PREFACE

This Asbestos Register is issued by Pass Consulting, for the attention of Ian David Middleton, Susan Angela Middleton and Kay Frances Middleton ~ °/o Crickmay Chartered Surveyors, ["the Client"], following the Type 2 Asbestos Survey [Standard Sampling Survey], of their property at 11 Queen Street, Horsham and is submitted according to the enclosed details, terms and conditions.

This survey includes both numerical and graphical risk assessments for the asbestos containing materials found ~ and provides appropriate recommendations for removal or containment of them.



PROJECT MANAGER : IAN M. PASS

Excluding the Legislation, Regulations and HSE Guidance Notes herein the right of Ian M. Pass to be identified as the author and designer of this work has been asserted by him in accordance with the Copyright Designs and Patents Act 1988

Client's attention is drawn to the requirements of the Control of Asbestos at Work Regulations 2006. In overview, Regulation 4, sub-clauses 1 to 8 relate to the requirement for a fit and proper asbestos survey to be carried out (essentially, this Asbestos Register), and sub-clauses 8 to 11 relate to the planning and recording of how the (now identified), asbestos containing material is to be treated, managed and maintained and as such requires the drawing together of an Asbestos Management Plan. Pass Consulting will be pleased to advise further on these issues.

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EXECUTIVE SUMMARY

SUMMARY OF MATERIAL SAMPLING

N° of samples taken of material suspected of containing asbestos		5
N° of additional (but inaccessible [presumed] [9]) samples	+	1
∴ Total number of samples identified in Risk Assessments	=	6

Of which :

N° of samples recorded as having no asbestos detected	=	5
N° of samples recorded as having asbestos detected	=	1

RECOMMENDED ACTIONS

The sample presumed to contain asbestos, is both high up and external and so should only be regarded as an issue when roof maintenance work is carried out in the nearby area.

This Asbestos Survey Register details these samples and (where positive), their condition and extent. Dutyholders (defined in Regulation 4 of the Control of Asbestos at Work Regulations 2006 ["CAWR"], are required to maintain this Register and to ensure that contractors working on site in the area concerned, are advised of its content to determine whether they should take appropriate precautions before commencing work in the relevant roof area.

NOTES

Pass Consulting particularly wish to draw it to your attention that the Control of Asbestos at Work Regulations 2006 comprise 37 Regulations covering a wide range of requirements relating to asbestos in the workplace. You are strongly recommended to familiarise yourself with these Regulations - which can be downloaded via our website asbestos.biz

It should be noted that it has been established that children of circa 5 years of age can be up to 50 times more vulnerable to asbestos illness and 26 year olds up to 13 times more vulnerable to asbestos illness in comparison to 50 year old adults on the basis of like for like exposure.

[9] Samples may be "presumed" to contain asbestos if the material in question is either physically inaccessible for sampling or if the process of sampling might significantly damage the physical integrity of the item (ie. certain tanks, insecure flue pipes and toilet cisterns etc.)

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Asbestos Survey Register

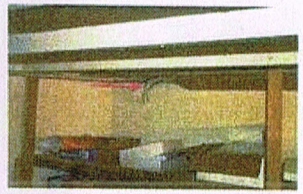
PRINCIPAL SITE INFORMATION

Site address :	11 Queen Street Horsham RH13 5AA
Description of Premises :	Shop frontage and commercial offices
Construction :	Believed built in the early 1900's with subsequent modifications.
N° of rooms / areas surveyed :	All with the exception of the two first floor offices to the rear (no access).
Vacant / occupied :	Ground floor occupied / First floor vacant
N° of occupants :	3
N° of bedrooms :	Nil
Domestic/industrial/other :	Commercial
Children present [Yes / No] :	Yes

Register of Samples & Risk Assessments

In accordance with Part 2 of the *Background to Survey* appendix below, the samples in which NO ASBESTOS WAS DETECTED are identified below with brief details as to their location. Following this, the samples in which ASBESTOS WAS DETECTED are set out in detail together with their risk assessments and proposed remedial treatments.

Sample 02



Remarks :

Building	Main building
Inside / Outside	Inside
Floor	Basement
Room	Basement
Position	Wall
Description	Sheath of AC mains cable
Asbestos detected ?	No

Sample 03



Remarks :

Building	Main building
Inside / Outside	Inside
Floor	Ground
Room	Front Office
Position	Upper walls & ceiling
Description	Textured coating
Asbestos detected ?	No

Sample 04



Remarks :

Building	Main building
Inside / Outside	Inside
Floor	Ground
Room	Lobby to stairs
Position	Ceiling
Description	Textured coating
Asbestos detected ?	No

Sample 05



Remarks :

Building	Main building
Inside / Outside	Inside
Floor	Ground
Room	Kitchenm
Position	Sink
Description	Acoustic pad
Asbestos detected ?	No

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Asbestos Survey Register

Sample 06



Building	Main building
Inside / Outside	Inside
Floor	First
Room	Bathroom
Position	Ceiling
Description	Textured coating
Asbestos detected ?	No

Remarks :

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Asbestos Survey Register

Sample 01



Recommended action ▸ Manage

Affix asbestos ⚠ label (unless material is now to be removed)

NOT IMMEDIATELY URGENT -
though recommended work should be scheduled

ie. This material should be labelled and periodically re-inspected to check for later damage. (Please see Annex 2)

Remarks : This sample could not be accessed, but from it's location and appearance, it is recommended that it should be considered as asbestos cement material

Sample Located in	Main building	Approx. area (sq. M) or	5
Inside or Outside >	Outside	Approx. length (M)	
Floor	Roof	Chrysotile asbestos ?	Yes
Room	Roof	Amosite asbestos ?	No
Position	Soffitt & gable end	Crocidolite asbestos ?	No
Type of Material	Asbestos cement	Other asbestos ?	No
Material application	Cladding	Is dust being released ?	No
Sampled ?	No - Presumed		

Risk Assessment

Product Type			1
Extent of damage		+	0
Surface Treatment		+	1
Asbestos Type		+	1
MDHS 100 — *HSE Material Assessment*	*(Annex 1A refers)*	▸	*3*
HSG 227 — *HSE Priority Assessment*	*(Annex 1B refers)*	▸	*1*
Sawyer Algorithm — *Sawyer rating* (ie. including allowance for asbestos % content)	*(Annex 1C refers)*	▸	*12*
Treatment Hazard ? — Height			
Treatment Risk — *Treatment risk* (ie. Probability of hazard x Severity of hazard)	*(Annex 1D refers)*	▸	*1*

Note:

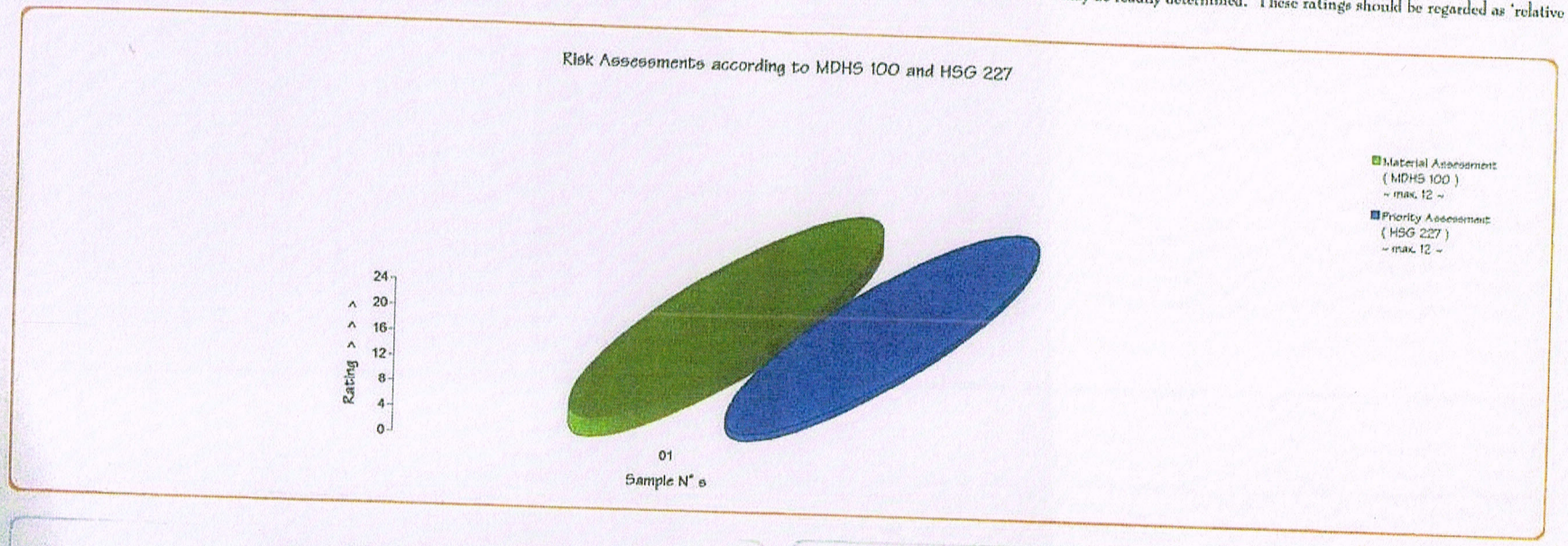
These assessments are also graphically presented on the Risk Assessment Chart in the next Section.

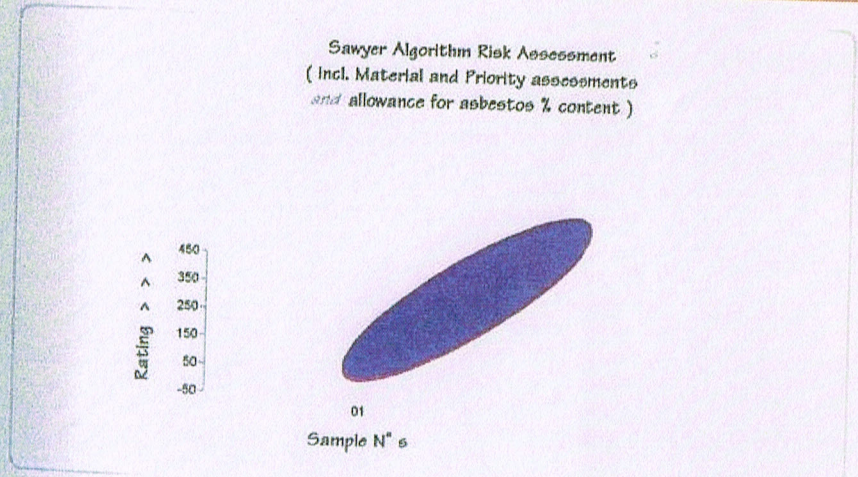
Next inspection

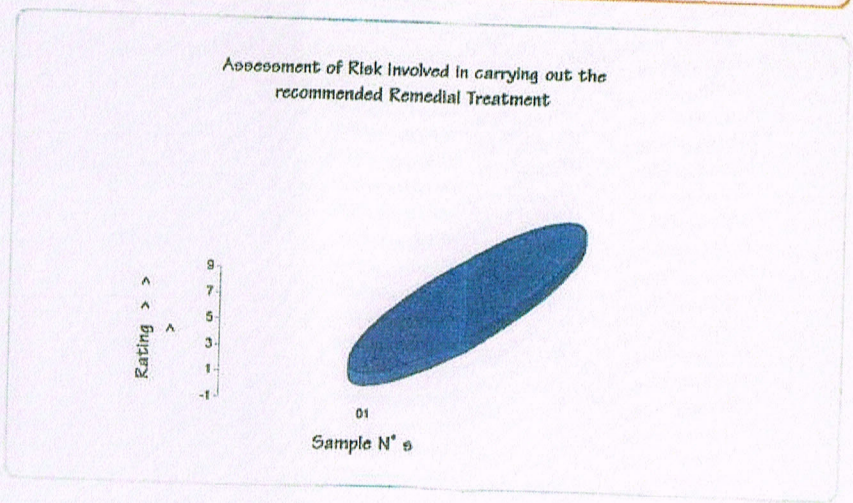
Nov-07

Graphical Representation of Risk Assessments

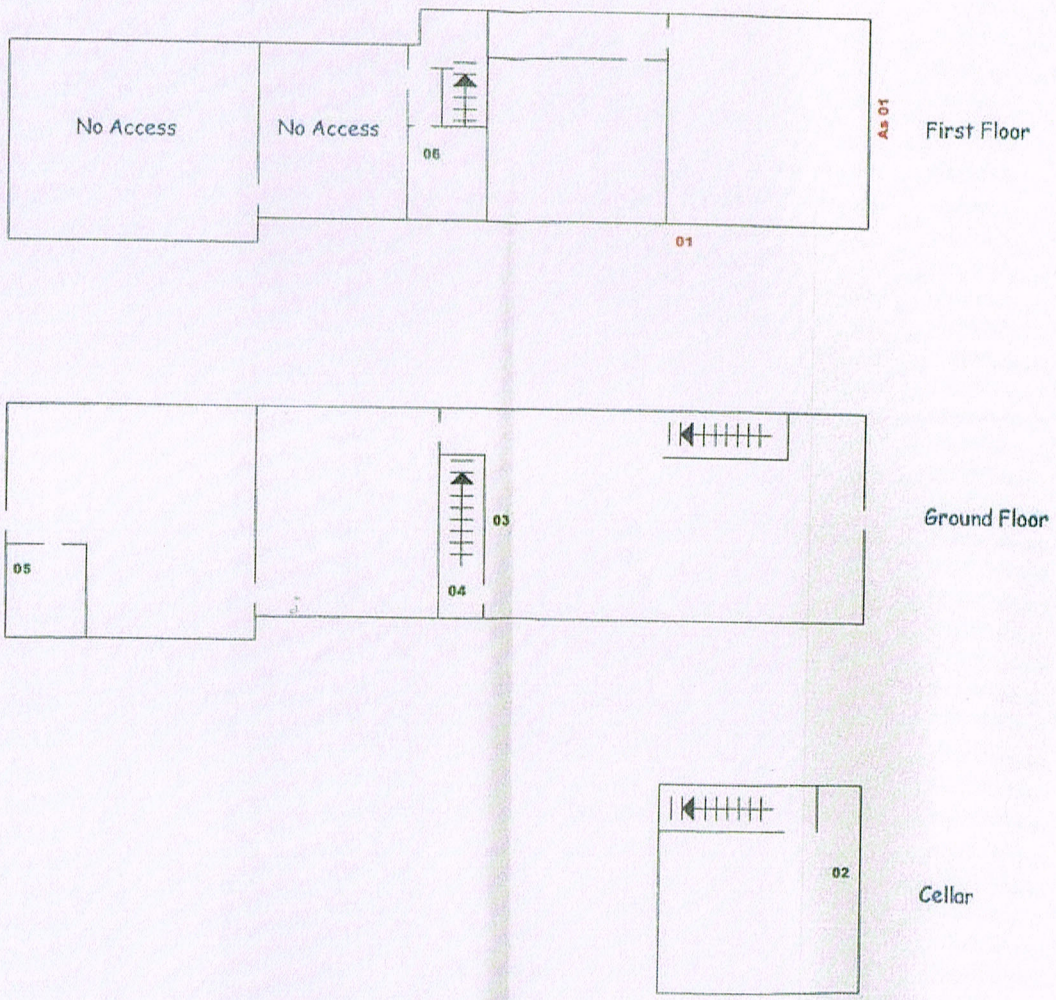
For a Type 2 survey, this Section provides a graphical summary of the positive samples' Risk Assessments so that the priorities for remedial works may be readily determined. These ratings should be regarded as 'relative scores', not as units of asbestos presence.







MARKED UP PLANS OF THE PROPERTY



Floor Plan of 11 Queen Street, Horsham

Key: Red sample numbers indicate asbestos detected Green sample numbers indicate no asbestos detected Samples marked 'as' refers to more of this material on site

BACKGROUND TO SURVEY

1. The asbestos survey was carried out throughout the property according to the provisions set out in this Section.

   The samples of suspected asbestos containing material were taken during the site survey [Paragraph 2 of the *Executive Summary* refers], and have been analysed in a specialist UKAS approved laboratory. Where NO ASBESTOS WAS DETECTED in a particular sample, the first part of the Register of Samples and Risk Assessments Section provides brief details to enable workmen and staff etc., to identify the relevant sites and know that asbestos related precautions need not be taken in relation to that material. The Register of Samples and Risk Assessments Section then presents detailed information for the samples where ASBESTOS WAS DETECTED and includes the appropriate risk assessments and recommendations for treatment. The Graphical Representation of Risk Assessments section then provides a graphical comparison of the 'positive' tested samples.

2. In accordance with Health & Safety Executive guidelines, inspection was not carried out :-

   a. Where there was insufficient or unsafe access,

   b. Within proprietary equipment / appliances (water, electrical, gas or oil driven),

   c. Areas which were unavailable for access at the time of survey.

   d. Flues, ducts, voids or any similarly enclosed equipment, the access to which would have necessitated the use of specialist equipment or tools or which would have caused damage to decoration, fixtures, fittings or the structure.

   e. Lift shafts, plant rooms or similar which the required attendance of a specialist engineer was unavailable.

   f. Areas or surfaces that would require the removal or relocation of panelling, carpets, furniture, blinds, curtains, fixtures or fittings.

   g. Concealed / sealed spaces may exist within the property. If the client suspects that concealed or sealed spaces may exist within the property, these should be advised to Pass Consulting prior to survey in order that arrangements for a Type 3 survey may be made.

3. As distinct from HSE Guidelines implying that asbestos insulation should be samples every 3 metres etc., this survey has been undertaken on the basis of economy (where the Client wished to restrict the cost of the survey), and where the surveyor considered that contiguous spreads of suspected asbestos containing material and / or apparently identical instances of the material were all of the same, or very similar nature, such that single sampling was considered appropriate.

4. Sampling has not been undertaken where the act of sampling would endanger the surveyor or affect the functional integrity of the item concerned. For example, fuses within electrical boxes, gaskets, fire doors, ropes associated with heating, glazing or power plant etc., or locations where prohibited or prevented by the Client, tenant or their representative.

5. A limited inspection only has been carried out of pipework concealed by overlying non-asbestos insulation.

Note i : The drawings provided in the *Marked up Plans of the Property* section of this report show numbered points where samples were taken. These are in green for samples where no asbestos was detected and in red for samples where asbestos was detected or presumed to exist.

Note ii : Clients are strongly advised to contact the manufacturers of any appliances on this site, for a definitive statement as to any likely asbestos content therein.

Note iii : To the extent that information and / or drawings relating to the properties surveyed have been free issued to Pass Consulting by the Client, this report is submitted on the basis that the Client indemnifies Pass Consulting for their reproduction in whole or in part.

Note iv : Further to Para 4 of the *Executive Summary* section of this Report, Pass Consulting await your additional instructions to now affix labels as per Regulation 30 of the Control of Asbestos at Work Regulations 2006. This work will be quoted for on request.

Relative to the 'positive' sampled materials', these labels confirm to staff and to workmen that the relevant areas contain asbestos and that appropriate precautions should be taken.

LABORATORY ANALYSIS DATA

CERTIFICATE FOR IDENTIFICATION OF ASBESTOS FIBRES

UNDERTAKEN BY SCOPES ASBESTOS ANALYSIS SERVICES LTD.,
IN CONJUNCTION WITH PASS CONSULTING

Analysis Report Nº : SCO/06/24338
Site Address : 11 Queen Street, Horsham

Date samples taken : 17th November 2006
Date received into laboratory : 21st November 2006
Date of Analysis : 21st November 2006
Date of Report : 21st November 2006

Samples of material, referenced below, have been examined to determine the presence of asbestos fibres, using Scopes Asbestos Analysis "in house" method of transmitted/ polarised light microscopy and centre stop dispersion staining, based on HSE's HSG 248.

CLIENT SAMPLE	SAMPLE LOCATION See Note 1	FIBRE TYPE DETECTED
01	FRONT SOFFITS & TILE EDGINGS	CHRYSOTILE *(PRESUMED SAMPLE)*
02	CELLAR – AC MAINS INLET, CABLE SHEATH	NADIS
03	FRONT GROUND FLOOR OFFICE, TEXTURED COATING TO CEILING	NADIS
04	GROUND FLOOR LOBBY TO STAIRS – TEXTURED COATING TO CEILING	NADIS
05	GROUND FLOOR KITCHEN – SINK PAD	NADIS
06	FIRST FLOOR TOILET – TEXTURED COATING TO CEILING	NADIS

Note 1 : Sample locations shown are as identified by Pass Consulting

KEY : NADIS - No Asbestos Detected In Sample

Note : Fibre content levels and material type are a visual indication only, by the analyst, and must not be assumed to be an accredited test. This estimate is for information purposes only, and falls outside the scope of our UKAS accreditation. All samples will be retained for a minimum of six months

Analysed by :	P LORD	Authorised signatory :	
		Print name :	B. HOPSON – COMPANY MANAGER

ANNEXES

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2	Basis of Recommendations	v.
3	Acts, Regulations & other Publications	vi.
4	Forms of Inspection	ix.
5	Terms and Conditions of Survey	x.

1. Methods of Risk Assessment

Asbestos risk at this property has been assessed from three standpoints :-

Health & Safety Executive MDHS 100 - Material assessment and HSG 227 - Priority Assessment	Sawyer Algorithm	Remedial Treatment Risk
MDHS 100 assesses :- Asbestos product type Damage / deterioration Surface Treatment Asbestos Fibre Type HSG 227 assesses :- Normal occupant activity Likelyhood of disturbance Human exposure potential Maintenance activity And provides :- a reference to personnel in the property as to the hazards which may be encountered in working on or being near the respective 'asbestos containing material' site. The basis of these assessments is given in Sections 1A and 1B of this Annex and the Survey Results obtained are set out numerically and graphically in the Asbestos Register.	Assesses :- Level of Occupant Activity Asbestos content Asbestos type Condition Location Nature Susceptibility to damage Surface treatment And provides :- a basis in determining a recommendation for management and / or other remedial works – considering not only the nature of the material, but where it is and how it is used. The basis of this assessment is given in Section 1C of this Annex and the Survey Results obtained are set out numerically and graphically in the Asbestos Register.	Assesses :- The probability of debris or other difficulties arising in the course of removal or other treatment – and the expected severity of such an incident And itemises :- Controls to be put in place, Other requirements and the Date of next inspection

1A. *HSE - MDHS 100*

This material assessment identifies the asbestos containing materials which have been located and emphasises those which will most readily release airborne fibres if disturbed.

This MDHS 100 Risk Assessment is calculated as follows :-

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MDHS 100 Rating →				
0	1	2	3	
	Asbestos-reinforced composites (plastics, resins, mastics, roofing felts, vinyl floor tiles, semi-rigid paints or decorative finishes, asbestos cement etc).	Asbestos insulating board, mill boards, other low density insulation boards, asbestos textiles, gaskets, ropes and woven textiles, asbestos paper and felt.	Thermal insulation (eg pipe and boiler lagging), sprayed asbestos, loose asbestos, asbestos mattresses and packing.	*Product Type* *'PT'*
Good condition; no visible damage	Low damage : a few scratches or surface marks; broken edges on boards, tiles etc.	Medium damage : significant breakage of materials or several small areas where material has been damaged revealing loose asbestos fibres.	High damage or de-lamination of materials, sprays and thermal insulation. Visible asbestos debris	*Extent of Damage* *'ED'*
Composite materials containing asbestos: reinforced plastics, resins, vinyl tiles.	Enclosed sprays and lagging, AIB (with exposed face painted or encapsulated), asbestos cement sheets etc.	Unsealed AIB, or encapsulated lagging and sprays.	Unsealed lagging and sprays.	*Surface Treatment* *'ST'*
	Chrysotile	Amphibole asbestos excluding crocidolite	Crocidolite	*Asbestos Type* *'AT'*

The value assigned to each of the four parameters is added together to give a total score of between 2 and 12, ie. PT + ED + ST + AT = Value [between 2 and 12]

Note 1 Presumed or strongly presumed asbestos-containing materials are scored as crocidolite (3), unless there is a reasoned argument that another type of asbestos was almost always used.

Note 2 Assessment scores of 10 or more are regarded as having a high potential to release fibres.

Note 3 Scores of 7 to 9 are regarded as having a medium potential, and between 5 and 6 a low potential.

Note 4 Scores of 4 or less have a very low potential to release fibres.

Note 5 Non- asbestos materials or materials not shown to contain asbestos are not scored.

However, it should be noted that although this MDHS 100 algorithm makes allowance for both PRODUCT TYPE and ASBESTOS TYPE, it does not directly allow for the percentage of actual asbestos content, as established by the laboratory analysis. This asbestos content aspect is taken into account in the Risk Assessment described in Annex 1C. below.

1B. HSE - HSG 227

This Health and Safety Executive document evaluates the likelyhood of asbestos containing materials being disturbed and provides a Priority Assessment according to the following table :-

HSG 227 Rating →					
0	1	2	3	SUB CATEGORY	MAIN CATEGORY
Rare disturbance	Low disturbance	Periodic disturbance	Great disturbance	-	*Normal Occupant Activity*
Paste	Large rooms / well ventilated	Rooms up to 100 sq. M	Confined spaces	Location	*Likelyhood of Disturbance*
Unlikely to be disturbed	Occasionally disturbed	Easily disturbed	Routinely disturbed	Accessibility	
Small amounts	≤ 10 sq M or ≤10 M run	10 sq M to 50 sq M or 10 M to 50 M run	>50 sq M or >50 M run	Amount of material	
None	1 to 3	4 to 10	> 10	N° of occupants	*Human Exposure Potential*
Infrequent	Monthly	Weekly	Daily	Frequency of area use	
< 1 hour	1 to 3 hours	3 to 6 hours	> 6 hours	Average time area in use	
Minor disturbance	Low disturbance	Medium disturbance	Routine disturbance	Type of maintenance	*Maintenance Activity*
Disturbance unlikely	≤ Once per year	> Once per year	> Once per month	Frequency of maintenance	

Each of these three main categories are calculated as the average of the component items.

Please note that the method of calculation for MDHS 100 and HSG 227, above, is such that a maximum rating of 12 can be achieved for each of the two algorithms. These scores are not 'Units of Asbestos Presence' as such, but give relative indications of asbestos risk.

1C. SAWYER ALGORITHM

This algorithm (originating from the USA), takes in a generally similar set of assessments to a combination of MDHS 100 and HSG 227 but, significantly, also makes a direct allowance for the percentage of asbestos fibre content as determined by the laboratory analysis.

As with MDHS 100 and HSG 227 above, this risk assessment provides a relative indication of asbestos risk. However, in view of the different method of calculation, this Sawyer algorithm can provide risk assessment rating up to a value of 450.

Each material sample is assessed with regard to the following :-

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← Rating → 0	1	2	3	4	5	
No damage	Very minor damage, no visible debris	Damage is evident, small area	Damage is easily seen, some debris	Damage is widespread	Most of material damaged / debris	*Material Condition* *'MC'*
Totally inaccessible	Reachable only with hands (ie. via a small inspection hatch)	Above suspended ceiling, below floor or within partition wall, service or plant area, loft or cellar	Exposed overall, but above head height	Easily accessed, below head height		*Accessibility* *'AC'*
Outside, or inside located above suspended ceiling, below floor or within partition wall, service or plant area, loft or cellar etc.		Inside to all other locations except rating 4 below		In ventilation system		*Location* *'LO'*
Susceptible to interference or damage only during structural alteration or major refurbishment	Susceptible to interference or damage by tradesmen engaged in minor repairs or by DIY activity	Susceptible to interference or damage by normal day to day occupation of the dwelling				*Susceptibility to damage* *'SU'*
Surface treated	Surface not treated					*Surface Treatment* *'TR'*
Non-asbestos	Chrysotile (white asbestos)	All other types of asbestos				*Asbestos Type* *'TY'*
	Well bonded materials (vinyl floor tiles, bitumastic products)	Cement products	Insulating board, millboard, gaskets, rope	Pipe lagging insulation to boilers or vessels	Sprayed coatings	*Nature of Material* *'MA'*
No asbestos detected	Trace < 2 %		Low 2 to 15 %	Medium 16 to 50 %	High > 50%	*Asbestos Content* *'ASB'*

The algorithm value is then calculated as :- (MC + AC + LO + SU + TR + TY) x MA x ASB

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1D. Remedial Treatment Risk

The Register of Samples and Risk Assessments section of this Report includes a sample by sample indication of the hazards associated with carrying out the proposed recommended actions. The scoring method is set out on the table below where Probability x Severity = Risk Factor :-

Probability		Severity		Risk Factor	
Unlikely	1	Minor (low)	1	1 to 3	Low risk
Possible	2	Serious (medium)	2	4	Medium Risk
Probable	3	Critical (high)	3	6 to 9	High risk

	Low	Medium	High
Unlikely	1	2	3
Possible	2	4	6
Probable	3	6	9

2. Basis of Recommendations

The Risk Assessment recommendations are based upon each item's assessed potential for fibre release as recommended by the guidance published by the Department of the Environment and the Health and Safety Executive, with regard to the safety of asbestos in buildings. These Recommendations should now be carried out, (as described), to comply with the employer's duty of care, required by the Health and Safety at Work Act 1974 and Control of Asbestos at Work Regulations 2006 together with the relevant aspects of the prevailing Legislation, Codes of practice and Guidance Notes. Recommended action will normally involve management, encapsulation, sealing or removal as described below :-

Management	Where the asbestos material is not in poor condition or vulnerable to damage it may remain as it is. The material should be labelled, and periodically re-inspected to check for later damage.
Encapsulation or sealing	Where the material is in poor condition, releasing fibres and/or vulnerable to damage, it may either be 'ENCAPSULATED' (ie boxed in), or 'SEALED' by having it coated with an approved sealant to protect the material and inhibit further fibre release.
Removal	Only recommended where the material is in poor condition, releasing fibres and/or vulnerable to damage to the extent that it cannot be practicably encapsulated or sealed - or where major refurbishment or demolition works are in view.

2A. Definition of Asbestos Treatments

Enclosure	Provision of physical barrier to provide mechanical protection of the material so as to prevent it being disturbed / damaged.
Encapsulation	Provision of paint type coating to effect a continuous seal to surface of the material and thereby prevent fibre release.
Labelling	Fixing of labels – standard Red 'A' label as per Schedule 2 of the Control of Asbestos at Work Regulations (CAWR) 2006, Approved Code of Practice for Work with Asbestos Insulation, Asbestos Coatings and Asbestos Insulating Board 1998, to the surface of the material to warn of the hazard.
Registering	Entering of details, including nature / location / extent of material in a register which is brought to the attention of all persons who might plan or undertake works in the building.
Periodic Inspection	Inspection of the material at regular (defined), intervals to verify that its condition has not deteriorated such as to necessitate enclosure / encapsulation or removal.
Repair	Addition of a seal to the material to prevent the further deterioration and breakdown of the material. This should also be carried out with labelling.
Removal	Complete removal of the material so as to comply with CAWR.
Manage	Provision of a policy of regular (periodic), inspection together with procedures including but not exclusively limited to action should deterioration be observed, as well as training for staff and persons possibly coming into contact with the material.

We suggest that all items recommended for removal be actioned as soon as possible to minimize potential health risks. These items are either damaged or are liable (by virtue of their location or material type), to be damaged in normal occupation or maintenance of the premises and therefore pose significant health risk to any persons in the vicinity. Following any such removal (or other protective work), it is a requirement that air tests be conducted (to identify the remaining level of asbestos fibres within the building(s).

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The recommendations generated by the risk rating indicated on the asbestos register are overridden if the building is due for demolition or major structural alteration. Current guidance requires removal of all asbestos containing materials likely to be affected by such works. Where materials are suspected to be present and consist of or contain asbestos, contractors should [prior to commencing refurbishment works], first confirm the existence of such materials under controlled conditions. Such contractors must be licensed to work with asbestos materials in accordance with the Asbestos Licensing Regulations [Amendment] 1998.

Works on or removal of the asbestos cement items should be carried out using precautions in accordance with the Health and Safety Executive guidance note HSG 189/2 Working with Asbestos Cement. These guidelines outline basis precautions that should be used to prevent fibre release during works, such as wetting of the materials before removal and preventing unauthorized persons from entering the work area. Using these guidelines, it is expected that asbestos fibre levels would be low. A contractor will require an assessment, prior to carrying out this work.

These various works, should be carried out under controlled conditions by a contractor licensed to work with asbestos [under the Asbestos Licensing Regulations [Amendment] 1998] and in accordance with the Control of Asbestos at Work Regulations 2006 [CAWR], Approved Code of Practice for Work with Asbestos Insulation, Asbestos Coatings and Asbestos Insulating Board [third edition], 1999. It should be noted that licenses asbestos contractors, under the terms of their license, have to notify the relevant authority of their intention to remove such items. Notification of such work is normally subject to a 14 day period, except for unusual or exceptional circumstances when the enforcing authority [either the Health and Safety Executive or Local Environment Health Department, may grant a waiver if there is immediate risk to health [ie. an accident].

An assessment and plan of work is required to be prepared by the contractor undertaking the works, taking account of the relevant regulations and guidance, and the local enforcing authority notified that such works are to take place. All waste generated by the works is to be disposed of as asbestos waste.

Work involving asbestos removal contractors with 5 or more operatives on site will be subject to the Construction [Design and Management], Regulations 1994. Further works longer than 30 days or involving 500 person days of construction works will be notifiable to the Health and Safety Executive. The Client is required to appoint a Planning Supervisor under Regulation 6 and must ensure his competency for the nature of the project under Regulation 9 of the Construction [Design and Management], Regulations 1994.

3. Acts, Regulations and Other Publications

Acts and Regulations dealing with asbestos for England and Wales include, but not exclusively, those listed below [equivalent documentation exists for Scotland and Northern Ireland respectively]. All Legislation and Regulations listed together with any subsequent amendments or revisions and any new relevant requirements should be considered before undertaking any work with asbestos or asbestos containing materials.

The following Legislation and Regulations deal primarily with asbestos. Other legislation and regulations dealing with Health and Safety matters have not been listed here, although such legislation still applies to work with asbestos and should be considered at all times.

The following list was last revised in October 2006 :-

3A. Acts of Parliament

The Health and Safety at Work Act 1974
Consumer Safety Act 1978
Environmental Protection Act 1990
Water Industry Act 1991
Land Drainage Act 1991
Environment Act 1995
Pollution Prevention and Control Act 1999
Control of Pollution Act 1974
Water Act 1989
Water Consolidation (Consequential Provisions) Act 1991
Water Resources Act 1991
Statutory Water Companies Act 1991
Deregulation and Contracting Out Act (section 33) 1994
Housing Act 2004

3B. Regulations

Safety Representatives and Safety Committees Regulations 1977
Asbestos Licensing Regulations 1983 as amended by CAWR 2006
The Health and Safety (Emissions into the Atmosphere) Regulations (1983)
Asbestos Products (Safety) Regulations 1985
Control of Asbestos at Work Regulations 1987
Asbestos (Licensing) (Amendment) 1998
Noise at Work Regulations 1989
The Health and Safety (Fees) Regulations 1989
Trade Effluents (Prescribed Processes and Substances) Regulations 1989
Control of Asbestos in the Air Regulations 1990
Controlled Waste (Regulations of Carriers and Seizure of Vehicles) Regulations 1991
Environmental Protection (Duty of Care) Regulations 1991
Environmental Protection (Prescribed Processes and Substances) Regulations 1991
Controlled Waste Regulations 1992
Asbestos (Prohibitions) Regulations 1992 as amended by CAWR 2006
Manual Handling Operations Regulations 1992
Workplace (Health, Safety and Welfare) Regulations 1992
Controlled Waste (Amendment) Regulations 1993
Construction (Design and Management) Regulations 1994
Chemicals Hazard Information and Packaging for Supply Regulations 1994
Waste Management Licensing Regulations 1994
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
Carriage of Dangerous Goods (Classification, Packaging and Labelling) and use of Transportable Pressure Receptacles Reg's 1996
Carriage of Dangerous Goods by Road Regulations 1996
Carriage of Dangerous Goods by Rail Regulations 1996
Carriage of Dangerous Goods by Road (Driver Training) Regulations 1996
Construction health, Safety and Welfare) Regulations 1996
Health and Safety (Consultation with Employees) Regulations 1996
Health and Safety (Safety Signs and Signals) Regulations 1996
Special Waste Regulations 1996
Workplace (Health, Safety and Welfare) (Amendment) Regulations 1999
Special Waste (Amendment) Regulations 1997
Working Time Regulations 1998
Working Time (Amendment) Regulations 1999
Control of Asbestos in the Air Regulations 1990
Chemicals Hazard Information and Packaging for Supply (Amendment) Regulations 1997
Confined Spaces Regulations 1997
Collection and Disposal of Waste Regulations (1988)
Controlled Waste (Regulations of Carriers and Seizure of Vehicles) (Amendment) Regulations 1998
Lifting Operations and Lifting Equipment Regulations 1998
Provision and Use of Work Equipment Regulations 1998
Safe Use of Work Equipment, Provision and Use of Work Equipment Regulations (2nd Edition) 1998
Control of Substances Hazardous to Health Regulations 1999
Environmental Impact Assessment (Scotland) Regulations 1999
Management of Health and Safety at Work Regulations (2nd Edition) 1999
Road Vehicles (Brake Linings Safety) Regulations 1999
Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
Transport of Dangerous Goods (Safety Advisors) Regulations) 1999
Waste Management Licensing Regulations (6th Edition) 1999
Construction (Design and Management) (Amendment) Regulations 2000
Contaminated Land (England) Regulations 2000
Pollution Prevention and Control (England and Wales) Regulations 2000
Chemicals (Hazard Information and Packaging for Supply) Regulations 2002

Control of Substances Hazardous to Health Regulations 2002
Landfill (England and Wales) Regulations 2002
Personal Protective Equipment at Work Regulations 2002
Working Time (Amendment) Regulations 2002
Health and Safety (Fees) Regulations 2003
Working Time (Amendment) Regulations 2003
The Work at Height Regulations 2005
Hazardous Waste Regulations 2005
Control of Asbestos at Work Regulations 2006

3C. Approved Codes of Practice

Approved Codes of Practice dealing with asbestos for England and Wales include, but not exclusively, those listed on the following pages [equivalent documentation exists for Scotland and Northern Ireland respectively].

All Approved Codes of Practice listed together with any subsequent amendments or revisions and any new relevant requirements should be considered before undertaking any work with asbestos or asbestos containing materials.

The following Approved Codes of Practice deal primarily with asbestos. Other legislation dealing with Health and Safety matters has not been listed here, although such legislation still applies to work with asbestos and should be considered at all times.

The following list was last revised in 2006.

a. The Control of Asbestos at Work Act L09 (Third Edition 1999)
b. Work with Asbestos Insulation, asbestos coating and asbestos insulation board L28 (Fourth Edition 2002)
c. A Guide to the Asbestos (Licensing) Regulations 1983 (1989)
d. Waste Management, The Duty of Care. A Code of Practice (1991)
e. Respiratory Protective Equipment, a practical guide for users (1990)
f. Respiratory Protective Equipment, Legislative Requirements . . . . (Fourth Edition 1995)
g. Selecting respiratory protective equipment for work with asbestos INDG 288 (1999)
h. The Management of Asbestos in Non-Domestic Premises L127

3D. HSE Guidance Notes

Guidance Notes dealing with asbestos for England and Wales include, but not exclusively, those listed on the following pages [equivalent documentation exists for Scotland and Northern Ireland respectively].

Guidance Notes listed together with any subsequent amendments or revisions and any new relevant requirements should be considered before undertaking any work with asbestos or asbestos containing materials.

Guidance Notes deal primarily with asbestos. Other legislation dealing with Health and Safety matters has not been listed here, although such legislation still applies to work with asbestos and should be considered at all times. The following list was last revised in 2001.

3D.i. Environmental Hygiene Series :-

a. EH 10 : Occupational exposure limits and measurement of airborne concentrations (Rev. 2001) Replaced by HSG 248
b. EH 47 : The Provision, Use and Maintenance of hygiene facilities for work with asbestos insulation and coatings (Revised 2002)
c. EH 50 : Training operatives and supervisors for work with asbestos insulation and coatings (1998)
d. EH 51 : Enclosures provided for work with asbestos insulation, coatings and insulation board (Revised 2000)
e. EH 57 : The problems of asbestos removal at high temperatures (1992)
f. EH 71 : Working with AIB and Asbestos Cement

3D.ii. Medical Series :-

a. MS5 : Lung function (1997)
b. MS6 : Chest X-rays in dust diseases (1980)
c. MS13 : Asbestos (revised 1990)

3D.iii. Methods for Determination of Hazardous Substances Series :-

a. MDHS 100 : Surveying sampling and assessment of asbestos containing materials (2001)

3D.iv. Health and Safety Guidance Series :-

a. HSG 189/1 : Controlled asbestos stripping techniques for work requiring a licence (Second Edition 1999)
b. HSG 189/2 : Working with asbestos cement (Second Edition 1999)
c. HSG 53 : The selection use and maintenance of respiratory protective equipment 1998
d. HSG 210 : Asbestos essentials task manual Task guidance sheets for building maintenance & allied trades (2001)
e. HSG 213 : Introduction to asbestos essentials: Comprehensive guidance on working with asbestos in the building maintenance and allied trades (2001)
f. HSG 227 : A comprehensive guide to managing asbestos in premises (2002).
g. HSG 248 : Asbestos: The Analysts' Guide for Sampling, Analysis and Clearance Procedures (2005)

4. Forms of Inspection

4A. Preliminary Survey "Type 1"

This aims identify common or major components of the structure which should be considered as asbestos containing material. This level of survey takes the form of a 'walk through' inspection of suspect materials only sufficient to generally indicate principal asbestos issues. Our report details the probable asbestos materials found, together with their approximate extent, condition and asbestos content and also marked on floor plans. The report will contain preliminary risk assessments and recommendations.

4B. Standard Sampling Survey "Type 2"

This determines the extent of asbestos materials within a building or site, so far as reasonably practicable - meaning that the surveyor will access those parts of the building that they can access on foot or with the aid of a 2 metre step ladder and without significantly damaging the structure, cladding or decorations unless access is unavailable (no keys, heavily cluttered rooms or sealed lift shafts etc.). Electrical equipment and heating boilers etc. will not normally be inspected unless specifically requested and agreed at the outset. All suspect materials will be sampled in accordance with the DETR guidance 'Asbestos and Man-Made Fibres in Buildings' and HSE Guidance Note MDHS 77 (unless otherwise instructed). Our report details (with photographs), all items of asbestos found and lists the nature of the material, asbestos content, condition and extent, and also marked on floor plans. A detailed risk assessment (described in Section 1 above), provides recommendations for remedial action for each item.

4C. "Full" Sampling Survey "Type 3"

This destructive survey involves breaking into areas not normally accessible (e.g. service ducts, under floor spaces and stud walls etc.), to detect and sample suspected asbestos containing materials concealed within the building. Frequently, this type of survey will involving opening up by other trades. This identification process inevitably relies on sampling suspect material; where the presence of asbestos fibres can be very uneven in many applications. Also, some uses of asbestos can be deeply buried within a structure. This identification and sampling process therefore presented to provide a detailed picture of asbestos within the building(s), though it cannot represent a 'guarantee' that all asbestos material has been located (as to do this absolutely, would require demolition of the building).

The sampling of materials and their analysis will be carried out as described for the Type 2 survey above. Again, the report will detail all items of asbestos found including the nature of the material, asbestos content, condition and extent, as well as annotated floor plans and photographs (where necessary to locate or identify an item). However, this type of survey is normally only carried out prior to major re-furbishment or demolition, where the builders may be expected to disturb every part of the building's constituent materials in the area of the work - so that prior to the commencement of building works, all asbestos containing materials that can be identified, are required to be removed. Therefore, with all such materials scheduled for removal, a risk assessment for them becomes irrelevant. The Asbestos Register for a Type 3 survey therefore identifies all asbestos containing materials for removal, but does not include numerical or graphical risk assessments.

Please refer to the following page for further details of these survey levels.

5. Terms and Conditions

In addition to the provisions herein, the Client and Pass Consulting ("Pass") agree that this survey was undertaken and this "Asbestos Register" issued by Pass to the Client as provided by these Terms and Conditions. No Party shall assign any rights or obligations hereunder without the prior express permission in writing of the other Party.

1. Definitions

The Health and Safety Executive is referred to as the "HSE". The Control of Asbestos at Work Regulations 2006 are referred to herein as "CAWR". "MDHS" shall mean the Methods for Determining Hazardous Substances 100 edition C25 08/02 as published by HSE. The document reporting the survey information shall be the asbestos register "AR".

2. Drawings

Unless previously agreed not less than five working days prior to Survey the Client shall provide free of charge two copies of current plan drawings of the property to be surveyed. The Client permits Pass to modify such drawings for inclusion into the AR. Should these drawings be found to be unrepresentative unavailable or unreadable in the reasonable opinion of Pass then the relevant areas shall be measured and drawn up (as an outline) as an additional chargeable item.

3. Access and Execution of Work

The scope of work shall be as set out in the applicable quotation and based on information provided by the Client. If Client's information provided to Pass proves incorrect during Survey or (if in the reasonable opinion of the surveyor) sampling cannot be undertaken within normal working hours) then Pass reserves the right to amend their charges accordingly. The Client shall ensure that all areas of the property to be surveyed are fully accessible with open doors available at the time of survey and that all hazards on site are previously notified to Pass. If the surveyor cannot promptly access required rooms or site areas in a sequential manner then Pass reserves the right to amend their charges accordingly. In the event that ready access shall be unavailable to any area due for survey, then that area shall be marked 'No Access' in the resulting Asbestos Register and Pass shall not be responsible for identifying asbestos containing materials in such inaccessible areas. Pass shall make every reasonable endeavour to comply with the Client's requirements on completion dates for the various elements of the work but shall not be liable for the effects of any delay.

4. Extent of Survey

All surveys will be undertaken as described below and generally in accordance with MDHS 100 and Pass shall access all relevant available areas in accordance with current regulations though not such as to impinge on the health or personal safety of the surveyor. The Client recognises that for Type 1 surveys no samples will be taken and all resulting observations and risk assessments shall be the reasonable opinion of the surveyor but for which Pass cannot accept liability. The Client accepts that for either Type 2 or Type 3 surveys Pass shall be entitled to take samples (within normal working hours of 08:30 to 17:30 Monday to Friday) of any suspected asbestos containing materials as they see fit and that neither the surveyor nor Pass shall be liable for such disturbance of or damage to the property. Type 3 surveys cannot guarantee to identify every item of asbestos containing material on site as this is impracticable. Unless otherwise previously agreed with the Client, Type 3 surveys shall not extend to the removal of areas of plaster to investigate structural content behind same or mass sampling of plaster. The Client accepts that any and all damage caused by breaking into sealed voids is a necessary part of the survey and indemnifies Pass against the costs effects and re-instatements thereof. For all sealed voids identified during the course of a Type 3 survey the Client shall promptly assist Pass in obtaining access to same at the time of the survey if practicable. Should such access and assistance not be practicable at the time of survey for any reason then the Client shall either subsequently arrange at its cost for the said void to be broken into or the area so affected shall be excluded from the Asbestos Register for that site and in that event the Client shall hold Pass harmless from any and all aspects of liability in relation to asbestos containing materials which may be in the excluded areas. In the event that the area to be surveyed varies by more than 10% from that previously given by the Client then Pass reserves the right to amend their charges accordingly.

5. Site Conditions

The Client warrants that they will advise Pass of any heat, chemical, electrical, gas, radioactive or other hazards or contaminations which may exist on site (land and/or buildings) so as to prospectively endanger Pass personnel. In the event that Pass identifies any such or other type of defect including but not restricted to pollution or contamination then they would expect to advise their principle contact person at the Client though Pass shall not be liable for effects of any such defect identified whether or not advised to the Client. If Pass become aware of an asbestos hazard likely to exceed action levels or control limits at Clients' premises they shall advise their principle contact person at the Client and make recommendations as to the appropriate actions to be taken by the Client. The costs of any such actions being implemented shall be additional to the previously agreed scope of work.

6. Sampling

Full HSE guidelines require sampling of every three metres of suspect pipe etc. and so involve a large sampling programme - with consequent cost effects. Such guidelines do allow surveyors to apply reduced sampling rates either in the interests of economy as dictated by the Client, and/or where the surveyor considers that the material in question is contiguous/ homogeneous and will present a reasonably representative status of asbestos in the premises. Such reduced sampling rates are common industry practice and are set out overleaf within the base survey price. This number of samples is estimated by Pass on their best experience and on the basis of the Clients description of the property and any previous site visit by Pass. The Client agrees that until Pass undertake the survey as such the full extent of suspected asbestos containing materials cannot be determined and therefore if in the opinion of Pass additional sampling becomes required to ascertain the presence of further asbestos then Pass shall seek the permission of the Client to take further samples as expressed overleaf. In the event that the Client declines such further sampling then the survey will terminate and the AR issued accordingly. Pass shall employ reasonable care in the execution of the Survey but shall not be responsible for the breakage of or damage to any suspected or actual asbestos containing material or the release of fibres therefrom. In the event that the surveyor identifies any suspected asbestos containing material in a dangerous condition, then Pass shall directly advise the client and recommend appropriate actions if necessary.

7. Disposal of Samples

Material samples taken during survey are laboratory examined following which results are confirmed as to the presence of asbestos such that the AR is then compiled and issued to the Client. In accordance with CAWR HSE and MDHS guidelines the samples are then stored for a six month period and must then be disposed of as asbestos waste. Any Client query in relation to the work and/or AR shall therefore be made within six months from the completion of the site survey (and so prior to the material samples being disposed of).

8. Terms of Payment

Payment of each and every part of the contract price set forth overleaf shall be paid by the Client to Pass within 21 days from the date of each relevant invoice (posted first class on date of issue). In respect of any invoiced sum not so paid within the said 21 days the Client shall also pay to Pass a further sum equal to five per cent per month or part thereof of any and all outstanding portions of the said invoice at 8% above the Base Rate prevailing at the commencement of the month that proper payment was due.

9. Law

The carrying out by Pass of the scope of work defined herein for the Client shall be an Agreement construed in all respects in accordance with the Laws of England and both Parties hereto submit to the exclusive jurisdiction of the English Courts.

Pass Consulting™

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