

SCHEDULE 1

Regulation 9

PARTICULARS TO BE INCLUDED IN A NOTIFICATION

The following particulars are to be included in a notification made in accordance with regulation 9, namely—

- (a) the name of the notifier and the address and telephone number of that notifier's usual place of business;
- (b) a brief description of—
 - (i) the location of the work site;
 - (ii) the type and quantities of asbestos to be used or handled;
 - (iii) the activities and processes involved;
 - (iv) the number of workers involved; and
 - (v) the measures taken to limit the exposure of employees to asbestos; and
- (c) the date of the commencement of the work and its expected duration.

SCHEDULE 2

Regulations 14(4), 24(2) and (3) and 27

APPENDIX 7 TO ANNEX XVII OF THE REACH REGULATIONS – SPECIAL PROVISIONS ON THE LABELLING OF ARTICLES CONTAINING ASBESTOS

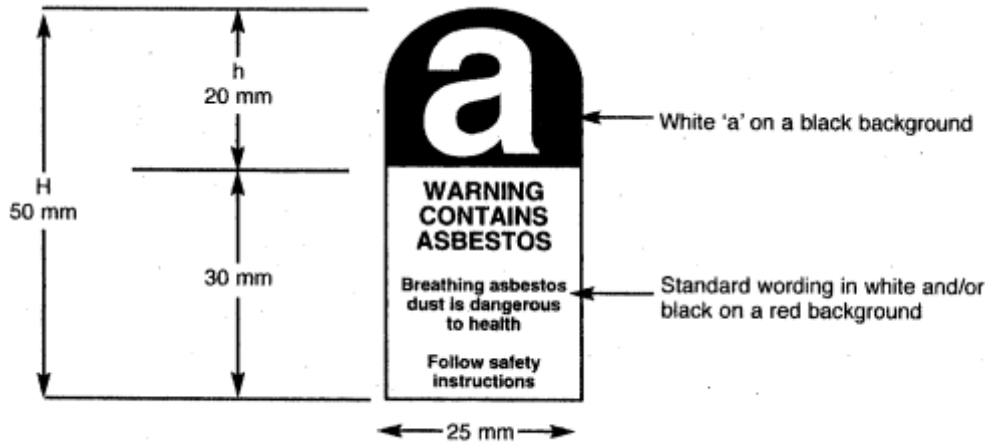
1.—(1) Subject to sub-paragraphs (2) and (3), the label to be used on—

- (a) raw asbestos (together with the labelling required under the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009⁽¹⁾ and the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010⁽²⁾);
- (b) asbestos waste, when required to be so labelled by regulation 24(3); and
- (c) products containing asbestos, including used protective clothing to which regulation 14(4) applies,

shall be in the form and in the colours of the following diagram and shall comply with the specifications set out in paragraphs 2 and 3.

(1) S.R. 2009 No. 238 as amended by S.R. 2009 No. 273, S.R. 2010 No. 160 and S.R. 2011 No. 295
(2) S.R. 2010 No. 160, as amended by S.R. 2011 No. 365

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(2) In the case of a product containing crocidolite, the words “contains asbestos” shown in the diagram shall be replaced by the words “contains crocidolite/blue asbestos”.

(3) Where the label is printed directly onto a product, a single colour contrasting with the background colour may be used.

2. The dimensions in millimetres of the label referred to in paragraph 1 shall be those shown on the diagram in that paragraph, except that larger measurements may be used, but in that case the dimension indicated as h on the diagram shall be 40% of the dimension indicated as H .

3. The label shall be clearly and indelibly printed so that the words in the lower half of the label can be easily read, and those words shall be printed in black or white.

4.—(1) Where a product containing asbestos may undergo processing or finishing it shall bear a label containing safety instructions appropriate to the particular product and in particular the following instructions—

- “operate if possible out of doors in a well-ventilated place”;
- “preferably use hand tools or low speed tools equipped, if necessary, with an appropriate dust extraction facility. If high speed tools are used, they should always be so equipped”;
- “if possible, dampen before cutting or drilling”; and
- “dampen dust, place it in a properly closed receptacle and dispose of it safely”.

(2) Additional safety information given on a label shall not detract from or contradict the safety information given in accordance with sub-paragraph (1).

5.—(1) Labelling of packaged and unpackaged products containing asbestos in accordance with the foregoing paragraphs shall be effected by means of—

- (a) an adhesive label firmly affixed to the product or its packaging;
- (b) a tie-on label firmly attached to the product or its packaging; or
- (c) direct printing onto the product or its packaging.

(2) Where, in the case of an unpackaged product containing asbestos, it is not reasonably practicable to comply with the provisions of sub-paragraph (1), the label shall be printed on a suitable sheet accompanying the product.

(3) Labelling of raw asbestos and asbestos waste shall be effected in accordance with sub-paragraph (1)(a) or (c).

(4) For the purposes of this Schedule but subject to sub-paragraph (5), a product supplied in loose plastic or other similar wrapping (including plastic and paper bags) but no other packaging shall be treated as being supplied in a package whether the product is placed in such wrapping at the time of its supply or was already so wrapped previously.

(5) No wrapping in which a product is placed at the time of its supply shall be regarded as packaging if any product contained in it is labelled in accordance with the requirements of this Schedule or any other packaging in which that product is contained is so labelled.

SCHEDULE 3

Regulation 31

PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA

Interpretation

1.—(1) In this Schedule—

“activity” includes a diving project;

“designated area” means any area designated by Order under section 1(7) of the Continental Shelf Act 1964⁽³⁾ and “within a designated area” includes over and under it;

“diving project” has the meaning assigned to it by regulation 2(1) of the Diving at Work Regulations (Northern Ireland) 2005⁽⁴⁾ save that it includes an activity in which a person takes part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;

“energy structure” means a fixed or floating structure, other than a vessel, for producing energy from wind or water;

“offshore installation” shall be construed in accordance with paragraph 2(2) and (3);

“supplementary unit” means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation;

“stand-by vessel” means a vessel which is ready to give assistance in the event of an emergency on or near an offshore installation;

“vessel” includes a hovercraft and any floating structure which is capable of being staffed.

(2) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(3) Any reference in this Schedule to premises and activities includes a reference to any person, article or substance on those premises or engaged in, or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

Offshore installations

2.—(1) This paragraph shall apply to and in relation to—

(a) any offshore installation and any activity on it;

(b) any activity in connection with an offshore installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, on or from a vessel or in any other manner, other than—

(i) transporting, towing or navigating the installation; and

⁽³⁾ 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (1982 c. 23), Schedule 3, paragraph 1

⁽⁴⁾ S.R. 2005 No. 45, as amended by S.R. 2007 No.247

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- (ii) any activity in or from a vessel being used as a stand-by vessel;
- (c) a diving project involving—
 - (i) the survey and preparation of the sea bed for an offshore installation;
 - (ii) the survey and restoration of the sea bed consequent on the removal of an offshore installation.

(2) Subject to sub-paragraph (3), in this paragraph, “offshore installation” means a structure which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water—

- (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
- (b) for the storage of gas in or under the shore or bed of any water or the recovery of gas so stored;
- (c) for the conveyance of things by means of a pipe; or
- (d) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this sub-paragraph,

together with any supplementary unit which is ordinarily connected to it, and all the connections.

- (3) Any reference in sub-paragraph (2) to a structure or unit does not include—
 - (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
 - (b) a well;
 - (c) a structure which has ceased to be used for any of the purposes specified in sub-paragraph (2) and has since been used for a purpose not so specified;
 - (d) a mobile structure which has been taken out of use and is not yet being moved with a view to its being used for any of the purposes specified in sub-paragraph (2); and
 - (e) any part of a pipeline.

Wells

3.—(1) Subject to sub-paragraph (2), this paragraph applies to and in relation to—

- (a) a well and any activity in connection with it; and
- (b) an activity which is immediately preparatory to any activity in head (a).

(2) Sub-paragraph (1) includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation.

Pipelines

4.—(1) This paragraph applies to and in relation to—

- (a) any pipeline;
- (b) any pipeline works;
- (c) the following activities in connection with pipeline works—
 - (i) the loading, unloading, fuelling or provisioning of a vessel;
 - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel, being in either case a vessel which is engaged in pipeline works.

(2) In this paragraph—

“pipeline” means a pipe or system of pipes for the conveyance of any thing, together with—

- (a) any apparatus for inducing or facilitating the flow of any thing through, or through part of, the pipe or system;
- (b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;
- (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
- (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in heads (a) to (c);
- (e) apparatus for the transmission of information for the operation of the pipe or system;
- (f) apparatus for the cathodic protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system;

but not including a pipeline of which no initial or terminal point is situated in the United Kingdom, within the territorial sea adjacent to the United Kingdom, or within a designated area;

“pipeline works” means—

- (a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;
- (c) changing the position of or dismantling or removing a pipeline or length of pipeline;
- (d) opening the bed of the sea for the purposes of the works mentioned in heads (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in heads (a) to (d);
- (f) a diving project in connection with any of the works mentioned in heads (a) to (e) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.

Mines

5.—(1) This paragraph applies to and in relation to a mine within the territorial sea or extending beyond it, and any activity in connection with it, while it is being worked.

(2) In this paragraph “mine” has the same meaning as in the Mines Act (Northern Ireland) 1969⁽⁵⁾.

Other activities

6.—(1) Subject to sub-paragraph (2), this paragraph applies to and in relation to—

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any building, energy structure or other structure, not being in any case a vessel, or any preparation for any such activity;
- (b) the transfer of people or goods between a vessel or aircraft and a structure (including a building) mentioned in head (a);
- (c) the loading, unloading, fuelling or provisioning of a vessel;

(5) 1969 c. 6 (N.I.)

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- (d) a diving project;
 - (e) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel;
 - (f) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which paragraph 2(3)(d) applies;
 - (g) the operation of a cable for transmitting electricity from an energy structure to shore;
 - (h) the transfer of people or goods between a vessel or aircraft and a structure mentioned in head (f).
- (2) This paragraph shall not apply—
- (a) to a case where paragraph 2, 3, 4 or 5 applies; or
 - (b) to vessels which are registered outside the United Kingdom and are on passage through the territorial sea.

Other activities within a designated area

7. This paragraph applies within a designated area to and in relation to the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any structure which would be an offshore installation were it not a structure to which paragraph 2(3)(c) applies, or any preparation for any such activity.

Activities within a renewable energy zone

8.—(1) Subject to sub-paragraph (2), this paragraph applies within a renewable energy zone to and in relation to—

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any energy structure or related structure, or any preparation for any such activity;
 - (b) the transfer of people or goods between a vessel or aircraft and an energy structure or related structure;
 - (c) the loading, unloading, fuelling or provisioning of a vessel;
 - (d) the operation of a cable for transmitting electricity from an energy structure or related structure to shore;
 - (e) a diving project associated with any of the works mentioned in heads (a) to (d) of this sub-paragraph.
- (2) This paragraph shall not apply—
- (a) to a case where paragraph 2, 3, 4 or 5 applies; or
 - (b) to vessels which are registered outside the United Kingdom and are on passage through the renewable energy zone.
- (3) In this paragraph—
- “related structure” means a structure, not being in any case a vessel, related to an energy structure, including—
- (a) a structure for converting energy produced by an energy structure into a form suitable for transmission to shore; and
 - (b) a structure mainly for the provision of accommodation for persons carrying out work activities in relation to an energy structure or related structure;

“renewable energy zone” means any area designated by order under section 84(4) of the Energy Act 2004(6) and “within a renewable energy zone” includes over and under it.

SCHEDULE 4

Regulation 33(2)

AMENDMENTS

<i>Instruments amended</i>	<i>References</i>	<i>Amendments to have effect</i>
The Personal Protective Equipment at Work Regulations (Northern Ireland) 1993	S.R. 1993 No. 20	In regulation 3(3)(c) for the words “the Control of Asbestos Regulations (Northern Ireland) 2007” substitute “the Control of Asbestos Regulations (Northern Ireland) 2012”
The Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999	S.R. 1999 No. 90	In Schedule 2 paragraph 4A for the words “the Control of Asbestos Regulations (Northern Ireland) 2007” substitute “the Control of Asbestos Regulations (Northern Ireland) 2012”
The Provision and Use of Work Equipment Regulations (Northern Ireland) 1999	S.R. 1999 No. 305	In regulation 12(5)(b) for the words “the Control of Asbestos Regulations (Northern Ireland) 2007” substitute “the Control of Asbestos Regulations (Northern Ireland) 2012”
The Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003	S.R. 2003 No. 34	In regulation 5(1)(a)(ii) for the words “the Control of Asbestos Regulations (Northern Ireland) 2007” substitute “the Control of Asbestos Regulations (Northern Ireland) 2012”
The Construction (Design and Management) Regulations (Northern Ireland) 2007	S.R. 2007 No. 291	In regulation 17 for the words “the Control of Asbestos Regulations (Northern Ireland) 2007” substitute “the Control of Asbestos Regulations (Northern Ireland) 2012”
The Health and Safety (Fees) Regulations (Northern Ireland) 2010	S.R. 2010 No. 60	In regulation 4(4) for the words “the Control of Asbestos Regulations (Northern Ireland) 2007” substitute “the Control of Asbestos Regulations (Northern Ireland) 2012”
		In the heading to regulation 6 for the words “the Control of Asbestos Regulations (Northern Ireland) 2007” substitute “the Control of Asbestos Regulations (Northern Ireland) 2012”
		In regulation 6(1) for the words “the Control of Asbestos Regulations (Northern Ireland) 2007 (“the 2007 Regulations”)” substitute “the Control of Asbestos Regulations (Northern Ireland) 2012 (“the 2012 Regulations”)”

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<i>Instruments amended</i>	<i>References</i>	<i>Amendments to have effect</i>
		In regulation 6(3), (5) and (7) for the words “the 2007 Regulations” substitute “the 2012 Regulations”
		In Schedule 2 row (b) column 1 for the words “Regulation 22 of the Control of Asbestos Regulations (Northern Ireland) 2007” substitute “Regulation 22 of the Control of Asbestos Regulations (Northern Ireland) 2012”
		In Schedule 2 row (b) column 2 for the words “S.R. 2007 No. 31” substitute “S.R. 2012 No. 179”
		In the heading to Schedule 4 for the words “the Control of Asbestos Regulations (Northern Ireland) 2007” substitute “the Control of Asbestos Regulations (Northern Ireland) 2012”