

BUC GUIDELINES

C15 Control of Asbestos at Work Regulations 2006 and Churches (04/2009)

These notes are offered as guidelines by The Baptist Union Corporation Limited to provide information for Baptist churches.

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 C7 *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 2006

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

The Regulations controlling asbestos came into force on 13 November 2006. These Regulations bring together the three previous sets of Regulations covering the prohibition of asbestos, the control of asbestos at work and asbestos licensing.

Regulation 4 of the Control of Asbestos at Work Regulations 2006 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 dutyholder'. 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 dutyholder 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 this is often the Minister and deacons. 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 dutyholder 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 dutyholder, 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 dutyholder 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 dutyholders:

- 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:

- Manage building? You must manage asbestos
- A short guide to managing asbestos in premises
- Duty to manage checklist
- United Kingdom Accreditation Services www.ukac.com
- Asbestos Removal Contractors Association www.arca.org.uk

Association Trust Company	Contact
Baptist Union Corporation Ltd	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
East Midlands Baptist Trust Company Ltd	The 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 International Mission Centre 24 Weoley Park Road Selly Oak Birmingham B29 6QX Telephone: 0121 472 4986
London Baptist Property Board	London Baptist Association 235 Shaftesbury Avenue London WC2H 8EP Telephone: 020 7692 5592
North West Baptist Association	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
South West Baptist Trust Corporation	South West Baptist Trust Corporation Wonford Baptist Chapel 36-38 Wonford Street Exeter Devon EX2 5DL Telephone: 01392 433533
West of England Baptist Association	West of England Baptist Association The Old Forge Broom Hill Stapleton Bristol BS16 1DN Telephone: 0117 965 8828
Yorkshire Baptist Association	The Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700

As at Jan 2010

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 Baptist Union Corporation Limited 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 at the Baptist Union Corporation, 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 Baptist Union Corporation staff also deal with churches that are in trust with the East Midland Baptist Trust Company Limited, the North Western Baptist Association (Incorporated), and Yorkshire Baptist Association.

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 has been included.

If you have private trustees they too should be consulted as appropriate.

Contact Address and Registered Office:

The Baptist Union Corporation Ltd, Baptist House, PO Box 44, 129 Broadway, Didcot, Oxfordshire OX11 8RT England

Telephone **01235 517700** facsimile **01235 517715** e-mail **buc.corp@baptist.org.uk DX 40852 Didcot**

A Company Limited by Guarantee. Registered in England No 32734. Registered Charity No 249635