1969. No. 337 **[C]**

FACTORIES

The Asbestos Regulations (Northern Ireland) 1969

REGULATIONS, DATED 12TH DECEMBER 1969, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE FACTORIES ACT (NORTHERN IRELAND) 1965.

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The Ministry of Health and Social Services for Northern Ireland in exercise of powers conferred by sections 61, 75 and 179(3) and (4) of the Factories Act (Northern Ireland) 1965(a) and of all other powers enabling it in that behalf, hereby makes the following special Regulations:—

PART I

APPLICATION, INTERPRETATION AND GENERAL

Citation and commencement

1. These Regulations may be cited as the Asbestos Regulations (Northern Ireland) 1969 and shall come into operation on 14th December 1970.

Interpretation

2.—(1) In these Regulations—

"approved" means approved for the time being by certificate of the Chief Inspector;

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

"factory" includes any premises and place to which these Regulations apply;

"protective clothing" means overalls and headgear, which (in either case) will when worn exclude asbestos dust;

"the Act" means the Factories Act (Northern Ireland) 1965.

(a) 1965. c. 20 (N.I.).

(2) References to asbestos dust shall be taken to be references to dust consisting of or containing asbestos to such an extent as is liable to cause danger to the health of employed persons.

Application of Regulations

3.—(1) These Regulations shall apply to the following premises and places in which any process to which these Regulations apply is carried on, that is to say, factories and all premises and places to which the provisions of Part IV of the Act with respect to special regulations for safety and health are applied by the following provisions of that Act, namely, section 121 (which relates to electrical stations), section 122 (which relates to institutions), so much of section 123 as relates to warehouses other than warehouses within any dock or forming part of any wharf or quay, section 124 (which relates to ships) and section 125 (which relates to building operations and works of engineering construction).

(2) These Regulations apply to every process involving asbestos or any article composed wholly or partly of asbestos, except a process in connection with which asbestos dust cannot be given off.

(3) The provisions of these Regulations are in substitution for the provisions of so much of section 1(2) of the Act as relates to the cleaning of parts of factories, being parts in which any process to which these Regulations apply is carried on or into which any asbestos dust from any such process carried on in the factory is liable to escape, and of so much of section 62(1) of that Act as relates to the measures to be taken against asbestos dust, but save as aforesaid are in addition to and not in substitution for or in diminution of other requirements imposed by or under the Act.

Certificates of exemption

4. The Chief Inspector may (subject to such conditions, if any, as may be specified therein) by certificate in writing (which he may in his discretion revoke at any time) exempt from all or any of the requirements of these Regulations—

(*a*) any factory or part of any factory; or

(*b*) any class or description of factories or of parts thereof; or

(*c*) any machine, plant, apparatus or process or any class or description of machines, plant, apparatus or processes; or

(*d*) the employment of any person or class or description of persons,

if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed or are impracticable.

Obligations under Regulations

5.—(1) Except in the case of any place where building operations or works of engineering construction are carried on it shall be the duty—

(*a*) of every employer (whether or not an occupier) who is undertaking in a factory any process to which these Regulations apply to comply with the requirements of these Regulations in relation to any person employed by him, any plant or material under his control, and any part of the factory in which he is carrying on the process or into which asbestos dust in connection with that process is liable to escape;

(*b*) of every occupier of any factory (whether or not such an employer as aforesaid) where any such process is being carried on to comply with the requirements of Regulations 8, 18 and 19 in relation to any person employed in the factory (other than any person employed by an employer who is undertaking in the factory any process to which these Regulations apply) and with the requirements of Part III; and

(*c*) of every person who is undertaking in a factory any process to which these Regulations apply and who employs no other person in the carrying on of that process to comply, for the protection of employed persons working there, with the requirements of these Regulations (other than Regulations 8, 14 and 18 to 20) with which he would have to comply if he were the employer of a person doing there the work which he does himself.

(2) In the case of places where building operations or works of engineering construction are carried on it shall be the duty of every contractor and of every employer who is undertaking any process to which these Regulations apply to comply with the requirements of these Regulations in relation to any person employed by him and any person employed there who is liable to be exposed to asbestos dust in connection with any process carried on by the contractor or employer (as the case may be), and in relation to any plant or material under his control and any part of the site where he is carrying on the process or where asbestos dust in connection with that process is liable to escape.

(3) It shall be the duty of every person employed to comply with the requirements of such of these Regulations as relate to the performance of or refraining from an act by him.

Notifications

6.—(1) Where at the date of the coming into operation of these Regulations a person is undertaking in a factory any process involving crocidolite (including the removal from any surface of lagging consisting of or containing crocidolite), he shall within 28 days of that date give written notice to the Chief Inspector that he is undertaking such a process and of the address of the factory at which he is doing so.

(2) Before a person first begins after the coming into operation of these Regulations to undertake in a factory any such process, he shall give not less than 28 days written notice to the Chief Inspector, or such shorter notice as the Chief Inspector may agree to accept, of the date on which and of the address of the factory at which he will begin to do so.

PART II

EXHAUST VENTILATION AND PROTECTIVE EQUIPMENT

Exhaust ventilation

7.—(1) Subject to the provisions of Regulation 8, no process to which these Regulations apply shall be carried on in any factory unless equipment is provided, maintained and used which produces an exhaust draught which prevents the entry into the air of any workplace of asbestos dust:

Provided that the requirements of paragraph (1) shall not apply where any such process is carried on in such a manner as to be as safe as it would be if the said requirements were complied with.

(2) Exhaust ventilation equipment provided in accordance with this Regulation shall while any work of maintenance or repair to the machinery, apparatus or other plant or equipment in connection with which it is provided is being carried on, be kept in use so as to produce an exhaust draught which prevents the entry into the air of any workplace of asbestos dust.

(3) Exhaust ventilation equipment provided in accordance with this Regulation shall be inspected at least once in every seven days and shall be thoroughly examined and tested by a competent person at least once in every period of fourteen months, and a report of the results of every such examination and test containing approved particulars and signed by the person making or responsible for the carrying out of the examination and test shall be made within fourteen days after the examination and test.

(4) Every such report shall be attached to the general register and be preserved and kept available for inspection by any inspector for a period of two years after it is made.

Protective equipment

8.—(1) Where in any factory the requirements of paragraph (1) or (2) of Regulation 7 apply, but it is impracticable to comply with those requirements, there shall be provided for the use of each person employed in any part of the factory, being a part into which asbestos dust from a process to which these Regulations apply is liable to escape—

(*a*) approved respiratory protective equipment; and

(*b*) protective clothing.

(2) All respiratory protective equipment and protective clothing so provided shall be maintained.

(3) All respiratory protective equipment and protective clothing so provided shall be used by the persons for whom they are provided while employed in any such part of the factory.

(4) No respiratory protective equipment so provided which has been worn by a person shall be provided for the use of another person unless it has been thoroughly cleaned and disinfected since last being worn.

(5) No person shall be employed to perform any work for which respiratory protective equipment is provided in pursuance of this Regulation unless he has been fully instructed in the proper use of that equipment.

PART III

CLEANLINESS OF PREMISES AND PLANT

Duty to keep clean

9. All machinery, apparatus, work benches and other plant and equipment used in any factory for the purposes of any process to which these Regulations apply, all external surfaces of exhaust ventilation equipment provided in pursuance of these Regulations and all floors, inside walls, ceilings, ledges and other internal surfaces of any part of a building or of any ship, being a part in which any process to which these Regulations apply is carried on or into which asbestos dust from any such process carried on in the factory is liable to escape, shall, so far as is practicable, be kept in a clean state and free from asbestos waste and dust in accordance with the provisions of this Part.

Cleaning by dustless method

10. The cleaning required by Regulation 9 shall, so far as is practicable, be carried out—

(*a*) by means of vacuum cleaning equipment so designed and constructed and so used; or

(*b*) by some other suitable method such,

that asbestos dust neither escapes nor is discharged into the air of any workplace.