STATUTORY RULES OF NORTHERN IRELAND

2010 No. 187

HEALTH AND SAFETY

The Control of Asbestos (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*20th May 2010*
Coming into operation	*14th June 2010*

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**) makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**3**) ("the 1972 Act") and Articles 17(1) to (6)(**4**), 20(2), 54(1) and 55(2) of, and paragraphs 1(1) to (4), 2(2), 3, 5, 7 to 10, 12(1) and (3), 13, 14(1), 15 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**5**) ("the 1978 Order").

The Department was designated(**6**) for the purposes of section 2(2) of the 1972 Act in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations and persistent organic pollutants, dangerous substances, preparations and chemicals.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**7**) of the 1978 Order.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Control of Asbestos (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 14th June 2010.

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(**1**) Formerly the Department of Economic Development; *see*S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see*S.I. 1982/846 (N.I. 11), Article 3
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) 1972 c. 68: the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51)
(**4**) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)
(**5**) 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), Articles 3(1) and 4(1). Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraph 19
(**6**) *See* S.I. 1976/897 for the designation in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations and S.I. 2007/1349 in relation to persistent organic pollutants, dangerous substances, preparations and chemicals
(**7**) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(**8**) 1954 c. 33 (N.I.), as amended by S.I. 1999/663

Amendment of the Control of Asbestos Regulations (Northern Ireland) 2007

2. In regulation 8 (*Licensing to work with asbestos*) of the Control of Asbestos Regulations (Northern Ireland) 2007(**9**), for paragraphs (5A), (5B) and (5C) substitute—

"(5A) This paragraph applies to the following actions in relation to a licence under this regulation, that is to say—

(a) the refusal to grant the licence;

(b) the specification of any maximum period of validity for the licence where that period is less than 3 years;

(c) making the grant of the licence subject to any conditions;

(d) the variation or refusal to vary the terms of a licence under paragraph (4); or

(e) the revocation of the licence.

(5B) The Executive shall not take any action to which paragraph (5A) applies unless it has followed the procedure set out in Chapter II of the model rules as if—

(a) the Executive were an enforcement officer; and

(b) the action were an enforcement action,

for the purposes of those rules.

(5C) Any person aggrieved by an action of the Executive to which paragraph (5A) applies may appeal against that action to a Tribunal and Chapter I of the model rules shall apply for the purposes of such an appeal as if—

(a) the Executive were an Authority;

(b) the Department were the responsible Department; and

(c) the action in question were an enforcement action,

for the purposes of those rules.

(5D) For the purposes of paragraphs (5B) and (5C), the model rules are those set out in the Schedule to the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997(**10**) and for the purposes of paragraph (5C), the Tribunal is a Tribunal appointed in accordance with Chapter I of those model rules."

Revocation

3. The Control of Asbestos (Amendment) Regulations (Northern Ireland) 2009(**11**) are revoked.

(**9**) S.R. 2007 No. 31, as amended by S.I. 2008/2852, S.R. 2009 No. 238, S.R. 2009 No. 414 and S.R. 2010 No. 160; revoked in part by S.R. 2007 No. 62, S.I. 2008/2852 and S.R. 2009 No. 227
(**10**) S.R. 1997 No. 269
(**11**) S.R. 2009 No. 414