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# The hidden horror: why you need to know if asbestos is in your building

Asbestos remains a real concern, says **Dan Evans**, partner at Cozens-Hardy



**D**espite being banned in late 1999, Asbestos is still a problem for property owners and tenants alike. Asbestos was historically used in the construction of buildings for over 200 years, particularly due to its fire resistant qualities. In the 1970s research emerged revealing asbestos as a health hazard and over the next 20 years it was generally phased out and then ultimately banned. A large number of buildings still contain asbestos-containing materials and as such it is as relevant an issue today as it has ever been.

The Control of Asbestos Regulations 2012 are the current regulations that deal with asbestos in commercial buildings. It puts obligations on a 'Duty Holder', in essence the person responsible for maintenance of the building, to identify whether or not a building contains asbestos and then to manage the same.

The first duty is to ascertain whether or not the building contains asbestos, which is achieved by undertaking an Asbestos Survey. This should be carried out by a qualified surveyor, who may take samples



Does your building contain asbestos? Here an asbestos-containing thermal system insulation (TSI) labelled following an asbestos containing materials (ACM) inspection by an inspector  
Pictures: GETTY IMAGES



for laboratory testing. The results will dictate whether any additional steps are required.

Should asbestos be revealed, the Survey will give recommendations on what action is to be taken. Not all asbestos needs to be removed, but can instead be managed in situ. That being said, some asbestos will need immediate action, such as sealing up or removal.

If you are looking to buy or rent commercial property it is imperative that you are given a copy of the survey by the seller/landlord so that you can decide what risks there are. Best practice is to have a survey regardless of the age of a building, albeit the risks are far

greater for a building built pre 2000.

As a practical example, we recently dealt with a matter where the building owner was absolutely insistent that asbestos was not in a building due to it being constructed in the 1990s. On our instructions the client insisted on a report, which has now revealed four separate areas of asbestos in the building.

Failure to comply with the Asbestos Regulations is a criminal offence with penalties up to two years imprisonment and an unlimited fine.

If you have a commercial building or are looking to acquire one then you should take your responsibilities very seriously.



## A night to remember

Join comedian Katherine Ryan and some of the best business people in the county at the Norfolk Business Awards.

**H**ave you booked your table for the new look Norfolk Business Awards? A celebration of the best of our business community across the county, the awards have always been a brilliant networking opportunity but this year there's an emphasis on fun too.

Comedian Katherine Ryan will be hosting the awards ceremony, and is also the after dinner speaker. Viewers will know her from programmes such as Have I Got News For You and Mock the Week, where she always brings out a swift repartee and witty

one liner.

She'll have us giggling – and judging from the masses of entries our panel are sifting through to choose the shortlisted businesses, it's going to be a quite a night.

The black tie event at the Norfolk Showground Arena on Thursday, November 22 includes a champagne drinks reception, a three course meal prepared from local produce, live music throughout the evening and plenty of opportunities to network with teams from across the Norfolk business community.

With the awards sponsored by

Anglian Water, the accolades to be awarded include Outstanding Achievement which will recognise the achievements of an individual who has played a transformative role in his or her own business and also in the wider business community.

Who will win?

And who will be in the running for Best Employer, Customer Care, Breaking Boundaries, Small Business, Tech Innovator, Large Business, Knowledge Pioneer, Investing in Future Growth, Environment and Sustainability and Director of the Year or Skills of Tomorrow?

All the award winners will be announced during the evening.

It'll be a night of fun, laughter, meeting old friends and making new contacts – plus of course the glittering awards to be presented.

information at [www.norfolkbusinessawards.co.uk](http://www.norfolkbusinessawards.co.uk)



Katherine Ryan is hosting the Norfolk Business Awards - expect a fun night  
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