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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 179**

**The Control of Asbestos Regulations (Northern Ireland) 2012**

**PART 3**

**PROHIBITIONS AND RELATED PROVISIONS**

**Interpretation of prohibitions**

**25.**—(1) In this Part—

“asbestos spraying” means the application by spraying of any material containing asbestos to form a continuous surface coating;

“extraction of asbestos” means the extraction by mining or otherwise of asbestos as the primary product of such extraction, but shall not include extraction which produces asbestos as a by-product of the primary activity of extraction; and

“supply” means supply by way of sale, lease, hire, hire-purchase, loan, gift or exchange for a consideration other than money, whether (in all cases) as principal or as agent for another.

(2) Any prohibition imposed on any person by this Part shall apply only to acts done in the course of a trade, business or other undertaking (whether for profit or not) carried on by that person.

(3) Where in this Part it is stated that asbestos has intentionally been added to a product or is intentionally added, it will be presumed where—

- (a) asbestos is present in any product; and
- (b) asbestos is not a naturally occurring impurity of that product, or of any component or constituent of that product,

that the asbestos has intentionally been added or is intentionally added, as the case may be, subject to evidence to the contrary being adduced in any proceedings.

**Prohibitions of exposure to asbestos**

**26.**—(1) A person shall not undertake asbestos spraying or working procedures that involve using low-density (less than 1g/cm) insulating or soundproofing materials which contain asbestos.

(2) Every employer shall ensure that no employees are exposed to asbestos during the extraction of asbestos.

(3) Every employer shall ensure that no employees are exposed to asbestos during the manufacture of asbestos products or of products containing intentionally added asbestos.

**Labelling of products containing asbestos**

**27.**—(1) Subject to paragraph (2), a person shall not supply under an exemption granted pursuant to regulation 29 or regulation 30 a product which contains asbestos unless that product is labelled in accordance with the provisions of Schedule 2.

(2) Where a component of a product contains asbestos, in order to comply with this regulation that component shall be labelled in accordance with the provisions of Schedule 2 except that where the size of that component makes it impossible for a label to be fixed to it, neither that component nor the product need be labelled.

### **Additional provisions in the case of exceptions and exemptions**

**28.**—(1) Where under an exemption granted pursuant to regulation 29 or regulation 30 asbestos is used in a work process or is produced by a work process, the employer shall ensure that the quantity of asbestos and materials containing asbestos at the premises where the work is carried out is reduced to as low a level as is reasonably practicable.

(2) Subject to paragraph (3), where under an exemption granted pursuant to regulation 29 or regulation 30 a manufacturing process which gives rise to asbestos dust is carried out in a building, the employer shall ensure that any part of the building in which the process is carried out is—

- (a) so designed and constructed as to facilitate cleaning; and
- (b) equipped with an adequate and suitable vacuum cleaning system which shall, where reasonably practicable, be a fixed system.

(3) Paragraph 2(a) shall not apply to a building in which, prior to 25th April 1988, there was carried out a process to which either—

- (a) as then in operation, regulation 13 of the Asbestos Regulations (Northern Ireland) 1969<sup>M1</sup> applied and the process was carried out in compliance with that regulation; or
- (b) that regulation did not apply.

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#### **Marginal Citations**

**M1** S.R. 1969 No. 337—revoked by S.R. 1988 No. 74

**Changes to legislation:**

There are currently no known outstanding effects for the The Control of Asbestos Regulations (Northern Ireland) 2012, PART 3.