STATUTORY RULES OF NORTHERN IRELAND

2000 No. 99

HEALTH AND SAFETY

Asbestos (Prohibitions) (Amendment) Regulations (Northern Ireland) 2000

Made - - - - *20th March 2000*

Coming into operation *2nd May 2000*

The Department of Enterprise, Trade and Investment, being the Department concerned(**1**), in exercise of the powers conferred on it by Articles 17(1), (2) and (5) and 55(2) of, and paragraph 1(1) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**2**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1)(**3**) of that Order with the Health and Safety Executive for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Asbestos (Prohibitions) (Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 2nd May 2000.

Amendment of the Asbestos (Prohibitions) Regulations (Northern Ireland) 1993

2.—(1) The Asbestos (Prohibitions) Regulations (Northern Ireland) 1993(**4**) shall be amended in accordance with the following paragraphs.

(2) At the end of regulation 2(1) there shall be added the following definitions—

""supply" means supply by way of sale, lease, hire, hire-purchase, loan, gift or exchange for a consideration other than money, whether (in all cases) as principal or as agent for another;

"territorial waters" means United Kingdom territorial waters adjacent to Northern Ireland and "within territorial waters" includes on, over and under them.".

(3) In regulation 3, after the word "supply", there shall be inserted the words, "other than solely for the purpose of disposal,".

(**1**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)

(**2**) 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), Article 3(1). Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)

(**3**) Article 46(1) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

(**4**) S.R. 1993 No.25; relevant amending Regulations are S.R. 1999 No.150, regulation 2 and the Schedule

(4) In regulation 4(2), for the words "containing amphibole asbestos", there shall be substituted the words "to which amphibole asbestos has intentionally been added".

(5) For regulation 6, there shall be substituted the following regulation—

"**Prohibition of the supply or use of chrysotile and products containing it**

6.—(1) Subject to the provisions of Schedule 1, a person shall not supply or use—

(a) chrysotile; or

(b) any product to which chrysotile has intentionally been added,

unless it was in use before 2nd May 2000.

(2) Notwithstanding paragraph (1), a person shall not use—

(a) asbestos cement;

(b) any board, panel or tile, all or part of which has been painted with paint containing chrysotile; or

(c) any board, panel or tile, all or part of which has been covered in a textured finishing plaster used for decorative purposes and containing chrysotile,

unless it is installed in or forms part of any premises or plant and, before 2nd May 2000, it was installed in or formed part of those same premises or that same plant.

(3) Notwithstanding paragraph (1), a person shall not supply or use any product to which chrysotile has been intentionally added, the supply or use of which was prohibited by these Regulations as in operation immediately before 2nd May 2000.

(4) Paragraphs (1) to (3) shall not apply to any activity in connection with the disposal of crude, fibre, flake, powder or waste chrysotile or of any product to which chrysotile has intentionally been added.

(5) In this regulation, "asbestos cement" means a material which is predominantly a mixture of cement and chrysotile and which when in a dry state has a density greater than 1 tonne per cubic metre.".

(6) At the end of regulation 7, there shall be added the following paragraphs—

"(3) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt—

(a) Her Majesty's Forces or visiting forces from all or any of the requirements or prohibitions imposed by these Regulations;

(b) any other person connected with the production of or trade in arms, munitions or war materials from all or any requirements or prohibitions imposed by regulation 6(1), (2) and (3);

and any such exemption may be granted subject to conditions and to a limit of time.

(4) An exemption granted in accordance with paragraph (3) may be varied or revoked at any time by a certificate in writing.

(5) In this regulation, any reference to "visiting forces" is a reference to visiting forces within the meaning of any provision of Part I of the Visiting Forces Act 1952(**5**).".

(7) After regulation 7 there shall be inserted the following regulation—

(**5**) 1952 c. 67

"**Application within territorial waters**

7A. Within territorial waters these Regulations shall apply only to or in relation to the premises and activities to which any of paragraphs 2 to 6 of Schedule 2 applies.".

(8) For the Schedule, there shall be substituted Schedule 1 as set out in Schedule 1 to these Regulations.

(9) After Schedule 1 there shall be added Schedule 2 as set out in Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 20th March 2000.

Adrianne L. Brown
A senior officer of the
Department of Enterprise, Trade and Investment

SCHEDULE 1 Regulation 2(8)

Schedule to be substituted for the Schedule to the Asbestos (Prohibitions) Regulations (Northern Ireland) 1993

"SCHEDULE 1 Regulation 6(1)

Derogation from the prohibitions on the supply and use of chrysotile

1. Regulation 6(1) shall not apply to—

(a) the products described in paragraph 2, except for use with chlorine, until 1st January 2001;

(b) the products described in paragraph 2 which are for use with chlorine until 1st January 2003;

(c) chrysotile, or products to which chrysotile has intentionally been added, required solely for the manufacture of the products described in paragraph 2, except for use with chlorine, until 1st January 2001;

(d) chrysotile, or products to which chrysotile has intentionally been added, required solely for the manufacture of the products described in paragraph 2 which are for use with chlorine until 1st January 2003;

(e) the products described in paragraph 3 until 1st January 2003;

(f) chrysotile, or products to which chrysotile has intentionally been added, required solely for the manufacture of the products described in paragraph 3 until 1st January 2003;

(g) the products described in paragraphs 4 to 6 until 1st January 2004;

(h) chrysotile, or products to which chrysotile has intentionally been added, required solely for the manufacture of the products described in paragraphs 4 to 6, until 1st January 2004;

(i) the products described in paragraph 7 until 1st January 2005;

(j) chrysotile, or products to which chrysotile has intentionally been added, required solely for the manufacture of the products described in paragraph 7, until 1st January 2005;

(k) the products described in paragraphs 8 and 9;

(l) chrysotile, or products to which chrysotile has intentionally been added required solely for the manufacture of the products described in paragraph 9.

2. Compressed asbestos fibre gaskets for use with saturated steam, superheated steam, or with substances which if classified in accordance with the classification provided for by regulation 5 of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995(**6**) would be in the category of danger, corrosive, toxic, flammable or highly flammable.

3. Any sheet which when in a dry state has a density greater than 1900 kilograms per cubic metre and is used in temperatures at or above 500°C.

4. Any component of an aeroplane or helicopter which is necessary for its safe operation.

5. Any product consisting of a mixture of asbestos with a phenol formaldehyde resin or with a cresylic formaldehyde resin used in—

(a) vanes for rotary vacuum pumps;

(b) vanes for rotary compressors;

(c) any bearing or its housing; or

(**6**) S.R. 1995 No. 60, as amended by S.R. 1996 No. 376, S.R. 1997 No. 398, S.R. 1998 No. 459, S.R. 1999 No. 150 and S.R. 1999 No. 303