

Guideline Leaflet L11: Control of Asbestos at Work Regulations 2012

New regulations about managing the risk of asbestos were introduced in 2012. This leaflet explains what is required by these regulations and outlines the legal 'duty to manage' asbestos in non-domestic premises.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

L11: Control of Asbestos at Work Regulations 2012

These notes are offered as guidelines by the Legal and Operations Team to provide information for Baptist churches.

The legal services undertaken by the Legal & Operations Team of the Baptist Union of Great Britain are carried out and/or supervised by a Solicitor who is authorised and regulated by the Solicitors Regulation Authority. Regulatory Information is available here:

[L17 Legal and Operations Team – Regulatory Information](#)

These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.

If you want to ask questions about the leaflets and one of the Baptist Trust Companies are your property trustees, you should contact them. They will do their best to help.

If your church property is in the name of private individuals who act as trustees they may also be able to help.

REGULATIONS

We all want to ensure that no injury should be caused to anyone on our church premises.

Our guidelines leaflet L10 *Health and Safety and Fire Precautions* offers general advice.

This leaflet outlines special Regulations dealing with Asbestos.

Asbestos is a hazardous material and should be treated very carefully.

Normally specialist contractors need to be employed to deal with the material.

Regulations have been introduced which impose obligations on property owners, including churches.

CONTROL OF ASBESTOS AT WORK REGULATIONS 2012

The Regulations controlling asbestos came into force on 6th April 2012. These Regulations update previous asbestos regulations to take account of the European Commission's view that the UK had not fully implemented the EU Directive on exposure to asbestos (Directive 2009/148/EC). In practice the changes are fairly limited. They mean that some types of non-licensed works with asbestos now have additional requirements, ie, notification of work, medical surveillance and record keeping. Whilst notification of work will be the contractor's responsibility duty holders MUST

- a) Provide details of any known or suspected asbestos containing materials incorporated in the premises, in the vicinity of, or potentially affected by the proposed work; and
- b) Ensure that their contractors are aware of and undertake to comply with, the Control of Asbestos Regulations 2012 including having provided suitable and sufficient training for operatives;
- c) Ensure that their contractors are adequately insured to undertake such works.

All other requirements remain unchanged from the previous Control of Asbestos at Work Regulations 2006.

REGULATION 4 – DUTY TO MANAGE ASBESTOS IN NON-DOMESTIC PREMISES

Regulation 4 of the Control of Asbestos at Work Regulations 2012 imposes a duty on anyone with an obligation to maintain non-residential premises, including churches, to investigate whether asbestos is present.

The duty requires you to manage the risk from asbestos by:

- Finding out if there is asbestos in the premises, its amount and what condition it is in;
- presuming materials contain asbestos, unless you have strong evidence that they do not;
- making and keeping up to date a record of the location and condition of the Asbestos Containing Materials (ACM's) or presumed ACM's in your premises;
- assessing the risk from the material;
- preparing a plan that sets out in detail how you are going to manage the risk from this material;
- taking the steps needed to put your plan into action;
- reviewing and monitoring your plan and the arrangements made to put it in place; and
- providing information on the location and condition of the material to anyone who is liable to work on or disturb it.

The person responsible for implementing the Regulations is 'the duty holder'. This includes every person who has a legal obligation to maintain or repair non-domestic premises by virtue of a contract or tenancy or anyone who has any control of any part of non-domestic premises where there is no such contract or tenancy.

It would appear that in normal circumstances the obligation of the duty holder will fall upon the leaders of the church. In a Baptist church this is usually the group identified as Charity Trustees who have legal and financial responsibility for the church's work and administration as a charity. In a Baptist church these are the Charity Trustees (usually the minister, deacons and elders or Leadership Team). These are the people who have control of the premises. It is this group that has responsibility to comply with the Regulations.

Churches need to remember that manses are not technically domestic premises. A consideration of issues relating to asbestos needs to include all church and manse property.

What the Regulations require

The duty holder is required to carry out a risk assessment which must be recorded in writing. The assessment must consider whether asbestos is present, its location and condition. The obligation is to carry out an inspection of reasonably accessible parts, consider the building plans 'or relevant information' and take account of the age of the premises. In most circumstances it will be necessary to employ a suitably qualified person to carry out the survey. They may also advise you on what you need to do and what to include in your management plan. The United Kingdom Accreditation Services (UKAS) has developed an accreditation scheme for organisations which do asbestos surveys.

Although you may appoint a competent person to carry out all or part of the work to meet the requirements of a duty holder, you will have to be involved in the final assessment of the potential risk. In particular you will know how the premises are used and what disturbance is likely to occur.

In the event that asbestos is located or is 'liable to be present' the duty holder must ensure that certain actions are taken.

The risks must be considered and a written plan prepared which should show what parts of the premise are affected and which sets out measures to manage the risk.

These are three key duties which apply to duty holders:

- a) to monitor the condition of the asbestos
- b) to ensure that it is properly maintained or safely removed if necessary
- c) to ensure that information about its location and condition is provided to 'every person liable to disturb it and to the Emergency Services'.

Further Information

A number of helpful leaflets are available to download from the Health and Safety Executive website at www.hse.gov.uk. Paper copies are available free of charge from HSE books. Of particular interest are:

- Managing Asbestos in Buildings: A Brief Guide INDG223
- A Comprehensive Guide to Managing Asbestos in Premises HSG227
- Asbestos: The Survey Guide HSG264
- United Kingdom Accreditation Services www.ukas.com
- Managing and Working with Asbestos Regulations 2012 Approved Code of Practice and Guidance (Second Edition) Published 2013 L143
- Asbestos Removal Contractors Association www.arca.org.uk

Association Trust Company	Contact
Baptist Union Corporation Ltd East Midland Baptist Trust Company Ltd	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
Heart of England Baptist Association	Heart of England Baptist Association BMS Birmingham 24 Weoley Park Road Selly Oak Birmingham B29 6QX Telephone: 0121 472 4986
London Baptist Property Board	London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592
Yorkshire Baptist Association	17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954
West of England Baptist Trust Company Ltd	West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees they too should be consulted as appropriate.

Contact Address and Registered Office:

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