STATUTORY RULES OF NORTHERN IRELAND

2012 No. 179

The Control of Asbestos Regulations (Northern Ireland) 2012

PART 4

MISCELLANEOUS

Exemption certificates

29.—(1) Subject to paragraph (3), the Executive 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 requirements or prohibitions imposed by regulations 4, 8, 12, 13, 21 and 22(5) and (7) and any such exemption may be granted subject to conditions and to a limit of time and may be varied or revoked by a further certificate in writing at any time.

(2) Subject to paragraph (3), the Executive may exempt emergency services from all or any of the requirements or prohibitions imposed by regulations 7 and 9; and any such exemption may be granted subject to conditions and to a limit of time and may be varied or revoked by a further certificate in writing at any time.

(3) The Executive shall not grant any exemption under paragraph (1) or (2) 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 or safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Exemptions relating to the Ministry of Defence

30. The Secretary of State for Defence may, in the interests of national security, exempt any person or class of persons from the prohibitions imposed by Part 3 of these Regulations by a certificate in writing, and any such exemption may be granted subject to conditions and to a limit of time and may be varied or revoked by a further certificate in writing at any time.

Application within the territorial sea

31. Within the territorial sea these Regulations shall apply only to and in relation to the premises and activities to which any of paragraphs 2 to 8 of Schedule 3 applies.

Existing Licences and Exemption Certificates.

32.—(1) An existing licence granted by the Executive under regulation 8(2) of the Control of Asbestos Regulations (Northern Ireland) 2007 [M1] shall—

(a) continue to have effect as if it had been granted under regulation 8(2) of these Regulations;

(b) be of the duration and subject to the conditions specified in it as if that duration and those conditions had been specified under regulation 8(3); and

(c) be liable to variation and revocation under regulation 8(4) and (5),

and any requirement in such a licence concerning notification or any exception to such a requirement shall have effect as a requirement for notification under regulation 9, or as an exception to such a requirement under regulation 3(2) of these Regulations.

(2) An existing exemption granted by the Executive under regulation 7(1) of the Asbestos (Licensing) Regulations (Northern Ireland) 1984 [M2], regulation 7(1) of the Asbestos (Prohibitions) Regulations (Northern Ireland) 1993 [M3], regulation 25(1) of the Control of Asbestos at Work Regulations (Northern Ireland) 2003 [M4], or regulation 32 of the Control of Asbestos Regulations (Northern Ireland) 2007 [M5] shall continue to have effect and be subject to any limitation of time or any conditions specified in it and liable to revocation as if it had been granted under regulation 29(1) or (2) of these Regulations.

(3) An existing exemption granted by the Secretary of State for Defence under regulation 7(3) of the Asbestos (Prohibitions) Regulations (Northern Ireland) 1993 or regulation 32 of the Control of Asbestos Regulations (Northern Ireland) 2007 shall continue to have effect and be subject to any limitation of time or any conditions specified in it and liable to revocation as if it had been granted under regulation 30 of these Regulations.

Marginal Citations

M1 S.R. 2007 No. 31, as amended by S.R. 2010 No.187

M2 S.R. 1984 No. 205, as amended by S.R. 2000 No. 100 - revoked and re-enacted with modifications by S.R. 2007 No.31

M3 S.R. 1993 No.25, as amended by S.R. 2000 No.99 – revoked and re-enacted with modifications by S.R. 2007 No.31

M4 S.R. 2003 No.33 – revoked and replaced by S.R. 2007 No.31

M5 S.R. 2007 No.31, as amended by S.R. 2010 No.187

Revocations, amendments and savings

33.—(1) The Control of Asbestos Regulations (Northern Ireland) 2007 and The Control of Asbestos (Amendment) Regulations (Northern Ireland) 2010 are revoked.

(2) The amendments listed in Schedule 4 shall have effect.

(3) Any record or register required to be kept under the Regulations revoked either by paragraph (1) or by any of the Regulations revoked by regulation 35(1) of the Control of Asbestos Regulations (Northern Ireland) 2007 or by regulation 27(1) of the Control of Asbestos at Work Regulations (Northern Ireland) 2003 shall, notwithstanding that revocation, be kept in the same manner and for the same period as specified in those Regulations as if these Regulations had not been made, except that the Executive may approve the keeping of records at a place or in a form other than at the place where, or in the form in which, records were required to be kept under the Regulations so revoked.

Defence

34. Subject to regulation 21 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 [M6], in any proceedings for an offence consisting of a contravention of Part 2 of these Regulations it shall be a defence for any person to prove that all reasonable precautions were taken and all due diligence was exercised by that person to avoid the commission of that offence.

Marginal Citations

M6 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

Changes to legislation:
There are currently no known outstanding effects for the The Control of Asbestos Regulations (Northern Ireland) 2012, PART 4.