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FACTORIES AND MACHINERY ACT 1967

FACTORIES AND MACHINERY (SPECIAL SCHEME OF INSPECTION)
(RISK-BASED INSPECTION) REGULATIONS 2014

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FACTORIES AND MACHINERY ACT 1967

FACTORIES AND MACHINERY (SPECIAL SCHEME OF INSPECTION) (RISK-BASED INSPECTION) REGULATIONS 2014

IN exercise of the powers conferred by subsection 56(1) of the Factories and Machinery Act 1967 [*Act 139*], the Minister makes the following regulations:

PART I

PRELIMINARY

Citation and commencement

1. (1) These regulations may be cited as the **Factories and Machinery (Special Scheme of Inspection) (Risk-Based Inspection) Regulations 2014**.

(2) These Regulations come into operation on 1 June 2014.

Non-application of Factories and Machinery (Notification, Certificate of Fitness and Inspection) Regulations 1970

2. The Factories and Machinery (Notification, Certificate of Fitness and Inspection) Regulations 1970 [*P.U. (A) 43/1970*] shall not apply to a risk-based pressurized machinery except subregulations 3(3) and 6(1), and regulations 5, 8 and 9.

Interpretation

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

“risk-based audit” includes an external inspection and a validation of risk-based data;

“remnant life” means the remaining age of a life-span of a pressurized machinery;

“risk-based data” means a record containing data of the design and operating details of a pressurized machinery which includes the operating conditions, process fluid composition, process fluid properties, materials of construction, design specification and the history of the pressurized machinery;

“pressurized machinery” means a steam boiler and an unfired pressure vessel used for processing or storage purposes;

“time-based pressurized machinery” means a pressurized machinery which holds a time-based certificate of fitness;

“newly installed time-based pressurized machinery” means a time-based pressurized machinery on which an initial inspection and two regular inspections have been conducted;

“existing time-based pressurized machinery” means a time-based pressurized machinery on which an initial inspection and at least three regular inspections have been conducted;

“risk-based pressurized machinery” means a pressurized machinery which holds a risk-based certificate of fitness;

“risk-based inspection” means an inspection on the interior and exterior parts of a pressurized machinery the interval of which is determined based on the category of risk associated with the pressurized machinery;

“external inspection” means an inspection on the exterior parts of a pressurized machinery which includes testing of safety fittings installed on the pressurized machinery;

“initial inspection” has the meaning assigned to it in the Factories and Machinery (Notification, Certificate of Fitness and Inspection) Regulations 1970;

“regular inspection” has the meaning assigned to it in the Factories and Machinery (Notification, Certificate of Fitness and Inspection) Regulations 1970;

“applicant” means an owner or occupier who makes an application for approval of a risk-based inspection scheme under regulation 4;

“scheme user” means an applicant who has been granted an approval of a risk-based inspection scheme under paragraph 8(1)(a) or 39(1)(a);

“time-based certificate of fitness” means a certificate of fitness issued under regulation 25 of the Factories and Machinery (Notification, Certificate of Fitness and Inspection) Regulations 1970;

“risk-based certificate of fitness” means a certificate of fitness issued under paragraph 8(1)(b) or 39(1)(b) or renewed under subregulation 27(1);

“risk-based inspection scheme” means a special scheme of inspection which is based on a risk-based inspection.

PART II

APPLICATION FOR RISK-BASED INSPECTION SCHEME

Application for risk-based inspection scheme

4. (1) An applicant may apply to the Chief Inspector for approval of a risk-based inspection scheme in respect of one or more time-based pressurized machinery.

- (2) An application under subregulation (1) shall be—
- (a) made in writing;
 - (b) accompanied by a processing fee of fifty thousand ringgit;
 - (c) attached with the documents indicating that the requirements specified in Part III have been fulfilled; and
 - (d) submitted at least six months before the expiry of the time-based certificate of fitness.

Additional information or document

5. (1) The Chief Inspector may, by notice in writing at any time after the receipt of an application under regulation 4, require the applicant to provide any additional information or document to the Chief Inspector within the period specified in the notice or any extended period granted by the Chief Inspector.

(2) If the additional information or document required under subregulation (1) is not provided by the applicant within the period specified in the notice or any extended period granted by the Chief Inspector, the application shall be deemed to have been withdrawn and shall not be further proceeded with, but without affecting the right of the applicant to make a fresh application.

Risk-based audit

6. (1) Upon receipt of the application under regulation 4 and any additional information or document under regulation 5, an Inspector shall conduct a risk-based audit to verify that the requirements specified in Part III have been fulfilled.

(2) For the purpose of the risk-based audit, the applicant shall provide all facilities and information to the Inspector as may reasonably be required of him.

Inspection for approval

7. (1) Upon completion of the risk-based audit under regulation 6 and the Inspector being satisfied that the requirements specified in Part III have been fulfilled, a risk-based inspection shall be conducted on the time-based pressurized machinery according to Part IV.

(2) Upon completion of the risk-based inspection under subregulation (1), the Inspector shall—

- (a) report to the Chief Inspector on the findings of the risk-based inspection and the risk-based audit under regulation 6; and

(b) issue a notification to the applicant for the payment of—

- (i) in respect of a time-based pressurized machinery on which the risk-based inspection has been conducted, the inspection fee as specified in the Second Schedule; or
- (ii) in respect of a time-based pressurized machinery on which the Inspector has refused to make or complete the risk-based inspection in pursuance of regulation 21, twenty-five percent of the inspection fee as specified in the Second Schedule.

(3) Upon receipt of the notification under paragraph (2)(b), the applicant shall make the payment of the inspection fee to the Chief Inspector within fourteen days.

Grant of approval

8. (1) Subject to subregulation (2), the Chief Inspector may, after considering the findings under paragraph 7(2)(a)—

- (a) grant an approval of a risk-based inspection scheme in Form A of the First Schedule in respect of one or more time-based pressurized machinery stated in the application under regulation 4; and
- (b) issue a risk-based certificate of fitness in Form B of the First Schedule for every time-based pressurized machinery in respect of which the approval of a risk-based inspection scheme has been granted under paragraph (a).

(2) The Chief Inspector may, after considering the findings under paragraph 7(2)(a), refuse to grant an approval of a risk-based inspection scheme if—

- (a) the Chief Inspector is not satisfied that the requirements under these Regulations or other written laws relating to a pressurized machinery have been complied with; or
- (b) the payment of the inspection fee under subregulation 7(3) has not been made.

(3) The approval granted under paragraph (1)(a) and the risk-based certificate of fitness issued under paragraph (1)(b) shall come into effect on the same date.

(4) The Chief Inspector shall notify in writing the approval granted under paragraph (1)(a) or refusal to grant an approval under subregulation (2) to the applicant as soon as practicable.

Duration of risk-based inspection scheme

9. The duration of a risk-based inspection scheme granted under paragraph 8(1)(a) shall be for one hundred and fifty months unless the risk-based inspection scheme is revoked, deemed to have been revoked or terminated under Part VII.

Validity period of risk-based certificate of fitness

10. The validity period of a risk-based certificate of fitness issued under paragraph 8(1)(b)—

(a) shall be determined by the Chief Inspector based on the calculation and evaluation of risk-based data under regulation 15; and

(b) shall not exceed seventy-five months.

PART III

REQUIREMENTS FOR APPLICATION FOR APPROVAL OF RISK-BASED INSPECTION SCHEME

Application of Part III

11. This Part shall apply for the purpose of an application for approval of a risk-based inspection scheme under regulation 4.

Establishment of occupational safety and health management system

12. An applicant shall establish an occupational safety and health management system in compliance with MS 1722 Occupational safety and health (OSH) management systems - Requirements (First revision) as declared under the *Declaration of Standard Specifications (Revised Specification) [P.U. (B) 411/2012]* or any other equivalent occupational safety and health management system as determined by the Chief Inspector.

Pressurized machinery in satisfactory working condition, etc.

13. An applicant shall ensure that the time-based pressurized machinery is in a satisfactory working condition or is fit for service.

Risk-based data

14. An applicant shall collect—

(a) in respect of a newly installed time-based pressurized machinery, risk-based data from the initial inspection and two regular inspections;

- (b) in respect of an existing time-based pressurized machinery, risk-based data from the last three regular inspections; or
- (c) in respect of a newly installed time-based pressurized machinery or an existing time-based pressurized machinery which the risk-based data cannot be collected from the initial inspection or regular inspection, risk-based data in every six months interval for a period of not less than eighteen months using any other method as determined by the Chief Inspector.

Calculation and evaluation of risk-based data

15. An applicant shall determine—
- (a) the remnant life;
 - (b) the category of risk;
 - (c) the proposed inspection interval; and
 - (d) the proposed inspection plan,

of a time-based pressurized machinery by calculating and evaluating the risk-based data collected under regulation 14.

Methodology for calculation and evaluation of risk-based data

16. For the purpose of calculating and evaluating the risk-based data under regulation 15, an applicant shall apply a methodology as agreed by the Chief Inspector.

Risk-based inspection team

17. (1) An applicant shall establish a risk-based inspection team which shall consist of at least five members as follows:
- (a) a team leader, who shall be a qualified person;
 - (b) an engineer with corrosion engineering knowledge and expertise;
 - (c) a representative from the process department or production department;
 - (d) a representative from the inspection department or engineering department; and

- (e) a safety and health officer registered under the Occupational Safety and Health (Safety and Health Officer) Regulations 1997 [P.U. (A) 315/1997] or if a place of work does not require a registered safety and health officer, a person in charge of occupational safety and health.

(2) In this regulation, “qualified person” means a person who has an engineering degree and who, in the opinion of the applicant, has adequate knowledge and experience to execute all tasks relating to the risk-based inspection scheme.

PART IV

RISK-BASED INSPECTION

Date of risk-based inspection

18. For the purpose of a risk-based inspection, the applicant and the Inspector shall agree on a date for the risk-based inspection to be conducted.

Compliance of law

19. For the purpose of a risk-based inspection, the applicant shall ensure that the time-based pressurized machinery complies with the requirements under these Regulations and other written laws relating to a pressurized machinery.

Preparation for risk-based inspection

20. (1) On the date agreed by the applicant and the Inspector under regulation 18, the applicant shall prepare every time-based pressurized machinery for the risk-based inspection as follows:

- (a) the time-based pressurized machinery is emptied, cooled and dried, and is thoroughly cleaned inside and outside;
- (b) all manhole, hand hole and sight hole doors and cleaning plugs are removed;
- (c) all cocks and valves are dismantled, cleaned and ground, if necessary;
- (d) the time-based pressurized machinery is disconnected from any other time-based pressurized machinery, and source of steam or hot water;
- (e) the time-based pressurized machinery is free from hazardous fumes and vapour; and

(f) in respect of a steam boiler—

- (i) all fire-bars and firebridges are removed;
- (ii) all smoke tubes, exterior of water tubes, furnaces, smoke-boxes and external flues are thoroughly cleaned; and
- (iii) all caps in the headers and mud-drums of water tube steam boilers are removed.

(2) During the risk-based inspection, the Inspector may give direction to the applicant to take any other necessary action, including the removal of any lagging, brickwork or masonry, the preparations for carrying out a hydrostatic test or a non-destructive test, and the repair of the time-based pressurized machinery.

Pressurized machinery not prepared for inspection

21. (1) If a time-based pressurized machinery is not prepared for the risk-based inspection as specified in regulation 20, the Inspector may refuse to make or complete the risk-based inspection.

(2) If the Inspector refuses to make or complete the risk-based inspection under subregulation (1)—

- (a) the Inspector shall inform the applicant of his reason for the refusal and the Inspector shall appoint any other date for the risk-based inspection; and
- (b) the applicant shall be charged at the rate of twenty-five percent of the inspection fee as specified in the Second Schedule.

PART V

REQUIREMENTS FOR SCHEME USER

Requirements for scheme user

22. A scheme user shall, for any duration of a risk-based inspection scheme—

- (a) maintain the occupational safety and health management system established under regulation 12;
- (b) ensure that the risk-based pressurized machinery is in a satisfactory working condition or is fit for service;
- (c) collect risk-based data in respect of the risk-based pressurized machinery for every twelve months;

- (d) maintain and apply the methodology for calculation and evaluation of risk-based data under regulation 16; and
- (e) maintain the risk-based inspection team established under regulation 17 and notify the Chief Inspector in writing of any changes to the team leader within fourteen days of such changes.

PART VI

RENEWAL OF RISK-BASED CERTIFICATE OF FITNESS

Application for renewal of risk-based certificate of fitness

23. (1) A scheme user may apply to the Chief Inspector for a renewal of a risk-based certificate of fitness.

(2) An application under subregulation (1) shall be—

- (a) made in writing;
- (b) attached with the documents indicating that the requirements specified in subregulation (3) and Part V have been fulfilled; and
- (c) submitted at least three months before the expiry of the risk-based certificate of fitness.

(3) A scheme user shall determine—

- (a) the remnant life;
- (b) the category of risk;
- (c) the proposed inspection interval; and
- (d) the proposed inspection plan,

of the risk-based pressurized machinery by calculating and evaluating the last twelve months of risk-based data collected under paragraph 22(c).

Additional information or document

24. (1) The Chief Inspector may, by notice in writing at any time after the receipt of an application under regulation 23, require the scheme user to provide any additional information or document to the Chief Inspector within the period specified in the notice or any extended period granted by the Chief Inspector.

(2) If the additional information or document required under subregulation (1) is not provided by the scheme user within the period specified in the notice or any extended period granted by the Chief Inspector, the application shall be

deemed to have been withdrawn and shall not be further proceeded with, but without affecting the right of the scheme user to make a fresh application.

Risk-based audit for renewal of risk-based certificate of fitness

25. (1) Upon receipt of the application under regulation 23 and any additional information or document under regulation 24, an Inspector shall conduct a risk-based audit to verify that the requirements specified in subregulation 23(3) and Part V have been fulfilled.

(2) For the purpose of the risk-based audit, the scheme user shall provide all facilities and information to the Inspector as may reasonably be required of him.

Inspection for renewal of risk-based certificate of fitness

26. (1) If the Inspector is satisfied that the requirements specified in subregulation 23(3) and Part V have been fulfilled, a risk-based inspection shall be conducted on the risk-based pressurized machinery according to Part IV.

(2) For the purpose of renewal of a risk-based certificate of fitness under this Part, Part IV shall apply *mutatis mutandis* to the scheme user subject to the following modifications:

(a) references to a “time-based pressurized machinery” shall be taken as references to a risk-based pressurized machinery; and

(b) references to an “applicant” shall be taken as references to a scheme user.

(3) Upon completion of the risk-based inspection under subregulation (1), the Inspector shall—

(a) report to the Chief Inspector on the findings of the risk-based inspection and the risk-based audit under regulation 25; and

(b) issue a notification to the scheme user for the payment of—

(i) in respect of a risk-based pressurized machinery on which the risk-based inspection has been conducted, the inspection fee as specified in the Second Schedule; or

(ii) in respect of a risk-based pressurized machinery on which the Inspector has refused to make or complete the risk-based inspection in pursuance of regulation 21, twenty-five percent of the inspection fee as specified in the Second Schedule.

(4) Upon receipt of the notification under paragraph (3)(b), the scheme user shall make the payment of the inspection fee to the Chief Inspector within fourteen days.

Renewal of risk-based certificate of fitness

27. (1) Subject to subregulation (2), the Chief Inspector may, after considering the findings under paragraph 26(3)(a), renew the risk-based certificate of fitness in Form B of the First Schedule.

(2) The Chief Inspector may, after considering the findings under paragraph 26(3)(a), refuse to renew the risk-based certificate of fitness if—

- (a) the Chief Inspector is not satisfied that the requirements under these Regulations or other written laws relating to a pressurized machinery have been complied with; or
- (b) the payment of the inspection fee under subregulation 26(4) has not been made.

(3) The Chief inspector shall notify in writing the renewal of the risk-based certificate of fitness under subregulation (1) or refusal to renew the risk-based certificate of fitness under subregulation (2) to the scheme user as soon as practicable.

Validity period of risk-based certificate of fitness upon renewal

28. The validity period of a risk-based certificate of fitness renewed under subregulation 27(1)—

- (a) shall be determined by the Chief Inspector based on the calculation and evaluation of risk-based data under subregulation 23(3); and
- (b) shall not exceed seventy-five months or the remaining duration of a risk-based inspection scheme, whichever is the shorter.

PART VII

REVOCATION, WITHDRAWAL AND TERMINATION

Revocation of risk-based inspection scheme

29. (1) The Chief Inspector may revoke a risk-based inspection scheme if—

- (a) the scheme user fails to comply with any of the requirements specified in Part V; or
- (b) the scheme user provides any document or information required under any of the provisions of these Regulations which is false, misleading or contains material errors or omissions.

(2) Before the Chief Inspector revokes a risk-based inspection scheme under subregulation (1), the Chief Inspector shall give the scheme user—

- (a) a written notice of his intention to revoke the risk-based inspection scheme; and
- (b) an opportunity to remedy the breach or contravention in paragraph (1) (a) or (b), and to make written submission, within a period specified in the written notice which shall not be less than fourteen days.

(3) The Chief Inspector shall, after considering the remedy or written submission under paragraph (2)(b), if any, decide whether or not to revoke the risk-based inspection scheme.

(4) The decision of the Chief Inspector under subregulation (3) shall be notified in writing to the scheme user as soon as practicable.

Withdrawal of risk-based pressurized machinery

30. (1) Subject to subregulation (2), a scheme user may, for any reason, withdraw any or all of the risk-based pressurized machinery from a risk-based inspection scheme.

(2) A scheme user shall give a written notice of his intention to withdraw a risk-based pressurized machinery to the Chief Inspector at least fourteen days before the withdrawal.

Revocation of risk-based certificate of fitness

31. (1) The Chief Inspector may revoke any risk-based certificate of fitness if he has reasonable grounds to believe that the integrity and strength of the risk-based pressurized machinery have been adversely reduced which cause or is likely to cause the failure of the risk-based pressurized machinery.

(2) Before the Chief Inspector revokes a risk-based certificate of fitness under subregulation (1), the Chief Inspector shall give the scheme user—

- (a) a written notice of his intention to revoke the risk-based certificate of fitness; and
- (b) an opportunity to remedy the condition of the risk-based pressurized machinery, and to make written submission, within a period specified in the written notice which shall not be less than fourteen days.

(3) The Chief Inspector shall, after considering the remedy or written submission under paragraph (2)(b), if any, decide whether or not to revoke the risk-based certificate of fitness.

(4) The decision of the Chief Inspector under subregulation (3) shall be notified in writing to the scheme user as soon as practicable.

Effect of revocation and withdrawal

32. (1) If a risk-based inspection scheme is revoked under regulation 29, every risk-based certificate of fitness in respect of the risk-based inspection scheme shall be deemed to have been revoked.

(2) If any risk-based pressurized machinery is withdrawn from a risk-based inspection scheme under regulation 30, the risk-based certificate of fitness in respect of the risk-based pressurized machinery shall be deemed to have been revoked.

(3) If all risk-based certificates of fitness in respect of a risk-based inspection scheme are revoked under regulation 31 or deemed to have been revoked under subregulation (2), the risk-based inspection scheme shall be deemed to have been revoked.

Termination upon sale, hire or transfer of risk-based pressurized machinery

33. (1) If any risk-based pressurized machinery in respect of a risk-based inspection scheme is sold, hired out or transferred permanently or temporarily to any person—

(a) the risk-based certificate of fitness in respect of the risk-based pressurized machinery shall terminate; and

(b) the risk-based inspection scheme, and the risk-based certificate of fitness in respect of any risk-based pressurized machinery which is not sold, hired out or transferred, shall remain valid.

(2) If all risk-based pressurized machinery in respect of a risk-based inspection scheme are sold, hired out or transferred permanently or temporarily to any person, the risk-based inspection scheme and every risk-based certificate of fitness in respect of the risk-based pressurized machinery shall terminate.

Surrender of approval and certificate of fitness

34. (1) If a risk-based inspection scheme is revoked, deemed to have been revoked or terminated under this Part, the scheme user shall surrender the approval of the risk-based inspection scheme and every risk-based certificate of fitness in respect of the risk-based inspection scheme to the Chief Inspector within fourteen days from the date of such revocation or termination.

(2) If a risk-based certificate of fitness is revoked, deemed to have been revoked or terminated under this Part, the scheme user shall surrender the risk-based certificate of fitness to the Chief Inspector within fourteen days from the date of such revocation or termination.

PART VIII

APPLICATION FOR NEW DURATION OF RISK-BASED INSPECTION SCHEME

Application for new duration

35. (1) After the existing duration of a risk-based inspection scheme expires, a scheme user may apply to the Chief Inspector for approval of a new duration for a risk-based inspection scheme in respect of—

- (a) a risk-based pressurized machinery from the same risk-based inspection scheme or any other risk-based inspection scheme; or
- (b) a combination of a risk-based pressurized machinery and a time-based pressurized machinery.

(2) An application under subregulation (1) shall be—

- (a) made in writing;
- (b) accompanied by a processing fee of fifty thousand ringgit;
- (c) attached with the documents indicating that—
 - (i) in respect of a risk-based pressurized machinery, the requirements specified in subregulation (4) and Part V have been fulfilled;
 - (ii) in respect of a time-based pressurized machinery, the requirements specified in subregulations (3) and (4) have been fulfilled; and
- (d) submitted at least six months before the expiry of the existing duration of the risk-based inspection scheme.

(3) A scheme user shall collect—

- (a) in respect of a newly installed time-based pressurized machinery, risk-based data from the initial inspection and two regular inspections;
- (b) in respect of an existing time-based pressurized machinery, risk-based data from the last three regular inspections; or
- (c) in respect of a newly installed time-based pressurized machinery or an existing time-based pressurized machinery which the risk-based data cannot be collected from the initial inspection or regular inspection, risk-based data in every six months interval for a period of not less than eighteen months using any other method as determined by the Chief Inspector.

- (4) A scheme user shall determine—
- (a) the remnant life;
 - (b) the category of risk;
 - (c) the proposed inspection interval; and
 - (d) the proposed inspection plan,

of the risk-based pressurized machinery and time-based pressurized machinery by calculating and evaluating the risk-based data collected under subregulation (3) and the last twelve months of risk-based data collected under paragraph 22(c).

Additional information or document

36. (1) The Chief Inspector may, by notice in writing at any time after the receipt of an application under regulation 35, require the scheme user to provide any additional information or document to the Chief Inspector within the period specified in the notice or any extended period granted by the Chief Inspector.

(2) If the additional information or document required under subregulation (1) is not provided by the scheme user within the period specified in the notice or any extended period granted by the Chief Inspector, the application shall be deemed to have been withdrawn and shall not be further proceeded with, but without affecting the right of the scheme user to make a fresh application.

Risk-based audit for new duration

37. (1) Upon receipt of the application under regulation 35 and any additional information or document under regulation 36, an Inspector shall conduct a risk-based audit to verify that the requirements specified in subregulations 35(3) and (4) and Part V have been fulfilled.

(2) For the purpose of the risk-based audit, the scheme user shall provide all facilities and information to the Inspector as may reasonably be required of him.

Inspection for new duration

38. (1) If the Inspector is satisfied that the requirements specified in subregulations 35(3) and (4) and Part V have been fulfilled, a risk-based inspection shall be conducted on the risk-based pressurized machinery and time-based pressurized machinery according to Part IV.

(2) For the purpose of approval of a new duration of a risk-based inspection scheme under this Part, Part IV shall apply *mutatis mutandis* to the scheme user subject to the following modifications:

- (a) references to a “time-based pressurized machinery” shall include a risk-based pressurized machinery; and
- (b) references to an “applicant” shall be taken as references to a scheme user.

(3) Upon completion of the risk-based inspection under subregulation (1), the Inspector shall—

- (a) report to the Chief Inspector on the findings of the risk-based inspection and the risk-based audit under regulation 37; and
- (b) issue a notification to the scheme user for the payment of—
 - (i) in respect of a risk-based pressurized machinery or a time-based pressurized machinery on which the risk-based inspection has been conducted, the inspection fee as specified in the Second Schedule; or
 - (ii) in respect of a risk-based pressurized machinery or a time-based pressurized machinery on which the Inspector has refused to make or complete the risk-based inspection in pursuance of regulation 21, twenty-five percent of the inspection fee as specified in the Second Schedule.

(4) Upon receipt of the notification under paragraph (3)(b), the scheme user shall make the payment of the inspection fee to the Chief Inspector within fourteen days.

Grant of approval of new duration

39. (1) Subject to subregulation (2), the Chief Inspector may, after considering the findings under paragraph 38(3)(a)—

- (a) grant an approval of a new duration of a risk-based inspection scheme in Form A of the First Schedule in respect of one or more risk-based pressurized machinery or time-based pressurized machinery stated in the application under regulation 35; and
- (b) issue a risk-based certificate of fitness in Form B of the First Schedule for every risk-based pressurized machinery or time-based pressurized machinery in respect of which the approval of a new duration of a risk-based inspection scheme has been granted under paragraph (a).

(2) The Chief Inspector may, after considering the findings under paragraph 38(3)(a), refuse to grant an approval of a new duration of a risk-based inspection scheme if—

(a) the Chief Inspector is not satisfied that the requirements under these Regulations or other written laws relating to a pressurized machinery have been complied with; or

(b) the payment of the inspection fee under subregulation 38(4) has not been made.

(3) The approval granted under paragraph (1)(a) and the risk-based certificate of fitness issued under paragraph (1)(b) shall come into effect on the same date.

(4) The Chief Inspector shall notify in writing the approval granted under paragraph (1)(a) or refusal to grant an approval under subregulation (2) to the scheme user as soon as practicable.

New duration of risk-based inspection scheme

40. The new duration of a risk-based inspection scheme granted under paragraph 39(1)(a) shall be for one hundred and fifty months unless the risk-based inspection scheme is revoked, deemed to have been revoked or terminated under Part VII.

Validity period of risk-based certificate of fitness

41. The validity period of a risk-based certificate of fitness issued under paragraph 39(1)(b)—

(a) shall be determined by the Chief Inspector based on the calculation and evaluation of risk-based data under subregulation 35(4); and

(b) shall not exceed seventy-five months.

Compliance with Part V

42. A scheme user who has been granted an approval of a new duration of a risk-based inspection scheme under regulation 39 shall comply with the requirements under Part V.

PART IX

GENERAL

Risk-based audit during risk-based inspection scheme

43. (1) Notwithstanding regulations 6, 25 and 37, an Inspector may conduct a risk-based audit at any time during the duration of a risk-based inspection scheme to verify that the requirements specified in Part V have been fulfilled.

(2) For the purpose of the risk-based audit, the scheme user shall provide all facilities and information to the Inspector as may reasonably be required of him.

Risk-based inspection during risk-based inspection scheme

44. Notwithstanding regulations 7, 26 and 38, an Inspector may conduct a risk-based inspection at any time during the duration of a risk-based inspection scheme in respect of any risk-based pressurized machinery as he may deem necessary to ensure the integrity and strength of the risk-based pressurized machinery.

Payment of fee

45. All payments made under these Regulations shall not be refundable.

FIRST SCHEDULE

FORM A

[Regulations 8 and 39]

FACTORIES AND MACHINERY ACT 1967

FACTORIES AND MACHINERY (SPECIAL SCHEME OF INSPECTION)
(RISK-BASED INSPECTION) REGULATIONS 2014



APPROVAL OF RISK-BASED INSPECTION SCHEME

Scheme Approval Number: _____

In exercise of the powers conferred by subsection 40(6) of the Factories and Machinery Act 1967, I hereby approve a special scheme of inspection namely, the risk-based inspection scheme to the following scheme user:

Name of scheme user	
Address of scheme user	
Place of operation of risk-based pressurized machinery	
List of risk-based pressurized machinery	As attached in the ANNEX

FORM B
[Regulations 8, 27 and 39]

FACTORIES AND MACHINERY ACT 1967

FACTORIES AND MACHINERY (SPECIAL SCHEME OF INSPECTION)
(RISK-BASED INSPECTION) REGULATIONS 2014



RISK-BASED CERTIFICATE OF FITNESS

Scheme Approval Number: _____

In exercise of the powers conferred by regulations 8, 27 and 39 of the Factories and Machinery (Special Scheme of Inspection) (Risk-Based Inspection) Regulations 2014, I hereby issue a risk-based certificate of fitness in respect of the risk-based pressurized machinery as stated below:

Particulars of risk-based pressurized machinery	Description	
	Registered No.	
	Maker's Name	
	Maker's No.	
	Heating surface/ Cubic capacity*	
	Pressure at which safety valve is to operate	
	Place of operation	
Date of risk-based audit		
Date of risk-based inspection		
I am satisfied that the risk-based pressurized machinery can work at a pressure not exceeding		

**Delete whichever is not applicable*

This risk-based certificate of fitness shall be valid for a period of _____ with effect from _____ to _____ unless it is revoked, deemed to have been revoked or terminated under Part VII of the Factories and Machinery (Special Scheme of Inspection) (Risk-Based Inspection) Regulations 2014.

Dated: _____

(CHIEF INSPECTOR)

SECOND SCHEDULE
[Regulations 7, 21, 26 and 38]

INSPECTION FEE

PART 1: STEAM BOILER

The fees for a risk-based inspection of a steam boiler according to the heating surface of the steam boiler are as follows:

<i>No.</i>	<i>Heating surface</i>	<i>Fees (RM)</i>
1.	Below 5 square metres	1,350.00
2.	5 square metres and above but below 10 square metres	3,150.00
3.	10 square metres and above but below 25 square metres	4,050.00
4.	25 square metres and above but below 50 square metres	4,950.00
5.	50 square metres and above but below 100 square metres	6,075.00
6.	100 square metres and above but below 250 square metres	7,650.00
7.	250 square metres and above	9,225.00

PART 2: UNFIRED PRESSURE VESSEL

The fees for a risk-based inspection of an unfired pressure vessel according to the cubic capacity of the unfired pressure vessel are as follows:

<i>No.</i>	<i>Cubic capacity</i>	<i>Fees (RM)</i>
1.	Below 0.1 cubic metre	450.00
2.	0.1 cubic metre and above but below 0.5 cubic metre	900.00
3.	0.5 cubic metre and above but below 5 cubic metres	1,350.00
4.	5 cubic metres and above but below 10 cubic metres	1,575.00
5.	10 cubic metres and above but below 15 cubic metres	2,250.00
6.	15 cubic metres and above	2,700.00

Made 25 March 2014

[KSM/PUU/T/01/02/03/02; PN(PU2)235/XL]

DATO' SRI RICHARD RIOT ANAK JAEM
Minister of Human Resources

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/ atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).



DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD,
KUALA LUMPUR
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA