
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 179

The Control of Asbestos Regulations (Northern Ireland) 2012

PART 2

GENERAL REQUIREMENTS

Duty to manage asbestos in non-domestic premises

4.—(1) In this regulation “the dutyholder” means—

- (a) every person who has, by virtue of a contract or tenancy, an obligation of any extent in relation to the maintenance or repair of non-domestic premises or any means of access or egress to or from those premises; or
- (b) in relation to any part of non-domestic premises where there is no such contract or tenancy, every person who has, to any extent, control of that part of those non-domestic premises or any means of access or egress to or from those premises,

and where there is more than one such dutyholder, the relative contribution to be made by each such person in complying with the requirements of this regulation will be determined by the nature and extent of the maintenance and repair obligation owed by that person.

(2) Every person shall co-operate with the dutyholder so far as is necessary to enable the dutyholder to comply with the duties set out under this regulation.

(3) In order to manage the risk from asbestos in non-domestic premises, the dutyholder shall ensure that a suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present in the premises.

(4) In making the assessment—

- (a) such steps as are reasonable in the circumstances shall be taken; and
- (b) the condition of any asbestos which is, or has been assumed to be, present in the premises shall be considered.

(5) Without prejudice to the generality of paragraph (4), the dutyholder shall ensure that—

- (a) account is taken of building plans or other relevant information and of the age of the premises; and
- (b) an inspection is made of those parts of the premises which are reasonably accessible.

(6) The dutyholder shall ensure that the assessment is reviewed without delay if—

- (a) there is reason to suspect that the assessment is no longer valid; or
- (b) there has been a significant change in the premises to which the assessment relates.

(7) The dutyholder shall ensure that the conclusions of the assessment and every review are recorded.

(8) Where the assessment shows that asbestos is or is liable to be present in any part of the premises, the dutyholder shall ensure that—

- (a) a determination of the risk from that asbestos is made;
 - (b) a written plan identifying those parts of the premises concerned is prepared; and
 - (c) the measures which are to be taken for managing the risk are specified in the written plan.
- (9) The measures to be specified in the plan for managing the risk shall include adequate measures for—
- (a) monitoring the condition of any asbestos or any substance containing or suspected of containing asbestos;
 - (b) ensuring any asbestos or any such substance is properly maintained or where necessary safely removed; and
 - (c) ensuring that information about the location and condition of any asbestos or any such substance is—
 - (i) provided to every person liable to disturb it; and
 - (ii) made available to the emergency services.
- (10) The dutyholder shall ensure that—
- (a) the plan is reviewed and revised at regular intervals, and without delay if—
 - (i) there is reason to suspect that the plan is no longer valid; or
 - (ii) there has been a significant change in the premises to which the plan relates;
 - (b) the measures specified in the plan are implemented; and
 - (c) the measures taken to implement the plan are recorded.
- (11) In this regulation—
- (a) “the assessment” is a reference to the assessment required by paragraph (3);
 - (b) “the plan” is a reference to the plan required by paragraph (8); and
 - (c) “the premises” is a reference to the non-domestic premises referred to in paragraph (1).

Identification of the presence of asbestos

5. An employer shall not undertake work in demolition, maintenance or any other work which exposes or is liable to expose employees of that employer to asbestos in respect of any premises unless either—

- (a) that employer has carried out a suitable and sufficient assessment as to whether asbestos, what type of asbestos, contained in what material and in what condition is present or is liable to be present in those premises; or
- (b) if there is doubt as to whether asbestos is present in those premises, that employer—
 - (i) assumes that asbestos is present, and that it is not chrysotile alone; and
 - (ii) observes the applicable provisions of these Regulations.

Assessment of work which exposes employees to asbestos

6.—(1) An employer shall not carry out work which is liable to expose employees of that employer to asbestos unless that employer has—

- (a) made a suitable and sufficient assessment of the risk created by that exposure to the health of those employees and of the steps that need to be taken to meet the requirements of these Regulations;
- (b) recorded the significant findings of that risk assessment as soon as is practicable after the risk assessment is made; and

- (c) implemented the steps referred to in sub-paragraph (a).
- (2) Without prejudice to the generality of paragraph (1), the risk assessment shall—
 - (a) subject to regulation 5, identify the type of asbestos to which employees are liable to be exposed;
 - (b) determine the nature and degree of exposure which may occur in the course of the work;
 - (c) consider the effects of control measures which have been or will be taken in accordance with regulation 11;
 - (d) consider the results of monitoring of exposure in accordance with regulation 19;
 - (e) set out the steps to be taken to prevent that exposure or reduce it to the lowest level reasonably practicable;
 - (f) consider the results of any medical surveillance that is relevant; and
 - (g) include such additional information as the employer may need in order to complete the risk assessment.
- (3) The risk assessment shall be reviewed regularly and immediately if—
 - (a) there is reason to suspect that the existing risk assessment is no longer valid;
 - (b) there is a significant change in the work to which the risk assessment relates; or
 - (c) the results of any monitoring carried out pursuant to regulation 19 show it to be necessary,and where, as a result of the review, changes to the risk assessment are required, those changes shall be made and, where they relate to the significant findings of the risk assessment or are themselves significant, recorded.
- (4) Where, in accordance with the requirement in paragraph (2)(b), the risk assessment has determined that the exposure to asbestos of employees of that employer may exceed the control limit, the employer shall keep a copy of the significant findings of the risk assessment at those premises at which, and for such time as, the work to which that risk assessment relates is being carried out.

Plans of work

- 7.—(1) An employer shall not undertake any work with asbestos without having prepared a suitable written plan of work detailing how that work is to be carried out.
- (2) The employer shall keep a copy of the plan of work at those premises at which the work to which the plan relates is being carried out for such time as that work continues.
- (3) In cases of final demolition or major refurbishment of premises, the plan of work shall, so far as is reasonably practicable, specify that asbestos shall be removed before any other major works begin, unless removal would cause a greater risk to employees than if the asbestos had been left in place.
- (4) The plan of work shall include in particular details of—
 - (a) the nature and probable duration of the work;
 - (b) the location of the place where the work is to be carried out;
 - (c) the methods to be applied where the work involves the handling of asbestos or materials containing asbestos;
 - (d) the characteristics of the equipment to be used for—
 - (i) protection and decontamination of those carrying out the work; and
 - (ii) protection of other persons on or near the worksite;
 - (e) the measures which the employer intends to take in order to comply with the requirements of regulation 11; and

(f) the measures which the employer intends to take in order to comply with the requirements of regulation 17.

(5) The employer shall ensure, so far as is reasonably practicable, that the work to which the plan of work relates is carried out in accordance with that plan and any subsequent written changes to it.

Licensing of work with asbestos

8.—(1) An employer shall hold a licence granted under paragraph (2) before undertaking any licensable work with asbestos.

(2) The Executive may grant a licence for licensable work with asbestos if it considers it appropriate to do so and—

- (a) the person who wishes to be granted the licence has made an application for it on a form approved for the purposes of this regulation by the Executive; and
- (b) the application was made at least 28 days before the date from which the licence is to run, or such shorter period as the Executive may allow.

(3) A licence under this regulation—

- (a) shall come into operation on the date specified in the licence, and shall be valid for any period up to a maximum of three years that the Executive may specify in it; and
- (b) may be granted subject to such conditions as the Executive may consider appropriate.

(4) The Executive may vary the terms of a licence under this regulation if it considers it appropriate to do so and in particular may—

- (a) add further conditions and vary or omit existing ones; and
- (b) reduce the period for which the licence is valid or extend that period up to a maximum of three years from the date on which the licence first came into operation.

(5) The Executive may revoke a licence if it considers it appropriate to do so.

(6) This paragraph applies to the following actions in relation to a licence under this regulation, that is to say—

- (a) the refusal to grant the licence;
- (b) the specification of any maximum period of validity for the licence where that period is less than 3 years;
- (c) making the grant of the licence subject to any conditions;
- (d) the variation or refusal to vary the terms of a licence under paragraph (4); or
- (e) the revocation of the licence.

(7) The Executive shall not take any action to which paragraph (6) applies unless it has followed the procedure set out in Chapter II of the model rules as if—

- (a) the Executive were an enforcement officer; and
- (b) the action were an enforcement action,

for the purposes of those rules.

(8) Any person aggrieved by an action of the Executive to which paragraph (6) applies may appeal against that action to a Tribunal and Chapter I of the model rules shall apply for the purposes of such an appeal as if—

- (a) the Executive were an Authority;
- (b) the Department were the responsible Department; and
- (c) the action in question were an enforcement action,

for the purposes of those rules.

(9) For the purposes of paragraphs (7) and (8), the model rules are set out in the Schedule to the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997^{M1} and for the purposes of paragraph (8), the Tribunal is a Tribunal appointed in accordance with Chapter I of those model rules.

(10) The holder of a licence under this regulation shall return the licence to the Executive—

- (a) when required by the Executive for any amendment; or
- (b) following its revocation.

Marginal Citations

M1 S.R.1997 No.269

Notification of work with asbestos

9.—(1) For licensable work with asbestos, an employer shall notify the appropriate enforcing authority of—

- (a) the particulars specified in Schedule 1 in writing at least 14 days (or such shorter time before as the appropriate enforcing authority may agree) before undertaking any licensable work with asbestos; and
- (b) any material change, which might affect the particulars notified in accordance with (1)(a) (including the cessation of the work), in writing and without delay.

(2) For work with asbestos which is not licensable work with asbestos and is not exempted by regulation 3(2), an employer shall notify the appropriate enforcing authority of—

- (a) the particulars specified in Schedule 1, before work is commenced; and
- (b) any material change, which might affect the particulars notified in accordance with (2)(a), without delay.

Information, instruction and training

10.—(1) Every employer shall ensure that any employee employed by that employer is given adequate information, instruction and training where that employee—

- (a) is or is liable to be exposed to asbestos, or if that employee supervises such employees, so that those employees are aware of—
 - (i) the properties of asbestos and its effects on health, including its interaction with smoking;
 - (ii) the types of products or materials likely to contain asbestos;
 - (iii) the operations which could result in asbestos exposure and the importance of preventive controls to minimise exposure;
 - (iv) safe work practices, control measures, and protective equipment;
 - (v) the purpose, choice, limitations, proper use and maintenance of respiratory protective equipment;
 - (vi) emergency procedures;
 - (vii) hygiene requirements;
 - (viii) decontamination procedures;
 - (ix) waste handling procedures;

- (x) medical examination requirements; and
 - (xi) the control limit and the need for air monitoring,
- in order to safeguard themselves and other employees; and
- (b) carries out work in connection with the employer's duties under these Regulations, so that the employee can carry out that work effectively.
- (2) The information, instruction and training required by paragraph (1) shall be—
- (a) given at regular intervals;
 - (b) adapted to take account of significant changes in the type of work carried out or methods of work used by the employer; and
 - (c) provided in a manner appropriate to the nature and degree of exposure identified by the risk assessment, and so that the employees are aware of—
 - (i) the significant findings of the risk assessment; and
 - (ii) the results of any air monitoring carried out with an explanation of the findings.

Prevention or reduction of exposure to asbestos

11.—(1) Every employer shall—

- (a) prevent the exposure to asbestos of any employee employed by that employer so far as is reasonably practicable;
- (b) where it is not reasonably practicable to prevent such exposure—
 - (i) take the measures necessary to reduce exposure to asbestos of any such employee to the lowest level reasonably practicable by measures other than the use of respiratory protective equipment; and
 - (ii) ensure that the number of any such employees exposed to asbestos at any one time is as low as is reasonably practicable.

(2) Where it is not reasonably practicable for the employer to prevent the exposure to asbestos of any such employee employed by that employer in accordance with paragraph (1)(a), the measures referred to in paragraph (1)(b)(i) shall include, in order of priority—

- (a) the design and use of appropriate work processes, systems and engineering controls and the provision and use of suitable work equipment and materials in order to avoid or minimise the release of asbestos; and
- (b) the control of exposure at source, including adequate ventilation systems and appropriate organisational measures,

and the employer shall so far as is reasonably practicable provide any employee concerned with suitable respiratory protective equipment in addition to the measures required by sub-paragraphs (a) and (b).

(3) Where it is not reasonably practicable for the employer to reduce the exposure to asbestos of any such employee to below the control limit by the measures referred to in paragraph (1)(b)(i), then, in addition to taking those measures, the employer shall provide that employee with suitable respiratory protective equipment which will reduce the concentration of asbestos in the air inhaled by that employee (after taking account of the effect of that respiratory protective equipment) to a concentration which is—

- (a) below the control limit; and
- (b) as low as is reasonably practicable.

(4) Personal protective equipment provided by an employer in accordance with this regulation or with regulation 14(1) shall be suitable for its purpose and shall—

- (a) comply with any [^{F1}legal requirement] which is applicable to that item of personal protective equipment; or
 - (b) in the case of respiratory protective equipment, where no provision referred to in sub-paragraph (a) applies, be of a type approved or shall conform to a standard approved, in either case, by the Executive.
- (5) The employer shall—
- (a) ensure that no employee is exposed to asbestos in a concentration in the air inhaled by that worker which exceeds the control limit; or
 - (b) if the control limit is exceeded—
 - (i) immediately inform any employees concerned and their representatives and ensure that work does not continue in the affected area until adequate measures have been taken to reduce employees' exposure to asbestos below the control limit;
 - (ii) as soon as is reasonably practicable identify the reasons for the control limit being exceeded and take the appropriate measures to prevent it being exceeded again; and
 - (iii) check the effectiveness of the measures taken pursuant to sub-paragraph (ii) by carrying out immediate air monitoring.

[^{F2}(6) In paragraph (4)(a), “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC (OJ No L81, 31.3.2016, p51).]

- | |
|--|
| <p>F1 Words in reg. 11(4)(a) substituted (21.4.2018) by The Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390), reg. 1(1), Sch. 5 para. 13(a) (with reg. 2(1)-(3))</p> <p>F2 Reg. 11(6) inserted (21.4.2018) by The Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390), reg. 1(1), Sch. 5 para. 13(b) (with reg. 2(1)-(3))</p> |
|--|

Use of control measures etc.

12.—(1) Every employer who provides any control measure, other thing or facility pursuant to these Regulations shall take all reasonable steps to ensure that it is properly used or applied as the case may be.

(2) Every employee shall make full and proper use of any control measure, other thing or facility provided pursuant to these Regulations and, where relevant, shall—

- (a) take all reasonable steps to ensure that it is returned after use to any accommodation provided for it; and
- (b) report any defect discovered without delay to that employee's employer.

Maintenance of control measures etc.

13.—(1) Every employer who provides any control measure to meet the requirements of these Regulations shall ensure that—

- (a) in the case of plant and equipment, including engineering controls and personal protective equipment, it is maintained in an efficient state, in efficient working order, in good repair and in a clean condition; and
- (b) in the case of provision of systems of work and supervision and of any other measure, any such measures are reviewed at suitable intervals and revised if necessary.

(2) Where exhaust ventilation equipment or respiratory protective equipment (except disposable respiratory protective equipment) is provided to meet the requirements of these Regulations, the employer shall ensure that thorough examinations and tests of that equipment are carried out at suitable intervals by a competent person.

(3) Every employer shall keep a suitable record of the examinations and tests carried out in accordance with paragraph (2) and of repairs carried out as a result of those examinations and tests, and that record or a suitable summary of it shall be kept available for at least 5 years from the date on which it was made.

Provision and cleaning of protective clothing

14.—(1) Every employer shall provide adequate and suitable protective clothing for any employee employed by that employer who is exposed or is liable to be exposed to asbestos, unless no significant quantity of asbestos is liable to be deposited on the clothes of an employee while at work.

(2) The employer shall ensure that protective clothing provided in pursuance of paragraph (1) is either disposed of as asbestos waste or adequately cleaned at suitable intervals.

(3) The cleaning required by paragraph (2) shall be carried out either on the premises where the exposure to asbestos has occurred, where those premises are suitably equipped for such cleaning, or in a suitably equipped laundry.

(4) The employer shall ensure that protective clothing which has been used and is to be removed from the premises referred to in paragraph (3) (whether for cleaning, further use or disposal) is packed, before being removed, in a suitable receptacle which shall be labelled in accordance with the provisions of Schedule 2, as if it were a product containing asbestos or, in the case of protective clothing intended for disposal as waste, in accordance with regulation 24(3).

(5) Where, as a result of the failure or improper use of the protective clothing provided in pursuance of paragraph (1), a significant quantity of asbestos is deposited on the personal clothing of an employee, then for the purposes of paragraphs (2), (3) and (4) that personal clothing shall be treated as if it were protective clothing provided in pursuance of paragraph (1).

Arrangements to deal with accidents, incidents and emergencies

15.—(1) In the event of an accident, incident or emergency related to the unplanned release of asbestos at the workplace, the employer shall ensure that—

- (a) immediate steps are taken to—
 - (i) mitigate the effects of the event;
 - (ii) restore the situation to normal; and
 - (iii) inform any person who may be affected; and
- (b) only those persons who are responsible for the carrying out of repairs and other necessary work are permitted in the affected area and that such persons are provided with—
 - (i) appropriate respiratory protective equipment and protective clothing; and
 - (ii) any necessary specialised safety equipment and plant;

which shall be used until the situation is restored to normal.

(2) The remainder of this regulation applies only to licensable work with asbestos, and is without prejudice to the relevant provisions of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000^{M2}.

(3) Subject to paragraph (5), in order to protect the health of an employer's employees from an accident, incident or emergency related to the use of asbestos in a work process or to the removal or repair of asbestos-containing materials at the workplace, the employer shall ensure that—

- (a) procedures, including the provision of relevant safety drills (which shall be tested at regular intervals), have been prepared which can be put into effect when such an event occurs;
 - (b) information on emergency arrangements is available, including—
 - (i) details of relevant work hazards and hazard identification arrangements; and
 - (ii) specific hazards likely to arise at the time of an accident, incident or emergency; and
 - (c) suitable warning and other communication systems are established to enable an appropriate response, including remedial actions and rescue operations, to be made immediately when such an event occurs.
- (4) The employer shall ensure that information on the procedures, emergency arrangements and systems required by paragraph (3)(a) and (c) and the information required by paragraph (3) (b) is—
- (a) made available to the relevant accident and emergency services to enable those services, whether internal or external to the workplace, to prepare their own response procedures and precautionary measures; and
 - (b) displayed at the workplace, if this is appropriate.
- (5) Paragraph (3) does not apply where—
- (a) the results of the risk assessment show that, because of the quantity of asbestos present at the workplace, there is only a slight risk to the health of employees; and
 - (b) the measures taken by the employer to comply with the duty under regulation 11(1) are sufficient to control that risk.

Marginal Citations

M2 S.R 2000 No.388, as amended by S.R. 2001 No. 348, S.R. 2003 No. 454, S.R. 2006 No. 255, S.R. 2011 No. 350 and revoked in part by S.R. 2007 No. 291

Duty to prevent or reduce the spread of asbestos

16. Every employer shall prevent or, where this is not reasonably practicable, reduce to the lowest level reasonably practicable the spread of asbestos from any place where work under the employer's control is carried out.

Cleanliness of premises and plant

17. Every employer who undertakes work which exposes or is liable to expose any employees of that employer to asbestos shall ensure that—

- (a) the premises, or those parts of the premises where that work is carried out, and the plant used in connection with that work are kept in a clean state; and
- (b) where such work has been completed, the premises, or those parts of the premises where the work was carried out, are thoroughly cleaned.

Designated areas

18.—(1) Every employer shall ensure that any area in which work under the control of that employer is carried out is designated as—

- (a) an asbestos area, subject to regulation 3(2), where any employee would be liable to be exposed to asbestos in that area; and
- (b) a respirator zone where the risk assessment cannot clearly demonstrate that the control limit will not be exceeded.

(2) Asbestos areas and respirator zones shall be clearly and separately demarcated and identified by notices indicating—

- (a) that the area is an asbestos area or a respirator zone or both, as the case may be; and
- (b) in the case of a respirator zone, that the exposure of an employee who enters it is liable to exceed the control limit and that respiratory protective equipment shall be worn.

(3) The employer shall not permit any employee, other than an employee who is required for work purposes to be in an area designated as an asbestos area or a respirator zone, to enter or remain in any such area and only employees who are so permitted shall enter or remain in any such area.

(4) Every employer shall ensure that only competent employees shall—

- (a) enter a respirator zone; and
- (b) supervise any employees who enter a respirator zone;

and for the purposes of this paragraph, a competent employee means an employee who has received adequate information, instruction and training.

(5) Every employer shall ensure that—

- (a) the employer's employees do not eat, drink or smoke in an area designated as an asbestos area or a respirator zone; and
- (b) arrangements are made for such employees to eat or drink in some other place.

Air monitoring

19.—(1) Subject to paragraph (2), every employer shall monitor the exposure to asbestos of any employees employed by that employer by measurement of asbestos fibres present in the air—

- (a) at regular intervals; and
- (b) when a change occurs which may affect that exposure.

(2) Paragraph (1) shall not apply where—

- (a) the exposure of an employee is not liable to exceed the control limit; or
- (b) the employer is able to demonstrate by another method of evaluation that the requirements of regulation 11(1) and (5) have been complied with.

(3) The employer shall keep a suitable record of—

- (a) monitoring carried out in accordance with paragraph (1); or
- (b) where it is decided that monitoring is not required because paragraph 2(b) applies, the reason for that decision.

(4) The record required by paragraph (3), or a suitable summary of it, shall be kept—

- (a) in a case where exposure is such that a health record is required to be kept under regulation 22, for at least 40 years; or
- (b) in any other case, for at least 5 years,

from the date of the last entry made in it.

(5) In relation to the record required by paragraph (3), the employer shall—

- (a) on reasonable notice being given, allow an employee access to the personal monitoring record for that employee;
- (b) provide the Executive with copies of such monitoring records as the Executive may require; and
- (c) if that employer ceases to trade, notify the Executive without delay in writing and make available to the Executive all monitoring records kept by that employer.

Standards for air testing and site clearance certification

20.—(1) In paragraph (4), “site clearance certificate for reoccupation” means a certificate issued to confirm that premises or parts of premises where work with asbestos has been carried out have been thoroughly cleaned upon completion of that work in accordance with regulation 17(b).

(2) Every employer who carries out any measurement of the concentration of asbestos fibres present in the air shall ensure that criteria are met which are equivalent to those set out in the paragraphs of ISO 17025 which cover organisation, quality systems, control of records, personnel, accommodation and environmental conditions, test and calibration methods, method validation, equipment, handling of test and calibration items, and reporting results.

(3) Every employer who requests a person to carry out any measurement of the concentration of asbestos fibres present in the air shall ensure that that person is accredited by an appropriate body as competent to perform work in compliance with ISO 17025.

(4) Every employer who requests a person to assess whether premises or parts of premises where work with asbestos has been carried out have been thoroughly cleaned upon completion of that work and are suitable for reoccupation such that a site clearance certificate for reoccupation can be issued shall ensure that that person is accredited by an appropriate body as competent to perform work in compliance with the paragraphs of ISO 17020 and ISO 17025 which cover organisation, quality systems, control of records, personnel, accommodation and environmental conditions, test and calibration methods, method validation, equipment, handling of test and calibration items, and reporting results.

(5) Paragraphs (2) and (3) shall not apply to work carried out in a laboratory for the purposes only of research.

Standards for analysis

21.—(1) Every employer who analyses a sample of any material to determine whether it contains asbestos shall ensure that criteria equivalent to those set out in the paragraphs of ISO 17025 which cover organisation, quality systems, control of records, personnel, accommodation and environmental conditions, test and calibration methods, method validation, equipment, handling of test and calibration items, and reporting results are met.

(2) Every employer who requests a person to analyse a sample of any material taken to determine whether it contains asbestos shall ensure that that person is accredited by an appropriate body as competent to perform work in compliance with ISO 17025.

(3) Paragraphs (1) and (2) shall not apply to work carried out in a laboratory for the purposes only of research.

Health records and medical surveillance

22.—(1) For licensable work with asbestos every employer shall ensure that—

- (a) a health record is maintained and contains particulars approved by the Executive for all of that employer's employees who are exposed to asbestos; and
- (b) that record, or a copy of that record is kept available in a suitable form for at least 40 years from the date of the last entry made in it; and
- (c) each employee who is exposed to asbestos is under adequate medical surveillance by a relevant doctor.

(2) The medical surveillance required by paragraph (1)(c) shall include—

- (a) a medical examination not more than 2 years before the beginning of such exposure; and
- (b) periodic medical examinations at intervals of at least once every 2 years or such shorter time as the relevant doctor may require while such exposure continues,

and each such medical examination shall include a specific examination of the chest.

(3) For work with asbestos, which is not licensable work with asbestos, and is not exempted by regulation 3(2), the requirements in paragraphs (1)(a) to (c) shall apply and—

- (a) a medical examination in accordance with paragraph (1)(c) and (2)(a) shall take place on or before 30 April 2015;
- (b) on or after 1 May 2015, a medical examination in accordance with paragraph (1)(c) and (2)(a) shall take place not more than 3 years before the beginning of such exposure; and
- (c) a periodic medical examination in accordance with paragraph (1)(c) and (2)(b) shall take place at intervals of at least once every 3 years, or such shorter time as the relevant doctor may require while such exposure continues.

(4) Where an employee has been examined in accordance with paragraph (1)(c), the relevant doctor shall issue a certificate to the employer and employee stating—

- (a) that the employee has been so examined; and
- (b) the date of the examination,

and the employer shall keep that certificate, or a copy of that certificate for at least 4 years from the date on which it was issued.

(5) An employee to whom this regulation applies shall, when required by that employee's employer and at the cost of that employer, attend during the employee's working hours such examination and undertake such tests as may be required for the purposes of paragraph (1)(c) and shall furnish the relevant doctor with such information concerning that employee's health as the relevant doctor may reasonably require.

(6) Where, for the purpose of carrying out functions under these Regulations, a relevant doctor requires to inspect any record kept for the purposes of these Regulations, the employer shall permit that doctor to do so.

(7) Where medical surveillance is carried out on the premises of the employer, the employer shall ensure that suitable facilities are made available for the purpose.

(8) The employer shall—

- (a) on reasonable notice being given, allow an employee access to that employee's personal health record;
- (b) provide the Executive with copies of such personal health records as the Executive may require; and
- (c) if the employer ceases to trade notify the Executive without delay in writing and make available to the Executive all personal health records kept by that employer.

(9) Where, as a result of medical surveillance, an employee is found to have an identifiable disease or adverse health effect which is considered by a relevant doctor to be the result of exposure to asbestos at work the employer of that employee shall—

- (a) ensure that a suitable person informs the employee accordingly and provides the employee with information and advice regarding further medical surveillance;
- (b) review the risk assessment;
- (c) review any measure taken to comply with regulation 11 taking into account any advice given by a relevant doctor or by the Executive;
- (d) consider assigning the employee to alternative work where there is no risk of further exposure to asbestos, taking into account any advice given by a relevant doctor; and
- (e) provide for a review of the health of every other employee who has been similarly exposed, including a medical examination (which shall include a specific examination of the chest) where such an examination is recommended by a relevant doctor or by the Executive.

Washing and changing facilities

23.—(1) Every employer shall ensure that the following are provided to any of that employer's employees who is exposed to asbestos—

- (a) adequate washing and changing facilities;
- (b) where an employer is required to provide protective clothing, adequate facilities for the storage of—
 - (i) that protective clothing; and
 - (ii) personal clothing not worn during working hours; and
- (c) where an employer is required to provide respiratory protective equipment, adequate facilities for the storage of that equipment.

(2) The facilities provided under paragraph (1) for the storage of—

- (a) personal protective clothing;
- (b) personal clothing not worn during working hours; and
- (c) respiratory protective equipment,

shall be separate from each other.

Storage, distribution and labelling of raw asbestos and asbestos waste

24.—(1) Every employer who undertakes work with asbestos shall ensure that raw asbestos or waste which contains asbestos is not—

- (a) stored;
- (b) received into or despatched from any place of work; or
- (c) distributed within any place of work, except in a totally enclosed distribution system,

unless it is in a sealed receptacle or where more appropriate, sealed wrapping, clearly marked in accordance with paragraphs (2) and (3) showing that it contains asbestos.

(2) Raw asbestos shall be labelled in accordance with the provisions of Schedule 2.

(3) Waste containing asbestos shall be labelled—

- (a) where the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010^{M3} apply, in accordance with those Regulations; and
- (b) in any other case in accordance with the provisions of Schedule 2.

Marginal Citations

M3 S.R. 2010 No. 160, as amended by S.R. 2011 No. 365

Changes to legislation:

There are currently no known outstanding effects for the The Control of Asbestos Regulations (Northern Ireland) 2012, PART 2.