

STATUTORY RULES OF NORTHERN IRELAND

2007 No. 31

The Control of Asbestos Regulations (Northern Ireland) 2007

[^{F1}PART 4

MISCELLANEOUS

Textual Amendments

- F1** Regulations revoked with savings (28.5.2012) by [The Control of Asbestos Regulations \(Northern Ireland\) 2012 \(S.R. 2012/179\)](#), **reg. 33(1)** (with [regs. 3\(5\), 33\(3\)](#))

Exemption certificates

31.—(1) Subject to paragraph (4), the Executive 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 requirements or prohibitions imposed by regulations 4, 8, 12, 13, 21 and 22(5) to (7) and any such exemption may be granted subject to conditions and to a limit of time and may be varied or revoked by a further certificate in writing at any time.

^{F2}(2)

(3) Subject to paragraph (4), the Executive may exempt emergency services from all or any of the requirements or prohibitions imposed by regulations 7 and 9 and any such exemption may be granted subject to conditions and to a limit of time and may be varied or revoked by a further certificate in writing at any time.

(4) The Executive shall not grant any exemption under paragraph (1), (2) or (3) unless having regard to the circumstances of the case and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health or safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Textual Amendments

- F2** [Reg. 31\(2\)](#) revoked (1.6.2009) by [The REACH Enforcement Regulations 2008 \(S.I. 2008/2852\)](#), **Sch. 10 Pt. 4**

Commencement Information

- I1** [Reg. 31](#) in operation at 1.3.2007, see [reg. 1](#)

Exemptions relating to the Ministry of Defence

32. The Secretary of State for Defence may, in the interests of national security, exempt any person or class of persons from [^{F3}the prohibition] imposed by Part 3 of these Regulations by a certificate in writing, and any such exemption may be granted subject to conditions and to a limit of time and may be varied or revoked by a further certificate in writing at any time.

Textual Amendments

F3 Words in [reg. 32](#) omitted and substituted (1.12.2008) by virtue of [The REACH Enforcement Regulations 2008 \(S.I. 2008/2852\)](#), [Sch. 10 Pt. 5 para. 9](#)

Commencement Information

I2 [Reg. 32](#) in operation at 1.3.2007, see [reg. 1](#)

Application within the territorial sea

33. Within the territorial sea these Regulations shall apply only to and in relation to the premises and activities to which any of paragraphs 2 to 6 of Schedule 4 applies.

Commencement Information

I3 [Reg. 33](#) in operation at 1.3.2007, see [reg. 1](#)

Existing Licences and Exemption Certificates.

34.—(1) An existing licence issued by the Executive under regulation 4(1) of the Asbestos (Licensing) Regulations (Northern Ireland) 1984⁽¹⁾ shall—

- (a) continue to have effect as if it had been granted under regulation 8(2) of these Regulations;
- (b) be of the duration and subject to the conditions specified in it as if that duration and those conditions had been specified under regulation 8(3); and
- (c) be liable to variation and revocation under regulation 8(4) and (5),

and any requirement in such a licence concerning notification and any exception to such a requirement shall have effect as a requirement for notification under regulation 9 of and as an exception to such a requirement under regulation 3(2) of these Regulations.

(2) An existing exemption granted by the Executive under regulation 7(1) of the Asbestos (Licensing) Regulations (Northern Ireland) 1984, regulation 7(1) of the Asbestos (Prohibitions) Regulations (Northern Ireland) 1993⁽²⁾, or regulation 25(1) of the Control of Asbestos at Work Regulations (Northern Ireland) 2003⁽³⁾ shall continue to have effect and be subject to any limitation of time or any conditions specified in it and liable to revocation as if it had been granted under regulation 31(1)^{F4}... or (3) of these Regulations.

(3) An existing exemption granted by the Secretary of State for Defence under regulation 7(3) of the Asbestos (Prohibitions) Regulations (Northern Ireland) 1993 shall continue to have effect and be subject to any limitation of time or any conditions specified in it and liable to revocation as if it had been granted under regulation 32 of these Regulations.

(1) 1984 No. 205, as amended by [S.R. 2000 No.100](#)

(2) [S.R. 1993 No.25](#), as amended by [S.R. 2000 No.99](#)

(3) [S.R. 2003 No.33](#)

Textual Amendments

F4 Words in [reg. 34\(2\)](#) omitted (1.12.2008) by virtue of [The REACH Enforcement Regulations 2008 \(S.I. 2008/2852\)](#), [Sch. 10 Pt. 5 para. 10](#)

Commencement Information

I4 [Reg. 34](#) in operation at 1.3.2007, see [reg. 1](#)

Revocations, amendments and savings

35.—(1) The revocations listed in Schedule 5 shall have effect.

(2) The amendments listed in Schedule 6 shall have effect.

(3) Any record or register required to be kept under any Regulations revoked either by paragraph (1) or by regulation 27(1) of the Control of Asbestos at Work Regulations (Northern Ireland) 2003 shall, notwithstanding that revocation, be kept in the same manner and for the same period as specified in those Regulations as if these Regulations had not been made, except that the Executive may approve the keeping of records at a place or in a form other than at the place where, or in the form which, records were required to be kept under the Regulations so revoked.

Commencement Information

I5 [Reg. 35](#) in operation at 1.3.2007, see [reg. 1](#)

Defence

36. Subject to regulation 21 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(4), in any proceedings for an offence consisting of a contravention of Part 2 of these Regulations it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.]

Commencement Information

I6 [Reg. 36](#) in operation at 1.3.2007, see [reg. 1](#)

(4) [S.R. 2000 No. 388](#), amended by [SR. 2003 No 454](#)

Changes to legislation:

There are currently no known outstanding effects for the The Control of Asbestos Regulations (Northern Ireland) 2007, PART 4.