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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 100**

**HEALTH AND SAFETY**

**Asbestos (Licensing) (Amendment) Regulations  
(Northern Ireland) 2000**

*Made . . . . . 20th March 2000*

*Coming into operation in accordance with regulation 1*

The Department of Enterprise, Trade and Investment, being the Department concerned<sup>(a)</sup>, in exercise of the powers conferred on it by Article 17(1), (2) and (5) of, and paragraphs 1(1), 3, 7(1), 8, 12(1), 13 and 14(1) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978<sup>(b)</sup> and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1)<sup>(c)</sup> of that Order with the Health and Safety Executive for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

*Citation and commencement*

**1.**—(1) These Regulations may be cited as the Asbestos (Licensing) (Amendment) Regulations (Northern Ireland) 2000 and, subject to paragraph (2), shall come into operation on 2nd May 2000.

(2) Paragraphs (2), (3), (4)(a), (5)(b), (6) and (7) of regulation 2 and the Schedule to these Regulations shall come into operation on 1st August 2000.

*Amendment of the Asbestos (Licensing) Regulations (Northern Ireland) 1984*

**2.**—(1) The Asbestos (Licensing) Regulations (Northern Ireland) 1984<sup>(d)</sup> shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2—

(a) in the definition of “asbestos insulating board” for the words “which mixture when in a dry state has a density greater than 500 kilograms per cubic metre” there shall be substituted—

“except—

(a) asbestos cement; or

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(a) See Article 2(2) of S.I. 1978/1039 (N.I. 9)  
(b) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Article 3(1). Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)  
(c) Article 46(1) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18  
(d) S.R. 1984 No. 205; relevant amending Regulations are S.R. 1999 No. 150, regulation 2 and the Schedule

- (b) any article of bitumen, plastic, resin or rubber which contains asbestos, and the thermal or acoustic properties of which are incidental to its main purpose”;
- (b) after the definition of “the Executive” there shall be inserted the following definitions—
- ““territorial waters” means United Kingdom territorial waters adjacent to Northern Ireland and “within territorial waters” includes on, over and under them;
- “work with asbestos insulating board” means—
- (a) work which consists of the removal, repair or disturbance of asbestos insulating board;
- (b) work which is ancillary to such work; and
- (c) supervising work referred to in sub-paragraphs (a) or (b);”;
- and
- (c) for the definition of “work with asbestos insulation or asbestos coating” there shall be substituted the following definition—
- ““work with asbestos insulation or asbestos coating” means—
- (a) work which consists of the removal, repair or disturbance of asbestos insulation or asbestos coating;
- (b) work which is ancillary to such work; and
- (c) supervising work referred to in sub-paragraphs (a) or (b).”.
- (3) In paragraphs (1) and (2)(a)(i) of regulation 3, after the word “coating”, there shall be inserted “or work with asbestos insulating board”.
- (4) In regulation 4—
- (a) in paragraph (1), after the word “coating” there shall be inserted “or work with asbestos insulating board”; and
- (b) for paragraph (4) there shall be substituted the following paragraph—
- “(4) The Executive may revoke a licence if it considers it appropriate to do so.”.
- (5) In regulation 5—
- (a) in paragraph (1), for the number “28” there shall be substituted “14”; and
- (b) in paragraph (3), after the words “work with asbestos insulation or asbestos coating” there shall be inserted “or work with asbestos insulating board”.
- (6) After regulation 7 there shall be added the following regulation—
- “*Application within territorial waters*
8. Within territorial waters these Regulations shall apply only to or in relation to the premises and activities to which any of paragraphs 2 to 6 of the Schedule applies.”.
- (7) There shall be added the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 20th March 2000.

(L.S.)

*Adrienne L. Brown*

A senior officer of the Department of Enterprise, Trade and Investment

**Schedule to be added to the Asbestos (Licensing) Regulations  
(Northern Ireland) 1984**

**Premises and activities within territorial waters**

*Interpretation*

1.—(1) In this Schedule—

“designated area” means any area designated by order under section 1(7) of the Continental Shelf Act 1964<sup>(a)</sup> and “within a designated area” includes over and under it;

“offshore installation” shall be construed in accordance with paragraph 2(4) and (5);

“stand-by vessel” means a vessel which is ready to give assistance in the event of an emergency on or near an offshore installation;

“vessel” includes a hovercraft and any floating structure which is capable of being staffed.

(2) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(3) For the purposes of this Schedule, a person shall be deemed to be engaged in diving operations throughout any period from the time when he commences to prepare for diving until the time when—

(a) he is no longer subjected to raised pressure;

(b) he has normal inert gas partial pressure in his tissues; and

(c) if he entered the water, he has left it,

and diving operations include the activity of any person in connection with the health and safety of a person who is, or is deemed to be, engaged in diving operations.

(4) Any reference in this Schedule to premises and activities (howsoever described) includes a reference to any person, article or substance on those premises or engaged in or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

*Offshore installations*

2.—(1) This paragraph applies to—

(a) any offshore installation and any activity on it;

(b) any activity, including diving operations, in connection with an offshore installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, on or from a vessel or in any other manner, other than—

(i) transporting, towing or navigating the installation; or

(ii) any activity on or from a vessel being used as a stand-by vessel; or

(c) diving operations involving the survey and preparation of the sea bed for an offshore installation.

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(a) 1964 c. 29; section 1 was amended by the Oil and Gas Enterprise Act 1982 (c. 23), Schedule 3, paragraph 1

(2) Subject to sub-paragraph (3), in this Schedule “offshore installation” means a structure which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water—

- (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
- (b) for the storage of gas in or under the shore or bed of any water or the recovery of gas so stored;
- (c) for the conveyance of things by means of a pipe; or
- (d) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this sub-paragraph,

and which is not an excepted structure.

(3) For the purposes of sub-paragraph (2), the excepted structures are—

- (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
- (b) a well;
- (c) a structure which has ceased to be used for any of the purposes specified in sub-paragraph (2) and has since been used for a purpose not so specified;
- (d) a mobile structure which has been taken out of use and is not for the time being intended to be used for any of the purposes specified in sub-paragraph (2); and
- (e) any part of a pipeline.

#### *Wells*

3.—(1) This paragraph applies to—

- (a) a well and any activity in connection with it; or
- (b) an activity which is immediately preparatory to any activity falling within head (a).

(2) Sub-paragraph (1) includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation.

#### *Pipelines*

4.—(1) This paragraph applies to—

- (a) a pipeline;
- (b) any pipeline works; or
- (c) any of the following activities in connection with pipeline works, namely—
  - (i) the loading, unloading, fuelling or provisioning of a vessel;
  - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel,

being in either case a vessel which is engaged in pipeline works.

(2) In this paragraph—

“pipeline” means a pipe or system of pipes for the conveyance of any thing, together with—

- (a) any apparatus for inducing or facilitating the flow of any thing through, or through a part of, the pipe or system;
- (b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;

- (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
- (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in heads (a) to (c);
- (e) apparatus for the transmission of information for the operation of the pipe or system;
- (f) apparatus for the cathodic protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system;

but not including a pipeline of which no initial or terminal point is situated in the United Kingdom or within territorial waters, United Kingdom territorial waters adjacent to Great Britain or a designated area;

“pipeline works” means—

- (a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;
- (c) changing the position of or dismantling or removing a pipeline or length of pipeline;
- (d) opening the bed of the sea for the purposes of the works mentioned in heads (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in heads (a) to (d);
- (f) diving operations in connection with any of the works mentioned in heads (a) to (e) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.

#### *Mines*

5.—(1) This paragraph applies to the working of a mine and work for the purpose of, or in connection with, the working of any part of a mine.

(2) In this paragraph “mine” and “working of a mine” have the same meaning as in the Mines Act (Northern Ireland) 1969(a).

#### *Other activities*

6.—(1) Subject to sub-paragraph (2), this paragraph applies to—

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, demolition and dismantling of any building or other structure not being a vessel, or any preparation for any such activity;
- (b) the loading, unloading, fuelling or provisioning of a vessel;
- (c) diving operations;
- (d) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel; or
- (e) the maintaining on station of a vessel which would be an offshore installation were it not a structure to which paragraph 2(3)(d) relates.

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(a) 1969 c. 6 (N.I.)

(2) This paragraph does not apply to vessels which are registered outside the United Kingdom and are on passage through territorial waters.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

1. These Regulations amend the Asbestos (Licensing) Regulations (Northern Ireland) 1984 (“the 1984 Regulations”).

2. The Regulations amend the definition in the 1984 Regulations of work with asbestos insulation and asbestos coating so as to cover only the work which consists of the removal, repair or disturbance of asbestos, and work which is ancillary to or supervising such work (*regulation 2(2)*).

3. The Regulations extend the 1984 Regulations so as to prohibit an employer or self-employed person carrying out work with asbestos insulating board without a licence (*regulation 2(3) and (4)(a)*) and require such work to be notified to the Health and Safety Executive for Northern Ireland (“the Executive”) (*regulation 2(3)*).

4. The Regulations extend the circumstances in which the Health and Safety Executive for Northern Ireland may revoke a licence (*regulation 2(4)(b)*).

5. The period for notification to the Executive of work with asbestos insulation, asbestos coating or asbestos insulating board is reduced from 28 to 14 days (*regulation 2(5)*).

6. The Regulations make additions to the 1984 Regulations so as to specify the premises and activities within United Kingdom territorial waters adjacent to Northern Ireland to which the 1984 Regulations apply (*regulation 2(6) and (7) and the Schedule*).

7. In Great Britain the corresponding Regulations are the Asbestos (Licensing) (Amendment) Regulations 1998 (S.I. 1998/3233). The Health and Safety Executive has prepared a cost benefit assessment in relation to those Regulations and a copy of that assessment, together with a Northern Ireland Supplement prepared by the Department of Enterprise, Trade and Investment, is held at the offices of the Health and Safety Executive for Northern Ireland at 83 Ladas Drive, Belfast BT6 9FR, from where copies may be obtained.

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