

CONTROL OF ASBESTOS AT WORK REGULATIONS 2002

(Revised under the Control of Asbestos Regulations 2006)

Regulation 4: The duty to manage asbestos in non-domestic premises

Regulation 4 of the Control of Asbestos at Work Regulations 2002 (CAWR) came into force on 21 May 2004 (revised under the Control of Asbestos Regulations 2006, applicable as of 13 November 2006). The Regulation applies to non-domestic properties and therefore chapel premises are included. Under the Regulation, anybody who has responsibilities for maintenance or repair of non-domestic premises, or for access to such places, has a legal duty to manage the risk from any asbestos in those buildings. Such a person is 'the duty holder.'

Past exposure to asbestos kills several thousand people each year in the UK and mortality rates are expected to rise during the next ten years. There is usually a long delay, varying from 15 to 60 years, between first exposure to the material and onset of cancers to the lungs and chest lining. The Regulations are intended to protect building users and all who maintain and repair buildings.

The modern asbestos mining industry commenced around 1870 and the material was used in buildings pre-1900. All asbestos is dangerous. Use of the most hazardous types of asbestos in building materials was banned in 1985 but a complete ban on all asbestos was only effected in 1999.

Just to give some examples, asbestos can be contained in insulating boards (used for fire barriers, thermal insulation, partitioning, ducts, wall and ceiling linings), sprayed asbestos insulation, old loose insulation on ceilings, lagging and jointing to pipes and boilers, fire doors, insulation of electrical equipment, textured decorations such as Artex, plastic flooring, suspended ceiling tiles, corrugated asbestos-cement sheet walls and roofs, asbestos-cement gutters/down pipes and soffits, bitumen roofing material, roof slate substitutes, toilet seats, floor tiles and cisterns.

Many of our chapels were built before 1870 and may only have asbestos in later alterations. Some have been built after 2000 and are therefore likely to contain little or no asbestos. But under the Regulations the inside and outside of every non-domestic building must be assessed to find out if there is any asbestos present and a record made of the inspection. If the material is present, or if it has to be presumed that it may be present, the related risk has to be determined and a management plan has to be put in place. The information has to be given to anyone who is likely to disturb the material.

A booklet entitled 'A short guide to Managing Asbestos in premises' has been produced by the Health and Safety Executive (HSE) and is available from the office at a cost of £1 or free of charge from HSE. (The reason for the discrepancy is that we obtained a bulk order but had to pay for it whereas single copies are free).

On Page 8 of the booklet, under 'Survey and sample for asbestos', the guidance states that if the premises are small and no maintenance work is planned it may be appropriate for the duty holder to carry out his own inspection and set up his own record. But unplanned maintenance work is always a possible necessity. The HSE guidance where maintenance is anticipated is employment of a person to inspect the premises who has specialist training not possessed by many architects and surveyors. The Regulation itself requires 'a suitable and sufficient assessment' to be carried out. Bearing these points in mind we take the view that duty holders should employ a suitably trained person to assess their buildings unless the premises are small and they have someone with substantial building knowledge to help them.

Pages 8 and 9 of the booklet give guidance on who is 'a suitably trained person' and page 9 gives a website, email address and phone number for the UK Accreditation Service (UKAS) which advises on suitable companies.

Further information may be obtained from HSE Information Services on 0845 345 0055 or at www.hse.gov.uk/asbestos

The duty to manage asbestos is contained in Regulation 4 of the Control of Asbestos Regulations 2006. It requires the duty holder, in making the assessment, to:

- Presume materials contain asbestos unless there is strong evidence that they do not;
- Take reasonable steps to find out if there are materials containing asbestos in non-domestic premises, and if so; its amount, where it is and what condition it is in;
- Take account of building plans and of relevant information and the age of the premises;
- Inspect parts of the premises which are reasonably accessible;
- Review the assessment if there is reason to suspect that it is no longer valid or if there has been a significant change in the premises;

If the assessment should show that asbestos is or is liable to be in the premises –

- A determination of the risk from that asbestos must be made;
- A written plan identifying the parts of the premises concerned and the measures to be taken for managing the risk must be prepared;
- The measures specified in the plan must be adequate for:
 - monitoring the condition;
 - ensuring proper maintenance or removal;
 - ensuring that information about the location and condition of asbestos is provided to every person liable to work on or disturb the materials, and to the emergency services;
- The duty holder must record the measures taken to implement the plan and review it at regular intervals.

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It is important that churches should be aware of these Regulations. They will apply to church buildings, including church halls, but not to manses. A person or persons (the duty holder) should be appointed to carry out the assessment and follow-up action as necessary, summarised in the paragraphs above. If significant asbestos is found, or assumed to be present, it will be appropriate for a specialist survey to be carried out.

The full Regulations can be viewed on www.opsi.gov.uk/si/si2006/20062739

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