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S T A T U T O R Y   I N S T R U M E N T S

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**1999 No. 2977**

**HEALTH AND SAFETY**

**The Asbestos (Prohibitions) (Amendment) (No. 2)  
Regulations 1999**

*Made* - - - - - *2nd November 1999*

*Laid before Parliament* *3rd November 1999*

*Coming into force* - - *24th November 1999*

The Secretary of State, in exercise of the powers conferred by sections 15(1), (2) and (5)(b) and 82(3)(a) of, and paragraphs 1(1) and 2 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a) and of all other powers enabling him in that behalf, after consultation with the Health and Safety Commission and such other bodies as appear to him to be appropriate under section 50(1) of that Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Asbestos (Prohibitions) (Amendment) (No. 2) Regulations 1999 and shall come into force on 24th November 1999.

**Amendment of the Asbestos (Prohibitions) Regulations 1992**

2.—(1) The Schedule to the Asbestos (Prohibitions) Regulations 1992(b) shall be amended as follows.

(2) In paragraph 1(k), for the words “paragraphs 9 and 10”, there shall be substituted “paragraph 10”.

(3) In paragraph 1(1), for the words “paragraphs 9 and 10”, there shall be substituted “paragraph 10”.

(4) In paragraph 2(1), for the words “paragraphs 9 and 10”, there shall be substituted “paragraph 10”.

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(a) 1974 c. 37; sections 15 and 50 were amended by section 116 of, and paragraphs 6 and 16 respectively of Schedule 15 to, the Employment Protection Act 1975 (c. 71).

(b) S.I. 1992/3067, amended by S.I. 1999/2373.

**[DOT 8839]**

- (5) In paragraph 9 for the definition of “vehicle”, there shall be substituted—  
““vehicle” means a vehicle which is to be treated as a motor vehicle or trailer for the purposes of the Road Traffic Act 1988(a);”.

Signed by authority of the Secretary of State  
for the Environment, Transport and the Regions

*Larry Whitty*  
Parliamentary Under Secretary of State,  
Department of the Environment,  
Transport and the Regions

2nd November 1999

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(a) 1988 c. 52 (see sections 185 to 189).

## EXPLANATORY NOTE

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

These Regulations amend the Asbestos (Prohibitions) Regulations 1992 (S.I. 1992/3067) (“the Asbestos Regulations 1992”) and come into force on 24th November 1999. The Asbestos (Prohibitions) (Amendment) Regulations 1999 (S.I. 1999/2373) (“the Asbestos Amendment Regulations 1999”) also amend the Asbestos Regulations 1992 and come into force on 24th November 1999.

The Asbestos Amendment Regulations 1999 implement Commission Directive 1999/77/EC of 26th July 1999 adapting to technical progress for the sixth time Annex 1 to Council Directive 76/769/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to the restrictions on the marketing and use of dangerous substances and preparations (asbestos).

The Asbestos Regulations 1992 replaced the Asbestos (Prohibitions) Regulations 1985 (S.I. 1985/910 amended by 1988/711); they implemented, as respects the United Kingdom, Commission Directive No. 91/659/EEC (OJ No. L363, 31.12.91, p. 36) adapting to technical progress Annex 1 of Council Directive No. 76/769/EEC (OJ No. L262, 27.9.1976, p. 201) on restrictions relating to the marketing and use of dangerous substances and preparations (asbestos).

Regulation 2(8) of the Asbestos Amendment Regulations 1999 substituted a new Schedule for the Schedule to the Asbestos Regulations 1992. These Regulations amend that new Schedule in the following respects. They delete the references to paragraph 9 in paragraphs 1(k) and (1). This has the effect of removing the derogation from the prohibitions on the importation of chrysotile or products containing it for vehicle brake linings or required solely for their manufacture. The Regulations also delete the reference to paragraph 9 in paragraph 2(1). This has the effect of removing the derogation from the prohibitions on the supply or use of chrysotile and products to which chrysotile has been intentionally added required solely for the manufacture of vehicle brake linings. In addition, a new definition of “vehicle” is substituted for the existing definition in paragraph 9. The new definition of “vehicle” is the one used in the Road Traffic Act 1988 and includes motor cycles. Paragraphs 2 and 9 of the Schedule to the 1992 Regulations now disapply the prohibitions on the use of chrysotile and products containing it in respect of vehicle brake linings which are supplied or used for fitting to vehicles. The effect of the new definition of “vehicle” is to extend the derogation so that it includes motor cycle brake linings.

The Road Vehicles (Brake Linings Safety) Regulations 1999 (“the Brake Linings Regulations 1999”) restrict the supply of brake linings on safety grounds and give effect to Commission Directive 98/12/EC of 27th January 1998 adapting to technical progress Council Directive 71/320/EEC on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and their trailers. The Directive lays down standards for asbestos-free brake linings. Regulations 1, 2, 3 and 7 of the Regulations also come into force on 24th November 1999 and the remainder will come into force on 31st March 2001. Regulation 3 of the Regulations prohibits the supply, exposure for supply or fitting to a motor vehicle or trailer of brake linings containing asbestos.

This is subject to exceptions for brake linings intended for fitting to pre-1973 vehicles only and clearly so marked or in packaging so marked and for armed forces vehicles. The exception for pre-1973 vehicles will cease to have effect on 1st January 2005.

No regulatory impact assessment has been prepared in respect of these Regulations as no additional costs or savings, other than those already identified in the regulatory impact assessment prepared in respect of the Brake Linings Regulations 1999, are anticipated as a consequence of these Regulations coming into force. Copies of the regulatory impact assessment prepared in respect of the Brake Linings Regulations 1999 can be obtained from the Department of the Environment, Transport and the Regions, Zone 2/04, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone: 0171-676 2078). Copies are being placed in the Libraries of each House of Parliament.

A regulatory impact assessment was prepared in respect of the Asbestos Amendment Regulations 1999 and copies can be obtained from the Health and Safety Executive, Economic Advisers Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. Copies were placed in the Library of each House of Parliament.

Copies of the Directives which are relevant to these Regulations can be obtained from the Stationery Office.

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