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IWH Member Notice

Title	Revision of SANS Standards
Purpose	Member notification of standard and regulation contradictions
Addressees	Suspended Access Equipment Chamber
Motivator	Standards or portions of the standard contradicts or conflicts with the regulation

CONTEXT

Concern:

There is a major conflict between the SANS standards and OHS Regulations, specifically Construction Regulations 2014 and Driven Machinery Regulations 2015. Since writing to SABS on at least Ten occasions, completed numerous forms and submitted several “motivations” - all to no avail.

What makes matters worse is that these offending regulations have been included in a schedule of safety standards attached to Driven Machinery Regulations 2015 without our knowledge.

Consequence:

In a nutshell – These standards contradict the regulations in many places. The legal term used in the Occupational Health and Safety Act for “contradict” is “repugnant” meaning :- in conflict or incompatible with.

Section 44 sub-paragraph (3) of the Act- States- “any Health and Safety standard incorporated in the regulations under subsection (1) shall for the purpose of the Act, in so far as it is not repugnant to any regulation made under section 43, be deemed to be a regulation.....”

Important Notice:

Therefore, if the standard or portions of the standard contradicts or conflicts with the regulation, which SANS10295-1 and -2 clearly does, then these conflicting standards or portions of the standards cannot be considered as regulations and are therefore invalid.

Until such time as the SABS grants me permission to work on the standards, we can only inform our members and the broader community of this issue.

Legal References:

Construction Regulation 2014

Driven Machinery Regulation 2015

SANS10295-1: Suspended access equipment Part 1: Permanently suspended access equipment

SANS10295-2: Suspended access equipment Part 2: Temporary suspended platforms (TSPs)

Authorised by CEO Created by: Trade Manager	Created: March 2019 Updated: NA	Doc: IWH-MN-001	Previous Rev. 0 Current Rev. 1
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