
STATUTORY INSTRUMENTS

2012 No. 632

The Control of Asbestos Regulations 2012

PART 2

General requirements

Health records and medical surveillance

22.—(1) For licensable work with asbestos every employer must ensure that—

- (a) a health record is maintained and contains particulars approved by the Executive for all of that employer's employees who are exposed to asbestos; and
- (b) that record, or a copy of that record is kept available in a suitable form for at least 40 years from the date of the last entry made in it; and
- (c) each employee who is exposed to asbestos is under adequate medical surveillance by a relevant doctor.

(2) The medical surveillance required by paragraph (1)(c) must include—

- (a) a medical examination not more than 2 years before the beginning of such exposure; and
- (b) periodic medical examinations at intervals of at least once every 2 years or such shorter time as the relevant doctor may require while such exposure continues,

and each such medical examination must include a specific examination of the chest.

(3) For work with asbestos, which is not licensable work with asbestos, and is not exempted by regulation 3(2), the requirements in paragraphs (1)(a) to (c) apply and—

- (a) a medical examination in accordance with paragraph (1)(c) and (2)(a) must take place on or before 30 April 2015;
- (b) on or after 1 May 2015, a medical examination in accordance with paragraph (1)(c) and (2)(a) must take place not more than 3 years before the beginning of such exposure; and
- (c) a periodic medical examination in accordance with paragraph (1)(c) and (2)(b) must take place at intervals of at least once every 3 years, or such shorter time as the relevant doctor may require while such exposure continues.

(4) Where an employee has been examined in accordance with paragraph (1)(c), the relevant doctor must issue a certificate to the employer and employee stating—

- (a) that the employee has been so examined; and
- (b) the date of the examination,

and the employer must keep that certificate, or a copy of that certificate for at least 4 years from the date on which it was issued.

(5) An employee to whom this regulation applies must, when required by that employee's employer and at the cost of that employer, attend during the employee's working hours such examination and undertake such tests as may be required for the purposes of paragraph (1)(c) and

must furnish the relevant doctor with such information concerning that employee's health as the relevant doctor may reasonably require.

(6) Where, for the purpose of carrying out functions under these Regulations, a relevant doctor requires to inspect any record kept for the purposes of these Regulations, the employer must permit that doctor to do so.

(7) Where medical surveillance is carried out on the premises of the employer, the employer must ensure that suitable facilities are made available for the purpose.

(8) The employer must—

- (a) on reasonable notice being given, allow an employee access to that employee's personal health record;
- (b) provide the [^{F1}appropriate authority] with copies of such personal health records as the [^{F1}appropriate authority] may require; and
- (c) if the employer ceases to trade notify the Executive without delay in writing and make available to the Executive all personal health records kept by that employer.

[^{F2}(8A) In paragraph (8) “the appropriate authority” has the same meaning as in regulation 19.]

(9) Where, as a result of medical surveillance, an employee is found to have an identifiable disease or adverse health effect which is considered by a relevant doctor to be the result of exposure to asbestos at work, the employer of that employee must—

- (a) ensure that a suitable person informs the employee accordingly and provides the employee with information and advice regarding further medical surveillance;
- (b) review the risk assessment;
- (c) review any measure taken to comply with regulation 11 taking into account any advice given by a relevant doctor or by the Executive;
- (d) consider assigning the employee to alternative work where there is no risk of further exposure to asbestos, taking into account any advice given by a relevant doctor; and
- (e) provide for a review of the health of every other employee who has been similarly exposed, including a medical examination (which must include a specific examination of the chest) where such an examination is recommended by a relevant doctor or by the Executive.

F1 Words in reg. 22(8)(b) substituted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), Sch. 3 para. 145(4)(a) (with Sch. 4)

F2 Reg. 22(8A) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), Sch. 3 para. 145(4)(b) (with Sch. 4)

Changes to legislation:

There are currently no known outstanding effects for the The Control of Asbestos Regulations 2012, Section 22.