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GOVERNMENT NOTICES

DEPARTMENT OF LABOUR**No. R. 253****3 March 2008****OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 (ACT NO. 85 OF 1993)****DRAFT DIVING REGULATIONS, 2007**

The Minister of Labour intends, in terms of section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director General of Labour, Private Bag X 117, Pretoria, 0001 (for the attention of the Chief Director: Occupational Health and Safety), within 90 days of the date of publication of this notice.

SCHEDULE**1. Definitions**

In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates –

"air" means normal compressed air suitable for breathing whilst diving

"assistant life-support technician" means an assistant life-support technician registered in terms of Regulation 6 (1)

"benign conditions" mean a tank or pool artificially constructed for the purpose of swimming or diving or for use as an aquarium, where the diver is in full view from the surface or viewing windows at all times and there are no hazards from entanglement or entrapment and the water depth does not exceed 8m.

"Class I diving" means saturation diving

"Class II diving" means open (wet) bell diving, including class II mixed gas

"Class III diving" means surface-supply diving, including class III nitrox

"Class IV diving" means diving using self-contained diving apparatus, including class IV nitrox

"Class V diving" means diving in benign conditions.

"code of practice" means a code of practice, approved in accordance with regulation 21, giving guidance on these Regulations

"competence" means a combination of knowledge, skills and experience suitable to ensure the task is completed safely and effectively.

"designated medical practitioner" means a medical practitioner designated in terms of regulation 15.

"dive" means entering water or any other liquid, or a pressurized environment in which a person is subjected to pressure greater than 100 millibars above atmospheric pressure and in order to survive in such an environment he or she breathes air or other gas at pressure greater than atmospheric pressure and "a dive and "to dive" shall have a corresponding meaning and a ROV will also be considered to dive..

"diver" means a person registered as a diver in terms of regulation 8 (1).

"diver's logbook" means a logbook in a form set out in Annexure C of these regulations

"diving advisory board" means the advisory board established in terms of regulation 19 of these Regulations.

"diving apparatus" means any type of diving equipment that can assist a person to take part in any diving operation.

"diving contractor" means a person who is the employer of a diver or divers engaged in a diving project and includes a self-employed person who is not working as a subcontractor.

"diving instructor" means a person registered as a diving instructor in terms of regulation 5 (1).

"diving supervisor" means a person registered as a diving supervisor in terms of regulation 7 (1).

"diving operation" means the activities in which at least one person takes part or will take part as a diver and extends from the time when that person, or the first such person, commences to prepare to dive until that person, or the last such person, has left the water, chamber or other environment in which the dive, or any part of the dive, took place and has completed any requisite decompression procedures, including, where it may be reasonably anticipated that this will be needed, any therapeutic recompression

"diving operations record" means the record containing the required particulars for each diving operation as contemplated in Annexure A to these Regulations

“diving project” means any activity, made up of one or more diving operations, including the preparation for, participation in and activities following a diving operation that are directly linked to a diving operation

“diving project plan” means the plan that is prepared in accordance with Regulation 4.

“hyperbaric worker” means a person registered as a hyperbaric worker in terms of Regulation 12 (1)

“hyperbaric supervisor” means a person registered as a hyperbaric supervisor in terms of Regulation 12 (1)

“learner diving supervisor” means a person registered as a learner diving supervisor in terms of Regulation 7 (1)

“life-support supervisor” means a life support technician appointed in writing in accordance with Regulation 6 (2)

“life support technician” means a person registered as a life-support technician in accordance with regulation 6 (1).

“nitrox” means a mixture of oxygen and nitrogen, where the percentage of oxygen in the mixture is greater than that of normal air and does not exceed a maximum partial pressure of 1.6 atmospheres absolute of oxygen at any given time.

“operations manual” means a manual prepared in accordance with regulation 13.

“ROV” means a remotely operated vehicle

“ROV operations record” means the record containing the required particulars for each diving operation as contemplated in Annexure F to these Regulations

“ROV pilot” means a person registered as a ROV pilot in accordance with Regulation 9 (1)

“ROV supervisor” means a person registered as a ROV supervisor in accordance with Regulation 10 (1)

“SANOP 96” means the South African Naval Operational Publication number 96.

“SAUHMA” means the Southern African Undersea and Hyperbaric Medical Association

“the Act” means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); and includes all the relevant regulations under the Act.

“training standard” means a training standard approved in accordance with regulation 21.

2. Scope of application

- (1) Subject to subregulation (2), these Regulations shall apply to all diving operations and all persons engaged in diving operations in the Republic of South Africa or the territorial waters thereof: Provided that all diving operations performed by the South African National Defence Force in terms of SANOP96 and all persons involved in those operations, shall be deemed to have complied with these Regulations.
- (2) These Regulations shall not apply to persons who –
 - (a) use no diving apparatus;
 - (b) are engaged in recreational diving activities; or
 - (c) are medical personnel who have to take part in compression chamber dives for the purpose of therapeutic treatment.
 - (d) are involved in the care or treatment of patients in a hospital or other place not under the control of the diving contractor.

3. The diving contractor

- (1) No person at work shall dive in a diving project and no employer shall employ any person in such a diving project unless there is one person and one person only who is the diving contractor for that diving project
- (2) If no diving contractor is appointed in terms of subsection (1), the employer must perform the functions of a diving contractor in terms of these regulations
- (3) The duties of a diving contractor are to ensure that, so far as is reasonably practicable,
 - (a) the diving project is planned, managed and conducted in a manner which protects the health and safety of all persons taking part in that diving project.
 - (b) before the commencement of the diving project, a diving project plan is prepared in respect of that project in accordance with regulation 4 and that the plan is thereafter updated as necessary during the continuance of the project;
 - (c) before the commencement of any diving operation –
 - (i) subject to the provisions in regulations 7, 9 and 11 appoint in writing, a person to supervise that operation,
 - (ii) the person appointed is supplied with a copy of the diving project plan;
 - (d) there are sufficient people with suitable competence to carry out safely and without risk to health both the diving project and any action (including the giving of first-aid) which may be necessary in the event of a reasonably foreseeable emergency connected with the diving project;
 - (e) suitable and sufficient equipment is available whenever needed to carry out both the diving project and any action without risk to health and safety

(including the giving of first-aid) which may be necessary in the event of a reasonably foreseeable emergency connected with the diving project;

- (f) the equipment made available under sub-paragraph (e) is maintained in a safe working condition;
- (g) that any person taking part in the diving project complies with the requirements and prohibitions imposed on him by or under the relevant statutory provisions and observes the provisions of the diving project plan;
- (h) a diving operations record containing the minimum required particulars, as contemplated in Annexure A, is kept for each diving operation for a minimum of two years

(4) The appointment of a diving contractor does not relieve the employer of any duty imposed on him or her by the Act.

4. Diving project plan

- (1) The diving project plan shall be based on an assessment of the risks to the health and safety of any person taking part in the diving project and shall consist of a record of the outcome of the planning carried out in accordance with the regulations including all such information and instructions as are necessary to give advice to and to regulate the behaviour of those so taking part to ensure, so far as is reasonably practicable, their health and safety.
- (2) The diving project plan shall identify and incorporate the relevant approved code(s) of practice which will apply to the diving project.
- (3) The diving project plan shall also identify and incorporate any other guidance notes that may be applicable in the specific diving project

5. Diving Instructors

- (1) Only persons who satisfy the requirements set by the chief inspector shall be registered as an instructor under classes I, II, III and IV
- (2) A diving instructor shall ensure that all training provided is in accordance with the regulations and the training standards approved in accordance with Regulation 21
- (3) A diving instructor shall only provide training under the auspices of a diving school approved by the Chief Inspector

6. Life-support technicians

- (1) Only persons who satisfy the requirements set by the chief inspector shall be registered as an assistant life-support technician and life-support technician.
- (2) The life-support technician with appropriate levels of experience and competency for a particular diving operation shall be appointed in writing as a life-support supervisor by the employer.