

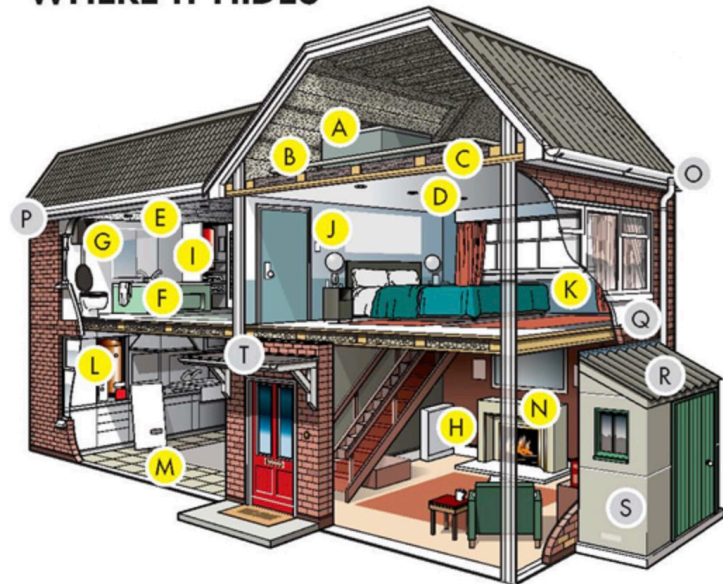
Asbestos in houses - Client Guide

Pre-2000 properties | Risks to health | Asbestos surveys

Key to image

- A -Asbestos cement in water tank
- B - Pipe lagging
- C - Loose fill insulation
- D - Textured ceiling e.g. Artex
- E- Asbestos ceiling tiles
- F -Bath panel
- G- Toilet seat and cistern
- H - Behind fuse box
- I - Airing cupboard or insulation
- J- Partition wall
- K - Interior window panel
- L - Around boiler
- M- Vinyl floor tiles
- N - Behind fire
- O- Gutters and asbestos downpipes
- P- Soffits
- Q- Exterior window panel
- R - Asbestos cement roof
- S - Asbestos cement panels
- T - Roofing felt

ASBESTOS WHERE IT HIDES



Asbestos in Pre-2000's properties

Asbestos can often be found in pre-2000 properties but use of it was banned after that date. The Health and Safety Executive ('the HSE') has an excellent set of guidance notes and an interactive diagram (see above) at:

<https://www.hse.gov.uk/asbestos/index.htm>

Also on its website are photographs of typical asbestos-containing materials that can still be found today in pre-2000 properties.

Do not try to repair or remove any asbestos materials yourself. If you are sure (or strongly suspect) that your home contains asbestos materials then it is often best to leave them where they are - especially if they are in good condition and unlikely to get damaged. You should check the condition of the materials from time to time to make sure they haven't been damaged or started to deteriorate.

If you are planning any DIY home improvements, repairs or maintenance - and intend to bring in any additional builders, maintenance workers or contractors - you should inform them of any asbestos-containing materials in your home before they start work. This will help reduce the risks of any such materials being disturbed. HSE strongly encourages the use of trained professionals to repair or remove such materials.

Asbestos health risks

Asbestos still kills around 5000 people each year, this is more than the number of people killed on the road. Around 20 tradesman die each week as a result of past exposure. However, asbestos is not just a problem of the past. It can be present today in any building built or refurbished before the year 2000. Regulations controlling the use of asbestos in buildings culminated in a total ban on the use of asbestos and asbestos-containing materials in 1999.

When materials that contain asbestos are disturbed or damaged, fibres are released into the air. When these fibres are inhaled they can cause serious diseases. These diseases will not affect you immediately; they often take a long time to develop, but once diagnosed, it is often too late to do anything.



The Society of Licensed Conveyancers

Non-domestic properties

Non-domestic and commercial properties are regulated under the Control of Asbestos Regulations 2012.

The Regulations do not apply to simple domestic properties.

However, common areas in blocks of flats or communal land may be regarded as 'non-domestic' and as such covered by the Regulations.

Such areas might be:

- entrances,
- lobbies,
- lifts,
- boiler rooms,
- staircases
- roof spaces
- communal garages,
- store rooms,
- bike sheds, etc.

This will impose a duty on the owner or controller of such areas to determine whether asbestos is present or likely to be present. If so they must then manage the risk appropriately. They may have a duty to have an asbestos survey and carry out any work recommended.

Buy-to-let landlord's duties

Although the Regulations apply to non-domestic properties, where a property has been rented out either on a room-by-room basis or as a whole, it is not clear whether this then becomes a 'non-domestic property'. Any common areas (as mentioned above) would likely be the responsibility of the landlord, and with that would come the obligation to determine whether asbestos was present in these areas and, if so, manage it appropriately.

Most buy-to-let tenancies leave the landlord responsible for the structure of the building and many of the parts of it that could potentially contain asbestos.

It is likely that the HSE would expect the landlord to demonstrate a responsible approach to asbestos management, to an equivalent standard to the Regulations.

Any criminal conviction for breach of the regulations can result in substantial fines, and so landlords would be best advised to take the issue seriously.

Widely used in houses built in 1980's and earlier

Asbestos was widely used as a building material in the 1970s and 1980s - as an insulator, in Artex textured ceilings, floor and ceiling tiles, roofing, and as a heat barrier. It is very common in houses built or refurbished before 2000.

However, asbestos is only a danger when fibres are made airborne and breathed in. If the asbestos-containing material (e.g. a garage, a roof or a storage heater) is in good condition - i.e. it's not damaged and has been left alone, and you don't plan to disturb it - then it doesn't pose a risk to health and it may be acceptable to leave it where you found it.

Your surveyor, an accredited asbestos contractor, or a local environmental health officer will be able to advise you on what to do.

Does the seller have to tell me about any asbestos?

Unfortunately for buyers, the general law is 'caveat emptor' (let the buyer beware). The responsibility for finding out about asbestos at the property lies with the buyers and their surveyor.

You cannot assume that the sellers will have to tell you about any asbestos they know to be on the property. The standard property enquiries do not ask questions about asbestos as this is a matter for your surveyor, and is not part of normal residential conveyancing.

If your surveyor considers that there might be asbestos present we can ask the sellers if they have any further information. They do not have to respond to this, and might suggest you have an asbestos survey carried out. However, if they do supply further information they may be liable for misrepresentation if they are not truthful in their replies.

Asbestos surveys

If you or your surveyor suspect that asbestos might be present in a house you are considering buying you should have it surveyed by an accredited asbestos surveyor. They can advise you on whether it is a risk, whether it should be removed or whether it can be sealed off or enclosed in some way. You can also seek advice from an environmental health officer at your local authority.

For an average house the cost of a survey will be between £150-£400, depending on the number of rooms to be inspected and the age of the property. If the asbestos surveyor finds asbestos or considers it likely he can create a management plan. This could mean removal by a specialist contractor, encapsulation or sealing.

Asbestos removal or management contractors

Your surveyor or the local environmental health officer may be able to recommend an accredited contractor. The HSE's Asbestos Licensing Unit issues licenses to permit the carrying out of higher-risk work with asbestos. Licence holders have to demonstrate that they have the necessary skills, competency, expertise, knowledge and experience of work with asbestos, together with excellent health and safety management systems.

However, lower-risk work such as drilling artex ceilings or boards for installation of fittings, some sealing-in work, and some removal work may be carried out without a licence by appropriate tradespeople. You should check this with the contractor and your surveyor.

In owner-occupied domestic properties, the owners are not legally responsible for risks to contractors from asbestos, as the owners themselves are not engaged in any work activity.

Asbestos waste

In addition, asbestos-containing materials need to be legally disposed of as hazardous waste. This should not be mixed with normal household waste. You may be able to arrange to have it collected or there may be special facilities in your area you can use to dispose of it. Contact your local authority for information about asbestos and its disposal.