

**2003 No. 1889**

**HEALTH AND SAFETY**

**The Asbestos (Prohibitions) (Amendment) Regulations 2003**

<i>Made</i> - - - -	<i>17th July 2003</i>
<i>Laid before Parliament</i>	<i>25th July 2003</i>
<i>Coming into force</i> - -	<i>15th August 2003</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 15(1), (2), and 6(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) (“the 1974 Act”) and for the purpose of giving effect without modification to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

**Citation and Commencement**

1. These Regulations may be cited as the Asbestos (Prohibitions) (Amendment) Regulations 2003 and shall come into force on 15th August 2003.

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

2. In regulation 2 of the Asbestos (Prohibitions) Regulations 1992(b) insert at the end of paragraph (3) the following paragraph:—

“(4) Where in these Regulations it is stated that amphibole asbestos or chrysotile has intentionally been added to a product, it will be presumed where—

- (a) amphibole asbestos or chrysotile is present in any product; and
- (b) amphibole asbestos or chrysotile, as the case may be, is not a naturally occurring impurity of that product, or of any component or constituent thereof,

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

3. In regulation 3 of the Asbestos (Prohibitions) Regulations 1992:—

- (a) in paragraph (1), for the words “containing amphibole asbestos” substitute the words “to which amphibole asbestos has intentionally been added”; and
- (b) in paragraph (2), for the words “containing chrysotile” substitute the words “to which chrysotile has intentionally been added”.

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(a) 1974 c.37; sections 11(2), 15(1) and 50(3) were amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraphs 4, 6 and 16(3) respectively.  
(b) S.I. 1992/3067, amended by S.I. 1999/2373.

Signed by authority of the Secretary of State for Work and Pensions.

17th July 2003

*Des Browne*  
Minister of State,  
Department for Work and Pensions

### **EXPLANATORY NOTE**

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

These Regulations amend the Asbestos (Prohibitions) Regulations 1992, as amended, by the insertion of a definition of the words “intentionally been added” in regulation 2. The definition includes an evidential presumption, which is rebuttable if evidence to the contrary is adduced in any proceedings.

In regulation 3(a) and (b), the prohibitions on the importation of products containing chrysotile or amphibole asbestos respectively are amended, and now refer to products to which chrysotile or amphibole asbestos, as the case may be, has intentionally been added.

A copy of the Regulatory Impact Assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Adviser’s Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS.

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