

1993 No. 25

HEALTH AND SAFETY

Asbestos (Prohibitions) Regulations (Northern Ireland) 1993

Made 25th January 1993

Coming into operation 26th February 1993

The Department of Economic Development, the Department of Agriculture and the Department of the Environment, acting jointly as the Department concerned(a), in exercise of the powers conferred by Articles 17(1), (2) and (5) and 55(2) of, and paragraph 1(1) and (2) 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 in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared 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) 1993 and shall come into operation on 26th February 1993.

Interpretation and application

2.—(1) In these Regulations—

“amphibole asbestos” means any of the following minerals, namely crocidolite, amosite, fibrous actinolite, fibrous anthophyllite, fibrous tremolite and any mixture containing any of those minerals;

“asbestos” means chrysotile, and amphibole asbestos and any mixture containing any of those minerals;

“asbestos spraying” means the application by spraying of any material containing asbestos to form a continuous surface coating;

“the Department” means the Department of Economic Development;

“roofing felt” means a product that is fabricated to form a waterproof covering for roofing applications, having as its base a mat of vegetable or mineral fibres or a mixture of those fibres, fixed in a matrix of bituminous materials that may contain polymers or resins.

(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 (whether for profit or not) carried on by him.

(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 amphibole asbestos

3. A person shall not supply amphibole asbestos or any product to which amphibole asbestos has intentionally been added.

Prohibition of the use of amphibole asbestos and products containing it

4.—(1) A person shall not use amphibole asbestos or any product to which amphibole asbestos has intentionally been added in the manufacture or repair of any other product.

(2) A person shall not use any product containing amphibole asbestos, except that this paragraph shall not apply—

(a) in the case of products containing crocidolite or amosite, to products which were in use before 6th March 1986; or

(b) in the case of products containing any other form of amphibole asbestos, but not crocidolite or amosite, to products which were in use before 26th February 1993,

or, in either case, to any activity in connection with the disposal of any such product.

Prohibition of asbestos spraying

5. A person shall not undertake asbestos spraying.

Prohibition of supply or use of products containing chrysotile

6.—(1) Subject to paragraph (2) the supply or use of any product containing chrysotile described in the Schedule is prohibited.

(2) Paragraph (1) shall not apply to the use of—

(a) any product which was in use before 26th February 1993 except that that paragraph shall apply to any such product the use of which was prohibited by the Asbestos (Prohibitions) Regulations (Northern Ireland) 1986(a) as in operation immediately before the coming into operation of these Regulations;

(b) any activity in connection with the disposal of any such product.

Exemption certificates

7.—(1) Subject to paragraph (2) and to any provisions imposed by the European Communities in respect of the marketing and use of dangerous substances and preparations, the Department may, by a certificate in writing, exempt any person or class of persons, or any 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 to a limit of time and may be revoked by a certificate in writing at any time.

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

(a) the conditions, if any, that it proposes to attach to the exemption; and

(a) S.R. 1986 No. 35 amended by S.R. 1989 No. 97

(b) any requirement imposed by or under any statutory provision which applies to the case,

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

Revocations

8. The following Regulations are hereby revoked—

(a) the Asbestos (Prohibitions) Regulations (Northern Ireland) 1986;

(b) the Asbestos (Prohibitions) (Amendment) Regulations (Northern Ireland) 1989(a).

Sealed with the Official Seal of the Department of Economic Development on 25th January 1993.

(L.S.)

Philip B. Strong

Assistant Secretary

Sealed with the Official Seal of the Department of Agriculture on 25th January 1993.

(L.S.)

I. C. Henderson

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 25th January 1993.

(L.S.)

Trevor Pearson

Assistant Secretary

Products containing Chrysotile which are prohibited

1. Materials or preparations intended to be applied by spraying.
2. Paints or varnishes.
3. Roofing felt after 1st July 1993.
4. Filters for liquids, except that this prohibition shall not apply to filters for medical use until after 31st December 1994.
5. Road surfacing material where the fibre content is more than 2%.
6. Mortars, protective coatings, fillers, sealants, jointing compounds, mastics, glues and decorative products in powder form and decorative finishes.
7. Insulating or soundproofing materials which when used in their intended form have a density of less than 1g/cm^3 .
8. Air filters and filters used in the transport, distribution and utilisation of natural gas and town gas.
9. Underlays for plastic floor and wall coverings.
10. Textiles finished in the form intended to be supplied to the end user unless treated to avoid fibre release, except that this prohibition shall not apply to diaphragms for electrolysis processes until after 31st December 1998.

(This note is not part of the Regulations.)

1. These Regulations revoke and replace the Asbestos (Prohibitions) Regulations (Northern Ireland) 1986 and the Asbestos (Prohibitions) (Amendment) Regulations (Northern Ireland) 1989 (regulation 8).
2. The Regulations implement in Northern Ireland certain provisions of Commission Directive No. 91/659/EEC (OJ No. L363, 31.12.91, p. 36) adapting to technical progress Annex I of Council Directive No. 76/769/EEC (OJ No. L262, 27.9.76, p. 201) on restrictions relating to the marketing and use of certain dangerous substances and preparations (asbestos).
3. The Regulations make the following changes of substance:
 - (a) Regulations 3 and 4 extend the prohibitions on the supply and use of crocidolite and amosite to all forms of amphibole asbestos.
 - (b) Regulation 6 prohibits the supply or use of the products containing chrysotile asbestos specified in the Schedule but such prohibitions do not apply to roofing felt until after 1st July 1993 nor to filters for medical use until after 31st December 1994, nor to diaphragms for electrolysis processes until after 31st December 1998.
4. A person who contravenes these Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978.