

1986 No. 35

HEALTH AND SAFETY

Asbestos (Prohibitions) Regulations (Northern Ireland) 1986

Made 31st January 1986

Coming into operation 6th March 1986

The Department of Agriculture, the Department of Economic Development and the Department of the Environment acting jointly as the Department concerned^(a) in exercise of the powers conferred by Article 17(1), (2) and (5) of, and paragraph 1(1) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978^(b) and of every other power enabling them in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appear to them to be appropriate, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Asbestos (Prohibitions) Regulations (Northern Ireland) 1986 and shall come into operation on 6th March 1986.

Interpretation and application

2.(1) In these Regulations—

“asbestos” means any of the following minerals, that is to say, crocidolite, amosite, chrysotile, fibrous actinolite, fibrous anthophyllite, fibrous tremolite and any mixture containing any of those minerals;

“asbestos cement” means a material which is predominantly a mixture of cement and asbestos and which when in a dry state has a density greater than one tonne per cubic metre;

“asbestos insulation” means any materials containing asbestos and used for thermal insulation (including fire protection) or for acoustic insulation except—

(a) asbestos cement or asbestos insulating board,

(b) any article of bitumen, plastic, resin or rubber,

(c) film, foil, resin or rubber coated asbestos textiles, primarily used for fire protection;

“asbestos insulating board” means any sheet, tile or building board consisting of a mixture of asbestos and other material which mixture when in a dry state has a density greater than 500 kilograms per cubic metre;

“asbestos spraying” means the application by spraying of any material containing asbestos to form a surface coating, but does not include the application by spraying of any bituminous composition containing less than 10 per cent. by weight of asbestos to motor vehicles for the purpose of undersealing.

“the Department” means the Department of Economic Development.

(2) Any prohibition imposed on any person by these Regulations shall apply only to acts done in the course of a trade, business or other undertaking carried on by him (whether for profit or not).

(a) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(b) S.I. 1978/1039 (N.I. 9)

Prohibition of the supply of crocidolite and amosite and products containing those minerals

3. A person shall not supply crocidolite or amosite or any product containing either of those minerals as an article or substance for use at work.

Prohibition of use of crocidolite and amosite and products containing those minerals

4.—(1) A person shall not use crocidolite or amosite or any product containing either of those minerals in the manufacture or repair of any other product.

(2) A person shall not use at work any product containing crocidolite or amosite, except that this paragraph shall not apply to—

- (a) products which were in use before 6th March 1986; or
- (b) any activity in connection with the disposal of the product.

Prohibition of asbestos spraying

5. A person shall not undertake asbestos spraying.

Prohibition of asbestos insulation

6. A person shall not install asbestos insulation.

Exemption certificates

7.—(1) Subject to paragraph (2) the Department may, by a certificate in writing, exempt any person, class of persons, product containing asbestos or class of such products from all or any of the prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and a limit of time and may be revoked at any time by a certificate in writing.

(2) The Department shall not grant any exemption unless, having regard to the circumstances of the case and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Sealed with the Official Seal of the Department of Agriculture on 31st January 1986.

(L.S.)

K. E. Brady

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 31st January 1986.

(L.S.)

S. Cooper

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 31st January 1986.

(L.S.)

J. M. Irvine

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement, as respects Northern Ireland, the following Directives—

- (a) Council Directive No. 76/769/EEC (OJ No. L262, 27.9.1976, p. 201) as amended by Council Directive No. 83/478/EEC (OJ No. L263, 19.9.1983, p. 33) on the restriction of the marketing and use of certain dangerous substances and preparations with respect to certain prohibitions concerning the asbestos mineral crocidolite and products containing it;
- (b) Council Directive No. 83/477/EEC (OJ No. L263, 24.9.83, p. 25) on the protection of workers from risks related to exposure to asbestos at work in so far as it concerns asbestos spraying.

Regulation 3 prohibits the supply of the asbestos minerals crocidolite and amosite and any product containing either of them as articles or substances for use at work.

The use of crocidolite and amosite and any product containing either of them in the manufacture or repair of any other product is prohibited by regulation 4 and the use at work of any product containing crocidolite or amosite is also prohibited by that regulation except where such products were already in use before these Regulations came into operation or where the activity involved is in connection with the disposal of the product.

The Regulations also prohibit the spraying of products containing asbestos (regulation 5) and the installation of thermal or acoustic insulation containing asbestos (regulation 6).

Regulation 7 empowers the Department of Economic Development (“the Department”) to grant certificates exempting particular persons and products from the operation of the Regulations. The Department shall not grant any such exemption unless it is satisfied that the health and safety of persons affected will not be prejudiced by the exemption.

A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction to a fine not exceeding £2,000, or on conviction on indictment to a fine.