



“Do I need to comply with the Duty to Manage asbestos across our residential portfolio and would this include any flats?”

We have been asked these questions several times recently so we felt it appropriate to compile a Briefing Note to cover asbestos compliance in residential properties.



Residential Property and the Control of Asbestos Regulations (CAR 2012)

Regulation 4 of the CAR 2012 introduced the Duty to Manage asbestos as part of a regulatory campaign to reduce accidental exposure to asbestos and impact on the number of asbestos related deaths each year.

The aim was clear – to ensure those in control of premises identified asbestos containing materials (ACMs) within those premises and to make that information available to those who needed it – particularly those in building trades who are most likely to come into contact with ACMs as part of their work.

As far as residential property is concerned, Regulation 4 is clear and specific – only the common parts of managed residential blocks fall under the scope of this regulation.



Is My Residential Property Compliant?

If you haven't already commissioned a survey, then the first step will be to ensure you have an Asbestos Management Survey completed for the common parts. But consider the extent of the common parts of a managed block of flats under your control as they can include:

- Corridors
- Stairwells
- Lobbies
- Circulation areas
- Entrance halls
- Electrical cupboards & meter cupboards
- Service risers
- Plant rooms & boiler rooms
- Lifts, lift shafts and motor rooms
- Service cupboards
- Bin stores & bike stores & shared storage
- Roof areas and roof plant rooms/enclosures, roof voids and loft spaces
- Garages & sheds
- External elements of the premises.

You will also need to be aware that some of these areas may be within the flats themselves, particularly risers and loft/roof spaces and these must be included within your asbestos management survey.

If you already have an asbestos management survey report, then it is important to review the document and ensure it covers all of the areas for which you are responsible. This is especially important if you have taken over the management of a residential block from another party.

Do I Need to Survey Flats in My Residential Properties?

Regulation 4, the Duty to Manage, excludes the flats from the requirement to survey, however, if you retain any responsibility for repair and maintenance under the terms of the lease, then you will still have statutory obligations under Regulations 5 & 6 of the CAR 2012, to ensure that employees do not conduct work on your behalf that is liable to expose them to asbestos. This will also extend to contractors employed by you. You must therefore, carry out an assessment of the work area as to whether ACMs are present and in what condition – and this must be done before undertaking any repair/maintenance works within a flat.

But the regulatory compliance liability extends beyond the health and safety of employees / contractors whilst working within the flats. There are duties imposed on Landlords by the Landlord and Tenant Act and Environmental Protection Act to ensure that premises are fit for habitation and are not harmful to the occupants. Whilst this does not confer an absolute duty to survey and identify ACMs, it does offer a legal framework for enforcement action in the event premises are not maintained to an acceptable level to meet the requirements of the Acts.



We can assist you in formulating a low impact strategy to ensure Landlords and Managing Agents are fully discharging their duties and to do so in a planned and organised way.

We can also assist you in managing your asbestos compliance across all of your property types.

Please call or email us for further guidance or to discuss any specific issues.

For more information please contact us:

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or call our team on 0203 819 8829