
First published in the *Government Gazette*, Electronic Edition, on 10th October 2008 at 5:00 pm.

No. S 501

WORKPLACE SAFETY AND HEALTH ACT (CHAPTER 354A)

WORKPLACE SAFETY AND HEALTH (REGISTRATION OF FACTORIES) REGULATIONS 2008

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Definitions
 3. Application
 4. Register of factories
 5. Duty to notify Commissioner of occupation or use of factory not falling within classes of factories described in First Schedule
 6. Registration of factories falling within classes of factories described in First Schedule
 7. Power to require registration of factory in certain circumstances
 8. Change in relation to occupation, use or particulars of factory
 9. Revocation and suspension of registration, etc.
 10. Appeals to Minister
 11. Power to waive or refund fees
 12. Revocation
 13. Savings and transitional provisions
- The Schedules
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In exercise of the powers conferred by section 65 of the Workplace Safety and Health Act, Mr Gan Kim Yong, Senior Minister of State, charged with the responsibility of the Minister for Manpower, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Workplace Safety and Health (Registration of Factories) Regulations 2008 and shall come into operation on 1st November 2008.

Definitions

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

“occupier”, in relation to a factory in respect of which a notification has been submitted to the Commissioner under regulation 5, means the person who is named in the notification as the occupier of the factory;

“pharmaceutical product”, for the purpose of Part II of the First Schedule, means a medicinal product which is a substance used wholly or mainly for the purpose of treating or preventing disease, but does not include —

- (a) any traditional medicine;
- (b) any homoeopathic medicine;
- (c) any quasi-medicinal product;
- (d) any raw material which is used as an ingredient in the preparation or manufacture of any medicinal product;
or
- (e) any medicated oil or balm;

[S 57/2010 wef 01/03/2010]

“registered factory” means any premises which are registered as a factory under regulation 6.

Application

3. These Regulations shall not apply to —

- (a) any factory in which building operations (other than excavation or piling works) or works of engineering construction are being carried out for a period not exceeding 2 months; and
- (b) any premises where —
 - (i) the number of persons at work within the premises is ordinarily less than 10 (whether or not they are all at work at those premises at the same time); and

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- (ii) none of the following is used or created:
- (A) any mechanical power, steam boiler, steam container, steam receiver, air receiver, refrigerating plant pressure receiver or gas plant; and
 - (B) any highly flammable or noxious substance.

Register of factories

4.—(1) The Commissioner shall cause a register of factories to be kept and maintained in such form as he may determine.

(2) The register of factories shall contain the building names (if any) and addresses of all factories registered under regulation 6 and such other particulars of such registered factories as the Commissioner may determine.

Duty to notify Commissioner of occupation or use of factory not falling within classes of factories described in First Schedule

5.—(1) Any person who desires to occupy or use any premises as a factory not falling within any of the classes of factories described in Part I, II or III of the First Schedule shall, before the commencement of operation of the factory, submit a notification to the Commissioner informing the Commissioner of his intention to occupy or use those premises as such a factory.

[S 57/2010 wef 01/03/2010]

[S 203/2017 wef 01/09/2017]

(2) The duty to notify the Commissioner under paragraph (1) shall apply whether the person referred to in that paragraph is the first person to occupy or use the premises as such a factory or is taking over the occupation or use of those premises as such a factory from another person.

(3) The notification referred to in paragraph (1) shall —

- (a) be submitted to the Commissioner in such form and manner as the Commissioner may require; and

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- (b) be accompanied by such particulars, information, statements and documents as the Commissioner may require.
- (4) The occupier of a factory in respect of which a notification has been submitted to the Commissioner under paragraph (1) shall —
- (a) where any change takes place in any of the particulars of the factory which have been notified to the Commissioner, furnish particulars of the change to the Commissioner in such form and manner as the Commissioner may require, not later than 14 days of the change taking place;
 - (b) if he intends to cease his occupation or use of the factory, notify the Commissioner thereof in such form and manner as the Commissioner may require, not less than 14 days before so ceasing; and
 - (c) where any change is to be made to the type of work carried out in the factory, inform the Commissioner of the proposed change in writing and provide the Commissioner with the relevant documents pertaining to the change and such other information as the Commissioner may require, not less than one month before the change is made.
- (5) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.
- (6) Any person who contravenes paragraph (4)(a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.
- (7) Any person who contravenes paragraph (4)(c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000.

Registration of factories falling within classes of factories described in First Schedule

6.—(1) Any person who desires to occupy or use any premises as a factory falling within any of the classes of factories described in Part I

or II, but not Part III, of the First Schedule shall apply to the Commissioner to register the premises as a factory.

[S 57/2010 wef 01/03/2010]

[S 203/2017 wef 01/09/2017]

(1A) Any person who desires to occupy or use any premises as a factory falling within any of the classes of factories described in Part III of the First Schedule must apply to the Commissioner to register the premises as a major hazard installation under the Workplace Safety and Health (Major Hazard Installations) Regulations 2017 (G.N. No. S 202/2017).

[S 203/2017 wef 01/09/2017]

(2) An application under paragraph (1) to register any premises as a factory shall —

- (a) be in such form and manner as the Commissioner may require;
- (b) be accompanied by such particulars, information, statements and documents as the Commissioner may require; and
- (c) be made at least one month before the factory starts operation.

(3) On receipt of an application under paragraph (1), the Commissioner may —

- (a) register the premises as a factory, subject to such conditions as the Commissioner thinks fit, and enter in the register of factories such other relevant particulars pertaining to the applicant or the factory as the Commissioner thinks fit, and on payment of the fee specified in the Second Schedule, issue to the applicant a certificate of registration subject to such conditions as the Commissioner may think fit to impose; or
- (b) refuse to register the premises.

(4) Where the Commissioner refuses to register the premises in respect of which an application under paragraph (1) has been made, he shall give the applicant notice in writing of the reasons for his refusal.

(5) A certificate of registration that is issued under paragraph (3)(a) in respect of any factory described in Part I of the First Schedule —

(a) shall be valid for a period of 5 years, or for such other period as the Commissioner may determine in a particular case, unless it is earlier revoked or cancelled in accordance with these Regulations; and

[S 203/2017 wef 01/09/2017]

(b) may, on payment of the appropriate fee specified in the Second Schedule, be renewed by the Commissioner for 5 years or such other period as the Commissioner may determine in a particular case, from the date immediately following that on which, but for its renewal, the certificate of registration would have expired.

[S 57/2010 wef 01/03/2010]

(6) A certificate of registration that is issued under paragraph (3)(a) in respect of any factory described in Part II of the First Schedule shall remain in force from the date of its issue until such time as it is revoked or cancelled in accordance with these Regulations.

[S 57/2010 wef 01/03/2010]

[S 203/2017 wef 01/09/2017]

(6A) A certificate of registration that is issued under paragraph (3)(a) in respect of any factory pursuant to an application made by its occupier at the direction of the Commissioner under regulation 7(1)(ii) —

(a) shall be valid for a period of one year, or for such other period as the Commissioner may determine in a particular case, unless it is earlier revoked or cancelled in accordance with these Regulations; and

[S 203/2017 wef 01/09/2017]

(b) may, on payment of the appropriate fee specified in the Second Schedule, be renewed by the Commissioner for one year or such other period as the Commissioner may determine in a particular case, from the date immediately following that on which, but for its renewal, the certificate of registration would have expired.

[S 57/2010 wef 01/03/2010]

(7) Where a certificate of registration is revoked or cancelled under regulation 9 or expires, the premises to which the certificate of registration relates shall immediately cease to be registered as a factory under these Regulations.

[S 203/2017 wef 01/09/2017]

(8) Where a certificate of registration is suspended under regulation 9, the premises to which the certificate of registration relates shall, during the period of suspension, cease to be registered as a factory under these Regulations.

Power to require registration of factory in certain circumstances

7.—(1) Notwithstanding regulation 5 or 6 but subject to paragraph (2), where the Commissioner is satisfied that —

- (a) any factory in respect of which a notification has been submitted under regulation 5 or any machinery, equipment, plant or article being used therein is in such condition; or
- (b) any process or work is being carried on in that factory in such a manner,

as to pose or be likely to pose a risk to the safety, health and welfare of persons at work in the factory, the Commissioner may, by notice in writing to the occupier of the factory concerned —

- (i) specify a date as from which the notification that has been submitted in respect of that factory under regulation 5 shall cease to be valid; and
- (ii) direct the occupier of that factory, within such time as may be specified in the notice, to apply to the Commissioner to register the factory under regulation 6 notwithstanding that the factory does not fall within any of the classes of factories described in Part I or II of the First Schedule.

[S 57/2010 wef 01/03/2010]

(2) The Commissioner shall not exercise his powers under paragraph (1)(i) and (ii) unless he has given the occupier of the factory concerned an opportunity to show cause as to why he should not be required to register his factory.

(3) Regulation 6(2)(a) and (b) and (3) to (8) shall apply to an application to register a factory made pursuant to paragraph (1)(ii).

(4) Where any notification under regulation 5 in respect of a factory ceases to be valid by virtue of paragraph (1)(i) and the occupier of the factory continues to occupy or use that factory when it is not registered pursuant to paragraph (1)(ii), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Change in relation to occupation, use or particulars of factory

8.—(1) The occupier of a registered factory shall —

- (a) where any change takes place in any of the particulars of the registered factory as entered in the register of factories by the Commissioner under regulation 6(3)(a), furnish particulars of the change to the Commissioner in such form and manner as the Commissioner may require, not later than 14 days of the change taking place;
- (b) if he intends to cease his occupation or use of the registered factory, notify the Commissioner thereof in such form and manner as the Commissioner may require, not less than 14 days before so ceasing; and
- (c) where any change is to be made to the type of work for which the factory is registered, inform the Commissioner of the proposed change in writing and provide the Commissioner with the relevant documents pertaining to the change and such other information as the Commissioner may require, not less than one month before the change is made.

(2) Any person who contravenes paragraph (1)(a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(3) Any person who contravenes paragraph (1)(c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000.

Revocation and suspension of registration, etc.

9.—(1) If any registered factory becomes unfit for occupation or use as a factory by reason of —

- (a) any change in the type of the work for which the factory is registered;
- (b) any structural change to the premises of the registered factory or any change in the layout of the premises; or
- (c) any fact or circumstance not present when the factory was registered,

the Commissioner may, by notice in writing, direct the occupier of the registered factory to comply with such requirements as may be specified in the notice.

(2) Where the occupier of the registered factory to whom any notice under paragraph (1) is given fails to comply with the notice, the Commissioner may —

- (a) suspend the certificate of registration of the factory for such period as he thinks fit; or
- (b) revoke the certificate of registration of the factory.

(3) Where the Commissioner is satisfied that there has been a contravention of any condition of a certificate of registration, he may —

- (a) suspend the certificate of registration of the factory for such period as he thinks fit; or
- (b) revoke the certificate of registration of the factory.

(3A) The Commissioner may —

- (a) on the application of the occupier of a registered factory; or
- (b) on being satisfied that the occupier of a registered factory has ceased to occupy the factory,

revoke the certificate of registration of the factory.

[S 57/2010 wef 01/03/2010]

(3B) Where a factory is directed by the Commissioner under regulation 11(1) of the Workplace Safety and Health (Major Hazard

Installations) Regulations 2017 (G.N. No. S 202/2017) to be registered as a major hazard installation, the certificate of registration of the factory is cancelled on —

- (a) the date specified in the Commissioner's direction under sub-paragraph (a) of that regulation, unless an application to register the factory as a major hazard installation under those Regulations is made before that date; or
- (b) if an application to register the factory as a major hazard installation under those Regulations has been made, the date the factory is registered as a major hazard installation or the date the application is rejected by the Commissioner.

[S 203/2017 wef 01/09/2017]

(3C) Where a factory's certificate of registration is cancelled under paragraph (3B), the Commissioner must refund to the occupier of the factory a pro-rated amount, determined in accordance with paragraph (3D), of the fee paid under regulation 6(3)(a) in respect of that factory's registration.

[S 203/2017 wef 01/09/2017]

(3D) The amount mentioned in paragraph (3C) is pro-rated according to the proportion that the remaining validity period of the factory's registration (rounded to the nearest day) bears to the total validity period of that registration.

[S 203/2017 wef 01/09/2017]

(4) The Commissioner shall, before suspending or revoking any certificate of registration of a factory under paragraph (2), (3) or (3A)(b), give to the occupier of the registered factory —

- (a) notice of his intention to suspend or revoke the certificate of registration; and
- (b) a reasonable opportunity to submit reasons as to why the certificate of registration should not be suspended or revoked.

[S 57/2010 wef 01/03/2010]

(5) Where the Commissioner has, pursuant to this regulation, suspended, revoked or cancelled the certificate of registration of a

factory, he shall give notice in writing of the suspension, revocation or cancellation to the occupier of the factory.

[S 203/2017 wef 01/09/2017]

(6) The suspension or revocation of the certificate of registration of a factory under paragraph (2), (3) or (3A)(b) shall not take effect until the expiration of 21 days from the date on which the Commissioner's decision to suspend or revoke the certificate of registration was communicated to the occupier of the factory or, where an appeal against the decision is made to the Minister under regulation 10, until the appeal has been determined or withdrawn.

[S 57/2010 wef 01/03/2010]

(7) Where the certificate of registration of a factory has been suspended, revoked or cancelled, the occupier of the factory shall surrender the certificate of registration to the Commissioner within such time as the Commissioner may specify.

[S 203/2017 wef 01/09/2017]

(8) Any person who contravenes paragraph (7) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(9) The Commissioner may at any time, and for such reason as he considers sufficient, reduce the period for which a certificate of registration has been suspended.

[S 203/2017 wef 01/09/2017]

Appeals to Minister

10.—(1) Any applicant who is aggrieved by the Commissioner's refusal —

(a) to register any premises as a factory; or

(b) to renew the registration of any premises as a factory,

may, within 21 days after the date he is notified of the refusal, appeal in writing to the Minister against the refusal in such form and manner as the Commissioner may determine.

(2) Any occupier of a registered factory who is aggrieved by the Commissioner's decision to suspend or revoke the certificate of registration of that factory under regulation 9(2), (3) or (3A)(b) may, within 21 days after the date he is notified of the suspension or

revocation, appeal in writing to the Minister against the decision in such form and manner as the Commissioner may determine.

[S 57/2010 wef 01/03/2010]

(3) Any occupier of a factory who is aggrieved by any direction of the Commissioner under regulation 7(1)(ii) or 9(1) may, within 7 days after the date he receives the notice containing the direction, appeal to the Minister in writing against the direction in such form and manner as the Commissioner may determine.

(4) Where an appeal is lodged under paragraph (1)(b), the registration of the factory concerned shall continue to remain in force until the appeal has been determined or withdrawn, as the case may be.

(5) Where an appeal is lodged under paragraph (3), the direction appealed against shall not take effect until the appeal has been determined or withdrawn, as the case may be.

(6) The Minister may determine an appeal under this regulation by confirming the refusal, decision or direction of the Commissioner or substituting that refusal, decision or direction with his decision in the appeal.

(7) The decision of the Minister in any appeal under this regulation shall be final.

Power to waive or refund fees

11. The Commissioner may, as he thinks fit, waive or refund the whole or any part of the fees that are payable or that have been paid under these Regulations.

Revocation

12. The Workplace Safety and Health (Registration of Factories) Regulations (Cap. 354A, Rg 2) are revoked.

Savings and transitional provisions

13.—(1) Notwithstanding the revocation of the Workplace Safety and Health (Registration of Factories) Regulations, the Commissioner may, as he thinks fit, waive or refund the whole or

any part of the fees that have been paid under the revoked Regulations.

(2) Notwithstanding the revocation of the Workplace Safety and Health (Registration of Factories) Regulations, any certificate of registration or factory permit issued under the revoked Regulations which is valid immediately before 1st November 2008 shall —

- (a) if it was issued in respect of a factory not falling within any of the classes of factories described in the First Schedule, be deemed to be a notification made under regulation 5 in respect of that factory; and
- (b) if it was issued in respect of a factory falling within any of the classes of factories described in the First Schedule —
 - (i) continue remain in force until the date on which it would have expired if these Regulations had not been made; and
 - (ii) be deemed to be a certificate of registration issued under regulation 6 in respect of that factory.

FIRST SCHEDULE

Regulations 2, 5(1), 6(1), (5) and (6),
7(1) and 13(2) and Second Schedule

CLASSES OF FACTORIES

PART I

1. Any factory engaged in the processing or manufacture of petroleum, petroleum products, petrochemicals or petrochemical products.
2. Any factory engaged in the manufacture of —
 - (a) fluorine, chlorine, hydrogen fluoride or carbon monoxide; or
 - (b) synthetic polymers.
3. Any premises where the bulk storage of toxic or flammable liquid is carried on by way of trade or for the purpose of gain and which has a storage capacity of 5,000 or more cubic metres for such toxic or flammable liquid.

PART II

1. Any premises where any building operation or works of engineering construction is or are being carried out by way of trade or for purposes of gain,

FIRST SCHEDULE — *continued*

whether or not by or on behalf of the Government or a statutory board, and includes any line or siding (not forming part of a railway) which is used in connection with the building operation or works of engineering construction.

2. Any yard (including any dock, wharf, jetty, quay and the precincts thereof) where the construction, reconstruction, repair, refitting, finishing or breaking up of ships is carried out, including the waters adjacent to any such yard where the construction, reconstruction, repair, refitting, finishing or breaking up of ships is carried out by or on behalf of the occupier of that yard.

3. Any factory engaged in the manufacture of pharmaceutical products or their intermediates.

4. Any factory engaged in the manufacture of semiconductor wafers.

5. Any factory engaged in the manufacture of fabricated metal products, machinery or equipment and in which 100 or more persons are employed.

[S 57/2010 wef 01/03/2010]

PART III

1. Any premises described in the Second Schedule to the Workplace Safety and Health (Major Hazard Installations) Regulations 2017 (G.N. No. S 202/2017).

2. Any premises directed by the Commissioner under regulation 11(1) of the Workplace Safety and Health (Major Hazard Installations) Regulations 2017 to be registered as a major hazard installation.

[S 203/2017 wef 01/09/2017]

SECOND SCHEDULE

Regulation 6(3), (5) and (6A)

FEES

1.—(1) The fee for the issue or renewal of a certificate of registration in respect of a factory described in Part I of the First Schedule shall be, where the number of persons employed at the factory is —

(a) not more than 5	\$90 for 5 years
(b) more than 5 but not more than 10	\$260 for 5 years
(c) more than 10 but not more than 50	\$540 for 5 years
(d) more than 50 but not more than 100	\$1,300 for 5 years
(e) more than 100 but not more than 500	\$1,830 for 5 years
(f) more than 500	\$2,340 for 5 years.

 SECOND SCHEDULE — *continued*

(2) Where the certificate of registration in respect of a factory described in Part I of the First Schedule is issued or renewed for a period other than 5 years, the fee payable for such certificate of registration shall be computed on a pro rata basis.

2. The fee for the issue of a certificate of registration in respect of a factory described in paragraph 1 or 2 of Part II of the First Schedule shall be, where the persons employed at the factory is —

(a) not more than 5	\$90
(b) more than 5 but not more than 10	\$260
(c) more than 10 but not more than 50	\$540
(d) more than 50 but not more than 100	\$1,300
(e) more than 100 but not more than 500	\$1,830
(f) more than 500	\$2,340.

3. The fee for the issue of a certificate of registration in respect of a factory described in paragraph 3, 4 or 5 of Part II of the First Schedule shall be, where the persons employed at the factory is —

(a) not more than 5	\$45
(b) more than 5 but not more than 10	\$130
(c) more than 10 but not more than 50	\$270
(d) more than 50 but not more than 100	\$650
(e) more than 100 but not more than 500	\$915
(f) more than 500	\$1,170.

4.—(1) The fee for the issue or renewal of a certificate of registration in respect of a factory upon an application made by the occupier of the factory pursuant to the direction of the Commissioner under regulation 7(1)(ii) shall be, where the number of persons employed at the factory is —

(a) not more than 5	\$45 for one year
(b) more than 5 but not more than 10	\$130 for one year
(c) more than 10 but not more than 50	\$270 for one year
(d) more than 50 but not more than 100	\$650 for one year
(e) more than 100 but not more than 500	\$915 for one year
(f) more than 500	\$1,170 for one year.

SECOND SCHEDULE — *continued*

(2) Where a certificate of registration referred to in sub-paragraph (1) is issued or renewed for a period other than one year, the fee payable for such certificate of registration shall be computed on a pro rata basis.

[S 57/2010 wef 01/03/2010]

Made this 6th day of October 2008.

LEO YIP
*Permanent Secretary,
Ministry of Manpower,
Singapore.*

[C010-48-00001; AG/LEG/SL/354A/2006/10 Vol. 1]

(To be presented to Parliament under section 65(8) of the Workplace Safety and Health Act).