
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations 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 Braking Devices Directive”). The Directive lays down standards for asbestos-free brake linings. These Regulations are made under section 11(5) of the Consumer Protection Act 1987 and adopt the definition of “vehicle” used in the Road Traffic Act 1988 and in the Road Traffic (Northern Ireland) Order 1995 (S.I. [1995/2994](#)) (N.I.18). The definition includes motor cycles.

Regulation 3, which comes into force on 24th November 1999, 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.

Regulation 4, which comes into force on 31st March 2001, prohibits the supply, exposure for supply or fitting to a “relevant vehicle” (as defined by regulation 2) of brake linings which do not comply with the standard laid down in Directive [71/320/EEC](#) as amended by Commission Directive [98/12/EC](#) (“the Braking Devices Directive”). This is subject to regulation 5 which permits the supply, exposure for supply or fitting of linings intended for a vehicle first used before 1st September 1999, if they are capable of providing the level of performance required by the version of the Braking Devices Directive applicable to the vehicle when it was first used.

Regulation 6, which also comes into force on 31st March 2001, prohibits the supply, exposure for supply or fitting to a vehicle (as defined by regulation 2) which is not a relevant vehicle of brake linings which are such as to cause the vehicle to contravene the version of the Braking Devices Directive applicable to it when it was first used.

Regulation 7 specifies a 12 months time limit for the bringing of summary proceedings for offences under section 12 (offences against safety regulations) of the Consumer Protection Act 1987.

The Asbestos (Prohibitions) (Amendment) Regulations 1999 (S.I. [1999/2373](#)) (“the Asbestos Amendment Regulations 1999”) also come into force on 24th November 1999. They amend the Asbestos (Prohibitions) Regulations 1992 (S.I. [1992/3067](#)) (“the Asbestos Regulations 1992”). 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 certain 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. The Asbestos (Prohibitions) (Amendment) (No. 2) Regulations 1999 (“the No. 2 Asbestos Amendment Regulations 1999”) also come into force on 24th November 1999. They amend the new Schedule to the 1992 Regulations. The amendments have 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 have 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. The new definition of “vehicle” is the one used in the Road Traffic Act 1988 and includes

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motor cycles. The Schedule to the 1992 Regulations now disapplies 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.

A regulatory impact assessment has been prepared and copies 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. No regulatory impact assessment has been prepared in respect of the No. 2 Asbestos Amendment Regulations 1999 as no additional costs or savings, other than those already identified in the regulatory impact assessment prepared in respect of these Regulations, are anticipated as a consequence of those regulations coming into force.

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 and ECE Regulations which are relevant to these Regulations can be obtained from The Stationery Office. Details of the Directives and Regulations are set out below.

Principal Instrument	Relevant Amending Instruments
Council Directive 70/156/EEC of 6th February 1970 (OJ No. L42, 23.2.70. p.1).	Council Directive 92/53 EEC of 18th June 1993 (OJ No. L225, 10.8.92, p.1).
Council Directive 71/320/EEC of 26th July 1971 (OJ No. L202, 6.9.71, p.37).	Commission Directive 74/132/EEC of 11th February 1974 (OJ No. L74, 19.3.74, p.7). Council Directive 75/524/EEC of 25th July 1975 (OJ No. L236, 8.9.75, p.3). Commission Directive 79/489/EEC of 18th April 1979 (OJ No. L128, 26.5.79, p.12). Council Directive 85/647/EEC of 23rd December 1985 (OJ No. L380, 31.12.85, p.1). Commission Directive 88/194/EEC of 24th March 1988 (OJ No. L92, 9.4.88, p.47). Council Directive 91/422/EEC of 15th July 1991 (OJ No. L233, 22.8.91, p.21), to which there is a corrigendum in OJ No. L275, 2.10.91, p.36. Commission Directive 98/12/EC of 27th January 1998 (OJ No. L81, 18.3.98, p.1).
Regulation 90 annexed to the Agreement of the United Nations Economic Commission for Europe concluded at Geneva on 20th March 1958 concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or used on wheeled vehicles and the conditions for the reciprocal recognition of approvals granted on the basis of these prescriptions.	In force 1st November 1992, amended by the 01 series of amendments on 18th September 1994.