

Asbestos & Commercial Property

Up until the late 1990s asbestos was widely used in the construction industry and as a result it has found its way into many properties. Today we know that breathing in asbestos fibres can cause various fatal diseases.

Landlords, tenants and managing agents of commercial properties may all be responsible for managing asbestos and its risks. It is very important that you check your lease or contract to see who bears that responsibility.

If it falls on you to take the responsibility, the law requires you to:

1. Make reasonable efforts to ascertain the whereabouts and condition of any materials at the property that are likely to contain asbestos
2. Work on the presumption that all materials contain asbestos unless there is clear evidence to the contrary
3. Maintain an up to date log of both the location and condition of all asbestos containing materials and presumed asbestos containing materials
4. Take your knowledge of the above and risk assess the potential of anyone becoming exposed to the potentially offending materials
5. Produce a plan to minimise and manage the risk of these materials
6. Take all necessary steps to put that plan into action
7. Review the plan periodically
8. Ensure anyone who could come into contact with the materials is provided with information on their location and condition
9. Ensure that materials are analysed for asbestos content in accordance with ISO 17025, which sets standards for quality management and technical requirements in laboratories.

Asbestos is a serious matter and the penalties reflect this. The penalties for failing to deal with asbestos or failing to put a plan in place to deal with asbestos, can be as high as a £20,000 or up to 2 years imprisonment for more serious breaches.

For further up to date information, please visit the [government website](#)