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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive [83/477/EEC](#) of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive [80/1107/EEC](#)) (O.J. L No. 263, 24.09.1983, p.25), as amended by Council Directive [91/382/EEC](#) of 25 June 1991 (O.J. L No. 206, 29.07.1991, p.16), Council Directive [98/24/EC](#) of 7 April 1998 (O.J. L No. 131, 5.5.1998, p. 11), Directive [2003/18/EC](#) of the European Parliament and of the Council of 27 March 2003 (O.J. L No. 97, 15.04.2003, p.48), and Directive [2007/30/EC](#) of the European Parliament and of the Council of 20 June 2007 (O.J. L No. 165, 27.6.2007, p.21).

The Regulations apply to United Kingdom ships, and (as respects *regulations 25 and 27* only) to other ships while in United Kingdom waters. They apply to activities in which workers on ships are or may be exposed to asbestos (*regulation 4*). They impose obligations on employers, workers and other persons who have control of matters to which the Regulations relate (*regulations 4 and 20*).

The Regulations require an assessment of risk before carrying out work relating to asbestos (*regulation 5*) and notification to the Secretary of State (*regulation 6*). Certain activities are prohibited (*regulation 7*); others may take place only where exposure to asbestos is minimised and air quality is measured (*regulations 8 to 10*). Special provision is made in relation to maintenance and demolition of ships (*regulations 11 and 12*) and for access to work areas (*regulation 14*). Provision is made for training, hygiene, information, health surveillance, the maintenance of a register of workers, notification of cases and consultation of workers (*regulations 13 and 15 to 19*). There is provision for enforcement (*regulations 21 to 28*). The charging of workers in respect of anything done or provided in accordance with these Regulations is prohibited (*regulation 29*). These Regulations are made under the powers in the Merchant Shipping Act 1995 except in respect of their application to Government ships where the power is provided by section 2(2) of the European Communities Act 1972.

Merchant Shipping Notices can be read or downloaded free from the Maritime and Coastguard Agency website ([www.mcga.gov.uk](http://www.mcga.gov.uk)). Printed copies can be obtained from M-Notices Subscriptions, PO Box 362, Europa Park, Grays, Essex, RM17 9AY (telephone number 01375 484548, fax number 01375 484556 and email <mailto:mnotices@ecgroup.co.uk>).

An impact assessment of the effect of these Regulations on the cost of business has been prepared and copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG. A copy has been placed in the library of each House of Parliament. A copy of the Transposition Note is also available from the Maritime and Coastguard Agency. These documents are also annexed to the Explanatory Memorandum which is available on the Office of Public Sector Information website (<http://www.opsi.gov.uk>).

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Asbestos) Regulations 2010.