



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1239 of 5th February 2002**  
**LEGISLATION**

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ORDINANCE 2 OF 2002

**AN ORDINANCE**  
**TO PROVIDE FOR SECURING THE HEALTH AND**  
**SAFETY OF PERSONS AT WORK IN RESPECT OF THE**  
**USE OF ASBESTOS AT WORK, FOR PROTECTING**  
**OTHER PERSONS FROM RISKS TO HEALTH OR**  
**SAFETY ARISING FROM OR RELATED TO SUCH USE**  
**AND FOR RELATED MATTERS**

**T.W. RIMMER**  
**ADMINISTRATOR**

28th January 2002.

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

**1.** This Ordinance may be cited as the Asbestos (Health and Safety of Persons at Work) Ordinance of 2002. Short title.

**2. – (1)** In this Ordinance, unless the context otherwise requires:- Interpretation.

“asbestos” means any of the following fibrous silicates:-

- (a) Actinolite, Chemical Abstract Service Number (“CAS No”) 77536-66-4 (\*) (1),
- (b) Asbestos grunerite (amosite), CAS No 12172-73-5 (\*) (1),
- (c) Anthophyllite, CAS No 77536-67-5 (\*) (1),
- (d) Chrysolite, CAS No 12001-29-5 (1),
- (e) Crocidolite, CAS No 12001-28-4 (1),
- (f) Tremolite, CAS No 77536-68-6 (\*) (1);

“asbestos dust” means floating particles of asbestos or settled particles of asbestos which may become floating in the environment;

“contract of employment” means a contract of employment whether express or implied and, if express, whether oral or in writing, and includes a contract of apprenticeship;

“employee” means a person who works under a contract of employment;

“exposure to asbestos” means exposure of persons to floating inhalable asbestos fibres or to asbestos dust, whether such fibres or dust derive from asbestos or materials or products containing asbestos;

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

“Inspector” means an Inspector (including the Chief Inspector) appointed under section 8;

“place of work” means:-

- (a) any installation on land (including the foreshore and other land intermittently covered by water) or offshore and any other installation (whether floating or resting on the seabed or the subsoil thereof or resting on other land covered with water or the subsoil thereof);
- (b) any tent or movable structure; and
- (c) any vehicle, vessel or aircraft or hovercraft,

where work is carried out and other similar expressions shall be construed accordingly;

“plant” includes any machinery, equipment, appliances or parts thereof;

“self-employed person” means any person who works for gain or reward otherwise than under a contract of employment, whether or not such person employs others;

“undertaking” means an enterprise of any kind;

“use of asbestos at work” means any work activity which exposes or may expose any person to asbestos, and includes:-

- (a) the mining, quarrying or production of asbestos or the manufacture or preparation of materials or other products containing asbestos;
- (b) the processing or treatment of asbestos or materials or products containing asbestos;
- (c) the storage of asbestos;
- (d) the transport of asbestos;
- (e) the processing or disposal of waste containing asbestos;
- (f) the emission of asbestos into the atmosphere;
- (g) the abrasion, cleaning, conservation, restoration or demolition of any building, structures, plant, installation or vessel containing asbestos or materials or products containing asbestos,

and other similar expressions shall be construed accordingly;

“work” means work as an employee or as a self-employed person and the expression “at work” shall be construed as follows:-

- (a) an employee is at work throughout the time when he is in the course of his employment, but not otherwise; and
- (b) a self-employed person is at work throughout such time as he devotes to work in that capacity, but not otherwise.

(2) For the purposes of measuring the concentration of asbestos in the air pursuant to this Ordinance or any regulations made thereunder, no account shall be taken of inhalable asbestos fibres measuring 5 micrometres in length or less.

3. - (1) Subject to subsection (2) below, this Ordinance shall apply to any place of work where asbestos is used.

Application.

(2) This Ordinance shall not apply in relation to any person who employs or is employed as a domestic servant in a private household.

4. - (1) The Administrator may make regulations in order to further secure the health and safety of persons at any place of work where asbestos is used and to further protect persons other than persons at work from health and safety risks arising out of or in connection with the use of asbestos at work.

Power to make regulations.

(2) Without prejudice to the generality of the preceding subsection, regulations made thereunder may, in particular:-

- (a) impose requirements in relation to the use of asbestos at work, including requirements with respect to:-
  - (i) the identification of the various types of asbestos used;
  - (ii) the assessment of the health risks arising from exposure to asbestos;
  - (iii) the notification, in specified circumstances, of use in a specified manner to specified persons;
  - (iv) the approval, in specified circumstances, of plans of work;
  - (v) the provision of information, instruction and training of persons at work;
  - (vi) the taking of technical and other measures to prevent or reduce the concentration of asbestos in the air at work and the spread of asbestos;
  - (vii) the provision and use of protective clothing and protective equipment (including respiratory protective equipment) to prevent or reduce exposure to asbestos and the cleaning, maintenance and repair thereof;
  - (viii) the cleaning, maintenance and repair of the workplace and the plant used therein;
  - (ix) the designation of specific areas in which specified activities may be carried out;
  - (x) the monitoring of the concentration of asbestos in the air;
  - (xi) the provision of preventive medical surveillance for persons at work and the creation of individual health records;

- (xii) the creation, keeping and preservation of registers, records and other documents, including plans;
- (xiii) the provision, in specified circumstances, of specified welfare facilities for persons at work, including washing, changing and refreshment facilities;
- (b) prohibit the carrying on of any specified activity except under the authority and in accordance with the terms and conditions of a licence or permit or except with the consent or approval of a specified authority;
- (c) regulate the storage and transport of asbestos and impose requirements with respect to the manner and means thereof, including requirements with respect to:-
  - (i) the design and manufacture of containers and any other form of packaging used;
  - (ii) the marking and labelling of asbestos and materials and products containing asbestos, their packaging and any vehicle used in connection with their transport;
- (d) prohibit the carrying on of any specified activity except under the authority and in accordance with the terms and conditions of a licence or permit and provide for the grant, renewal, variation, transfer and revocation of licences and permits (including the variation and revocation of any conditions attached thereto);
- (e) prohibit or regulate the importation, supply or use of specified types of asbestos;
- (f) authorise the Chief Officer to grant exemptions (either unconditionally or subject to conditions and with or without limit of time) to or in relation to any person or class of persons from any duty or prohibition imposed by any of the regulations made under this Ordinance, provided he is satisfied that the health and safety of persons at work or other persons who may be affected thereby, shall not be harmed as a consequence of such exemption;
- (g) provide, in specified circumstances, transitional arrangements for specified persons or matters.

General duties of employers.

5. - (1) Every employer who uses asbestos at work shall ensure, so far as is reasonably practicable, the health of those employees who are or are likely to be exposed thereto.

(2) Without prejudice to the generality of the duty of the employer under the preceding subsection, the matters to which such duty extends include, in particular:-

- (a) the provision and maintenance of plant and systems of work which, so far as is reasonably practicable, prevent or reduce exposure to asbestos;
- (b) arrangements for ensuring, so far as is reasonably practicable, the absence of risks to health in connection with the use, handling, storage and transport of asbestos or materials or products containing asbestos;
- (c) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health of those employees who are or are likely to be exposed to asbestos;

- (d) the maintenance of any place of work under the employer's control in which asbestos is used in a condition that is, so far as is reasonably practicable, without risks to the health of those employees who are or are likely to be exposed to asbestos;
- (e) the provision and maintenance of a working environment for those employees who are or are likely to be exposed to asbestos that is, so far as is reasonably practicable, without risks to their health as regards facilities and arrangements for their welfare at work.

(3) Every employer who uses asbestos at work shall:-

- (a) conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not employed by him who may be affected thereby are not thereby exposed to asbestos; and
- (b) provide such persons with adequate information about such aspects of the way in which he conducts his undertaking as might expose them to asbestos, ensuring that they are aware of the risks to their health arising from any such exposure and the precautions to be taken to minimise those risks.

(4) Where two or more employers conduct their undertakings at the same place of work, such employers shall cooperate with each other, so far as is reasonably practicable, in order to ensure the health of those employees who are or who are likely to be exposed to asbestos at that place of work.

(5) No employer shall levy or permit to be levied on any employee of his any charge in respect of anything done or provided in pursuance of any requirement of this Ordinance or of any regulations made thereunder.

6. - (1) Every employee who uses asbestos at work:-

General duties of employees.

- (a) shall take reasonable care for the health of himself and of other persons who may be affected by his acts or omissions at work;
- (b) as regards any duty or requirement imposed on his employer or any other person by this Ordinance or any regulations made thereunder, shall cooperate with him so far as is necessary to enable that duty or requirement to be performed or complied with.

(2) No person shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare in pursuance of this Ordinance or any regulations made thereunder.

7. Every self-employed person shall conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby, are not thereby exposed to asbestos.

General duties of self-employed persons.

8. - (1) The Chief Officer shall be responsible for the enforcement of this Ordinance and any regulations made thereunder and, for this purpose:-

Appointment of Inspectors, authorised persons and Chief Inspector.

- (a) may appoint as Inspectors (under whatever title he may from time to time determine) such persons (having suitable qualifications) as he deems necessary, which appointments shall be made by instruments in writing;
- (b) may authorise other suitably qualified persons ("authorised persons") to perform such duties of an Inspector as are specified in the letter of authorisation;
- (c) may appoint a Chief Inspector to regulate and manage the work of the Inspectors and authorised persons, which appointment shall be made in writing; and
- (d) may terminate any such appointment or authorisation.

(2) Every Inspector and every authorised person, if so required when exercising or seeking to exercise any power conferred upon him, shall produce his instrument of appointment or letter of authorisation, as the case may be, or a duly authenticated copy thereof.

(3) For the purposes of this section, "suitably qualified", in relation to an authorised person, means possessing the required knowledge and abilities to enable any such person to perform the duties and exercise the powers which he has been authorised to perform and exercise.

Powers of  
Inspectors.

**9.** – (1) For the purposes of carrying into effect the Ordinance and any regulations made thereunder, an Inspector may exercise any of the powers set out in the following subsection.

(2) The powers of an Inspector referred to in the preceding subsection are the following, namely:-

- (a) at any reasonable time (or, in a situation which in his opinion is or may be dangerous, at any time) to enter any premises where he has reason to believe that any work activity involving the use of asbestos is carried out;
- (b) to take with him a police officer if he has reasonable cause to believe that he may be obstructed in the execution of his duty;
- (c) without prejudice to the preceding paragraph, on entering any premises by virtue of paragraph (a) above, to take with him:-
  - (i) any authorised person; and
  - (ii) any equipment or materials required for any purpose for which the power of entry is being exercised;
- (d) to make such examination and investigation as may in any circumstances be necessary;
- (e) as regards any premises which he has power to enter, to direct that those premises or any part thereof, or anything therein, shall be left undisturbed, (whether generally or in particular respects) for so long as is reasonably necessary, for the purpose of any examination or investigation under paragraph (d) above;
- (f) to take such measurements, photographs and recordings and perform any tests or supervise the taking or performance thereof by an authorised person as he shall deem necessary;

- (g) to take samples of any asbestos or any material or product containing asbestos found in any premises which he has power to enter, and of the atmosphere in or in the vicinity of any such premises;
- (h) in the case where any asbestos or material or product containing asbestos found in any premises which he has power to enter, being a substance or article which appears to him to have caused or to be likely to cause danger to health or safety, to cause it to be subject to any process or test (but not so as to damage or destroy it unless this is in the circumstances necessary);
- (i) in the case of any substance or article as is mentioned in the preceding paragraph, to take possession of it and detain it for so long as is necessary for all or any of the following purposes:-
  - (i) to examine it and do to it anything which he has power to do under that paragraph;
  - (ii) to ensure that it is not tampered with before his examination of it is completed;
  - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under this Ordinance;
- (j) to require the production of, inspect and take copies of or of any entry in:-
  - (i) any books or documents which are required to be kept by this Ordinance or any regulations made thereunder; and
  - (ii) any other books or documents which it is necessary for him to see for the purposes of any examination or investigation under paragraph (d) above;
- (k) to require any person whom he has reasonable cause to believe to be able to give any information relevant to any examination or investigation under paragraph (d) above to answer (in the absence of persons other than a person nominated by him to be present and any persons whom the Inspector may allow to be present) such questions as the Inspector thinks fit to ask and to sign a declaration of the truth of his answers;
- (l) to require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers conferred upon him by this section;
- (m) any other power, which is necessary for the purpose specified in subsection (1) above.

**10. – (1)** Subject to subsection (2) below, no person shall disclose any information constituting a commercial secret or information a confidential or personal nature obtained by a person or furnished to a person in pursuance of a requirement imposed by this Ordinance or any regulations made thereunder without the consent of the person by whom it was furnished or, if the information relates to another person, without the consent of that other person.

Restrictions on disclosure of information.

(2) The preceding subsection shall not apply to:-

- (a) disclosure by the recipient of information to any other person for the purpose of performing any function conferred on the recipient by or under this Ordinance;
- (b) disclosure of information for the purposes of any legal proceedings;
- (c) disclosure for the purposes of any investigation conducted by or on behalf of the Administrator or the Chief Officer in respect of the application of any of the provisions of this Ordinance or any regulations made thereunder.

11. - (1) It is an offence for a person:-

- (a) to fail to discharge a duty to which he is subject by virtue of sections 5 to 7;
- (b) to contravene any prohibition to which he is subject by virtue of sections 5 and 6;
- (c) to contravene any regulations made under this Ordinance;
- (d) intentionally to obstruct an Inspector in the performance of his duties or the exercise of his powers under this Ordinance or any regulations made thereunder;
- (e) intentionally to obstruct any authorised person in the performance of any duty imposed upon him by the Chief Officer;
- (f) to contravene any requirement imposed by an Inspector under section 9;
- (g) to prevent or attempt to prevent any other person from appearing before an Inspector or from answering any question to which an Inspector may require an answer by virtue of section 9;
- (h) to disclose any information in contravention of section 10;
- (i) to make a declaration which he knows to be false or recklessly to make a declaration which is false, where such declaration is made:-
  - (i) in purported compliance with a requirement to furnish any information imposed by or under this Ordinance or any regulations made thereunder; or
  - (ii) for the purpose of obtaining the issue of a document under this Ordinance or any regulations made thereunder;
- (j) intentionally to make a false entry in any register, book, notification, certificate or other document required to be kept, served or given to another by or under this Ordinance or any of the regulations made thereunder or, with intent to deceive, make use of any such entry, knowing it to be false;
- (k) to forge any document required under or for the purposes of this Ordinance or any regulation made thereunder;
- (l) to sign or make use of any such document, knowing it to be forged;
- (m) to impersonate an Inspector.



(2) Any person guilty of an offence under subsection (1) above shall be liable, on conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding one thousand pounds or to both such penalties.

**12.** - (1) Where a person is convicted of an offence under this Ordinance or any regulations made thereunder in respect of any matters which appear to the court to be matters which it is in that person's power to remedy, the court may, in addition to or instead of imposing any punishment for such offence, order that person to take such steps within such time limits as shall be prescribed therein.

Power of court to order cause of offence to be remedied.

(2) The time limits prescribed in any order made under subsection (1) above may be extended or further extended by order of the court on an application made before the expiry of the time limit prescribed in the original order or further prescribed under this subsection, as the case may be.

(3) Where any person is ordered under subsection (1) above to remedy any matters, that person shall not be liable for any ongoing contravention under this Ordinance or any regulations made thereunder arising out of his failure to remedy any such matter prior to the expiry of the time limit prescribed in the order or further prescribed under subsection (2) above.

(4) It is an offence for a person to fail to comply with any order made against him under this section and such person shall be liable, on conviction, to a term of imprisonment not exceeding seven days or to a fine not exceeding £50, or to both such penalties, for each day of non-compliance following the expiry of the prescribed time limit.

**13.** - (1) Nothing in this Ordinance may be construed in such a way as to allow criminal proceedings to be brought against the Crown in any capacity.

Application to the Crown and its servants.

(2) Notwithstanding subsection (1) above, this Ordinance shall apply to persons in the public service of the Crown as it applies to other persons.

**14.** Where the commission by any person of an offence under this Ordinance is due to an act or default of some other person, such other person is guilty of the offence and may be prosecuted and convicted of the offence by virtue of this section whether or not proceedings are taken against the first mentioned person.

Offences due to fault of other person.

**15.** Where an offence under this Ordinance, committed by a body corporate, is proved to have been committed with the consent or connivance of, or to have been attributable to any negligence on the part of any director, manager, secretary or other similar officer of the body corporate, or of any person who was purporting to act in any such capacity, he as well as the body corporate is guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences by officers of bodies corporate.

**16.** In any proceedings for an offence under this Ordinance consisting of a failure to comply with a duty or requirement to perform any act, so far as is practicable or so far as is reasonably practicable, it shall be for the accused to prove that it was not practicable or, as the case may be, not reasonably practicable to do more than was done to satisfy the duty or requirement.

Onus of proving what is practicable etc.

Proviso

17. No provision of this Ordinance or of any regulations made thereunder shall exclude the application of any other legislation which aims to protect public health or the environment.

*28th January 2002*  
(107/6)

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D.J. BONNER,  
Chief Officer.

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ORDINANCE 3 OF 2002

**AN ORDINANCE  
TO AMEND THE CUSTOMS AND EXCISE ORDINANCE**

**T. W. RIMMER**  
**ADMINISTRATOR**

30th January 2002.

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

1. This Ordinance may be cited as the Customs and Excise Duties (Amendment) Ordinance 2002 and shall be read as one with the Customs and Excise Duties Ordinance 1989 as amended from time to time (hereinafter referred to as "the principal Ordinance").

Short title.

Ordinances 10/89,  
23/89, 16/90, 11/91,  
20/91, 2/92, 8/92,  
17/92, 9/93, 12/93,  
3/94, 12/95 and 1/98.

2. Section 6 of the principal Ordinance is hereby amended by deleting the word "ten" appearing in line nine of subsection (2) thereof and substituting therefor the word "five".

Section 6 of the  
principal  
Ordinance  
amended.

3. This Ordinance shall be deemed to have come into force on 1 January 2002.

Commencement.

*30th January 2002*  
(119/36)

D.J. BONNER,  
Chief Officer.

