

STATUTORY INSTRUMENTS

1985 No. 910

HEALTH AND SAFETY

The Asbestos (Prohibitions) Regulations 1985

<i>Made - - - -</i>	12th June 1985
<i>Laid before Parliament</i>	21st June 1985
<i>Coming into Operation</i>	1st January 1986

The Secretary of State, in exercise of the powers conferred on him by section 15(1), (2), (5)(b) and (9) of, and paragraphs 1(1) and 2 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a) ("the 1974 Act"), and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him 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:—

Citation and commencement

1. These Regulations may be cited as the Asbestos (Prohibitions) Regulations 1985 and shall come into operation on 1st January 1986.

Interpretation and application

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

"asbestos" means any of the following minerals, that is to say, crocidolite, amosite, chrysotile, fibrous actinolite, fibrous anthophyllite, fibrous tremolite and any mixture containing any of those minerals;

"asbestos cement" means a material which is predominantly a mixture of cement and asbestos and which when in a dry state has a density greater than one tonne per cubic metre;

"asbestos insulation" means any materials containing asbestos and used for thermal insulation (including fire protection) or for acoustic insulation except—

- (a) asbestos cement or asbestos insulating board,
- (b) any article of bitumen, plastic, resin or rubber,
- (c) film, foil, resin or rubber coated asbestos textiles, primarily used for fire protection;

(a) 1974 c. 37; section 15 was amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 6.

“asbestos insulating board” means any sheet, tile or building board consisting of a mixture of asbestos and other material which mixture when in a dry state has a density greater than 500 kilograms per cubic metre;

“asbestos spraying” means the application by spraying of any material containing asbestos to form a surface coating, but does not include the application by spraying of any bituminous composition containing less than 10 per cent. by weight of asbestos to motor vehicles for the purpose of undersealing.

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

Prohibition of the importation of crocidolite and amosite

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

(2) Nothing in paragraph (1) of this Regulation shall be treated as preventing the importation into the United Kingdom of samples of crude, fibre, flake, powder or waste crocidolite or amosite solely for the purpose of assessment or evaluation.

Prohibition of the supply of crocidolite and amosite and products containing those minerals

4. No person shall supply crocidolite or amosite or any product containing either of those minerals as an article or substance for use at work.

Prohibition of the use of crocidolite and amosite and products containing those minerals

5.—(1) No person shall use crocidolite or amosite or any product containing either of those minerals in the manufacture or repair of any other product.

(2) No person shall use at work any product containing crocidolite or amosite, except that this paragraph shall not apply to—

- (a) products which were in use before 1st January 1986; or
- (b) any activity in connection with the disposal of the product.

Prohibition of asbestos spraying

6. No person shall undertake asbestos spraying.

Prohibition of asbestos insulation

7. No person shall install asbestos insulation.

(a) 1979 c. 2.

Exemption certificates

8.—(1) Subject to paragraph (2) of this Regulation, the Health and Safety Executive may, by a certificate in writing, exempt any person, class of persons, 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 a limit of time and may be revoked at any time by a certificate in writing.

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

Extension of these Regulations outside Great Britain

9. These Regulations shall apply in relation to any work or activity to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 apply by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1977(a) as they apply to any such work or activity in Great Britain.

Signed by order of the Secretary of State.

Peter Bottomley,
Joint Parliamentary Under Secretary of State,
Department of Employment.

12th June 1985.

(a) S.I. 1977/1232.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations implement, as respects Great Britain, the following Directives—

- (a) Council Directive No. 76/769/EEC (OJ No L 262, 27.9.1976, p. 201) as amended by Council Directive No. 83/478/EEC (OJ No L 263, 19.9.1983, p. 33) on the restriction of the marketing and use of certain dangerous substances and preparations with respect to certain prohibitions concerning the asbestos mineral crocidolite and products containing it;
- (b) Council Directive No. 83/477/EEC (OJ No L 263, 24.9.83, p. 25) on the protection of workers from risks related to exposure to asbestos at work in so far as it concerns asbestos spraying.

Regulation 3 prohibits the importation into the United Kingdom of the asbestos minerals crocidolite and amosite and Regulation 4 prohibits the supply of those minerals and any product containing either of them as articles or substances for use at work.

The use of crocidolite and amosite and any product containing either of them in the manufacture or repair of any other product is prohibited by Regulation 5 and the use at work of any product containing crocidolite or amosite is also prohibited by that Regulation except where such products were already in use before these Regulations came into operation or where the activity involved is in connection with the disposal of the product.

The Regulations also prohibit the spraying of products containing asbestos (Regulation 6) and the installation of thermal or acoustic insulation containing asbestos (Regulation 7).

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