

| WIETA   |                 |   |              |            |
|---|-----------------|---|--------------|------------|
|  | Code Principle  | Safe and Healthy Work Environment             | Date         | April 2016 |
|   | Subject         | Appointment of Competent Person for Machinery | Internal Ref | 03.02(a)   |
|   | Legal reference | General Machinery Regulation 2                |              |            |

### **General Machinery Regulation 2 - Supervision of Machinery.**

- (1) In order to ensure that the provisions of the Act and these Regulations in relation to machinery are complied with, an employer or user of machinery shall, subject to this regulation, in writing designate a person in a full-time capacity in respect of every premises on or in which machinery is being used.
- (2) The chief inspector may, subject to such conditions as he may impose, permit an employer or user of machinery to designate more than one person in terms of subregulation (1).
- (3) Subject to the provisions of this regulation, an employee designated in terms of subregulation (1) shall be a competent person.
- (4) (a) If—
  - (i) the sum of the power generated by machinery on or in the premises in question and the power derived from other sources, including the generation of steam for process purposes, exceeds 1 200 kW, but is less than 3 000 kW, the person designated in terms of subregulation (1) shall be a person as referred to in paragraph (b), (c) or (d) of the definition of “competent person”;
  - (ii) any such sum is 3000 kW or more, the person so designated shall be a person as referred to in paragraph (c) or (d) of the said definition.
- (b) For the purpose of paragraph (a), the power derived from the generation of steam by any particular boiler shall be calculated in kW by dividing the manufacturer’s rated evaporative capacity (in kg of water per hour at 100°C) by 21 or, in the absence of any such rated evaporative capacity, by multiplying the heating surface of that boiler (in m<sup>2</sup>) by 0,8.
- (5) If, in the case where machinery on or in the premises in question is used solely for the distribution of electricity—
  - (a) the maximum demand over any continuous period of 30 minutes is 3000 kVA or less, the person designated in terms of sub-regulation (1) shall be a person as referred to in paragraph (a) of the definition of “competent person” and registered as an installation electrician in terms of regulation 11 (1) of the Electrical Installation Regulations, promulgated under Government Notice R.2270 of 11 October 1985;

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- (b) any such demand exceeds 3000 kVA, but is less than 10000 kVA the employee so designated shall be a person as referred to in paragraph (b), (c) or (d) of the said definition;
- (c) any such demand is 10000 kVA or more, the employee so designated shall be a person as referred to in paragraph (c) or (d) of the said definition.
- (6) Notwithstanding the provisions of subregulations (3), (4) and (5), the chief inspector may, subject to such conditions as he may impose, permit an employer or user of machinery to designate a person who holds any qualification other than that of a competent person in terms of subregulation (1).
- (7) (a) An employer or user of machinery may designate one or more competent persons to assist a person designated in terms of subregulation (1).
- (b) The chief inspector may by written notice direct any employer or user of machinery to designate within the period specified in the notice the number of persons so specified holding the qualifications so specified to assist a person designated in terms of subregulation (1).
- (8) Except with the approval of an inspector, no person designated in terms of subregulations (1) or (7) shall supervise machinery on or in any premises other than the premises in respect of which he had been designated.
- (9) When an employer or user of machinery designates a person referred to in subregulations (4) (a), (5) (b) or (c), he shall forthwith forward to the divisional inspector a copy of the letter of appointment of that person.
- (10) (a) Notwithstanding the provisions of subregulation (1), no employer or user of machinery needs to designate a person in terms of that subregulation in respect of any elevator, goods elevator, escalator or electrical installation in any shop or office or on, or in, any domestic premises, any domestic appliance used as such, any machinery used in connection with building work, any vehicle or earth moving plant or any refrigeration, cooling, air-conditioning or freezing plant inspected and maintained by a duly qualified person in pursuance of an agreement entered into by any such employer or user of machinery.
- (b) The chief inspector may by written notice direct any employer or user of machinery referred to in paragraph (a) to designate within the period specified in the notice a person holding the qualifications so specified in terms of subregulation (1).

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(11) Any employer or user of machinery who applies for exemption from the provisions of this regulation under section 32 of the Act shall furnish the Minister with the following particulars, namely—

- (a) the grounds for the application;
- (b) the number of employees employed on or in the premises in question;
- (c) the nature of the work performed on or in the premises in question;
- (d) the number and type of incidents reported in terms of section 17 (1) of the Act during the preceding three years;
- (e) the safety management system in force in respect of the premises in question; and
- (f) such other particulars as the chief inspector may require.

(12) Notwithstanding the provisions of this regulation, machinery required to be supervised by a person referred to in paragraph (b), (c) or (d) of the definition of “competent person” may be used in the absence of any such person for a period not exceeding one month in any continuous period of six months, if it is due to circumstances beyond the control of the employer or user of machinery concerned or in the opinion of an inspector, impracticable to comply with the provisions of this regulation: Provided that a person referred to in paragraph (a) of the said definition shall in writing be designated to supervise the machinery in question during such absence.

### **Criteria for the appointment of a Competent Person for Machinery as per General Machinery Regulation 2**

In order to ensure that the provisions of the Occupational Health and Safety Act and the General Machinery Regulations in relation to machinery are complied with, an employer or user of machinery is required to in writing designate a person in a full-time capacity in respect of every premises on or in which machinery is being used. An employee designated as a Competent Person shall only be regarded, as Competent should the person be in possession of the following qualifications. The qualifications needed by the Competent Person for appointment will be determined by the power used or generated on the premises.

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If the power generated by machinery on or in the premises in question and the power derived from other sources, including the generation of steam for process purposes, is:

1. Less than 1200 kW the qualification and experience of the person appointed must at least conform to the following minimum requirements:
  - a. The person must be in possession of and has served an apprenticeship in an engineering trade which included the operation and maintenance of machinery, or has had at least five years' practical experience in the operation and maintenance of machinery, and who during or subsequent to such apprenticeship or period of practical experience, as the case may be, has had not less than one year's experience in the operation and maintenance appropriate to the class of machinery he is required to supervise;
2. More than 1 200 kW, but less than 3 000 kW the qualification and experience of the person appointed must at least conform to the following minimum requirements:
  - a. The person must have obtained an engineering diploma in either the mechanical or electrotechnical (heavy current) fields with an academic qualification of at least T3 or N5, or of an equivalent level, and who subsequent to achieving such qualification has had not less than two years' practical experience in the operation and maintenance appropriate to the class of machinery he is required to supervise; or
  - b. A graduate engineer and has had not less than two years' post-graduate practical experience in the operation and maintenance appropriate to the class of machinery he is required to supervise and who has passed the examination on the Act and the regulations made thereunder, held by the Commission of Examiners in terms of regulations E5 (2) of the regulations published under Government Notice R.929 of 28 June 1963; or
  - c. A certificated engineer.
3. If the sum of the power generated or used is 3000 kW or more the person appointed must at least have the following qualifications and experience:

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- a. A graduate engineer and has had not less than two years' post-graduate practical experience in the operation and maintenance appropriate to the class of machinery he is required to supervise and who has passed the examination on the Act and the regulations made thereunder, held by the Commission of Examiners in terms of regulations E5 (2) of the regulations published under Government Notice R.929 of 28 June 1963; or
- b. A certificated engineer.

Permission could be obtained from the Department of Labour for:

1. The appointment of a person with a lesser qualification; or
2. One person to act as the Competent Person for more than one premises used by the same employer.

To obtain permission a letter needs to be drafted and be sent to the Department of Labour in which reasons are given for this request. The reasons stated must as the minimum include information on:

1. The grounds for the application;
2. The number of employees employed on or in the premises in question;
3. The nature of the work performed on or in the premises in question;
4. The number and type of incidents reported in terms of section 24 of the OHS Act during the preceding three years;
5. The safety management system in force in respect of the premises in question; and
6. Such other particulars as the chief inspector may require.