SUPPLEMENT No. 3
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1240 of 4th March 2002
SUBSIDIARY LEGISLATION

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(175)
No. 26

THE HUMAN RESOURCE DEVELOPMENT AUTHORITY (REPUBLIC OF CYPRUS) (RECOGNITION) ORDINANCE (Ordinance 22 of 2001).

REGULATIONS MADE BY THE ADMINISTRATOR UNDER SECTIONS 9 AND 16.

In exercise of the powers conferred upon him by sections 9 and 16 of the Human Resource Development Authority (Republic of Cyprus) (Recognition) Ordinance, the Administrator hereby makes the following Regulations:

1. These Regulations may be cited as the Industrial Training Authority (Employers' Levy) (Amendment) Regulations 2002.

2. For the first proviso to regulation 4 of the Industrial Training Authority (Employers’ Levy) Regulations 1979 there shall be substituted the following -

“Provided that no levy shall be payable in respect of any part of wages exceeding three hundred and ninety-two pounds weekly or one thousand six hundred and ninety-nine pounds monthly.”.

3. These Regulations shall be deemed to have come into effect on 1st March 2001.

Dated this 13th day of February 2002.

By the Administrator's Command,

D.J. BONNER,
Chief Officer,
Sovereign Base Areas.

(107/17)
REGULATIONS MADE BY THE ADMINISTRATOR UNDER SECTION 4.

In exercise of the powers vested in him by section 4 of the Asbestos (Health and Safety of Persons at Work) Ordinance 2002, the Administrator hereby makes the following Regulations:-

Citation

1. These Regulations may be cited as the Asbestos (Health and Safety of Persons at Work) Regulations 2002.

Interpretation and application

2. – (1) In these Regulations, unless the context otherwise requires:

"action level" means one of the following concentrations of asbestos in the air, when measured or calculated in accordance with regulation 15, namely:

(a) for chrysotile:-

(i) 0,20 fibres per cubic centimetre (fibres/cm³) in relation to an eight-hour reference period; or

(ii) a cumulative dose of 12,00 fibre-days per cubic centimetre (fibre-days/cm³) over a three-month period; or

(b) for any other form of asbestos, either alone or in mixtures, including mixtures containing chrysotile:-

(i) 0,10 fibres/cm³ in relation to an eight-hour reference period; or

(ii) a cumulative dose of 6,00 fibre-days/cm³ over a three-month period;

“approved” means approved in writing by the Chief Inspector and references to “approved type” and “approved standard” shall be construed accordingly;

“asbestos area” and “respiratory protection zone” shall be construed in accordance with regulation 14;

“asbestos cement” means a material which is predominantly a mixture of cement and asbestos and which when in a dry state has a density greater than 1 tonne per cubic metre (tonne/m³);

“asbestos coating” means a surface coating containing asbestos;

“asbestos coating or asbestos insulation work” means:-

(a) work which involves the removal, repair or disturbance of asbestos coating or asbestos insulation;

(b) work which is ancillary to such work; and

(c) work which involves the supervision of any such work;
“asbestos insulation” means any material containing asbestos which is used for thermal, acoustic or other insulation purposes (including fire protection) other than:-

(a) asbestos cement;

(b) bitumen, plastic or resin containing asbestos, where the thermal or acoustic insulation properties of such material are incidental to its main purpose;

“control limit” means one of the following concentrations of asbestos in the air, when measured or calculated in accordance with regulation 15, namely:-

(a) for chrysotile only, 0.50 fibres/cm³ in relation to an eight-hour reference period;

(b) for asbestos gruenerite (amosite) or crocidolite, 0.20 fibres/cm³ in relation to an eight-hour reference period;

(c) for any other form of asbestos, either alone or in mixtures, including mixtures containing chrysotile, 0.30 fibres/cm³ in relation to an eight-hour reference period;

“control measure” means any measure which is designed to prevent or reduce:-

(a) the exposure of employees to asbestos at work; or

(b) the spread of asbestos from the place of work;

“employer” means any employer who carries out any work involving the use of asbestos;

“exposure to asbestos”, in relation to any employee, means exposure to asbestos arising from or connected with his employer’s use of asbestos at work;

“inhalable asbestos fibre” means any asbestos fibre with a length of more than 5 micrometres and a length/breadth ratio greater than 3:1;

“medical examination” includes any laboratory test and X-ray which the medical practitioner carrying out the examination may require to be carried out;

“the Ordinance” means the Asbestos (Health and Safety of Persons at Work) Ordinance 2002;<

“protective clothing” means clothing (including clothing for the head and body) designed and used for the purpose of reducing risks to the health or safety of the wearer, by providing, amongst other things, an impenetrable barrier to asbestos fibres and asbestos dust.

(2) In these Regulations, except as specified in regulation 8(6), in determining whether and to what extent any employee is exposed to asbestos, no account shall be taken of any respiratory protective equipment which, for the time being, is being worn by that employee.

(3) In these Regulations, where any duty is placed upon an employer in respect of his employees, he shall be under a like duty, so far as is reasonably practicable, in respect of any other person who may be affected by the work activity, whether at work or not, except that the duties of the employer:-

(a) Ordinance No. 2/2002
(a) under regulation 7 (information, instruction and training) shall not extend to any such person, unless that person is on the premises where the work is being carried out; and

(b) under regulations 16 (medical surveillance and health records) and 18 (register of employees’ use of asbestos at work) shall not extend to any such person.

(4) These Regulations shall apply to a self-employed person who carries out any work involving the use of asbestos as they apply to an employer and an employee who carry out such work and as if that self-employed person were both an employer and an employee.

(5) In these Regulations, where the concentration of asbestos in the air does not exceed or is not likely to exceed the relevant action level, the employer shall not be required to comply with regulations 5, 11, 14, 15, 16, 17 and 19 and paragraph (4) of regulation 7.

(6) In these Regulations, unless the context otherwise requires, any reference to:

(a) (i) a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations; and

(ii) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference appears.

Identification of type of asbestos

3. No employer shall carry out any work involving the use of asbestos unless:

(a) he has identified, by analysis or otherwise, the type of asbestos to be used; or

(b) he has assumed that the asbestos is amosite or crocidolite and, for the purposes of these Regulations, treats it accordingly.

Assessment of risk of exposure to asbestos

4. – (1) Subject to paragraph (3), no employer shall carry out any work involving the use of asbestos unless he has made an adequate assessment of the risk of exposure of his employees to such asbestos.

(2) Without prejudice to the generality of paragraph (1), the assessment required by paragraph (1), shall include:-

(a) subject to regulation 3(b), identification of the type of asbestos to be used;

(b) determination of the nature and extent of the likely exposure to asbestos; and

(c) determination of the measures to be taken to prevent or reduce such exposure to the lowest reasonably practicable level.

(3) Where any work involving the use of asbestos was commenced before the coming into force of these Regulations or within 28 days after that date, it shall be sufficient compliance with paragraph (1) if the employer makes the assessment within 28 days after the date of the coming into force of these Regulations.
(4) The employer shall review the assessment made pursuant to paragraph (1) on a regular basis and shall substitute it with a new assessment when:

(a) there is reason to suspect that the existing assessment is no longer valid; or

(b) there has been a significant change in the work to which the existing assessment relates.

(5) The employer shall consult his employees or their representatives regarding the assessment required under paragraph (1).

(6) The employer shall submit the assessment in writing to the Chief Inspector and keep a copy thereof at the place where the work to which it relates is carried out, for as long as such work continues to be carried out there.

Notification of use of asbestos at work for the first time

5. – (1) Subject to regulation 2(5) and paragraphs (2) and (5) of this regulation, no employer shall carry out any work involving the use of asbestos for the first time unless he has notified the Chief Inspector in writing of the particulars specified in Schedule I, at least 28 days before commencing the work or before such shorter period as the Chief Inspector may agree.

(2) The requirement to notify the Chief Inspector pursuant to paragraph (1) shall not apply where the employer:

(a) is carrying out asbestos coating or asbestos insulation work in accordance with the terms and conditions of a permit granted to him pursuant to regulation 23(1); or

(b) is carrying out asbestos coating or asbestos insulation work in respect of which he is exempted from the requirement to obtain such a permit by virtue of regulation 22(2).

(3) Where there is a material change in the work which renders out of date any of the particulars notified to the Chief Inspector pursuant to paragraph (1) (including the cessation of the work) the employer shall notify the Chief Inspector of the change and the revised particulars, without delay.

(4) Employees or their representatives shall have access to the information referred to or contained in any notification submitted pursuant to this regulation.

(5) Where work to which this regulation applies was commenced before the date of the coming into force of these Regulations or is commenced within 28 days of that date, it shall be sufficient compliance with paragraph (1) if the employer notifies the Chief Inspector in accordance with that paragraph within 28 days of the coming into force of these Regulations.

Approval of plans of work involving removal of asbestos etc.

6. – (1) No employer shall carry out any work involving the removal of asbestos or any material or product containing asbestos from any building, structure, plant, installation or vessel or the demolition thereof, unless he has:-
(a) prepared and submitted to the Chief Inspector a suitable work plan; and

(b) the Chief Inspector has approved the plan.

(2) The employer shall keep a copy of the approved work plan at the place where the work to which the plan relates is being carried out until such time as the work is completed.

(3) A work plan shall not be considered suitable unless:-

(a) it specifies:-

(i) the nature and probable duration of the work;

(ii) the place where the work is to be carried out;

(iii) the working methods to be used, where the work involves the handling of asbestos or any material containing asbestos;

(iv) the personal protective equipment (including respiratory protective equipment) to be provided for the protection of:-

(aa) those employees who will carry out the work; and

(bb) other employees who will be working nearby; and

(v) the other measures to be taken in order to prevent or reduce the exposure of his employees to asbestos; and

(b) makes provision, as far as is reasonably practicable, for the asbestos and any material or product containing asbestos to be removed prior to the commencement of any demolition work.

(4) The employer shall:-

(a) as far as is practicable, use specialised personnel to carry out the work to which this regulation applies, who shall be informed of:-

(i) the health risks; and

(ii) the measures to be taken to protect them against such risks;

(b) display suitable warning signs at the place of work.

Information, instruction and training

7. - (1) Every employer shall ensure that sufficient information, instruction and training is provided to any employee who:-

(a) is exposed or is likely to be exposed to asbestos at work, so that he is aware of:-

(i) the health risks; and

(ii) the measures to be taken to protect him against such risks;

(b) carries out any work in connection with the employer's obligations under these Regulations, so that he can carry out that work effectively.

(2) The information, instruction and training referred to in paragraph (1), shall be provided to the employee:-
(a) before he is exposed or is likely to be exposed to asbestos or before he carries out any work in connection with the employer's duties under these Regulations, as the case may be; and

(b) every six months thereafter.

(3) The information, instruction and training referred to in paragraph (1) shall include:-

(a) written instructions, in the form of a leaflet, setting out:-

(i) the health risks arising from exposure to asbestos;

(ii) the applicable action levels and control limits, their significance and the consequent need for the concentration of asbestos in the air to be monitored;

(iii) the working methods to be used in order to prevent or reduce the concentration of asbestos in the air;

(iv) the measures to be taken in order to prevent or reduce exposure to asbestos;

(v) the measures to be taken in relation to the wearing and use of personal protective equipment and clothing;

(vi) the measures to be taken in relation to hygiene (including the requirement to refrain from smoking in designated areas); and

(b) written instructions setting out the measures to be taken:-

(i) to prevent or reduce the spread of asbestos from the place of work; and

(ii) to ensure the safe disposal of any waste containing asbestos.

(4) Subject to regulation 2(5), the employer shall ensure that:-

(a) his employees or their representatives have access to:-

(i) the results of the measurements of concentration of asbestos in the air; and

(ii) explanations as to the significance of such results;

(b) where the results of the measurements referred to in subparagraph (a) above show that the relevant control limit has been exceeded:-

(i) his employees and their representatives are informed, without delay, of that fact and the reasons for it; and

(ii) the employees or their representatives are consulted on the measures to be taken or, in an emergency, are informed of the measures which have been taken.

Prevention or reduction of exposure to asbestos

8. – (1) Every employer shall:-

(a) prevent the exposure of his employees to asbestos at work; or

(b) where it is not reasonably practicable to prevent such exposure, reduce it to as low a level as is reasonably practicable, by taking appropriate measures.
(2) Without prejudice to the generality of paragraph (1)(b), the measures taken by the employer pursuant thereto shall include, in particular, measures to ensure that:-

(a) the quantity of asbestos used in any case is limited to the minimum necessary;

(b) the number of employees exposed or likely to be exposed to asbestos as well as the duration of their exposure is limited to the minimum necessary;

(c) the working methods used are designed so as:-

(i) to prevent the release of asbestos dust into the air; and

(ii) where it is not practicable to prevent such release, to eliminate the dust as near as possible to the point of release;

(d) any building, or plant involved in the processing or treatment of asbestos, is capable of being regularly and effectively cleaned and maintained;

(e) unprocessed asbestos is stored and transported in suitable, sealed packaging;

(f) any waste containing asbestos (other than waste from mining activities) is:-

(i) collected,

(ii) sealed in suitable packaging,

(iii) labelled in accordance with these Regulations,

(iv) removed from the place of work; and

(v) disposed of in accordance with the relevant provisions of Council Directive 91/689/EEC on hazardous waste\(^1\), as amended from time to time, without delay.

(3) Where an unforeseen event occurs which results in the escape of asbestos into the place of work to the extent that the concentration of asbestos in the air is likely to exceed any relevant control limit, the employer shall ensure that:-

(a) the reasons for the occurrence are identified; and

(b) appropriate measures are taken to remedy the situation, without delay; and

(c) work in the affected area is discontinued until adequate measures have been taken to protect the employees affected.

(4) In order to ascertain the effectiveness of the measures taken pursuant to paragraph (3)(b), the concentration of asbestos in the air shall be measured immediately thereafter.

(5) Where the measures taken pursuant to paragraph (3)(c) include the provision of respiratory protective equipment, the wearing of such equipment shall be regarded as a temporary measure to enable those who must remain within the affected area, whilst repairs and other necessary works are carried out, to do so safely.

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\(^1\) OJ No. L 377, 31/12/1991, p. 0020-0027
(6) Where, in the case of certain activities at work, it is likely that, notwithstanding compliance with paragraphs (1)(b) and (2), the level of concentration of asbestos in the air will exceed the relevant control limit, the employer shall consult his employees or their representatives on the further measures to be taken to ensure they are protected whilst engaged in such activities, which measures shall include, in particular:-

(a) the provision of respiratory protective equipment and other personal protective equipment, which must be worn by them at work; and

(b) the display of suitable warning signs, indicating that the level of concentration of asbestos in the air exceeds or is likely to exceed the relevant control limit.

(2) Respiratory protective equipment provided pursuant to this regulation must be suitable and, in particular, must:-

(a) be of an approved type or conform to an approved standard; and

(b) be such that the wearing of it ensures that the concentration of asbestos in the air inhaled by the employee is reduced to as low a level as is reasonably practicable and, in any event, to a level which is below the relevant control limit.

Use of control measures etc.

9. - (1) Every employer who provides any control measure, personal protective equipment or other thing or facility pursuant to these Regulations shall ensure, so far as is reasonably practicable, that it is properly applied or used, as the case may be.

(2) Every employee shall:-

(a) make full and proper use of any control measure, personal protective equipment or other thing or facility provided pursuant to these Regulations; and

(b) notify the employer, without delay, if he discovers any defect therein or damage thereto.

Cleaning and maintenance of control measures etc.

10. - (1) Every employer who provides any control measure, personal protective equipment or other thing or facility pursuant to these Regulations shall ensure that:-

(a) it is kept clean and is maintained in efficient working order and in a good state of repair; and

(b) in the case of any exhaust system or other ventilation equipment (including respiratory protective equipment, except where such equipment is disposable), it is regularly examined and tested at suitable intervals by a competent person.

(2) Every employer shall make a suitable record of work carried out pursuant to paragraph (1) and shall keep that record for a period of at least five years from the date on which the work to which it relates was carried out.
Provision and cleaning of protective clothing

11. — (1) Subject to regulation 2(4), every employer shall provide adequate and suitable protective clothing for those employees who are or who are likely to be exposed to asbestos, which clothing, subject to sub-paragraphs (a)(ii) and (b) of paragraph (2), shall be kept at the place of work.

(2) The employer shall ensure that any protective clothing provided in accordance with paragraph (1), is:-

(a) adequately cleaned on a regular basis:-
   (i) on the premises; or
   (ii) at another establishment, provided it is suitably equipped; or

(b) where appropriate, disposed of as waste containing asbestos.

(3) Any protective clothing which is to be removed from the place of work, pursuant to sub-paragraph (a)(ii) or (b) of paragraph (2), shall be transported in a suitable closed container, which container shall be labelled in accordance with Schedule II, as if its contents were:-

(a) products containing asbestos (in the case where the clothing is to be cleaned elsewhere); or

(b) waste containing asbestos (in the case where the clothing is to be disposed of elsewhere).

(4) Where, as a result of damage or inappropriate use of protective clothing provided pursuant to paragraph (1), a substantial quantity of asbestos dust is deposited on the personal clothing of any employee, such personal clothing shall be treated as protective clothing for the purposes of paragraphs (2) and (3).

Prevention or reduction of spread of asbestos

12. Every employer shall:-

(a) prevent the spread of asbestos from any place where work under his control is carried out; or

(b) where it is not reasonably practicable to prevent such spread, reduce it to as low a level as is reasonably practicable.

Cleaning of place of work and plant used therein

13. — (1) Every employer shall ensure that the place of work, or parts thereof, where asbestos is used and the plant used in connection with that work are kept clean and, in particular, where such work has been completed, such place of work, or parts thereof, and plant are cleaned thoroughly.

(2) Subject to paragraph (3), where any manufacturing process which gives rise to asbestos dust is carried out in any building, the employer shall ensure that any part of the building in which such process is carried out:-

(a) is so designed and constructed as to facilitate cleaning; and, in any event, has smooth floors and walls without any holes or crevices in which asbestos dust could settle; and
(b) is equipped with an adequate and suitable vacuum cleaning system which, so far as is reasonably practicable, is a fixed system.

**Designation of areas**

14. (1) Subject to regulation 2(5), every employer shall ensure that:-

- (a) any area in which asbestos is used is designated as an asbestos area; and
- (b) any area within any asbestos area in which the concentration of asbestos in the air exceeds or is likely to exceed the relevant control limit, is further designated as a respiratory protection zone.

(2) Every asbestos area and respiratory protection zone shall be clearly demarcated and identified by suitable warning signs indicating, in particular, that:-

- (a) the area is an asbestos area or a respiratory protection zone or both, as the case may be;
- (b) in the case of a respiratory protection zone, the concentration of asbestos in the air is likely to exceed the relevant control limit and, if it does, respiratory protective equipment must be worn.

(3) The employer shall not permit any employee to:-

- (a) enter any asbestos area or any respiratory protection zone unless, by reason of his work, he is required to do so;
- (b) eat, drink or smoke in any asbestos area or in any respiratory protection zone.

(4) Where the employer designates any area as an asbestos area or a respiratory protection zone pursuant to paragraph (1), he shall ensure that separate areas are made available where employees may eat and drink without risk of being contaminated by asbestos dust.

**Monitoring of asbestos in the air**

15. (1) Subject to regulation 2(5), every employer shall ensure that the concentration of asbestos in the air is monitored in accordance with paragraphs (2) to (8).

(2) The measurement of the concentration of asbestos in the air at the place of work shall be carried out in accordance with the reference method described in Schedule III or any other method which gives equivalent results.

(3) For the purposes of measuring the concentration of asbestos in the air only inhalable asbestos fibres shall be taken into account.

(4) Samples shall be:-

- (a) taken:-
  - (i) by suitably qualified personnel;
  - (ii) after consultation with the employees or their representatives;
- (b) representative of each employee’s individual exposure to asbestos; and
(c) analysed in suitably equipped laboratories which are qualified to use the necessary identification techniques.

(5) Subject to paragraph (6), the concentration of asbestos in the air shall be measured at least every three months and, in any event, whenever any technical alteration is made.

(6) The frequency of measurements may be reduced to one per year where:

(a) there is no significant change in conditions at the place of work; and

(b) the results of the two preceding measurements show that the concentration of asbestos in the air at the time was no more than 50% of the relevant control limit.

(7) Where there are groups of employees carrying out the same or similar tasks in the same place of work who are consequently exposed to the same health risk, the samples may be taken on a group basis.

(8) The time spent taking samples shall be:

(a) such that by means of measurements or time-weighted calculations, representative exposure can be established for an eight-hour reference period (one shift); and

(b) on the basis that the optimal fibre-loading on filters is within the range 100 to 400 fibres/mm².

Medical surveillance and health records

16. – (1) Subject to regulation 2(5), every employer shall ensure that each of his employees who is exposed to asbestos is placed under the medical surveillance of a medical practitioner, which surveillance shall include:

(a) a clinical assessment of the employee’s general state of health and a medical examination, prior to his exposure to asbestos; and

(b) further clinical assessments and medical examinations of the employee at intervals of not more than three years, whilst such exposure continues; and

each medical examination shall include a specific examination of the chest.

(2) The medical practitioner responsible for the medical surveillance of the employees pursuant to paragraph (1) shall have regard to the practical recommendations for the clinical assessment of employees set out in Schedule IV.

(3) Every employer shall ensure that a health record is created and maintained for each of his employees who is placed under medical surveillance pursuant to paragraph (1), which record shall contain the results of any clinical assessment and medical examination carried out pursuant to paragraph (1).

(4) Having regard to the results of any clinical assessment (including the result of any medical examination) carried out on any employee pursuant to paragraph (1), the medical practitioner responsible for the medical surveillance of that employee pursuant to paragraph (1) shall advise upon any individual preventive or
protective measures to be taken, which measures may include, where appropriate, the withdrawal of the employee from all work which exposes him to asbestos.

(5) Any employee or his employer may request a review of any assessment carried out on him pursuant to paragraph (1).

(6) Every employee shall be given information and advice regarding any assessment of his health which he may undergo after he ceases to be exposed to asbestos.

(7) The health record of each employee shall be kept by the employer for a period of at least 30 years after the employee to which it relates ceases to be exposed to asbestos.

(8) In the event that the employer’s undertaking ceases to operate, the health records shall be forwarded, without delay, to the Chief Inspector.

**Register of employees’ use of asbestos at work**

17. – (1) Subject to regulation 2(5), every employer shall ensure that a register is created and maintained, in which the following information shall be entered in relation to each employee who carries out any work which is likely to expose him to asbestos:-

(a) his identity;
(b) the nature and duration of such work;
(c) the resulting level of exposure of the employee to asbestos;
(d) the technical or other preventive and protective measures taken.

(2) The medical practitioner responsible for the medical surveillance of the employees, pursuant to regulation 16, shall have access to the register referred to in paragraph (1).

(3) Every employee shall have access to all information in the register which relates to him personally.

(4) The employees or their representatives shall have access to all anonymous, collective information in the register.

(5) The register shall be kept by the employer for a period of at least thirty years after the employees referred to therein cease to be exposed to asbestos.

(6) In the event that the employer’s undertaking ceases to operate, the register shall be forwarded, without delay, to the Chief Inspector.

**Register of asbestosis and mesothelioma cases**

18. – (1) Every employer shall notify the Chief Inspector of any case of asbestosis or mesothelioma detected amongst his employees.

(2) The Chief Inspector shall keep a register of the cases of asbestosis and mesothelioma notified to him, pursuant to paragraph (1).

**Washing and changing facilities**

19. Subject to regulation 2(5), every employer shall ensure that those of his employees who are or are likely to be exposed to asbestos are provided with adequate and suitable:-
(a) washing and toilet facilities (including showers in the case of dusty operations) and changing rooms, of an approved type; and

(b) storage facilities for respiratory protective equipment, protective clothing and personal clothing not worn at work (which facilities shall be separate from each other).

Packaging and labelling of unprocessed asbestos and waste containing asbestos.

20. – (1) No employer shall permit any unprocessed asbestos or waste containing asbestos:-

(a) to be stored at the place of work;

(b) to be received into or despatched from the place of work;

(c) to be distributed within the place of work, (other than in a totally enclosed distribution system),

unless it is in a suitable, sealed container which is labelled in accordance with paragraph (2).

(2) (a) Unprocessed asbestos and waste containing asbestos shall be labelled in accordance with the relevant provisions of Schedule II; and

(b) where the waste referred to in sub-paragraph (a) above contains more than 50 kg of blue asbestos or more than 100 kg of white asbestos (or any mixture of blue and white asbestos which would give rise to the same health risk if it escaped) and such waste is to be transported by a motor vehicle on a public road, the vehicle shall also be labelled in accordance with the relevant provisions of Schedule II, except that the dimensions of the label shall be adjusted so as to ensure that it is clearly visible from a distance of 25 metres.

Labelling of products containing asbestos supplied for use at work

21. – (1) Subject to paragraphs (2) and (3), no person shall supply any product containing asbestos for use at work, unless such product is labelled in accordance with the relevant provisions of Schedule II.

(2) Subject to paragraph (3), where any product consists of a number of components, one or more of which contain asbestos, it shall be sufficient compliance with paragraph (1) if only those components which contain asbestos are labelled in accordance with Schedule II.

(3) Where the size of any component which contains asbestos makes it impossible for the appropriate label to be affixed to it in accordance with paragraph (2), the product itself shall be labelled in accordance with the relevant provisions of Schedule II, to which shall be added a specific reference to the particular component or components which contain asbestos.

Prohibition of asbestos coating and asbestos insulation work without a permit

22. – (1) Subject to paragraph (2), no employer shall carry out
any asbestos coating or asbestos insulation work unless he is in possession of a valid permit granted pursuant to regulation 23 and complies with the terms and conditions specified therein.

(2) Paragraph (1) shall not apply where:-

(a) (i) the time spent by each employee on the asbestos coating or asbestos insulation work does not exceed one hour within any period of seven consecutive days; and

(ii) the total time spent on such work by all employees does not exceed two hours; or

(b) (i) the asbestos coating or asbestos insulation work is being carried out by the employer at a place of work where he is the occupier; and

(ii) the employer has notified the Chief Inspector of his intention to carry out such work, in accordance with regulation 24; or

(c) the asbestos coating or asbestos insulation work consists solely of the measurement of the concentration of asbestos in the air or the taking of samples for the purposes of identifying the contents thereof.

**Permit for asbestos coating and asbestos insulation work**

23. — (1) Subject to paragraph (2), the Chief Inspector may, upon application by any interested person, grant a permit to that person for the carrying out of any asbestos coating or asbestos insulation work.

(2) A permit shall not be granted to any person under any circumstances, pursuant to paragraph (1), for the carrying out of any asbestos coating or asbestos insulation work where the material to be used contains crocidolite.

(3) The application referred to in paragraph (1) shall be submitted in writing in an approved form at least 28 days prior to the planned start date for the work or within such shorter period of time as the Chief Inspector may agree.

(4) The Chief Inspector may impose any condition and any limit of time when granting a permit and may vary any such condition or time limit at any time.

(5) The Chief Inspector may revoke the permit at any time if the holder thereof:-

(a) fails to comply with any of the terms and conditions specified therein; or

(b) is convicted of an offence relating to any contravention of these Regulations or the Ordinance.

(6) When so required by the Chief Inspector, the holder of a permit shall return the permit to him, without delay, for any variation to be made to it pursuant to paragraph (4) or following its revocation pursuant to paragraph (5).

(7) A fee shall be payable for the granting of a permit, which fee shall be fixed by the Chief Officer and reviewed by him from time to time.
Notification of asbestos coating or asbestos insulation work at employer’s own place of work

24 - (1) Where any employer wishes to carry out asbestos coating or asbestos insulation work at a place of work where he is the occupier and he is not in possession of a valid permit granted pursuant to regulation 23, he must notify the Chief Inspector in accordance with paragraph (2).

(2) The notification referred to in paragraph (1) must:-
   (a) specify the type of work to be carried out;
   (b) specify the address of the place of work where it is to be carried out;
   (c) be in writing; and
   (d) be submitted at least 28 days prior to the planned start date for the work or within such shorter period of time as the Chief Inspector may agree.

Prohibition of importation, supply and use of crocidolite, without a permit

25. – (1) Subject to regulation 26, with effect from the 29th day after these Regulations come into force, no person shall import into the Areas, supply or offer to supply or use at work any crocidolite or any material or product containing crocidolite, unless he is in possession of a valid permit granted in accordance with paragraph (2) and complies with any terms and conditions specified therein.

(2) The Chief Officer may, upon receipt of a written application by any interested person, grant that person a permit to import, supply or use at work, as the case may be, crocidolite or any material or product containing crocidolite where he is satisfied that the permit relates:-
   (a) to the importation, supply or use at work of:-
      (i) asbestos cement pipes,
      (ii) seals, gaskets, gland packings or flexible compensators resistant to acids and high temperatures, or
      (iii) torque converters,
   containing crocidolite; or
   (b) to the importation, supply or use at work of crocidolite or any material or product containing crocidolite for the purposes of manufacturing any of the items specified in sub-paragraph (a) above, and it is not practicable to substitute the crocidolite or material or product containing crocidolite, as the case may be, with another substance or another material or product containing a substance which is less harmful to the health of the employees concerned; or
   (c) solely to use at work in connection with the taking of any samples containing crocidolite for the purposes of identification of the contents thereof; or
   (d) solely to use at work in connection with the disposal of any waste containing crocidolite.
Transitional provision

26. Paragraph (1) of regulation 25 shall not apply to or in relation to crocidolite or any material or product containing crocidolite which was:–

(a) imported;
(b) supplied for the first time; or
(c) used at work for the first time,
prior to the commencement of these Regulations, for a period of two years after these Regulations come into force.

Other prohibitions

27. No person shall:–

(a) apply asbestos or any material containing asbestos to form a continuous surface coating on any article by means of the spraying process; or
(b) carry out any work which involves the use of low-density (less than 1 gram per cubic centimetre (g/cm³)) insulating material containing asbestos.

Exemption certificates

28. – (1) Subject to paragraph (3), the Chief Officer may by a certificate in writing, exempt any person or class of persons from all or any of the requirements or prohibitions imposed by these Regulations.

(2) Any exemption granted pursuant to paragraph (1) may be granted subject to conditions and to a limit of time and may be varied or revoked by a further certificate in writing at any time.

(3) The Chief Officer shall not grant any exemption pursuant to paragraph (1) unless, having regard to the circumstances of the case and, in particular, to:

(a) the conditions, if any, which he proposes to attach to the exemption;
(b) any other applicable requirements imposed by or under any other enactments,
he is satisfied that such exemption:–

(c) will not prejudice the health and safety of those employees who are likely to be affected by it; and
(d) would not contravene any provision imposed by the European Union relating to the protection of employees against risks to their health and safety, if such provision were to apply in the Areas.

...............................................................
PARTICULARS TO BE INCLUDED IN THE NOTIFICATION
OF FIRST TIME USE OF ASBESTOS

The following information shall be included in any notification
of first time use of asbestos, pursuant to regulation 5(1), namely:-

(a) the name, address and telephone number of:-
   (i) the notifier; and
   (ii) his usual place of business;

(b) a brief description of:-
   (i) the type(s) of asbestos to be used (amosite, chrysotile,
       crocidolite or other);
   (ii) the maximum quantity of asbestos to be held at the
        place of work at any one time and the form(s) in which
        it will be so held (unprocessed asbestos, material or
        product containing asbestos, waste containing
        asbestos);
   (iii) the activities or processes involved in the work; and
   (iv) (where applicable) the products to be manufactured;

(c) the date of commencement of the work.
SCHEDULE II
(Regulations 11(3), 20(2) and 21)

LABELLING OF UNPROCESSED ASBESTOS, WASTE CONTAINING ASBESTOS AND PRODUCTS CONTAINING ASBESTOS SUPPLIED FOR USE AT WORK

1. - (1) Subject to sub-paragraph (6) below, unprocessed asbestos, waste containing asbestos and products containing asbestos supplied for use at work (whether packaged or unpackaged) shall bear a label which conforms with the specimen below and complies with the further specifications in sub-paragraphs (2) to (5) below.

h₁ = 40%H

H

h₂ = 60%H

CAUTION
CONTAINS
ASBESTOS

Breathing asbestos dust is dangerous to health
Follow the safety instructions

W = 40%H
(2) The label shall:

(a) consist of two parts, comprising a top part measuring 40% of the overall height (h1) and a bottom part measuring 60% of the overall height (h2); and

(b) be no less than 5 cm high (H) and 2.5 cm wide (W) and may be larger, provided the proportions remain the same.

(3) Subject to sub-paragraph (4) below:

(a) the letter “a” in the top part of the label shall be coloured white on a black coloured background; and

(b) the standard wording in the bottom part shall be coloured white and/or black on a red coloured background and shall be clearly legible.

(4) Where the label is printed directly onto the product, the use of a single colour for the letter “a” in the top part and the standard text in the bottom part and a single colour for the background colour in both parts shall be sufficient, provided there is a clear contrast between the two colours.

(5) The label shall be indelible.

(6) In the case of a material or product containing crocidolite, the standard words:

“CONTAINS ASBESTOS”
on the label shall be replaced by the words:

“CONTAINS CROCIDOLITE/ BLUE ASBESTOS”.

2. – (1) The labelling of packaged products containing asbestos shall be effected by one of the following means:

(a) an adhesive label firmly affixed to the packaging;

(b) a tie-on label securely attached to the packaging; or

(c) direct printing onto the packaging.

(2) Subject to sub-paragraph (3) below, any product containing asbestos which is supplied in loose plastic or other similar wrapping (including plastic or paper bags) but no other packaging shall be treated as a packaged product for the purposes of this paragraph, whether the product is placed in such wrapping at the time of its supply or was so wrapped prior to such time.

(3) Loose plastic wrapping or other similar wrapping in which any product containing asbestos is placed at the time of its supply shall not be regarded as packaging for the purposes of sub-paragraph (2) above if the product inside such wrapping is labelled in accordance with sub-paragraph (4) below.

(4) Subject to sub-paragraph (5) below, the labelling of unpackaged products containing asbestos shall be effected by one of the following means:

(a) an adhesive label firmly affixed to the product;

(b) a tie-on label securely attached to the product; or

(c) direct printing onto the product.
Where, in the case of any unpackaged product, compliance with sub-paragraph (4) above is not reasonably practicable, due to, for example:–

(a) the smallness of size of the product;
(b) the unsuitable nature of the product’s properties; or
(c) technical difficulties,

the label may take the form of a hand-out accompanying the product.

(6) The labelling of unprocessed asbestos and waste containing asbestos shall be effected by means of:–

(a) an adhesive label firmly attached to it; or
(b) direct printing on it.

3. – (1) Without prejudice to any other legislation relating to health and safety at work, where any product containing asbestos may undergo further processing or finishing at any place of work, a label shall be affixed to it, on which shall be written any safety instructions appropriate to such product and, in particular, the following instructions:–

"Use out of doors, if possible, or 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 must always be so equipped

If possible, dampen before cutting or drilling

Dampen dust, place in a container, close properly and dispose of container safely”.

(2) Any additional safety instructions or safety information written on any product label must not detract from or conflict with the safety instructions written on such label pursuant to sub-paragraph (1) above.
SCHEDULE III
(Regulations 2(1), 15(2))

REFERENCE METHOD FOR THE MEASUREMENT OF THE
CONCENTRATION OF ASBESTOS IN THE AIR
AT THE PLACE OF WORK

1. Where an employer elects to measure the concentration of asbestos in the air at work pursuant to regulation 15(2) in accordance with the reference method, he must comply with paragraphs 2 to 12.

2. Samples shall be taken within the individual employee’s “breathing zone”; that is to say, within a hemisphere of 300 mm radius extending in front of the employee’s face and measured from the mid-point of an imaginary line connecting his ears.

3. Membrane filters (consisting of mixed esters of cellulose or cellulose-nitrate) of pore size 0.8 to 1.2 micrometres with printed squares and a diameter of 25 mm shall be used.

4. An open-faced filter holder fitted with a cylindrical cowl extending between 33 and 44 mm in front of the filter exposing a circular zone of at least 20 mm in diameter shall be used. In use, the cowl shall point downwards.

5. A portable battery-operated pump carried on the employee’s belt or in one of his pockets shall be used. The flow shall be smooth and the rate initially set at 1.0 litre per minute (l/min) with a tolerance of 5 %. The flow rate shall be maintained within a tolerance of 10 % of the initial rate during the sampling period.

6. The sampling time shall be measured to within a tolerance of 2 %.

7. The optimal fibre-loading on filters shall be within the range 100 to 400 fibres/mm².

8. In order of preference, the whole filter, or a section of the filter, shall be:-
   (a) placed on a microscope slide;
   (b) made transparent using the acetone-triacetin method; and
   (c) covered with a glass coverslip.

9. A binocular microscope shall be used for counting, which shall have the following features:-
   (a) Koehler illumination;
   (b) a sub-stage assembly incorporating an Abbe or achromatic phase-contrast condenser, in a centring focusing mount and a phase-contrast centring adjustment which is independent of the condenser centring mechanism;
   (c) a 40 X bar-focal positive phase-contrast achromatic objective with a numerical aperture of 0.65 to 0.70 and phase ring absorption within the range 65 to 85 %;
   (d) 12.5 X compensating eyepieces at least one of which permits the insertion of a graticule and is of the focusing type;
   (e) a Walton-Beckett circular eyepiece graticule with an apparent diameter in the object plane of 100 micrometres.
with a tolerance of 2 micrometres, when using the specified objective and eyepiece, checked against a stage micrometer.

10. - (1) The microscope shall be set up in accordance with the instructions of the manufacturer and the detection limit shall be checked using a “phase-contrast test slide”.

(2) Up to code 5 on the AIA test slides or up to block 5 on the HSE/NPL mark 2 test slide must be visible when used in the way specified by the manufacturer.

(3) This procedure shall be carried out at the beginning of each day that the microscope is used.

11. - (1) Samples shall be counted in accordance with the rules specified in sub-paragraphs (2) to (7) below.

(2) A countable fibre shall be any inhalable asbestos fibre which does not touch any particle with a maximum diameter greater than 3 micrometres.

(3) Any countable fibre with both ends within the graticule area shall be counted as one fibre, whereas any fibre with only one end within the area shall be counted as a half fibre.

(4) The graticule areas used for the counting of fibres shall be randomly selected from within the exposed area of the filter.

(5) (a) Any agglomerate of fibres, which at one or more points on its length seems solid and undivided but at other points is divided into separate strands (a split fibre) shall be counted as one fibre if it constitutes an inhalable asbestos fibre and constitutes a countable fibre pursuant to sub-paragraph (2) above, the diameter measured being that of the undivided part, not that of the split part);

(b) in any other agglomerate of fibres in which individual fibres touch or cross each other (“a bundle”) the fibres shall be counted individually provided they can be distinguished sufficiently so as to be able to determine that they constitute an inhalable asbestos fibre and conform with sub-paragraph (2) above but where this is not the case, the bundle itself shall be treated as a countable fibre if, taken as a whole, it constitutes an inhalable asbestos fibre and conforms with sub-paragraph (2) above.

(6) Where more than one eighth of a graticule area is covered by an agglomerate of fibres or particles, the graticule area shall be rejected and another area shall be selected for the counting process.

(7) 100 fibres shall be counted, which will enable a minimum of 20 graticule areas to be examined, or 100 graticule areas shall be examined.

12. - (1) The mean number of fibres per graticule area shall be calculated by using the following formula:-

\[
\text{mean number of fibres per graticule} = \frac{\text{the number of fibres counted}}{\text{the number of graticule areas examined}} = \text{the mean number of fibres per graticule.}
\]
(2) The effect on the count of marks on the filter and contamination shall be kept below 3 fibres/100 graticule areas and shall be assessed using blank filters.

(3) The concentration of asbestos in the air, (measured in fibres/cm³) shall be calculated by using the following formula:-

\[
\text{concentration of asbestos in the air} = \frac{\text{the number of fibres per graticule area multiplied by the exposed area of filter}}{\text{the graticule area multiplied by the volume of air collected}}
\]

**divided by**

\[
\text{concentration of asbestos in the air} = \frac{\text{the number of fibres per graticule area multiplied by the exposed area of filter}}{\text{the graticule area multiplied by the volume of air collected}}
\]

**equals**

concentration of asbestos in the air.
PRACTICAL RECOMMENDATIONS FOR THE CLINICAL ASSESSMENT OF EMPLOYEES

1. Current knowledge indicates that exposure to free asbestos fibres may give rise to the following diseases:-
   (a) asbestosis,
   (b) mesothelioma,
   (c) bronchial carcinoma (lung cancer),
   (d) gastro-intestinal carcinoma.

2. The medical practitioner responsible for the medical surveillance of employees exposed to asbestos at work must be familiar with the exposure conditions and the circumstances of each employee.

3. (1) The clinical surveillance of each employee shall be carried out in accordance with the principles and practices of occupational medicine and sub-paragraphs (2) to (4) below.

   (2) The clinical surveillance shall include the following measures:-
      (a) the making and keeping of a record of the employee's medical and occupational history;
      (b) a personal interview with the employee;
      (c) a clinical examination of his chest; and
      (d) an examination of his respiratory function.

   (3) Subject to sub-paragraph (4) below, the clinical surveillance should include further examinations such as:-
      (a) a standard format X-ray of the employee's chest; and
      (b) laboratory tests, such as a sputum cytology test.

   (4) The decision to carry out any further examinations pursuant to sub-paragraph (3) above shall be taken in relation to each employee when he is the subject of medical surveillance and in the light of the most recent knowledge available to occupational medicine at that time.

Dated this 28th day of February 2002.

By the Administrator's Command,

D.J. BONNER,
Chief Officer,
Sovereign Base Areas.

(107/6)
No. 28

THE POLICE ORDINANCE

ORDER MADE UNDER SECTION 23(1)

In exercise of the powers vested in me by section 23(1) of the Police Ordinance, I, the Chief Constable, hereby order that the Waterloo Road (South) Dhekelia shall be closed to all vehicular traffic from 0400 hours on Wednesday 10.4.2002 until 1600 hours on Thursday 11.4.2002. Vehicular traffic travelling on the above road will be diverted through other roads.

Dated this 19th day of February 2002.

E. VALANCE,
Chief Constable,
Sovereign Base Areas.

(144)
No. 29

THE POLICE ORDINANCE

ORDER MADE UNDER SECTION 23(1)

In exercise of the powers vested in me by section 23(1) of the Police Ordinance, I, the Chief Constable, hereby order that the Waterloo Road (South) Dhekelia shall be closed to all vehicular traffic from 1600 hours on Wednesday 15.5.2002 until 2200 hours on Thursday 16.5.2002. Vehicular traffic travelling on the above road will be diverted through other roads.

Dated this 20th day of February 2002.

E. VALANCE,
Chief Constable,
Sovereign Base Areas.
In exercise of the powers vested in him by section 9(2)(b) of the
Fixed Penalty Ordinance 1998, the Administrator of the Sovereign
Base Areas of Akrotiri and Dhekelia hereby makes the following
Order:

1. This Order may be cited as the Fixed Penalty (No.2) Order
2002.

2. The Second Schedule to the Fixed Penalty Ordinance 1998
shall be amended by substituting for the figure “4” in the third
column of the entry relating to the Prevention of Litter Ordinance
1998 (which was inserted by P.I. 15/2002) the figure “3”.

Dated this 21st day of February 2002.

By the Administrator's Command,

D.J. BONNER,
Chief Officer,
Sovereign Base Areas.

(120/1A)
CORRIGENDUM

With regard to the Interpretation section (section 2(1)) of the Asbestos (Health and Safety of Persons at Work) Ordinance (Ordinance 2 of 2002) published in Gazette No. 1239 of 5 February 2002, the term “Chrysolite” appearing in section 2(1)(d) should read “Chrysotile”.

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