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STATUTORY INSTRUMENTS

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**2002 No. 2675**

**Control of Asbestos at Work Regulations 2002**

**Duty to manage asbestos in non-domestic premises**

4.—(1) In this regulation “the dutyholder” means—

- (a) every person who has, by virtue of a contract or tenancy, an obligation of any extent in relation to the maintenance or repair of non-domestic premises or any means of access thereto or egress therefrom; or
- (b) in relation to any part of non-domestic premises where there is no such contract or tenancy, every person who has, to any extent, control of that part of those non-domestic premises or any means of access thereto or egress therefrom,

and where there is more than one dutyholder, the relative contribution to be made by each such person in complying with the requirements of this regulation will be determined by the nature and extent of the maintenance and repair obligation owed by that person.

(2) Every person shall cooperate with the dutyholder so far as is necessary to enable the dutyholder to comply with his duties under this regulation.

(3) In order to enable him to manage the risk from asbestos in non-domestic premises, the dutyholder shall ensure that a suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present in the premises.

(4) In making the assessment—

- (a) such steps as are reasonable in the circumstances shall be taken; and
- (b) the condition of any asbestos which is, or has been assumed to be, present in the premises shall be considered.

(5) Without prejudice to the generality of paragraph (4), the dutyholder shall ensure that—

- (a) account is taken of building plans or other relevant information and of the age of the premises; and
- (b) an inspection is made of those parts of the premises which are reasonably accessible.

(6) The dutyholder shall ensure that the assessment is reviewed forthwith if—

- (a) there is reason to suspect that the assessment is no longer valid; or
- (b) there has been a significant change in the premises to which the assessment relates.

(7) The dutyholder shall ensure that the conclusions of the assessment and every review are recorded.

(8) Where the assessment shows that asbestos is or is liable to be present in any part of the premises the dutyholder shall ensure that—

- (a) a determination of the risk from that asbestos is made;
- (b) a written plan identifying those parts of the premises concerned is prepared; and
- (c) the measures which are to be taken for managing the risk are specified in the written plan.

(9) The measures to be specified in the plan for managing the risk shall include adequate measures for—

- (a) monitoring the condition of any asbestos or any substance containing or suspected of containing asbestos;
  - (b) ensuring any asbestos or any such substance is properly maintained or where necessary safely removed; and
  - (c) ensuring that information about the location and condition of any asbestos or any such substance is—
    - (i) provided to every person liable to disturb it, and
    - (ii) made available to the emergency services.
- (10) The dutyholder shall ensure that—
- (a) the plan is reviewed and revised at regular intervals, and forthwith if—
    - (i) there is reason to suspect that the plan is no longer valid, or
    - (ii) there has been a significant change in the premises to which the plan relates;
  - (b) the measures specified in the plan are implemented; and
  - (c) the measures taken to implement the plan are recorded.
- (11) In this regulation, a reference to—
- (a) “the assessment” is a reference to the assessment required by paragraph (3);
  - (b) “the premises” is a reference to the non-domestic premises referred to in paragraph (1); and
  - (c) “the plan” is a reference to the plan required by paragraph (8).