

Statutory Instrument 1998 No. 3233

The Asbestos (Licensing) (Amendment) Regulations 1998

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STATUTORY INSTRUMENTS

1998 No. 3233

HEALTH AND SAFETY

The Asbestos (Licensing) (Amendment) Regulations 1998

Made 20th December 1998
Laid before Parliament 6th January 1999
Coming into force in
accordance with regulation 1

The Secretary of State, in exercise of the powers conferred on him by section 15(1), (2), (5)(b) and (9) of, and paragraphs 1(1)(b) and (c), 4, 8(1), 9, 13(1), 14 and 15(1) of Schedule 3 to, the Health and Safety at Work etc. Act 1974^[1] ("the 1974 Act") and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications 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. - (1) These Regulations may be cited as the Asbestos (Licensing) (Amendment) Regulations 1998 and, subject to paragraph (2), shall come into force on 1st February 1999.

(2) Regulation 2, insofar as it relates to paragraphs 1, 2, 3(a), 4(b) and 5 of the Schedule to these Regulations, shall come into force on 1st August 1999.

Amendments to the Asbestos (Licensing) Regulations 1983

2. The Asbestos (Licensing) Regulations 1983^[2] shall be amended in accordance with the Schedule to these Regulations.

Signed by authority of the Secretary of State.

Alan Meale

Parliamentary Under Secretary of State, Department of the Environment,
Transport and the Regions.

20th December 1998

THE SCHEDULE

Regulation 2

AMENDMENTS TO THE ASBESTOS (LICENSING) REGULATIONS 1983

1. In paragraph (1) of regulation 2-

(a) in the definition of "asbestos insulating board" for the words "which

mixture when in a dry state has a density greater than 500 kilograms per cubic metre" substitute the following-

" except-

(a) asbestos cement; or

(b) any article of bitumen, plastic, resin or rubber which contains asbestos, and the thermal or acoustic properties of which are incidental to its main purpose";

(b) after the definition of "asbestos insulating board" insert the following definition-

" "work with asbestos insulating board" means-

(a) work which consists of the removal, repair or disturbance of asbestos insulating board;

(b) work which is ancillary to such work; and

(c) supervising work referred to in sub-paragraph (a) or (b) above;"; and

(c) for the definition of "work with asbestos insulation or asbestos coating" substitute the following definition-

" "work with asbestos insulation or asbestos coating" means-

(a) work which consists of the removal, repair or disturbance of asbestos insulation or asbestos coating;

(b) work which is ancillary to such work; and

(c) supervising work referred to in sub-paragraph (a) or (b) above".

2. In paragraphs (1) and (2) of regulation 3, after the word "coating", insert "or work with asbestos insulating board".

3. In regulation 4-

(a) in paragraph (1), after the word "coating" insert "or work with asbestos insulating board"; and

(b) for paragraph (4) substitute the following paragraph-

" (4) The Executive may revoke a licence if it considers it appropriate to do so."

4. In regulation 5-

(a) in paragraph (1), for the number "28" substitute "14"; and

(b) in paragraph (3), after the words "work with asbestos insulation or asbestos coating" insert "or work with asbestos insulating board".

5. In regulation 8, after the words "asbestos coating" insert "or any work with asbestos insulating board".

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Asbestos (Licensing) Regulations 1983 ("the 1983 Regulations").

2. The Regulations amend the definition in the 1983 Regulations of work with asbestos insulation and asbestos coating so as to cover only the work which consists of the removal, repair or disturbance of asbestos, and work which is ancillary to or supervising such work (*paragraph 1 of the Schedule*).

3. The Regulations extend the 1983 Regulations so as to prohibit an employer or self-employed person carrying out work with asbestos insulating board without a licence (*paragraph 2 of the Schedule*), require such work to be notified to the enforcing authority (*paragraph 4(b) of the Schedule*), and provide for exemption from such a prohibition and requirement to be granted by the Health and Safety Executive (*paragraph 5 of the Schedule*).

4. The Regulations extend the circumstances in which the Health and Safety Executive may revoke a licence (*paragraph 3 of the Schedule*).

5. The period for notification to the enforcing authority of work with asbestos insulation, asbestos coating or asbestos insulating board is reduced from 28 to 14 days (*paragraph 4(a) of the Schedule*).

6. A copy of the cost benefit assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Advisers Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. Copies have been placed in the Library of each House of Parliament.

Notes:

[1] 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively. [back](#)

[2] S.I. 1983/1649, to which there are amendments not relevant to these Regulations. [back](#)

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Prepared 11 January 1999