

Hydrogen Cyanide (Fumigation) Regulations

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THE SCHEDULE

Legislative History

HYDROGEN CYANIDE (FUMIGATION) ACT (CHAPTER 132, SECTION 2)

HYDROGEN CYANIDE (FUMIGATION) REGULATIONS

Rg 1

G.N. No. S 270/1989

REVISED EDITION 1990

(25th March 1992)

[1st July 1989]

Citation

1. These Regulations may be cited as the Hydrogen Cyanide (Fumigation) Regulations.

Definitions

2. In these Regulations —

“Agency” means the National Environment Agency established under the National Environment Agency Act (Cap. 195);

[S 717/2006 wef 01/01/2007]

“authorised officer” means any person appointed by the Director-General under section 3(2) of the Environmental Public Health Act (Cap. 95) to be an authorised officer;

[S 717/2006 wef 01/01/2007]

“Director-General” means the Director-General of Public Health appointed under section 3(1) of the Environmental Public Health Act;

[S 717/2006 wef 01/01/2007]

“fumigant” means hydrogen cyanide, methyl bromide or hydrogen phosphide;

“fumigation” means the fumigation with hydrogen cyanide, methyl bromide or hydrogen phosphide of any premises or part thereof;

“fumigation area” means the premises or any part thereof undergoing fumigation;

“operator” means any person designated in writing by the undertaker to be in charge of the carrying out of a fumigation and duly licensed under these Regulations;

“premises” includes any building, vehicle, ship or enclosed space;

“risk area” means any part of a building, vehicle, ship or any other enclosed space into which there is any reason to apprehend that the fumigant may penetrate from the fumigation area, and in any case includes those parts of any building, vehicle, ship or other enclosed space which are less than 6 metres from the nearest boundary of any fumigation area unless separated therefrom by a yard, street, or other open space not less than 3 metres in width or by a solid wall, or two adjoining walls of a total thickness of not less than 50 centimetres;

“undertaker” means any person who, under contract or otherwise, undertakes the carrying out of a fumigation.

Duties of undertaker

3.—(1) It shall be the duty of the undertaker —

(a) to observe the requirements of regulations 14, 16, 17 and 19;

- (b) to take such steps as may be necessary to enable the operator to carry out the requirements of regulations 15, 18, 21, 22 and 23; and
- (c) generally to exercise such supervision and take such steps as are within his power to secure the due observance of these Regulations by those engaged by him to carry out a fumigation.

(2) It shall be the duty of the operator to secure that the requirements of regulations 15, 18, 21, 22 and 23 are complied with and of all the persons employed in connection with the fumigation to co-operate with the operator for that purpose.

Fumigation by licensed undertaker and operator

4.—(1) No undertaker shall carry out a fumigation except by means of an operator duly licensed in accordance with these Regulations.

(2) The operator referred to in paragraph (1) shall be separately licensed to carry out fumigation with hydrogen cyanide, methyl bromide or hydrogen phosphide.

Application for licence

5. Every application for a licence to carry out fumigation with each fumigant shall be made to the Director-General in writing in the Form A set out in the Schedule, and shall be accompanied by a fee of \$170.

*[S 717/2006 wef 01/01/2007]
[S 207/2021 wef 01/04/2021]*

Application for renewal of licence

6. Every application for the renewal of a licence to carry out fumigation with each fumigant shall be made to the Director-General in writing in the Form B set out in the Schedule, at least two months before the expiry of the current licence, and shall be accompanied by a fee of \$170.

*[S 717/2006 wef 01/01/2007]
[S 207/2021 wef 01/04/2021]*

Licence

7. Every licence granted by the Director-General shall be in the Form C set out in the Schedule and shall unless sooner cancelled or suspended remain in force until the 31st December next following the date the licence was granted.

[S 717/2006 wef 01/01/2007]

Refusal of application

8. Where an application is refused, the fee accompanying the application shall be returned to the applicant.

Suspension or cancellation of licence

9. The Director-General may, in his discretion, suspend for such period as he may think fit or cancel any licence at any time during the currency thereof if he is satisfied that the holder of the licence is not a fit and proper person to hold the licence.

[S 717/2006 wef 01/01/2007]

Inspection of licence

10. The holder of a licence shall produce the licence for inspection when required to do so by the Director-General or an authorised officer.

[S 717/2006 wef 01/01/2007]

Licence granted to fit and proper persons

11. The Director-General shall not grant a licence unless he is satisfied that the applicant therefor is a fit and proper person to carry out a fumigation as an operator.

[S 717/2006 wef 01/01/2007]

Medical and other requirements

12. Every applicant shall —

- (a) produce a certificate of a registered medical practitioner showing that he is not suffering from any infirmity to render his use of a fumigant for the purpose of fumigation dangerous either to himself or to the public;
- (b) undergo a further medical examination before a renewal of a licence is granted or when required to do so by the Director-General;
- (c) furnish such particulars and pass such theoretical or practical test as the Director-General may require to satisfy himself that the applicant is a fit and proper person to be granted a licence;
- (d) have had not less than 6 months regular experience of fumigating together with in addition 12 months regular experience of fumigating one or more of the following, namely, ships, buildings or produce and shall be otherwise competent for the purpose; and
- (e) pay a fee of \$180 for the theoretical or practical test conducted under paragraph (c).

[S 717/2006 wef 01/01/2007]

[S 25/92 wef 01/04/1992; S 56/93 wef 1.4.93; S 378/96 wef 01/09/1996]

Register of licence holders

13. The Director-General shall keep or cause to be kept a register in which shall be