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Fortis Environmental Services

A SIMPLE GUIDE FROM FORTIS

ASBESTOS & YOUR LEGAL RESPONSIBILITIES

Understand the rules. Know your duties. Protect the people who use your building.

For: property owners, landlords, managing agents, employers, businesses, trades and construction professionals.

COMPLIANCE MADE SIMPLE, SAFETY MADE CERTAIN.

November 2026 | Plain-English UK client guide (Great Britain legislation; some examples refer to England)

01 / THE ESSENTIALS

Why asbestos matters

Asbestos-containing materials (ACMs) can remain in many buildings, particularly those built or refurbished before 2000.

The presence of asbestos is not automatically an emergency. Risk arises when fibres are released into the air and inhaled - for example, following damage or disturbance.

The sensible approach is to **identify, assess, record, manage and communicate** asbestos risks before anyone accidentally disturbs a material.

Important: Asbestos in good condition can often be safely managed in place. Removal is not automatically required.

Where might asbestos be found?

- Insulating board, ceiling tiles and service risers.
- Pipe insulation, sprayed coatings and old boiler installations.
- Roof sheets, gutters, floor tiles, textured coatings and bitumen products.

A material cannot reliably be confirmed as asbestos by appearance alone; appropriate sampling and laboratory analysis may be necessary.

02 / RESPONSIBILITY

Who has the legal duty?

Regulation 4 of the **Control of Asbestos Regulations 2012** is the duty to manage asbestos in non-domestic premises.

- Commercial premises such as shops, pubs, factories, offices, warehouses and schools.
- Relevant shared/common parts of multi-occupancy residential buildings.
- Owners, landlords, managing agents or occupiers, depending on who has responsibility for maintenance or repair.

Responsibilities may be shared. The lease, contract and actual control of the premises matter. Appointing a surveyor does not transfer the dutyholder's legal responsibility.

A private home is not generally covered by Regulation 4 for its domestic living accommodation. However, employers and contractors still have legal duties when carrying out work in homes.

03 / DUTY TO MANAGE

What must a dutyholder do?

The duty involves ongoing action, not just obtaining a survey report.

- Find out whether ACMs are present, or presume asbestos where there is insufficient evidence to rule it out.
- Keep an asbestos register recording location and condition of known or presumed ACMs.
- Assess risk and prepare, implement, monitor and update an asbestos management plan.
- Check the condition of materials at suitable risk-based intervals.
- Provide relevant asbestos information to maintenance teams, contractors and others who may disturb materials.

Ask yourself: Could a plumber, electrician, roofer or maintenance worker find and understand our asbestos information **before** beginning work?

04 / SURVEYS

Which asbestos survey do I need?

HSG264 describes two main survey types. The right choice depends on whether you are managing the building or disturbing its fabric.

MANAGEMENT SURVEY

Used to help manage asbestos during normal occupation and foreseeable maintenance. Identifies and assesses accessible or reasonably accessible ACMs, with limitations recorded.

REFURBISHMENT & DEMOLITION (R&D) SURVEY

Used ahead of intrusive refurbishment or demolition in areas affected by the work. It may be destructive and must be carefully planned, with affected areas vacated as necessary.

Common mistake: A management survey does **not** automatically clear a room for wall chasing, ceiling removal, strip-out or demolition.

A targeted R&D survey can be appropriate where only a defined area or element is affected. The scope must match the proposed work and limitations must be resolved.

05 / QUICK DECISION GUIDE

Before work starts

Use this straightforward guide to identify the next step - not as a replacement for a project-specific assessment.

Routine occupation or maintenance in non-domestic premises	Check the register and management plan; obtain a suitable management survey or other evidence where needed.
Drilling, rewiring, bathroom refurbishment or intrusive strip-out	Check whether suitable intrusive survey information exists for the actual work area; arrange targeted R&D investigation as needed.
Major refurbishment or demolition	Arrange a suitably scoped R&D survey before disturbing affected materials.
Known ACM may be damaged or removed	Obtain a competent risk assessment and determine whether licensed, NNLW or non-licensed work applies.

STOP: If the existing survey did not access the affected area, treat the limitation seriously. Do not assume it is asbestos-free.

06 / ONGOING MANAGEMENT

Registers, plans & re-inspections

A survey is a starting point. Your arrangements must keep working as the building changes.

The asbestos register

Records known and presumed ACMs, where they are located, their condition and relevant limitations or inaccessible areas.

The management plan

Sets out who is responsible, what precautions are needed, who receives information, monitoring arrangements and emergency procedures.

Re-inspections

Condition-check intervals should reflect material condition, accessibility and likelihood of disturbance. There is **no universal legal annual re-inspection interval for every individual ACM.**

12-month rule: HSE says the asbestos management plan should be reviewed **every 12 months or sooner if necessary**. Condition checks are risk-based and may need to happen more frequently.

07 / WORK ON ASBESTOS

Repair, seal or remove?

The correct approach might be to leave an ACM in place, protect it, encapsulate it or remove it. The choice must be risk-based.

Licensed asbestos work

Higher-risk work requiring an appropriately HSE-licensed asbestos contractor, such as many activities involving sprayed coatings, pipe lagging or significant AIB work.

Notifiable non-licensed work (NNLW)

Certain non-licensed jobs with additional obligations: notify before work, designate the area, appropriate medical examinations and long-term health records.

Non-licensed asbestos work

Lower-risk tasks still require competent people, an assessment, suitable controls, a plan of work and appropriate training.

Classification is not determined by material name alone. Assess the material, condition, activity and predicted exposure. Asbestos awareness training alone does not qualify someone to remove asbestos.

08 / CONSTRUCTION & HOMES

Landlords, trades & CDM

Work in a domestic property can still create asbestos risks, even where Regulation 4 does not apply to the dwelling itself.

- Landlords and managers must consider applicable duties in common parts and their wider responsibilities when arranging work.
- Employers and trades must identify relevant asbestos risks before drilling, stripping, cutting, repair or renovation work.
- Under CDM 2015, project dutyholders must plan work and provide relevant pre-construction information; special rules govern how domestic-client duties are carried out.
- Do not rely on the age of a building alone or assume an old survey covers every part of the proposed work.

Example: A kitchen replacement in an older house may require investigation of floor coverings, boxing, panels and concealed areas **before** removal or drilling.

09 / IF SOMETHING GOES WRONG

Unexpected asbestos damage

If asbestos is unexpectedly discovered or damaged during works, prevent further disturbance and get competent help.

- Stop the task and keep others away from the affected area.
- Avoid sweeping, dry brushing, ordinary vacuuming or creating more dust.
- Tell the person in control of the premises and those responsible for the works.
- Arrange competent assessment of the material, contamination and potential exposure.
- Assess any applicable RIDDOR reporting duties and plan safe remedial work.

RIDDOR: Not every asbestos discovery or disturbance is automatically reportable. A qualifying accidental release of fibres capable of causing health damage can be reportable.

Specific responses depend on the actual material, release and exposure; do not attempt an unplanned clean-up.

10 / ENFORCEMENT

What if duties are ignored?

Failure to assess or control asbestos risk can expose people to harm and lead to serious legal and commercial consequences.

- Investigation by HSE or a local authority; improvement or prohibition notices.
- Criminal prosecution, potentially significant fines and, for some offences, imprisonment.
- Remediation costs, project delays, lost contracts and possible civil claims.
- Risk to employees, contractors, residents and the public.

Other laws that may also apply

- Health and Safety at Work etc. Act 1974 - overarching duties to workers and others.
- Construction (Design and Management) Regulations 2015 - planning and managing construction work.
- RIDDOR 2013 - reporting certain accidents and dangerous occurrences.
- Hazardous-waste and environmental rules - handling, transporting and disposing of asbestos waste.

The principle: Identify the risk early, plan the job properly and give contractors the information they need before they start.

11 / AT A GLANCE

Five questions to ask

A quick check for dutyholders, owners, project managers and contractors.

01 Who is responsible for asbestos management at this property?

02 Do we have suitable and current asbestos information, including a register and management plan where required?

03 Have the known materials changed or deteriorated?

04 Does the asbestos information actually cover the planned work?

05 Have the people doing the work received and understood that information?

If the answer to any of these is unclear: check the position before work proceeds. A short discussion now can prevent an unsafe disturbance and expensive disruption later.

12 / REFERENCE

The law, in simple terms

The following rules and guidance are important, but they serve different purposes.

Control of Asbestos Regulations 2012 (CAR 2012)

Binding legal duties to manage asbestos and assess/control exposure and work.

L143 - Managing and working with asbestos

HSE Approved Code of Practice and guidance; the ACOP has special legal status.

HSG264 - Asbestos: The survey guide

HSE guidance on how asbestos surveys should be scoped and carried out.

HSG210 - Asbestos Essentials

Practical task guidance for certain lower-risk asbestos work.

CDM Regulations 2015

Construction project duties, planning and relevant pre-construction information.

Useful official HSE pages

hse.gov.uk/asbestos/duty/

hse.gov.uk/asbestos/licensing/non-licensed-work.htm

hse.gov.uk/construction/cdm/2015/

hse.gov.uk/pubns/books/l143.htm

How Fortis can help

Practical asbestos information for safer decisions and better-managed buildings.

- Asbestos management surveys.
- Refurbishment and demolition surveys, including targeted works.
- Re-inspections and material condition monitoring.
- Bulk sampling and UKAS-accredited laboratory analysis.
- Asbestos consultancy and advice.

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Important information & disclaimer

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While reasonable care has been taken over its accuracy at publication, legislation and guidance may change. Requirements depend on the premises, the work involved and individual responsibilities. Readers should check current HSE guidance and seek suitable professional advice where necessary.

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