling, rope sling, clamp, ring, hook, shackle, swivel or similar device used for the purpose of raising or lowering goods, persons or materials or moving them while suspended or partly suspended.

(5) Where a person conducting a test or examination of a lifting machine or lifting tackle under paragraph 6 of Schedule 3 is not satisfied that the machine or tackle is safe when properly used, he must forthwith inform the Commissioner of Labour of that fact by notice in writing.

(6) A person who fails to comply with subsection (5) is guilty of an offence.

### **Dangerous machinery**

**19.** (1) Where machinery is used in the course of a business carried on by any person, the requirements of subsections (3) and (4) must be complied with in respect of any moving part of the machinery which is a potential source of danger.

(2) If any of those requirements is not complied with, the person referred to in subsection (1) and any person in control of the machinery is guilty of an offence.

(3) While the moving part is in motion-

(a) there must be-

(i) a fixed or automatic guard or similar device; or

(ii) a device for stopping the machine automatically in case of danger,

which ensures that the moving part is not a potential source of danger in any reasonably foreseeable circumstances; or

(b) the machinery must be in such a position or of such construction that the moving part is not a potential source of danger in any reasonably foreseeable circumstances.

(4) Efficient means must be provided for immediately cutting off the power to the moving part.

(5) The requirements of subsection (3) do not apply in respect of any moving part of the machinery necessarily exposed in the course of maintenance if there is in force an effective system for ensuring the safety during that maintenance of those who might otherwise be exposed to danger.

(6) In deciding for the purposes of this section whether a moving part is a potential source of danger, regard may be had to the effect of the moving part on anything coming into contact with it.

### ***Electrical installations***

### **Electrical installations**

**20.** (1) Where any electrical installation is used in the course of a business carried on by any person the requirements imposed by or under Schedule 4 must be complied with in respect of the installation.

(2) If any of those requirements is not complied with in respect of the installation, the person referred to in subsection (1) and any person in control of the installation is guilty of an offence.

(3) In this section and Schedule 4-

"apparatus" has the same meaning as in the Electricity Act; and  
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"electrical installation" means any installation for the generation, transformation, conversion or distribution of electrical energy, and includes an apparatus.

(4) For the purpose of any proceedings for an offence under any provision made by or under this Act, it is to be assumed that a person will suffer personal injury if he comes into contact with part of an electrical installation conducting electrical energy at a potential exceeding 32 AC or 115 DC.

### ***Fire and explosion***

#### **Fire precautions**

**21.** (1) Every workplace must be provided with such means of escape as are required to enable persons employed there to leave the workplace safely in case of danger from fire or explosion.

(2) In the case of an enclosed workplace, the requirements of subsection (1) include a requirement that, in respect of each person employed there, there must be available within 20 metres of any position where he works not less than two separate means of escape.

(3) Subsection (2) does not apply to an enclosed workplace if there is in force in respect of that workplace a certificate of exemption issued by the Commissioner of Labour; but no certificate may be issued under this subsection unless the Commissioner is satisfied that the requirements of subsection (1) are complied with in respect of that workplace.

(4) While any person is within an enclosed workplace in the course of his employment, any door or other exit leading to or which is part of a means of escape for him must not be locked or fastened in such a way that it cannot be easily and immediately opened from the inside.

(5) Any door leading to or which is part of a means of escape from an enclosed workplace must either be a sliding door or be constructed to open outwards.

(6) Any door or other exit leading to or which is part of a means of escape from an enclosed workplace (other than an exit in ordinary use) must be marked as a means of escape by a notice of such size and so placed that it is clearly visible to those needing to use the exit.

(7) Every workplace must be provided with effective and adequate means for extinguishing fire; and those means-

(a) must be properly maintained; and

(b) so far as is reasonably practicable, must be designed to operate without exposing any person to danger.

(8) If any requirement of this section is not complied with in respect of a workplace-

(a) the person in the course of whose business the workplace is used; and

(b) any person in control of the workplace,

is guilty of an offence.

(9) In this section and (subject to section 22(9)) section 22-

"enclosed workplace" means a workplace within a building or other structure; and

"workplace" does not include a vehicle, vessel or aircraft.

### **Precautions against explosion**

**22. (1)** A flammable substance must not be stored in any enclosed workplace unless one of the following requirements is satisfied-

(a) in the case of petroleum, it is stored in a tank or magazine in respect of which there is in force a licence issued under the Petroleum Act before the date on which this section comes into force;

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(b) in the case of vehicle fuel, it is stored in the fuel tank of a vehicle;

(c) it is stored in premises used for the sale by retail of that substance so long as-

(i) not more than 20 litres of the substance is so stored; and

(ii) the substance is kept in containers of a capacity of not more than one litre.

(2) Flammable gas must not be stored in any enclosed workplace.

(3) A flammable substance (unless in a container of a capacity not exceeding 250 ml.) must not be used in any workplace for cleaning any article unless a written authority of the commissioner

of Labour to do so is for the time being in force in respect of the workplace and the substance is used in accordance with the authority.

(4) Where there is any flammable substance or flammable gas in any workplace, arrangements must be made that are adequate to ensure, so far as is practicable, that the substance or gas is not likely to be ignited so as to cause personal injury.

(5) A workplace must not be used for the filling of cylinders or other containers with flammable gas unless a written authority of the Commissioner of Labour to do so is for the time being in force in respect of the workplace and the containers are filled in accordance with the authority.

(6) No authority may be issued under subsections (3) or (5) in respect of any workplace unless the Commissioner of Labour is satisfied that adequate arrangements are in force for the purpose of securing the safety of persons.

(7) If any of the requirements of this section is not complied with-

(a) the person in the course of whose business the workplace concerned is used; and

(b) any person in control of the substance or gas concerned,

is guilty of an offence.

(8) In this section-

"flammable substance" means-

(a) any liquid with a flash point below 35° C; and

(b) any prescribed substance; and

"gas" includes gas in liquefied form;

and, for the purposes of this section, gas that is flammable only under particular conditions is a flammable gas.

(9) For the purposes of subsections (1) and (2), a place is not a workplace by virtue only of the fact that it is used for the storage of a flammable substance or flammable gas.

### *Miscellaneous*

#### **Duty to use capable sub-contractors**

**23.** (1) If a person (call him "A") who carries on a business wishes to arrange for another person (call him "B"), not being his employee, to perform part of the work involved in carrying on the business, then, A must not make such an arrangement unless he has taken all such steps as are

reasonable in the circumstances to satisfy himself that B will, in performing that work, discharge any duties imposed on him by sections 4 and 5 and this section.

(2) A person who fails to comply with the requirements of subsection (1) is guilty of an offence.

### **Interfering with safety equipments, etc**

**24.** (1) A person who intentionally or recklessly interferes with or misuses anything provided in the interests of health or safety in pursuance of any provision made by or under this Act, is guilty of an offence.

(2) Every employee while at work must co-operate with his employer or any other person on whom requirements are imposed by or under this Act so far as is necessary to enable the requirements to be complied with.

(3) A person who fails to comply with subsection (2) is guilty of an offence.

### ***Penalties***

#### **Penalties for offences under this Part**

**25.** (1) A person guilty of an offence under sections 15(6), 17(2), 18(2), 19(2), 20(2), 21(8), 22(7) or 24(1) is liable on conviction to a fine of \$1000, or to imprisonment for one year, or both.

(2) A person guilty of an offence under sections 17(6), 18(6), 23(2) or 24(3) is liable on conviction to a fine of \$500.

## **PART IV GENERAL AND INTERPRETATION**

### ***Codes of practice and regulations***

#### **Codes of practice**

**26.** (1) If the Minister is of the opinion that any standard, specification or similar document (in this Part referred to as a "code of practice") is suitable to be used for the practical guidance of those on whom requirements are imposed by or under this Act, he may approve the code of practice, and may subsequently approve any revision of the code.

(2) The Minister may at any time withdraw any approval given under subsection (1).

(3) Where the Minister gives approval under subsection (1) or withdraws any approval given under that subsection, he shall by notice in the Gazette identify the code of practice or revision concerned and state the date (not being earlier than the date of the notice) on which the approval is to have effect or cease to have effect.

(4) The power conferred by this section to approve or withdraw approval of a code of practice or revision includes power to approve or withdraw approval of part of it.

(5) References in section 27 to an approved code of practice are references to a code of practice (including any revision of it) to the extent that it is approved under this section.

(6) Any approved code of practice is not subsidiary legislation for the purposes of the Interpretation and General Provisions Act.

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### **Use of approved codes of practice**

**27.** (1) Where in any proceedings before a court any question arises as to whether or not a person has failed to comply with a requirement imposed by or under this Act-

(a) any approved code of practice shall be admissible in evidence; and

(b) if it is shown that he failed to observe any provision of an approved code of practice giving guidance as to compliance with the requirement concerned, it shall be taken as proved that he failed to comply with the requirement unless he proves that he complied with it in some other manner.

(2) Subject to that, a failure by any person to observe a provision of an approved code of practice shall not render him liable to any civil or criminal proceedings.

### **Regulations**

**28.** (1) Regulations may make provision for the purposes-

(a) of securing the health, safety or welfare of persons at work;

(b) of protecting persons against risks to health or safety arising out of or in connection with the activities of persons at work.

(2) Schedule 5 contains some examples of matters that may be provided for by regulations under this section.

(3) Regulations under this section may provide that, in order to comply with a requirement imposed by or under this Act ("the primary duty") a person must observe a requirement imposed by or under the regulations; and if, in any proceedings before a court, it is shown that he failed to observe that requirement it shall be taken as proved that he failed to comply with the primary duty.

(4) Regulations under this section may be made so as to apply to particular circumstances or particular cases only.



(5) Regulations under this section may prohibit the importation, sale or supply of any pesticide unless-

(a) the pesticide is for the time being registered in accordance with the regulations; and

(b) the importation, sale or supply complies with any requirements that may be imposed by or under the regulations (which may, for example, include requirements as to the labelling of anything in which the pesticide is kept).

(6) Subsection (5) is not to be interpreted as limiting the extent of the power conferred by subsection (1).

(7) A person who fails to comply with any requirement imposed by or under regulations under this section or intentionally obstructs any other person in the exercise of his functions under such regulations is guilty of an offence and liable on conviction to a fine of \$750, or imprisonment for nine months, or both.

### *Administration*

#### **Powers of Commissioner of Labour**

**29.** (1) The powers mentioned in the following subsections are exercisable by the Commissioner of Labour ("the Commissioner"), but only to the extent that it is necessary or expedient to exercise them for the purpose of giving effect to any provision made by or under this Act.

(2) Those powers include-

(a) the power to enter a workplace at any reasonable time or, in a situation which in the opinion of the Commissioner is or may be dangerous, at any time;

(b) the power to take with him other persons, equipment and materials;

(c) the power to take measurements and photographs and to make recordings;

(d) the power to take samples of articles, substances or the atmosphere; and

(e) the power to dismantle or test any article or substance which appears to the Commissioner to have caused or to be likely to cause danger, and take possession of it for the purpose of examining it and for the purpose of making it available as evidence in any proceedings.

(3) Those powers include-

(a) the power to require any person whom the Commissioner has reasonable cause to believe to be able to give any information relevant to an investigation or examination

being made by him for the purpose referred to in subsection (1) to answer such questions as the Commissioner thinks fit to ask and to sign a declaration of the truth of his answers;

(b) the power to require the production of any books or documents and to inspect them and take copies of any entry in them;

(c) the power to make any examination or investigation and to require anything to be left undisturbed to enable the examination or investigation to take place;

(d) the power to require any person to give the Commissioner facilities and assistance (including the taking of samples of any substance or the atmosphere, when required to do so or at specified intervals) with respect to any matters or things within that person's control or in relation to which that person has responsibilities; and

(e) any other power which is necessary for the purpose referred to in subsection (1).

(4) Where the Commissioner takes possession of any substance under subsection (2) (e), he must, if it is practicable for him to do so, take a sample of it and give to a responsible person at the workplace concerned a portion of the sample marked in a manner sufficient to identify it.

(5) An answer given by a person in pursuance of a requirement under subsection (3) (a) is not admissible in evidence against that person or the husband or wife of that person in any proceedings.

(6) Nothing in this section requires any person to disclose any document that he could not be required to disclose in civil proceedings before the High Court.

### **Remedial notices**

**30.** (1) If the Commissioner is of the opinion that any requirement imposed by or under this Act-

(a) is not being complied with, or

(b) has not been complied with in circumstances that make it likely that the failure to comply will continue or be repeated,

he may serve a notice under this section (in this Part referred to as a "remedial notice") on any person on whom the requirement is imposed.

(2) The notice must-

(a) state the opinion referred to in subsection (1), specifying the requirement concerned and giving particulars of the reasons for the opinion, and

(b) require the person on whom the notice is served to comply or ensure compliance with the requirement within such period as may be specified in the notice.

(3) For the purposes of this section, any person who commits an offence if a requirement is not complied with is a person on whom the requirement is imposed.

### **Prohibition notices**

**31.** (1) If the Commissioner is of the opinion that any activity of persons at work which is being carried on or is about to be carried on involves a risk of serious personal injury to any person, he may serve a notice under this section (in this Part referred to as a "prohibition notice") on any person in control of the activity.

(2) The notice must-

(a) state the opinion referred to in subsection (1), giving particulars of the matters which in the opinion of the Commissioner give or, as the case may be, will give rise to the risk;

(b) if he is of the opinion that the activity involves or, as the case may be, will involve a failure to comply with any requirement imposed by or under this Act, state that opinion specifying the requirement concerned and giving particulars of the reasons for the opinion; and

(c) direct that the activity must not be carried on unless the matters specified under paragraph (a) have been remedied and any requirement specified under paragraph (b) is complied with.

(3) If the Commissioner is of the opinion that the risk of serious personal injury is imminent, he may state in the notice that the direction is to have immediate effect, and the direction is to have effect accordingly; and in any other case the direction is to have effect at the end of such period as may be specified in the notice.

### **Provisions supplementary to sections 29 to 31**

**32.** (1) A remedial notice or prohibition notice may include directions as to the measures to be taken to ensure compliance with the notice; but the person on whom the notice is served may take instead any other measures that are equally effective for the purpose.

(2) A remedial notice, or a prohibition notice that does not take immediate effect, may be withdrawn at any time before the end of the period specified in it; and that period may be extended or further extended by the Commissioner at any time (unless an appeal against the notice is pending).

(3) A person on whom a remedial notice or a prohibition notice is served may, within the period of 21 days from the date of service, appeal to a Principal Magistrate's Court.

(4) On such an appeal, the court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(5) Where an appeal under this section is brought against a remedial notice, the bringing of the appeal has the effect of suspending the operation of the notice until the appeal is finally disposed of or abandoned.

(6) Where an appeal under this section is brought against a prohibition notice, the court may direct that the operation of the notice is to be suspended until the appeal is finally disposed of or abandoned; and the operation of the notice is to be suspended accordingly.

### **Offences under sections 29 to 31**

**33. (1)** It is an offence for a person-

(a) to fail to comply with a requirement imposed by the Commissioner under section 29;

(b) to prevent or attempt to prevent any other person from appearing before the Commissioner for the purpose of answering questions under section 24(3) (a) or from answering any question which he may be required to answer under that subsection;

(c) to fail to comply with any requirement or direction imposed by a remedial notice or an improvement notice (including any such notice as modified on appeal);

(d) intentionally to obstruct the Commissioner in the exercise of his functions under section 29 to 31; or

(e) in answer to a question under section 29(3) (a), to make a statement which he knows to be false or recklessly to make a statement which is false.

(2) A person guilty of an offence under subsection (1) (a), (b) or (d) is liable on conviction to a fine of \$500.

(3) A person guilty of an offence under any other paragraph of subsection (1) is liable on conviction to a fine of \$750, or to imprisonment for nine months, or to both.

(4) An offence under subsection (1) (c)-

(a) of failing to comply with a requirement of a remedial notice within the period fixed by the notice; or

(b) of failing to comply with a direction in a prohibition notice at the end of the period fixed by the notice,

is to be treated as continuing until the failure is remedied.

(5) Where-

(a) a person is convicted of an offence under subsection (1) (c); and

(b) the failure in respect of which he was convicted is continued after the conviction,

he is guilty of a further offence and liable on conviction of that further offence to a fine not exceeding \$50 for each day on which the failure is so continued.

### **Prosecutions by Commissioner**

**34.** The Commissioner may prosecute before a magistrate's court proceedings for an offence under any provision made by or under this Act.

### ***Fees***

#### **Fees**

**35.** Regulations under this Act may provide for such fees as may be fixed by or determined under the regulations to be payable for or in connection with the performance by or on behalf of the Commissioner or any other person of any functions conferred on him by or under this Act.

### ***Interpretation***

#### **Meaning of "person in control"**

**36. (1)** References in this Act to the person in control of any workplace, plant, substance, activity or other thing, are references to any person who has, to any extent, control of that thing in connection with the carrying on by him of a business.

(2) But where a requirement is imposed on the "person in control" by or under this Act, it does not impose a requirement on him in respect of any matter that is beyond his control.

(3) Where a person has, by virtue of any contract, lease or fixed-term estate, an obligation of any extent in relation to-

(a) the maintenance or repair of any workplace, plant, substance or other thing; or

(b) the safety or absence of risks to health arising from any such thing,

he shall be treated for the purposes of this section as being a person who has control of the matters to which his obligation extends.

(4) In this section, "fixed-term estate" and "lease" have the same meanings as in the Land and Titles Act.

### **Onus of proving limits of what is practicable, etc**

**37.** Where any question arises in any proceedings as to whether or not a person has failed to comply with a requirement imposed by or under this Act to do something so far as is practicable or reasonably practicable, it is for him to prove that it was not practicable or, as the case may be, reasonably practicable to do more than was in fact done to comply with the requirement.

### **Meaning of "work" and "at work"**

**38.** In this Act, "work" means work as an employee or as a self-employed person; and for the purposes of this Act-

(a) an employee is at work when, and only when, he is in the course of his employment; and

(b) a self-employed person is at work when, and only when, he devotes himself to work as a self-employed person.

### **General interpretation**

**39.** Schedule 6 contains a glossary of terms; and in this Act, unless the context otherwise requires, any expression for which there is an entry in the first column of the Schedule-

(a) has the meaning given against it in the second column; or

(b) is to be interpreted in accordance with directions given against it in the second column.

### ***Miscellaneous***

### **Subsidiary legislation**

**40. (1)** Regulations under any provision of this Act may be varied or revoked by subsequent regulations under that provision.

(2) The power to make such regulations includes power to make different provision for different circumstances or cases and to include in the regulations such incidental, supplemental and transitional provisions as the Minister considers proper.

(3) A copy of such regulations is to be laid before Parliament before the regulations come into effect unless, in the opinion of the Minister, it is essential that the regulations come into effect before they can be laid.

(4) If, within the period of twenty days beginning with the day on which the copy is laid, Parliament resolves that the regulations be annulled, they are to cease to have effect as from the date of the resolution, but without prejudice to the validity of anything previously done under them or to the making of new regulations.

(5) In reckoning any period of twenty days for the purposes of subsection (4), no account is to be taken of any time during which Parliament is prorogued or dissolved or is adjourned for more than four days.

(6) Such regulations must be published in the Gazette and are not to come into effect until the date of publication.

(7) Sections 61(1), 62 and 65(2) of the Interpretation and General Provisions Act do not apply to any subsidiary legislation under this Act.

*Cap. 85*

### **Application to Government**

**41.** (1) With the exception of the provisions mentioned in subsection (4), this Act binds the State.

(2) Accordingly, for the purposes of this Act persons in the service of the State are to be treated as employees and the word "employer" is to be interpreted accordingly.

(3) Although the provisions mentioned in subsection (4) do not bind the State, those provisions apply to other persons in the public service of the State as they apply to other persons.

(4) The provisions referred to in subsections (1) and (3) are sections 14(2), 15(6), 17(6), 18(6), 19(2), 20(2), 21(8), 22(7), 23(2), 24, 28(7) and 33.

### **Extent of Act**

**42.** It is hereby declared that this Act extends throughout the area over which the sovereignty of Solomon Islands extends (which includes territorial waters and the air space above them).

### **Amendments and repeals**

**43.** Schedule 7 (minor and consequential amendments and repeals) is to have effect.

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## **SCHEDULE 1**

### **EXAMPLES OF THE DUTY IMPOSED BY SECTION 4**

*Safe machinery, systems of work, etc.*

1. It is the employer's duty to provide plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health and to maintain them in that state.

***Tools, substances, etc. that are safe to use***

2. It is the employer's duty to make arrangements for ensuring, so far as is reasonably practicable; safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances.

***Training, supervision, etc.***

3. It is the employer's duty to provide such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees.

***Maintenance of workplace in safe condition***

4. It is the employer's duty, so far as is reasonably practicable-

(a) to provide means of entering and leaving any workplace under his control that are safe and without risks to health; and

(b) to maintain any workplace under his control in a condition that is safe and without risks to health.

***Safe working environment***

5. It is the employer's duty to provide and maintain a working environment for his employees that is, so far as is reasonably practicable, safe and without risks to health.

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**SCHEDULE 2**

**PRESSURE AND VACUUM SYSTEMS**

***Sound construction***

1. Every part of a pressure system must be of sound construction; in particular, it must be so designed, and must be constructed of such material that it is safe when properly used.

***Application of standards***

2. (1) The Minister may approve any standard (including a revision of a standard) applicable to any type of pressure system; and may at any time withdraw approval given under this sub-paragraph.



(2) Where the Minister gives or withdraws approval under sub-paragraph (1), he must by notice in the Gazette identify the standard concerned and state the date (not being earlier than the date of the notice) on which the approval is to have effect or cease to have effect.

(3) On the installation of a pressure system and at any time when it is in use, it must comply with the requirements of any standard for the time being approved under sub-paragraph (1) that is applicable to the system.

(4) The power conferred by sub-paragraph (1) to approve or withdraw approval of a standard includes power to approve or withdraw approval of part of it; and references in this paragraph to a standard approved under that sub-paragraph are references to a standard to the extent that is approved under that sub-paragraph.

(5) A standard approved under sub-paragraph (1) is not subsidiary legislation for the purposes of the Interpretation and General Provisions Act.

*Cap 85*

### ***Maintenance***

3. A pressure system must be maintained in an efficient state, in efficient working order and in good repair.

### ***Safe working pressure***

4. (1) A pressure system must have marked on it so as to be plainly visible the SWP, that is, the safe working pressure or designed operating pressure, and the TP, that is, the test pressure.

(2) Where different SWPs or TPs are applicable to different parts of the system, sub-paragraph (1) applies separately to each of those parts.

(3) For the purposes of this Schedule (except paragraph 7(1)), the SWP or TP of a pressure system, or part of it, is that determined in accordance with that paragraph.

### ***SWP, etc., not to be exceeded***

5. (1) A pressure system must not be subjected to a pressure exceeding the SWP except for the purpose of testing it.

(2) Where different SWPs are applicable to different parts of the system, sub-paragraph (1) applies separately to each of those parts.

### ***Access to system***

6. (1) If any deterioration within a pressure system is foreseeable, the system must be provided with such means of access to it as enable it to be thoroughly examined internally.

(2) sub-paragraph (1) does not apply-

(a) to portable gas cylinders; or

(b) to any system if there is in force in respect of the system a certificate of exemption issued by the Commissioner of Labour;

but no certificate may be issued under paragraph (b) unless the Commissioner is satisfied that the system concerned may be adequately examined otherwise than by a thorough internal examination.

### *Testing and inspection*

7. (1) A pressure system must not be brought into use, either on installation or after any repair capable of affecting the SWP, unless it has been tested to determine that pressure by a person competent to do so; and, where practicable, a test under this sub-paragraph must be a hydraulic test.

(2) A pressure system must be thoroughly examined by a person competent to do so-

(a) at least once in every relevant period; and

(b) whenever the Commissioner of Labour requires it.

(3) In the case of a system to which paragraph 6(1) applies, an examination under sub-paragraph (2) above must include an internal examination.

(4) There must be maintained and kept available for inspection, in respect of each pressure system, a record of any test or examination under this paragraph, including-

(a) the date of the test or examination;

(b) in the case of a test, the maximum pressure to which the system is tested;

(c) the SWP; and

(d) such other information as may be prescribed.

(5) If a person is for the time being designated by the Minister by notice in the Gazette for the purposes of this paragraph, he shall be regarded as competent to examine or test any pressure system.

(6) In sub-paragraph (2) (a), "relevant period" means-

(a) in respect of any type of pressure system for which the Minister has prescribed a period for the purposes of that sub-paragraph, that period; and

(b) in any other case, twelve months.

***Systems connected to pressure or vacuum plants***

8. (1) This paragraph applies where a pressure system includes any plant for the generation of pressure.

(2) The system must either-

(a) be so constructed as to withstand with safety the maximum pressure that can be obtained by means of the plant, or

(b) be fitted with a reducing valve or appliance adequate to prevent the SWP being exceeded and a relief valve which operates as soon as the SWP is exceeded.

(3) The system must be fitted with a correct pressure gauge (indicating the pressure in the system in the same units as the units in which the SWP is indicated).

(4) Where different SWPs are applicable to different parts of the system, sub-paragraphs (2) and (3) apply separately to each of those parts.

(5) The system must be provided with a suitable appliance for draining it.

(6) Where a valve or appliance is fitted to relieve pressure in, or drain, any part of the system, it must be fitted so as to discharge without risk of causing injury.

(7) Where the system is reasonably capable of being isolated into parts, the system must be provided with suitable means for isolating any of those parts that becomes defective, but without isolating any other part from any valve or appliance fitted to prevent the SWP of that other part being exceeded.

***Additional requirements***

9. For the purpose of securing the safety of persons, requirements may be prescribed in respect of pressure systems.

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**SCHEDULE 3**

**LIFTING EQUIPMENT**

***Sound construction***

1. A lifting machine or lifting tackle must be of sound construction; in particular, it must be so designed, and must be constructed of such material, that it is safe when properly used.

### ***Application of standards***

2. (1) The Minister may approve any standard (including a revision of a standard) applicable to any type of lifting machine or lifting tackle; and may at any time withdraw approval given under this sub-paragraph.

(2) When a lifting machine or lifting tackle is in use, it must comply with the requirements of any standard for the time being approved under sub-paragraph (1) that is applicable to the machine or tackle.

(3) Sub-paragraphs (2), (4) and (5) of paragraph 2 of Schedule 2 apply for the purposes of this paragraph as they apply for the purposes of that.

### ***Maintenance***

3. A lifting machine or lifting tackle must be maintained in an efficient state, in efficient working order and in good repair.

### ***Safe working load***

4. (1) Unless sub-paragraph (2) applies to it, a lifting machine must have marked on it so as to be plainly visible the safe working load ("SWL").

(2) In the case of a jib crane so constructed that the SWL may be varied by the raising, lowering or extension of the jib, there must be attached to the crane an automatic indicator of safe working loads.

(3) A lifting machine must be fitted with an effective automatic overload alarm system, if the Commissioner of Labour so requires by notice in writing to the person carrying on the undertaking in the course of which the machine is used; and the system must be maintained in efficient working order.

(4) In the case of lifting tackle, the SWL must be marked on the tackle or on a label permanently attached to the tackle.

(5) A load must not be suspended from two or more ropes or chains if the included angle between any of them exceeds 120°.

(6) For the purposes of this Schedule (except paragraph 6(1) and (2)), the safe working load of a lifting machine or lifting tackle is that determined in accordance with that paragraph.

### ***SWL not to be exceeded***

5. A lifting machine or lifting tackle must not be subjected to a force in excess of its SWL, except for the purpose of testing it.

### ***Testing and inspection***

6. (1) A lifting machine or (unless sub-paragraph (2) applies) lifting tackle must not be brought into use, either on installation or after any repair capable of affecting the SWL, unless it has been tested to determine the SWL by a person competent to do so.

(2) In the case of ropes and slings made from ropes, the SWL is to be taken to be one-sixth of the breaking strain specified by the manufacturer.

(3) A lifting machine or lifting tackle must be examined by a person competent to do so at least once in every period of six months.

(4) There must be maintained and kept available for inspection, in respect of all lifting machines and lifting tackle, a record of any test or examination under this paragraph, including-

(a) the date of the test or examination;

(b) in the case of a test, the proof load applied and the SWL; and

(c) such other information as may be prescribed.

(5) If a person is for the time being designated by the Minister by notice in the Gazette for the purposes of this paragraph, he shall be regarded as competent to examine or test any lifting machine or lifting tackle.

### ***Knots***

7. A chain or wire rope must not be knotted.

### ***Secure loads***

8. A load suspended from or supported by a lifting machine must be properly secured.

### ***Additional requirements***

9. For the purpose of securing the safety of persons, requirements may be prescribed in respect of lifting machines and lifting tackle.

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## **SCHEDULE 4**

## **ELECTRICAL INSTALLATIONS**

### ***Sound construction***

1. An electrical installation must be of sound construction; in particular, it must be so designed, constructed, installed and protected that it is safe.

### ***Application of standards***

2. (1) The Minister may approve any standard (including a revision of a standard applicable to any type of electrical installation; and may at any time withdraw the approval given under this sub-paragraph

(2) When an electrical installation is energised, it must comply with the requirements of any standard for the time being approved under sub-paragraph (1) that is applicable to the installation.

(3) Sub-paragraphs (2), (4) and (5) of paragraph 2 of Schedule 2 apply for the purposes of this paragraph as they apply for the purposes of that.

### ***Maintenance***

3. An electrical installation must be maintained in an efficient state, in efficient working order and in good repair so that it is safe.

### ***Isolation***

4. (1) Suitable means must be provided for isolating any apparatus from the supply of electrical energy and the means must be so placed as to be easily worked by any person operating the apparatus.

(2) Any installation for the distribution of electrical energy must be adequately provided with suitable means for isolating the parts of the installation from the supply of electrical energy.

### ***Testing***

5. An electrical installation, or part of it, which is electrically charged must not be tested except-

(a) by a person competent to do so and authorised to do so by or on behalf of a person referred to in section 20(1) and (2); and

(b) in accordance with the prescribed requirements.

### ***Additional requirements***

6. For the purpose of securing the safety of persons, requirements may be prescribed in respect of electrical installations.

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## **SCHEDULES 5**

### **EXAMPLES OF MATTERS THAT MAY BE DEALT WITH BY REGULATIONS UNDER SECTION 28**

1. Labelling of articles and substances for use at work.
2. Prohibitions or restrictions on the importation of articles and substances for use at work.
3. Transport of articles and substances for use at work.
4. Restrictions or prohibitions on the employment of persons or classes of persons for particular work.
5. The condition of workplaces (including cleanliness, temperature, lighting, ventilation, overcrowding, noise, vibrations, ionising and other radiations, dust and fumes).
6. Welfare facilities, including sanitary arrangements and first aid.
7. Protective clothing and equipment.
8. Records and returns.
9. Procedures in the case of accident or emergency.
10. Fire precautions.
11. The appointment of persons to supervise safety in any kind or class of workplace and the appointment of representatives of employees for similar purposes (safety representatives).

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## **SCHEDULE 6**

### **GLOSSARY**

#### ***Expression***

#### ***Meaning***

Article for use at work ..... means-

(a) any plant designed for use or

operation (whether exclusively or not)  
by persons at work, and

(b) any article designed for use as a  
component in any such plant;

At work .....	see section 38;
Business .....	means a trade, business or other undertaking (whether profit-making or not);
Commissioner of Labour .....	see section 6 of the Labour Act; Cap 73
Contract of employment .....	means a contract of service or apprenticeship, whether express or implied and (if it is express) whether it is oral or in writing;
Employer .....	see sections 2 and 41;
Employer .....	see sections 2 and 41;
Personal injury .....	includes loss of life, any disease and any impairment of a person's physical or mental condition;
Person in control .....	see section 36;
Plant .....	includes machinery, equipment and appliance;
Premises .....	includes-
	(a) any vehicle, vessel or aircraft;
	(b) any installation, whether onshore or offshore;
	(c) any tent or moveable structure;
Prescribed .....	means prescribed by regulations;
Requirement .....	includes prohibition;
Regulations .....	means regulations made by the Minister;
Self-employed person .....	means an individual who works for gain or reward otherwise than as an employee whether



	or not he himself employs others;
Substance for use at work .....	means any substance intended for use (whether exclusively or not) by persons at work;
Supply .....	in relation to articles or substances, means supply by way of sale, hire or otherwise, and whether direct or indirect;
Work .....	see section 38;
Workplace .....	see section 3.

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## SCHEDULE 7\*

### AMENDMENTS AND REPEALS

#### *Labour Act*

1. (1) The Labour Act is amended as follows.
- (2) In section 6(3), after "Commissioner" insert "under this Act".
- (3) In section 7-
  - (a) at the beginning of subsection (1) insert "For the purposes of this Act"; and
  - (b) omit subsections (4) and (5).
- (4) In section 16(4), omit "or section 63".
- (5) Sections 66, 67, 68, 72, 75 and 76 are repealed.

#### *Workmen's Compensation Act*

2. (1) In section 3 of the Workmen's Compensation Act, omit the definition of "Commissioner of Labour".
- (2) Section 28 of that Act is repealed.

\*The amendments and repeals set out in the Schedule have been given effect to in the relevant enactments except for the repeal of ss. 66, 67, 68 and 72 of the Labour Act referred to in para. 1(5).

### ***Diving Act***

(3) The Diving Act is repealed.

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## **SAFETY AT WORK**

### ***Subsidiary Legislation***

NOTICE OF APPROVAL OF CODE OF PRACTICE FOR TIMBER SCAFFOLDING  
GN 144/1983

*(Section 26(1))*

The Code of practice entitled "Timber Scaffolding" is approved as a Code of Practice suitable to be used for the practical guidance of those on whom requirements are imposed by or under the Act.

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NOTICE OF APPROVAL OF CODE OF PRACTICE FOR FLAMMABLE AND  
COMBUSTIBLE LIQUIDS  
LN 83/1988

*(Section 26(1))*

The Standards Association of Australia Flammable and Combustible Liquid Code is approved as a Code of Practice suitable to be used for the practical guidance of those on whom requirements are imposed by or under the Act.

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THE SAFETY AT WORK (FIRST-AID PROVISIONS) REGULATIONS  
LN 57/1982

*(Section 28)*

[3rd December 1982]

### **Citation**

1. These Regulations may be cited as the Safety At Work (First-Aid Provisions) Regulations.

## **Interpretation**

### **2. In these Regulations, the terms-**

"at work", "Commissioner", "person in control", and "work place" have the same meanings as those assigned to them under the Safety At Work Act; "first-aid kit" means and includes any bag, box, cupboard, or container in which items for first-aid administration are stored.

## **Provision of first-aid kits in workplaces**

### **3. It shall be the duty of any person in control of any workplace or who uses any workplace for the purpose of or in connection with his business-**

(a) to provide and maintain in that workplace in such manner as may be convenient or accessible to any person at work therein, a first-aid kit;

(b) to maintain the first-aid kit and the contents therein in a clean and hygienic state;

(c) to ensure that the first-aid kit contains-

(i) where not more than twenty-five persons are employed in that workplace, each item listed in the Item column and in the amount, which amount being the minimum, listed opposite such item in the Amount Column in Part I of the Schedule;

(ii) where more than twenty-five persons are employed in that workplace, each item listed in the Item Column and in the amount, which amount being the minimum, listed opposite such item in the Amount Column in Part 2 of the Schedule;

(d) to ensure that the first-aid kit is placed in the care and control of a person or persons in that workplace who is or are prepared to be present at any time when other persons are at work in that workplace.

(e) to ensure that the person or persons in that workplace in whose care and control the first-aid kit is placed has or have some basic knowledge of first-aid administration, or, where more than fifty persons are at work in that workplace, that the person or persons in that workplace in whose care and control the first-aid kit is placed is or are fully trained in first-aid administration.

## **Standard of training**

### **4. The Minister may by notice prescribe the standard of training required for the purposes of first-aid administration in workplaces.**

## **SCHEDULE**

### **PART I**

Item	Amount
Finger Dressings	6
Medium Size dressings	3
Large dressings	3
Adhesive dressings (assorted sizes)	20
Triangular bandages	2
Adhesive plaster roll	1
Cotton wool (½ oz or equivalent) packets	3
Eye ointment	1
Eye pads	2
Safety pins	10
Scissors	1

### **PART II**

Item	Amount
Finger dressings	20
Medium size dressings	10
Large dressings	10
Adhesive dressings (assorted sizes)	30
Triangular bandages	5
Adhesive plaster roll	4
Cotton wool (½ oz or equivalent) packets	10
Eye ointment	4
Eye pads	5
Safety pins	30
Scissors	1

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## **THE SAFETY AT WORK (PESTICIDE) REGULATIONS**

*(Section 28)*

[1st January 1983]

## **Citation**

1. These Regulations may be cited as the Safety At Work (Pesticide) Regulations.

## **Interpretation**

2. (1) In these Regulations-

"active ingredient" means any substance which gives a formulated product its pesticidal properties;

"adjuvant" means-

(a) any substance intended to be used as an aid to the application or the effect of a pesticide; and

(b) includes stickers, spreaders and wetting or emulsifying agents and synergists;

"Committee" means the Committee established under regulation 3;

"formulated product" means any product sold, supplied, imported for use or used for destroying or repelling any pest, preventing its growth or mitigating its effect or as a plant regulator, defoliant or desiccant or adjuvant;

"ingredient" means any material used in making a formulated product;

"ISO" means the International Organisation for Standardisation;

"manufacturer" means the person who made the active ingredient or formulated product;

"Minister" means the Minister responsible for agriculture;

"pest" means any variety of animal or plant life which is by nature troublesome or destructive;

"pesticide" means-

(a) any formulated product intended for use or used against a pest; and

(b) includes active ingredient and adjuvant;

"Register" means the Register of Pesticides kept under these Regulations;

"register" means to include a pesticide in the Register and to assign to it a registration number;

"Registrar" means the public officer designated by the Minister to perform the functions of Registrar under these Regulations;

"sell" includes to give gratuitously.

(2) These Regulations are in addition to and not in derogation of the Poisons (Agricultural and Silvicultural use of Arsenical Poisons) Rules.

### **Establishment of the Pesticides Registration Advisory Committee**

3. (1) There is hereby established a Pesticides Registration Advisory Committee consisting of-

(a) the Senior Government officer responsible for Agriculture, who shall be the Chairman;

(b) the Registrar, who shall be the Secretary;

(c) (i) a representative of the Government Pharmacist;

(ii) a Government officer concerned with industrial safety;

(iii) a Government scientist concerned with plant protection;

(iv) public officers concerned with public health and environmental protection;  
and

(v) not more than 3 other public officers; appointed by the Minister.

(2) The Committee shall-

(a) consider, and make recommendations to the Registrar on the advisability of registering any pesticide in respect of which an application for registration has been received;

(b) state, where it thinks necessary, the conditions of use for any pesticide in Solomon Islands; and

(c) make recommendations to the Registrar on the advisability of cancelling the registration of any pesticide.

(3) In considering the relative hazards of pesticides the Committee shall use the method of classification of pesticides by hazards set out in the First Schedule.

(4) The Committee shall meet as and when required by the Chairman but in no case less often than once a year.

(5) Subject to these Regulations the Committee may regulate its own procedure as it thinks fit.

### **Register of Pesticides**

4. (1) The Registrar shall keep a Register of Pesticides in which he shall enter, in respect of every pesticide registered under these Regulations-

- (a) the proposed trade name of the pesticide;
- (b) the ISO approved name of the pesticide's active ingredients;
- (c) the nature of the formulated product;
- (d) the concentration of the active ingredients in the pesticide;
- (e) the registration date and number of the pesticide; and
- (f) the name and address of the person in whose name the pesticide is registered.

(2) The Registrar shall appropriately annotate the Register where the registration of a pesticide expires, or is renewed or cancelled.

### **Registration of pesticides**

5. (1) Any person who wishes to import a pesticide into, or to sell, or supply, or use it in Solomon Islands shall apply to the Registrar for registration of the pesticide in the form specified in the Second Schedule.

(2) Each application shall be accompanied by the following information-

- (a) the ISO approved common name of the active ingredient of the pesticide or, where no ISO name is available, the manufacturer's code number;
- (b) the structural and empirical formula of the pesticides;
- (c) the melting point and decomposition or boiling point of the pesticide;
- (d) the vapour pressure of the pesticide;
- (e) the pesticide's water solubility;

(f) analytical methods for the active ingredients in the formulated products and for the determination of its residues;

(g) the storage stability, density, flammability and pH of the pesticide;

(h) adequate toxicological data concerning the active ingredient of the pesticide or proof that the formulation has current registration for use in Australia, New Zealand, Hawaii, the United Kingdom, Japan or Fiji; and

(i) such other information as the Registrar or Committee may require.

### **Provisional registration of pesticides**

6. (1) The Registrar may make a provisional registration of a pesticide for experimental purposes-

(a) for a period not exceeding 6 months; and

(b) under conditions, which he shall stipulate.

(2) Any person who applies for the provisional registration of a pesticide shall provide the Registrar with such information on the pesticide as the Registrar may request.

### **Fee for registration**

7. An application under regulations 5 or 6 shall be accompanied by a fee of \$40.

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### **Disposal of applications for registration**

8. (1) On receipt of an application for registration of a pesticide, the Registrar shall-

(a) refer the matter to the Committee; and

(b) on the advice of the Committee, give after receipt of all the information required under regulations 5 or 6-

(i) register the pesticide with or without conditions; or

(ii) refuse to register the pesticide.

(2) Where the Registrar registers the pesticide he shall give the applicant written notice of the registration number and date of registration of the pesticide and of any conditions to which the registration is subject.



(3) Where the Registrar refuses to register a pesticide he shall give the applicant written notice of the reasons for the refusal.

(4) Subject to regulation 9, neither the Registrar nor the Committee shall disclose the information supplied for the registration of a pesticide to any other person.

### **Details of registered pesticide to be published**

**9.** The Registrar shall, as soon as practicable after registration cause-

- (a) the trade name;
- (b) the chemical identity of the active ingredients;
- (c) the name of the manufacturer;
- (d) the person in whose name the pesticide is registered;
- (e) the registration number,

of any pesticide registered under these Regulations to be published in the Gazette.

### **Duration of registration**

**10.** (1) The registration of a pesticide shall expire-

- (a) 5 years from the date of registration; or
- (b) in the case of provisional registration, in terms of regulation 6; or
- (c) when there is a change in the formulation of the whichever is the earlier.

(2) Where any person wishes that a registered pesticide should continue on the Register after the expiry of 5 years of registration, he may apply for new registration of the pesticide at any time after the fourth year of the current registration of the pesticide.

### **Cancellation of registration**

**11.** (1) The Registrar may, on the advice of the Committee, cancel the registration or provisional registration of a pesticide.

(2) Written notice of any cancellation shall be-

- (a) served on the person in whose name the pesticide is registered; and

(b) subject to paragraph (3), be published in the Gazette not less than 6 months before the date of cancellation.

(3) Where in the opinion of the Committee special circumstances exist, the Registrar may cancel the registration of a pesticide immediately or with less than 6 months notice.

**12. (1) Where-**

(a) registration is refused under regulation 8; or

(b) notice of cancellation is given under regulation 11,

the applicant for registration or the person in whose name the pesticide is registered may lodge an objection with the Committee within one month of the refusal or service of notice.

(2) Where the Committee receives an objection under paragraph (1) it may-

(a) uphold or reject the objection; or

(b) in the case of cancellation, vary the date on which the registration will be cancelled.

**Container of pesticide to be labelled and marked etc**

**13. (1)** Subject to paragraphs (2) and (3), every container of a pesticide imported, used, sold or supplied shall bear a securely fixed label on which shall be stated in English in a legible and indelible form-

(a) the trade name of the pesticide;

(b) the net weight or volume of the pesticide in the container;

(c) the ISO approved name of the active ingredient or acid equivalent of the pesticide;

(d) the percentage concentration of the active ingredient or acid equivalent of the pesticide;

(e) directions for the use of the pesticide including the use for which the pesticide is recommended;

(f) the type of formulation of the pesticide;

(g) cautionary words and symbols approved by the Registrar relating to the relative hazard of the formulation;

(h) a cautionary statement approved by the Registrar in respect of the safe use and storage of the pesticide including, where appropriate, directions as to the protective clothing to be used when handling the pesticide;

(i) where applicable, the minimum time before harvest for the final application of the pesticide;

(j) directions as to the steps to be taken in the case of accidental poisoning by the pesticide with details of the antidote and directions for use of the antidote;

(k) the name and place of business of the manufacturer of the pesticide; and

(l) the registration number of the pesticide.

(2) Any information required on a label under this regulation may be added by an adhesive label after importation.

(3) The Registrar may at any time require a change in the label on any container of pesticide offered for sale.

(4) No person shall change the label approved for a pesticide without prior written approval of the Registrar.

(5) In the case of a pesticide with provisional registration the Registrar may waive any requirement of this regulation.

### **Importation, sale or use of pesticides**

**14.** (1) No person shall import any pesticide unless it is registered under these Regulations.

(2) Subject to paragraph (3), no person shall sell, supply or use any pesticide unless it is registered under and complies with these Regulations.

(3) In the case of a pesticide in Solomon Islands at the date of the coming into force of these Regulations no person shall sell, supply or use the pesticide after one year of that date unless the pesticide is registered under and complies with these Regulations.

### **Unlabelled pesticides not to be imported or sold**

**15.** No person shall import, sell or supply or use any pesticide that is not labelled as required by these Regulations.

### **Sale, supply or use of pesticide other than in original container**

**16.** Except with the prior written permission of the Registrar, no person shall sell or supply or use any pesticide other than in its original container and in accordance with any written instructions given by the Registrar.

### **Prohibition of sale etc of damaged pesticides etc**

**17.** No person shall-

(a) sell or supply or use a pesticide which has decomposed or has deteriorated so as to be ineffective or dangerous, or which is packaged in containers which have deteriorated or have been damaged so as to be dangerous in storage or use; or

(b) except under regulation 13 (2) detach, alter, deface or destroy, in whole or in part, any label on a pesticide container.

### **Offences**

**18.** (1) Any person who contravenes or fails to comply with these regulations or any condition to which the registration of a pesticide was made subject or any change of label requirement under regulation 13 shall commit an offence and shall on conviction be liable to-

(a) have the registration of any pesticide registered in his name cancelled;

(b) a fine of \$750 or imprisonment for 9 months; or with both;

(c) have any pesticide the subject of the offence seized and destroyed or treated by the Registrar.

(2) On conviction of any person of an offence under regulation 17 the pesticides and containers involved shall be confiscated, and treated or destroyed by the Registrar.

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## **FIRST SCHEDULE**

### **(Regulation 3)**

#### **Recommendation criteria for the classification of pesticides by hazards**

Class	Hazard Level	ORAL TOXICITY*		DERMAL TOXICITY*	
		Solids**	Liquids**	Solids**	Liquids**
Ia	Extremely hazardous	5 or less	20 or less	10 or less	40 or less
Ib	Highly hazardous	5-50	20-200	10-100	40-400
II	Moderately hazardous	50-500	200-2000	100-1000	400-4000

III	Slightly hazardous	Over 500	Over 2000	Over 1000	Over 4000
	Herbicides	Compounds or preparations which require caution in use due to hazards to susceptible crops or other plants.			
	Insecticides	Compounds or preparations which require caution in use due to hazards to birds, bees and fish.			

\*Based on LD 50 for rats (mg/kg body weight)

\*\*The term solid or liquid refers to the physical state of the formulated product being classified.

NOTE: If there is evidence that classification on this basis would be inappropriate additional toxicological data may be taken into account.

## SECOND SCHEDULE

### (Regulation 5)

#### Form of Application for registration of a pesticide

TO: Registration of Pesticides  
Ministry of Home Affairs and National Development  
PO BOX G13  
HONIARA  
Solomon Islands

I/We .....  
(name)

.....  
(address)

apply for registration of the undernoted pesticide which I/We intend to import/use/sell or supply in Solomon Islands.

(1) Proposed trade name off product .....

(2) Name and address of manufacturer of active ingredients .....  
.....

(3) Name and address of manufacturer of formulated of product if different from (2) above .....  
.....

(4) Type of pesticides (delete those not applicable) - insecticide/  
fungicide/nematicide/molluscicide/ rodenticide/ fumigant/ herbicide state any other.....

.....  
.....  
(5) Type of formulation (delete those not applicable) - emulsifiable concentrate/ wettable power/  
aerosol/ granule/ dust/ bait/ (state any other) .....

.....  
.....  
(6) List of chemicals used in the formulated project including active ingredient and adjuvants,  
(give the percentage weight of volume, or acid equivalent of each as might be appropriate). .....

.....  
.....  
(7) The pesticide is designed for use against .....

.....  
.....  
(8) The recommended rates of application for the uses mentioned in (7) .....

.....  
.....  
(9) The safety interval between the last application and harvest (i.e. before human or animal  
consumption) is .....

.....  
Also enclosed is the data required under regulation 5 of the Pesticide Regulations 1982.

I certify that to the best of my knowledge all information given on this application and enclosed  
with it is correct.

.....  
Signature of applicant

.....  
Date

.....  
Signature of Registrar

.....  
Date

NATURE OF RESTRICTIONS OR REASONS FOR NON APPROVAL  
BE LISTED HERE

\_\_\_\_\_  
THE SAFETY AT WORK (FEES FOR TESTS OR EXAMINATION) REGULATIONS

## **Citation**

1. These Regulations may be cited as the Safety at Work (Fees for Tests or Examination) Regulations.

## **Payment of fees for tests or examination conducted by competent persons**

2. The fees payable for a test or examination of a pressure system of a lifting machine or a lifting tackle conducted by a competent person under the provisions of section 17, or section 18 of the Act, as the case may be, shall comprise the following amounts, that is to say-

(a) an amount equal to the travelling and subsistence allowance admissible to that competent person under the rules or orders for the time being in force;

(b) an amount of service charges calculated at the rate of \$10 per hour or part thereof reasonably spent or to be spent in conducting the test or examination; and

(c) such other amount of incidental charges, if any, as the Minister may, from time to time, by order, considers proper.

## **Manner and time of payment of fees**

3. Where the competent person conducting a test or examination is a public officer, the fees shall be payable, before the test or examination is conducted by him, in the manner in which any money due to the Government is payable in accordance with the rules for the time being in force.

## **Power to grant exemptions and refunds**

4. The Minister may, by order direct the exemption from, or the remission, in whole or in part, of any fees paid or payable to Government account under these Regulations, if the Minister is satisfied that-

(a) any such exemption, remission or refund is in the public interest; or

(b) any fee paid was not leviable or has been overpaid.

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