

1987 No. 1979

CONSUMER PROTECTION

The Asbestos Products (Safety) (Amendment)
Regulations 1987

Made - - - - - 19th November 1987

Laid before Parliament 30th November 1987

Coming into force - 1st January 1988

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987(a), consulted such organisations as appear to him to be representative of interests substantially affected by these Regulations, such other persons as he considers appropriate and the Health and Safety Commission;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 11 of the said Act, hereby makes the following Regulations:

1. These Regulations may be cited as the Asbestos Products (Safety) (Amendment) Regulations 1987 and shall come into force on 1st January 1988.
2. The Gas Catalytic Heaters (Safety) Regulations 1984(b) are hereby amended by the substitution for regulation 3 of the following regulation—
 - “3. No person shall supply, offer to supply, agree to supply, expose for supply or possess for supply—
 - (a) any gas catalytic heater containing any asbestos; or
 - (b) any catalytic unit or insulation device suitable for incorporation in a gas catalytic heater if the unit or device contains any asbestos.”
3. The Asbestos Products (Safety) Regulations 1985(c) shall have effect subject to the amendments set out in the following Regulations.
4. In regulation 2, the following paragraph shall be substituted for paragraph (3)—

“(3) Paragraph (1) does not apply to any intermediate brake band which contains crocidolite but no amosite asbestos minerals, is labelled in accordance with the Schedule to these Regulations, is intended for the repair of a motor vehicle and was manufactured before 1st January 1986.”
5. In regulation 3(1) after the words “Subject to paragraph (2)” there shall be inserted the words “below and Regulation 3 of the Gas Catalytic Heaters (Safety) Regulations 1984(a)” and at the foot of the relevant page there shall be inserted as a footnote the words “(a) S.I. 1984/1802, amended by S.I. 1987/1979.”

(a) 1987 c.43.
(b) S.I. 1984/1802.
(c) S.I. 1985/2042.

6. After regulation 3, there shall be inserted the following Regulation—

“4. No person shall supply, offer to supply, agree to supply, expose for supply or possess for supply any of the following products, that is to say—

- (a) toys;
- (b) materials and preparations intended to be applied by spraying (except where their intended use is for undersealing a motor vehicle, the material or preparation in question is a bituminous compound and any of the asbestos minerals mentioned in Regulation 3(1) contained in the compound do not amount in total to more than 10 per cent by weight of the compound);
- (c) products in powder form intended for private use or consumption where their supply is, or would be, by retail;
- (d) products for use in connection with smoking including tobacco pipes and cigarette and cigar holders;
- (e) paints and varnishes;

which contain any of the asbestos minerals mentioned in Regulation 3(1).”.

Francis Maude

Parliamentary Under-Secretary of State,
Department of Trade and Industry

19th November 1987

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive No 85/610/EEC (OJ No. L375, 31.12.1985, p1) which amends Directive No 76/769/EEC (OJ No. L262, 27.9.1976, p201) on the marketing and use of asbestos.

The Regulations prohibit the supply of the following products containing actinolite, anthrophyllite, chrysotile and tremolite asbestos mineral fibres:

- gas catalytic heaters, catalytic panels and insulation devices;
- toys;
- products applied by spraying, except for specified car underseal;
- products in powder form intended for retail supply;
- smokers' products such as pipes and cigarette and cigar holders; and
- paints and varnishes.

They do so by amending the Gas Catalytic Heaters (Safety) Regulations 1984 (S.I. 1984/1802) and the Asbestos Products (Safety) Regulations 1985 (S.I. 1985/2042).

In the case of LPG catalytic heaters, the Regulations extend the Gas Catalytic Heaters (Safety) Regulations to catch all asbestos in catalytic heaters, including insulation devices supplied for incorporation in those heaters (regulation 2).

In the case of intermediate brake bands containing blue asbestos, the Regulations amend the Asbestos Products (Safety) Regulations 1985 to exempt those manufactured before 1st January 1986 irrespective of the date of supply. Under the Regulations in their unamended form, such brake bands could be lawfully supplied etc. only until 30th June 1988 (regulation 4).

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