B2057

JMEA 5386

STATUTORY INSTRUMENTS

1969 No. 690

FACTORIES

The Asbestos Regulations 1969

Made - - - - 13*th May* 1969
Laid before Parliament 22*nd May* 1969
Coming into Operation 14*th May* 1970

ARRANGEMENT OF REGULATIONS

		Reg.
PART I	Application, Interpretation and General	1 — 6
PART II	Exhaust Ventilation and Protective Equipment ...	7 and 8
PART III	Cleanliness of Premises and Plant	9 — 14
PART IV	Storage and Distribution	15 — 17
PART V	Accommodation for and Cleaning of Protective Equipment	18 and 19
PART VI	Young Persons	20
SCHEDULE	Processes specified for the purposes of Regulation 13	

REGULATIONS

The Secretary of State—

(*a*) by virtue of her powers under sections 62, 76 and 180(6) and (7) of the Factories Act 1961(**a**) and of all other powers enabling her in that behalf; and

(*b*) after publishing, pursuant to Schedule 4 to the said Act of 1961, notice of the proposal to make the Regulations and not having received any objection to the draft in regard to which she is required by the said Schedule to direct an inquiry to be held,

hereby makes the following special Regulations:—

PART I

APPLICATION, INTERPRETATION AND GENERAL

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Asbestos Regulations 1969 and shall come into operation on 14th May 1970.

(2) The Asbestos Industry Regulations 1931(**b**) are hereby revoked.

(3) The Shipbuilding and Ship-repairing Regulations 1960(**c**) shall have effect as if the following provisions were omitted—

(*a*) in Regulation 3(2), the definition of the word "asbestos";
(*b*) in Regulation 76(1), sub-paragraphs (*a*) to (*d*); and
(*c*) in Regulation 77, paragraphs (*a*) to (*d*).

Interpretation

2.—(1) The Interpretation Act 1889(**d**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament, and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

(**a**) 1961 c. 34.
(**b**) S.R. & O. 1931/1140 (Rev. VII, p. 181: 1931 p. 410).
(**c**) S.I. 1960/1932 (1960 II, p. 1427)
(**d**) 1889 c. 63.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"approved" means approved for the time being by certificate of the Chief Inspector;

"asbestos" means any of the following minerals, that is to say, crocidolite, amosite, chrysotile, fibrous anthophyllite and any mixture containing any of the said minerals;

"factory" includes any premises and place to which these Regulations apply;

"protective clothing" means overalls and headgear, which (in either case) will when worn exclude asbestos dust;

"the principal Act" means the Factories Act 1961 as amended by or under any other Act.

(3) References in these Regulations to asbestos dust shall be taken to be references to dust consisting of or containing asbestos to such an extent as is liable to cause danger to the health of employed persons.

Application of Regulations

3.—(1) These Regulations shall apply to the following premises and places in which any process to which these Regulations apply is carried on, that is to say, factories and all premises and places to which the provisions of Part IV of the principal Act with respect to special regulations for safety and health are applied by the following provisions of that Act, namely, section 123 (which relates to electrical stations), section 124 (which relates to institutions), so much of section 125 as relates to warehouses other than warehouses within any dock or forming part of any wharf or quay, section 126 (which relates to ships) and section 127 (which relates to building operations and works of engineering construction).

(2) These Regulations apply to every process involving asbestos or any article composed wholly or partly of asbestos, except a process in connection with which asbestos dust cannot be given off.

(3) The provisions of these Regulations are in substitution for the provisions of so much of section 1(2) of the principal Act as relates to the cleaning of parts of factories, being parts in which any process to which these Regulations apply is carried on or into which any asbestos dust from any such process carried on in the factory is liable to escape, and of so much of section 63(1) of that Act as relates to the measures to be taken against asbestos dust, but save as aforesaid are in addition to and not in substitution for or in diminution of other requirements imposed by or under the principal Act.

Certificates of exemption

4. The Chief Inspector may (subject to such conditions, if any, as may be specified therein) by certificate in writing (which he may in his discretion revoke at any time) exempt from all or any of the requirements of these Regulations—

(*a*) any factory or part of any factory; or

(*b*) any class or description of factories or of parts thereof; or

(*c*) any machine, plant, apparatus or process or any class or description of machines, plant, apparatus or processes; or

(*d*) the employment of any person or class or description of persons,

if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed or are impracticable.

Obligations under Regulations

5.—(1) Except in the case of any place where building operations or works of engineering construction are carried on it shall be the duty—

(*a*) of every employer (whether or not an occupier) who is undertaking in a factory any process to which these Regulations apply to comply with the requirements of these Regulations in relation to any person employed by him, any plant or material under his control, and any part of the factory in which he is carrying on the process or into which asbestos dust in connection with that process is liable to escape;

(*b*) of every occupier of any factory (whether or not such an employer as aforesaid) where any such process is being carried on to comply with the requirements of Regulations 8, 18 and 19 in relation to any person employed in the factory (other than any person employed by an employer who is undertaking in the factory any process to which these Regulations apply) and with the requirements of Part III of these Regulations; and

(*c*) of every person who is undertaking in a factory any process to which these Regulations apply and who employs no other person in the carrying on of that process to comply, for the protection of employed persons working there, with the requirements of these Regulations (other than Regulations 8, 14 and 18 to 20) with which he would have to comply if he were the employer of a person doing there the work which he does himself.

(2) In the case of places where building operations or works of engineering construction are carried on it shall be the duty of every contractor and of every employer who is undertaking any process to which these Regulations apply to comply with the requirements of these Regulations in relation to any person employed by him and any person employed there who is liable to be exposed to asbestos dust in connection with any process carried on by the contractor or employer (as the case may be), and in relation to any plant or material under his control and any part of the site where he is carrying on the process or where asbestos dust in connection with that process is liable to escape.

(3) It shall be the duty of every person employed to comply with the requirements of such of these Regulations as relate to the performance of or refraining from an act by him.

Notifications

6.—(1) Where at the date of the coming into operation of these Regulations a person is undertaking in a factory any process involving crocidolite (including the removal from any surface of lagging consisting of or containing crocidolite), he shall within 28 days of that date give written notice to the inspector for the district that he is undertaking such a process and of the address of the factory at which he is doing so.

(2) Before a person first begins after the coming into operation of these Regulations to undertake in a factory any such process as aforesaid, he shall give not less than 28 days written notice to the inspector for the district, or such shorter notice as the inspector may agree to accept, of the date on which and of the address of the factory at which he will begin to do so.

Published by AsbestosClaims.Law
asbestosclaims.law/library/25492/3

PART II

EXHAUST VENTILATION AND PROTECTIVE EQUIPMENT

Exhaust ventilation

7.—(1) Subject to the provisions of the next following Regulation, no process to which these Regulations apply shall be carried on in any factory unless equipment is provided, maintained and used which produces an exhaust draught which prevents the entry into the air of any workplace of asbestos dust:

Provided that the foregoing requirements of this Regulation shall not apply where any such process is carried on in such a manner as to be as safe as it would be if the said requirements were complied with.

(2) Exhaust ventilation equipment provided in accordance with this Regulation shall while any work of maintenance or repair to the machinery, apparatus or other plant or equipment in connection with which it is provided is being carried on, be kept in use so as to produce an exhaust draught which prevents the entry into the air of any workplace of asbestos dust.

(3) Exhaust ventilation equipment provided in accordance with this Regulation shall be inspected at least once in every seven days and shall be thoroughly examined and tested by a competent person at least once in every period of fourteen months, and a report of the results of every such examination and test containing approved particulars and signed by the person making or responsible for the carrying out of the examination and test shall be made within fourteen days after the examination and test.

(4) Every such report as aforesaid shall be attached to the general register and be preserved and kept available for inspection by any inspector for a period of two years after it is made.

Protective equipment

8.—(1) Where in any factory the requirements of paragraph (1) or (2) of the last foregoing Regulation apply, but it is impracticable to comply with those requirements, there shall be provided for the use of each person employed in any part of the factory, being a part into which asbestos dust from a process to which these Regulations apply is liable to escape—

(*a*) approved respiratory protective equipment; and

(*b*) protective clothing.

(2) All respiratory protective equipment and protective clothing provided in pursuance of the foregoing paragraph of this Regulation shall be maintained

(3) All respiratory protective equipment and protective clothing so provided shall be used by the persons for whom they are provided while employed in any such part of the factory as aforesaid.

(4) No respiratory protective equipment so provided which has been worn by a person shall be provided for the use of another person unless it has been thoroughly cleaned and disinfected since last being worn.

(5) No person shall be employed to perform any work for which respiratory protective equipment is provided in pursuance of this Regulation unless he has been fully instructed in the proper use of that equipment.

Published by AsbestosClaims.Law
asbestosclaims.law/library/25492/4

PART III

CLEANLINESS OF PREMISES AND PLANT

Duty to keep clean

9. All machinery, apparatus, work benches and other plant and equipment used in any factory for the purposes of any process to which these Regulations apply, all external surfaces of exhaust ventilation equipment provided in pursuance of these Regulations and all floors, inside walls, ceilings, ledges and other internal surfaces of any part of a building or of any ship, being a part in which any process to which these Regulations apply is carried on or into which asbestos dust from any such process carried on in the factory is liable to escape, shall, so far as is practicable, be kept in a clean state and free from asbestos waste and dust in accordance with the provisions of this Part of these Regulations.

Cleaning by dustless method

10. The cleaning required by the last foregoing Regulation shall, so far as is practicable, be carried out—

(*a*) by means of vacuum cleaning equipment so designed and constructed and so used; or

(*b*) by some other suitable method such,

that asbestos dust neither escapes nor is discharged into the air of any workplace.

Cleaning where cleaning by dustless method is impracticable

11.—(1) In so far as it is impracticable to carry out the cleaning required by Regulation 9 in accordance with the provisions of the last foregoing Regulation, such cleaning shall be carried out in accordance with the provisions of this Regulation.

(2) Protective clothing and approved respiratory protective equipment shall be provided for and used by every person present in any part of a factory while such cleaning is being carried out in that part otherwise than in accordance with Regulation 10.

(3) No respiratory protective equipment so provided which has been worn by a person shall be provided for the use of another person unless it has been thoroughly cleaned and disinfected since last being worn.

(4) No person shall be employed to perform any work for which respiratory protective equipment is provided in pursuance of this Regulation unless he has been fully instructed in the proper use of that equipment.

(5) Any surface on which asbestos waste or dust is deposited as a result of the carrying out of cleaning in pursuance of this Regulation, not being a surface of the cleaning equipment used, shall be cleaned forthwith.

Vacuum cleaning equipment

12. Vacuum cleaning equipment used for cleaning in accordance with the provisions of this Part of these Regulations shall be maintained and have all external surfaces kept in a clean state and free from asbestos waste and dust.

Published by AsbestosClaims.Law
asbestosclaims.law/library/25492/5

Requirements as to construction of buildings before first use for certain processes

13. After the date of the coming into operation of these Regulations no process specified in the Schedule to these Regulations shall be carried on in a building by the occupier of the building unless any part of such building where any such process is carried on and has not previously been carried on —

(*a*) is so constructed that all its interior surfaces are smooth and impervious and is so designed and constructed as to have in it as few surfaces as is practicable on which asbestos dust can settle; and

(*b*) has a vacuum cleaning system which has filters and a source of suction located at a fixed central point with pipes throughout the building fitted with suitably placed inlets to which portable cleaning implements can be attached and is a system which is so designed and constructed that asbestos dust cannot escape or be discharged from it into the air of any workplace:

Provided that the requirements of this Regulation shall not apply where a process or processes so specified are carried on in a factory for a total number of hours not exceeding eight in any week.

Cleanliness of accommodation for clothing

14. Where there is provided for the use of employed persons under section 59 (accommodation for clothing) of the principal Act or under any regulations made under that Act accommodation for clothing not worn during working hours, the accommodation so provided shall be such or shall be so situated that asbestos dust is not deposited on any such clothing in the said accommodation.

PART IV

STORAGE AND DISTRIBUTION

Storage

15. All loose asbestos in a factory shall when not in use be kept in suitable closed receptacles which prevent the escape of asbestos dust therefrom, and all asbestos waste in a factory shall, when stored, be kept in such receptacles.

Distribution, etc.

16. No loose asbestos or asbestos waste shall be despatched from or as far as is practicable received into a factory except in suitable closed receptacles which prevent the escape of asbestos dust therefrom or shall be distributed within a factory except in such receptacles or in a totally enclosed system of conveyance.

Marking of receptacles

17. All such receptacles as aforesaid shall, where they contain crocidolite, be clearly and boldly marked with the words "Blue asbestos—do not inhale dust".

PART V

ACCOMMODATION FOR AND CLEANING OF PROTECTIVE EQUIPMENT

Accomodation, etc. for protective clothing and respiratory protective equipment

18.—(1) Suitable accomodation in a conveniently accessible position shall be provided for the use of persons employed when putting on or taking off respiratory protective equipment and protective clothing provided in pursuance of these Regulations and for the storage of such clothing and equipment when it is not in use.

Published by AsbestosClaims.Law
asbestosclaims.law/library/25492/6

(2) All protective clothing and respiratory protective equipment which has been provided in pursuance of these Regulations for the use of persons employed shall when not required for use be kept in the accommodation for storage provided in pursuance of paragraph (1) of this Regulation, except when it is necessary for it to be removed for cleaning or replacement.

(3) So far as practicable, the same protective clothing shall (until it becomes necessary to replace it) be available for use by a person employed on each occasion on which he requires to wear it in pursuance of these Regulations.

Cleaning of protective clothing

19.—(1) All protective clothing provided in pursuance of these Regulations shall at suitable intervals be cleaned.

(2) The said cleaning shall be carried out within the factory where the clothing is provided:

Provided that this requirement shall not apply in the case of protective clothing which before despatch from the factory for cleaning is properly packed in suitable containers which prevent the escape of asbestos dust therefrom and the containers in which it is packed are clearly and boldly marked with the words "Asbestos contaminated clothing".

PART VI

YOUNG PERSONS

Employment of young persons

20. No young person shall be employed—

(*a*) in any process to which these Regulations apply or in any part of a factory into which asbestos dust from any such process carried on in the factory would otherwise be liable to escape unless the requirements of Regulation 7 are complied with in respect of that process; or

(*b*) in carrying out any cleaning in accordance with Part III of these Regulations otherwise than by means of vacuum cleaning equipment or other suitable method in accordance with the provisions of Regulation 10.

13th May 1969.

Barbara Castle,
First Secretary of State and Secretary
of State for Employment and Productivity.

SCHEDULE

Regulation 13

Processes specified for the purposes of Regulation 13

1. Breaking, crushing, disintegrating, opening and grinding of asbestos, and the mixing of asbestos (including the mixing of asbestos with any other material) or the sieving of asbestos, and all processes involving manipulation of asbestos incidental thereto.

2. All processes in the manufacture of yarn or cloth composed of asbestos or asbestos mixed with any other material, including preparatory and finishing processes.

Published by AsbestosClaims.Law
asbestosclaims.law/library/25492/7

3. The making of insulation slabs or sections, composed wholly or partly of asbestos, and processes incidental thereto.

4. The making and repairing of insulating mattresses, composed wholly or partly of asbestos, and processes incidental thereto.

5. Any other process in the manufacture of articles composed wholly or partly of asbestos in connection with which asbestos dust is given off.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations impose requirements for the safety and welfare of persons employed in factories and in other premises and places to which the Factories Act 1961 applies, where processes are carried on which involve asbestos or any article composed wholly or partly of asbestos and are capable of giving rise to asbestos dust. The Regulations require that the processes be carried on under an exhaust draught or in some other equally safe way, or that protective clothing and respiratory protective equipment be provided for the use of persons employed. The Regulations also impose requirements as to the cleaning of premises and plant, the construction of buildings newly used for the processes, the storage and distribution of asbestos, the accommodation to be provided for protective equipment and the cleaning of protective clothing. The employment of young persons in connection with processes to which the Regulations apply and in cleaning work is prohibited except in specified circumstances. The Regulations also require that notification of processes involving crocidolite be sent to the inspector for the district.

The Asbestos Industry Regulations 1931 and certain provisions concerning asbestos of the Shipbuilding and Ship-repairing Regulations 1960 are revoked.

Printed in England by McCorquodale & Co. Ltd., London
and published by
Her Majesty's Stationery Office; 1969
Fifth impression 1970
1s. 3d. [6p] net