

# Asbestos: Your Duties as a landlord

## What is asbestos?

Asbestos is a potentially harmful mineral fibre that was used extensively in buildings between the 1950s and 1980s. Use of asbestos was banned in the UK in 1999 but you can still find it in many properties. Landlords should assume that asbestos is present in all pre-2000 buildings.

If it's in good condition and not damaged or disturbed then it shouldn't present a risk. But if the fibres become loose, they might be inhaled, which could result in diseases of the lungs and chest lining. That might take between 15 and 60 years to develop.

## A landlord's duty

Under Regulation 4 of the Control of Asbestos Regulations 2006, landlords have certain duties towards their tenants to minimise the risks of exposure to asbestos. The landlord has responsibility for the maintenance or repair of non-domestic premises through a tenancy agreement or contract. The extent of the landlord's duty will depend on the nature of the agreement.

This is relevant to rental properties because, as well as industrial, commercial and public buildings, 'non-domestic premises' also includes 'common' areas of certain domestic premises, such as purpose-built flats or houses converted into flats. Common areas might include:

- Foyers
- Corridors
- Lifts and lift shafts
- Staircases
- Boiler and plant rooms
- Store rooms
- Roof spaces
- Gardens
- Yards
- Outbuildings
- Garages
- Sheds
- Bike shelters



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The flat itself is not included and 'common' areas would not include rooms within a private residence that are shared by more than one household. For example, bathrooms and kitchens in shared houses, and communal dining rooms and lounges in sheltered accommodation.

### Summary of The Health and Safety Executive asbestos checklist

- Find out if asbestos is present at the premises
- Presume material is asbestos until proved otherwise
- Survey and sample for asbestos
- Assess the condition of the asbestos containing material
- Record where the asbestos or presumed asbestos is and its condition. Put together a drawing or plan of its location.
- Assess the potential risk of the asbestos and whether it's likely to be damaged or disturbed
- Decide what to do
- Take appropriate action
- Check what you've done
- Monitor and review effectiveness of plan

Any handling of asbestos should be performed by a specialist. If asbestos is identified, verify what state it's in and then take the following steps:

### Asbestos in good condition

1. Monitor the condition of the material at regular intervals
2. Label the material, where practical
3. Make sure all contractors and other workers who are likely to disturb material are informed of the actual and potential presence of asbestos



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### Minor asbestos damage

1. Repair/encapsulate the material
2. Regularly monitor the condition of the material
3. Label the material, where practical
4. Make sure contractors and other workers who are likely to disturb material are informed of the actual or potential presence of asbestos

### Asbestos in poor condition

1. Remove the asbestos

### Asbestos disturbed

1. Remove any asbestos likely to be disturbed

Always exercise caution when it comes to asbestos. If you suspect or are aware of asbestos in your premises, contact a specialist to ensure that neither you nor your tenants are at risk.

Useful links for further information:

- Stop - Think - Asbestos: [www.stop-think-asbestos.co.uk](http://www.stop-think-asbestos.co.uk)
- Health and Safety Executive: [www.hse.gov.uk/pubns/indg223.pdf](http://www.hse.gov.uk/pubns/indg223.pdf)



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