1993 No. 25

HEALTH AND SAFETY

Asbestos (Prohibitions) Regulations (Northern Ireland) 1993

Made . . . . . *25th January 1993*

Coming into operation . . *26th February 1993*

The Department of Economic Development, the Department of Agriculture and the Department of the Environment, acting jointly as the Department concerned(**a**), in exercise of the powers conferred by Articles 17(1), (2) and (5) and 55(2) of, and paragraph 1(1) and (2) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:-

Citation and commencement

1. These Regulations may be cited as the Asbestos (Prohibitions) Regulations (Northern Ireland) 1993 and shall come into operation on 26th February 1993.

Interpretation and application

2.—(1) In these Regulations—

"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;

"the Department" means the Department of Economic Development;

"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.

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

Prohibition of the supply of amphibole asbestos

3. A person shall not 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

4.—(1) A person shall not use amphibole asbestos or any product to which amphibole asbestos has intentionally been added in the manufacture or repair of any other product.

(2) A person shall not 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 6th March 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 26th February 1993,

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

Prohibition of asbestos spraying

5. A person shall not undertake asbestos spraying.

Prohibition of supply or use of products containing chrysotile

6.—(1) Subject to paragraph (2) the supply or use of any product containing chrysotile described in the Schedule is prohibited.

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

(*a*) any product which was in use before 26th February 1993 except that that paragraph shall apply to any such product the use of which was prohibited by the Asbestos (Prohibitions) Regulations (Northern Ireland) 1986(**a**) as in operation immediately before the coming into operation of these Regulations;

(*b*) any activity in connection with the disposal of any such product.

Exemption certificates

7.—(1) Subject to paragraph (2) and to any provisions imposed by the European Communities in respect of the marketing and use of dangerous substances and preparations, the Department 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 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 Department 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

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(**a**) S.R. 1986 No. 35 amended by S.R. 1989 No. 97