1984 No. 205

HEALTH AND SAFETY

Asbestos (Licensing) Regulations (Northern Ireland) 1984

Made	*14th June 1984*
Coming into operation	*1st August 1984*

The Department of Agriculture, the Department of Economic Development and the Department of the Environment acting jointly as the Department concerned(**a**) in exercise of the powers conferred by Articles 17(1), (2), (4) and (5), 40(2) and 55(2) of, and paragraphs 1(1), 3, 7(1), 13, 14(1) and 15 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 with the Health and Safety Agency for Northern Ireland and such other bodies as appear to them to be appropriate, hereby make the following Regulations:—

ARRANGEMENT OF REGULATIONS

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Citation and commencement

1. These Regulations may be cited as the Asbestos (Licensing) Regulations (Northern Ireland) 1984 and shall come into operation on 1st August 1984.

Interpretation

2.—(1) In these Regulations:—

"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 1 tonne per cubic metre;

"asbestos coating" means a surface coating which contains asbestos;

"asbestos insulation" means any material containing asbestos and used for thermal, acoustic or other insulation purposes (including fire protection) but not including—

(*a*) asbestos cement or asbestos insulating board, or

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

(*b*) any article of bitumen, plastic, resin or rubber which contains asbestos and the thermal and acoustic properties of which are incidental to its main purpose;

"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;

"the Department" means the Department of Economic Development;

"work with asbestos insulation or asbestos coating" means work in which asbestos insulation or asbestos coating is removed, repaired or disturbed and includes such work in any supervisory or ancillary capacity.

Work with asbestos insulation or with asbestos coating not to be carried on without a licence

3.—(1) Subject to paragraph (2), an employer or self-employed person shall not undertake any work with asbestos insulation or asbestos coating, unless he holds a licence granted under Regulation 4 relating to such work and complies with the terms and conditions of that licence.

(2) Paragraph (1) shall not apply where—

(*a*) (i) any person who carries out work with asbestos insulation or asbestos coating does not spend more than a total of one hour on such work in any period of seven consecutive days, and

(ii) the total time spent on such work by all the persons working on that work does not exceed two hours; or

(*b*) the work is undertaken at premises of which the employer whose employees are carrying out the work or the self-employed person who is carrying out the work himself, as the case may be, is the occupier, and

(i) that employer or self-employed person does not hold a valid licence to do such work granted under these Regulations; and

(ii) he has given notice of the work in accordance with Regulation 5; or

(*c*) the work consists solely of air monitoring or collecting of samples for the purposes of identification.

Licences for work with asbestos insulation or asbestos coating

4.—(1) The Department may grant a licence for work with asbestos insulation or asbestos coating if it considers it appropriate to do so and—

(*a*) the person who wishes the licence to be granted to him has made application for it on a form approved for the time being for the purposes of this Regulation by the Department; and

(*b*) the application was made at least 28 days before the date from which the licence is to run, or such shorter period as the Department may allow.

(2) A licence under this Regulation—

(*a*) shall come into operation on the date specified in the licence and, subject to paragraph (3), may be with or without a limit of time; and

(*b*) may be granted subject to such conditions as the Department may consider appropriate.

(3) The Department may vary the terms of a licence if it considers it appropriate to do so and in particular may—

(*a*) add further conditions, and vary or omit existing ones; and

(*b*) impose a limit of time where none had been imposed and where a limit had been imposed may vary or remove it.

(4) The Department may revoke a licence if the licensee—

(*a*) has contravened any condition or restriction attached to a licence issued under these Regulations, or

(*b*) has been convicted of an offence of

(i) contravening Regulation 3 or 6; or

(ii) failing to discharge a duty relating to work with asbestos insulation or asbestos coating to which he is subject by virtue of Articles 4, 5 or 6 of the Health and Safety at Work (Northern Ireland) Order 1978 or of any health and safety regulation (whenever made) or the Asbestos Regulations (Northern Ireland) 1969(**a**).

(5) A licensee shall, when required by the Department return a licence to the Department for any amendment or following revocation.

(6) A fee of £100 shall be payable to the Department on each application being made for a licence under this Regulation, but where the application is for a licence to follow a previous licence without any gap in time the fee shall be £50.

Notification to the Department of work with asbestos insulation or asbestos coating at a person's own premises

5.—(1) The notice to which Regulation 3(2)(*b*) refers is a notice in writing given to the Department at least 28 days before the work is commenced (or such shorter period as the Department may allow) and specifying the type of work to be carried out and the address of the premises at which it is to be carried out.

(2) Where in the case of asbestos containing crocidolite, an employer or self-employed person has given notice under Regulation 6 of the Asbestos Regulations (Northern Ireland) 1969 to an Inspector(**b**) appointed by the Department under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978 who is authorised to act for the purposes of the said Regulation 6 that notice shall be deemed to comply with paragraph (1).

(3) Every employer or self-employed person who is undertaking work with asbestos insulation or asbestos coating after having given notice in accordance with this Regulation shall—

(*a*) provide adequate information to persons who may be in the vicinity or who may be affected by such work and, in the case of an employer, instruction and training for his employees where appropriate; and

(*b*) shall ensure that he, his employees, other employees, and any other persons who may be in the vicinity of, or may be affected by his or his employees' work activities are exposed only to the lowest level of asbestos dust which is reasonably practicable.

Certificate of medical examination

6.—(1) An employer shall ensure that each of his employees who works with asbestos insulation or asbestos coating is under medical surveillance by an employment medical adviser or appointed doctor and that surveillance shall consist of—

(*a*) a medical examination carried out for the purposes of these Regulations before that employee does any work with asbestos insulation or asbestos coating; and

(*b*) further medical examinations at intervals of not more than 2 years while he does such work;

(**a**) S.R. &. O. (N.I.) 1969 No. 337

(**b**) Formerly "Chief Inspector": *see* Regulation 5 of S.R. 1979 No. 246