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STATUTORY INSTRUMENTS

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**1992 No. 3067**

**HEALTH AND SAFETY**

**The Asbestos (Prohibitions) Regulations 1992**

*Made* - - - - *8th December 1992*  
*Laid before Parliament* *9th December 1992*  
*Coming into force* - - *1st January 1993*

The Secretary of State in the exercise of the powers conferred on her by sections 15(1), (2), (5)(b) and (9), and 82(3)(a) of, and paragraphs 1(1) and 2 of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(1)</sup> (“the 1974 Act”) and of all other powers enabling her in that behalf and for the purpose of giving effect without modification to proposals submitted to her by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

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**Citation and commencement**

1. These Regulations may be cited as the Asbestos (Prohibitions) Regulations 1992 and shall come into force on 1st January 1993.

**Interpretation and application**

2.—(1) In these Regulations unless the context otherwise requires—

“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;

“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.

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(1) 1974 c. 37: sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively.

(3) Any prohibition imposed by these Regulations on the importation into the United Kingdom, or on the supply or use of asbestos shall not apply to the importation, supply or use of asbestos solely for the purposes of research, development or analysis.

#### **Prohibition of the importation of amphibole asbestos**

3. The importation into the United Kingdom of crude, fibre, flake, powder or waste amphibole asbestos is prohibited and any contravention of this paragraph shall be punishable under the Customs and Excise Management Act 1979(2) and not as a health and safety regulation.

#### **Prohibition of the supply of amphibole asbestos**

4. No person shall 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**

5.—(1) No person shall use amphibole asbestos or any product to which amphibole asbestos has intentionally been added in the manufacture or repair of any other product.

(2) No person shall 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 1st January 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 1st January 1993,

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

#### **Prohibition of asbestos spraying**

6. No person shall undertake asbestos spraying.

#### **Prohibition of products containing chrysotile**

7.—(1) Subject to paragraph (2) below, the supply and use of any product containing chrysotile described in the Schedule to these Regulations is prohibited.

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

- (a) any product which was in use before 1st January 1993 except that that paragraph shall apply to any such product the use of which was prohibited by the Asbestos (Prohibitions) Regulations 1985(3) as in force immediately before the coming into force of these Regulations;
- (b) any activity in connection with the disposal of any such product.

#### **Exemption certificates**

8.—(1) Subject to paragraph (2) and to any provisions imposed by the Communities in respect of the marketing and use of dangerous substances and preparations, the Health and Safety 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 prohibitions imposed by these Regulations

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(2) 1979 c. 13.

(3) S.I.1985/910, amended by S.I. 1988/711.

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 Executive 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
- (b) any 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.

### **Extension outside Great Britain**

9. These Regulations shall apply to any premises and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974(4) apply by virtue of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 1989(5) as they apply to premises and activities within Great Britain.

### **Revocations**

10. The following Regulations are revoked—

- (a) the Asbestos (Prohibitions) Regulations 1985(6);
- (b) the Asbestos (Prohibitions) (Amendment) Regulations 1988(7).

Signed by order of the Secretary of State.

8th December 1992

*Patrick McLoughlin*  
Parliamentary Under Secretary of State,  
Department of Employment

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(4) 1974 c. 37.  
(5) S.I. 1989/840.  
(6) S.I. 1985/910.  
(7) S.I. 1988/711.

## THE SCHEDULE

Regulation 7(1)

### PRODUCTS CONTAINING CHRYSOTILE WHICH ARE PROHIBITED

1. The supply or use of the products containing chrysotile described in the following paragraphs of this Schedule are prohibited.
2. Materials or preparations intended to be applied by spraying.
3. Paints or varnishes.
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<sup>3</sup>.
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.
11. Roofing felt after 1st July 1993.

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### EXPLANATORY NOTE

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

1. These Regulations replace the Asbestos (Prohibitions) Regulations 1985 (“the 1985 Regulations”) which they revoke (regulation 10).
2. The Regulations implement as respects Great Britain Commission Directive No. [91/659/EEC](#) (OJ No. L363, 31.12.91, p. 36) adapting to technical progress Annex I of
3. The principal changes to the 1985 Regulations are described below.
4. Regulation 3 of these Regulations extends the prohibition on the importation of crocidolite (“blue asbestos”) and amosite (“brown asbestos”) to all forms of amphibole asbestos, namely crocidolite, amosite, fibrous actinolite, fibrous anthophyllite and fibrous tremolite and mixtures containing any of those minerals.
5. Regulations 4 and 5 of these Regulations extend the prohibitions on the supply and use of crocidolite and amosite to all forms of amphibole asbestos.
6. Regulation 7 of these Regulations prohibits the supply and use of the products containing chrysotile asbestos specified in the Schedule to these Regulations.

