

Workplace Safety and Health (Asbestos) Regulations 2014

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THE SCHEDULE Material, substance, product or article

WORKPLACE SAFETY AND HEALTH ACT
(CHAPTER 354A)

WORKPLACE SAFETY AND HEALTH (ASBESTOS)
REGULATIONS 2014

In exercise of the powers conferred by section 65 of the Workplace Safety and Health Act, the Minister for Manpower hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Workplace Safety and Health (Asbestos) Regulations 2014 and shall come into operation on 30th May 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —

“approved asbestos-removal contractor” means the holder of a valid certificate of approval;

“asbestos” means crocidolite, actinolite, anthophyllite, amosite, tremolite, chrysotile, amphiboles or a mixture containing any such minerals;

“asbestos-containing material” means any material, substance, product or article containing asbestos;

“asbestos-removal work” means any work that entails the removal of asbestos or asbestos-containing material that is fixed or installed in a building, plant, ship, machine, equipment or workplace so that the asbestos or asbestos-containing material is no longer fixed or installed in that building, plant, ship, machine, equipment or workplace;

“asbestos work area” means an area within a workplace at which any work involving asbestos is or is to be carried out;

“building works” means the demolition of a building or the alteration, addition or repair of a building;

“certificate of approval” means a certificate of approval to act as an approved

asbestos-removal contractor issued under regulation 19;

“competent person”, in relation to any work, means a person who has sufficient experience and training to perform the work, and who has successfully completed such course as the Commissioner may require for the purposes of that work;

“personal protective equipment” means personal protective equipment that is provided under regulation 7(1)(a) to a person who carries out or is to carry out any work involving asbestos;

“recognised testing body” means a testing body recognised by the Commissioner;

“responsible person” means —

(a) the employer of a person who carries out or is to carry out any work involving asbestos; or

(b) in the case where a person carries out or is to carry out any work involving asbestos under the direction of a principal, the principal;

“specified material” means any material, substance, product or article specified in the Schedule;

“work involving asbestos” means the use, handling, treatment, cutting, removal, storage, disposal or disturbing of asbestos or asbestos-containing material at a workplace.

PART II

ASCERTAINING PRESENCE OF ASBESTOS OR ASBESTOS-CONTAINING MATERIALS AT WORKPLACE

Survey of workplace

3.—(1) It shall be the duty of the employer of a person who is to carry out, or the principal under whose direction a person is to carry out, at a workplace —

(a) any work, operation or process involving a specified material; or

(b) any building works relating to any building in respect of which or any part of which no certificate of statutory completion or a temporary occupation permit is issued on or after 1st January 1991,

to ensure that the work, operation or process or the building works, as the case may be, starts to be carried out only after the employer or principal, as the case may be, receives a

survey report from a competent person appointed by the employer or principal under paragraph (2) as to whether asbestos is present in the specified material, or asbestos or asbestos-containing material is fixed or installed in the building, as the case may be.

(2) It shall be the duty of the employer or principal, as the case may be, referred to in paragraph (1) to appoint a competent person —

- (a) in the case of any work, operation or process involving a specified material referred to in paragraph (1)(a), to conduct a survey of the specified material to ascertain whether asbestos is present in the specified material; or
- (b) in the case of any building works relating to a building referred to in paragraph (1)(b), to conduct a survey of the building to ascertain whether asbestos or asbestos-containing material is fixed or installed in the building.

(3) Paragraphs (1)(a) and (2)(a) shall not apply to any work, operation or process involving a specified material where the employer or principal, as the case may be, referred to in paragraph (1) has documentary proof that that specified material does not contain asbestos.

(4) In addition to paragraph (1), where the Commissioner has reason to believe that asbestos or asbestos-containing material may in any other case —

- (a) be present at any workplace; or
- (b) be fixed or installed in any building in respect of which or any part of which a certificate of statutory completion or a temporary occupation permit is issued on or after 1st January 1991,

the Commissioner may, by order in writing, direct the employer of a person who carries out or is to carry out, or the principal under whose direction a person carries out or is to carry out, any work, operation or process at the workplace or any building works relating to any part of such a building, as the case may be, to appoint a competent person —

- (i) in the case of any work, operation or process, to conduct a survey of the workplace to ascertain whether asbestos or asbestos-containing material is present at the workplace; or
- (ii) in the case of any building works, to conduct a survey of the building to ascertain whether asbestos or asbestos-containing material is fixed or installed in the building.

(5) It shall be the duty of an employer or a principal to whom an order is issued under paragraph (4) to comply with the direction in the order.