

1995 No. 93

EUROPEAN COMMUNITIES

PUBLIC HEALTH

**The Control of Asbestos in Water Regulations
(Northern Ireland) 1995**

Made 15th March 1995

Coming into operation 1st May 1995

The Department of the Environment, being a department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the prevention, reduction and elimination of pollution of water, in exercise of the powers conferred on it by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Control of Asbestos in Water Regulations (Northern Ireland) 1995, and shall come into operation on 1st May 1995.

Interpretation

2.—(1) In these Regulations—

“asbestos” has the meaning assigned by Article 2.1 of the Directive;

“the Department” means the Department of the Environment; and

“the Directive” means Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos(c).

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Prevention of asbestos emissions into the aquatic environment

3. The Department shall, in accordance with the Directive, take the measures necessary to ensure that asbestos discharges into the aquatic environment are, as far as reasonably practicable, reduced at source and prevented.

(a) S.I. 1989/2393

(b) 1972 c. 68

(c) O.J. No. L85, 28.3.87, p. 40

(d) 1954 c. 33 (N.I.)

Consent to discharge

4.—(1) A person shall not, without the written consent of the Department, make a discharge of asbestos into the aquatic environment.

(2) A consent granted under paragraph (1) shall specify emission standards, conditions and limits in accordance with Article 5 of the Directive.

Offences

5. A person who contravenes regulation 4(1) or fails to comply with any condition or requirement specified in a consent granted under regulation 4(1) shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale^(a) and, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

Sealed with the Official Seal of the Department of the Environment on
15th March 1995.

(L.S.)

John Crowther

Assistant Secretary

(a) See para 1(1)(d) of Sch. 2 to 1972 c. 68 read with Arts. 5 and 8 of the Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)) as amended by Art. 3(2) of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15))

(This note is not part of the Regulations.)

These Regulations implement the requirements of Council Directive 87/217/EEC ("the Directive") on the prevention and reduction of environmental pollution by asbestos, in relation to asbestos emissions into the aquatic environment.

Regulation 3 requires the Department of the Environment to take, in accordance with the Directive, the measures necessary to reduce at source and prevent, as far as is reasonably practicable, discharges of asbestos into the aquatic environment.

Regulation 4 provides that a person shall not without the written consent of the Department make a discharge of asbestos into the aquatic environment and that any such consent shall specify emission standards, conditions and limits in accordance with Article 5 of the Directive.

Regulation 5 provides that a person who contravenes regulation 4(1) or fails to comply with any condition or requirement specified in a consent granted under regulation 4(1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000). On conviction on indictment the prescribed penalty is an unlimited fine or a term of imprisonment not exceeding 2 years or both.

Copies of the Directive and of extracts from the Official Journal of the European Communities may be obtained from Her Majesty's Stationery Office, 16 Arthur Street, Belfast BT1 4GD.