

## **ASBESTOS – ARE YOU MANAGING IT EFFECTIVELY?**

The Control of Asbestos at Work Regulations 2002 have been in place for some time now, but both Landlord and Tenants should be aware of their ongoing responsibilities under these regulations. The regulations define the 'duty to manage' as finding out where asbestos is present, assessing the risk and taking action to manage that risk. Property owners and occupiers should also remember that the presence of asbestos can bring with it not only the well known health impacts but economic impacts such as evacuation of a building, walkouts by employees, adverse publicity, reduction in value of property, costs of remedial works and even criminal prosecution or civil damages.

Regulation 4 of Control of Asbestos at Work Regulations sets out specific procedures to be followed and documents to be produced and in the event of breach of these regulations, criminal prosecution may follow. The 'dutyholder' responsible for the management of asbestos in non-domestic properties is every person who, by virtue of a contract or tenancy, has an obligation for the repair or maintenance of those premises which can include landlords, tenants, occupants, managing agents, and managing contractors. The 'person in control of the premises' is required by law to be aware of significant hazards and take reasonable measures to prevent or control these and this includes knowledge of the presence and condition of any asbestos-containing materials. The 'dutyholder' of non-domestic premises is liable to assess whether asbestos is, or is liable to be, present; prepare and implement a plan for managing any risks arising; and to review and revise the plan as necessary. The management plan is an important legal document which is to be made available to interested parties which can include contractors, solicitors or occupants. It is therefore vital that even if a report has been carried out in respect of a property, that it is regularly reviewed, periodically updated and made available to all relevant people.

Towler Shaw Roberts LLP can assist in providing further advice, can recommend appropriate specialists where required and manage the process of complying with Regulations on your behalf. For further information, contact Sarah Evans on (01743) 243900.