# MAINTAIN OUR HERITAGE

### BRIEFING NOTE ON MAINTENANCE AND INSPECTION REQUIREMENTS FOR WORKPLACE PREMISES IN THE UK

April 2017

Maintain our Heritage takes the view that employers now have to carry out regular inspections of the *structural stability and solidity* of buildings in which there is a workplace.

This is the result of the Workplace (Health, Safety and Welfare) Regulations 1992[[1]](#footnote-1), amplified by an Health & Safety Executive (HSE) Approved Code of Practice (ACOP) which, although not itself legal binding, creates a presumption that this is necessary to comply with the law, much in the same way as the Highway Code sets out good practice for highway use.

As the HSE puts it:

“Although failure to comply with any provision of the ACOP is not in itself an offence, the failure may be taken by a Court in criminal proceedings as proof that a person has contravened the regulation to which the provision relates. In such a case, however, it will be open to that person to satisfy the Court that he or she has complied with the regulation in some other way.”

The Legal Requirement

The basic duty is placed on employers by regulation 4A of the Workplace (Health, Safety and Welfare) Regulations 1992. It states:

4A *Where a workplace is in a building, the building shall have a stability and solidity appropriate to the nature of the use of the workplace*.”

In addition, regulation 5(1) introduces a requirement to *maintain* the workplace, in the following terms:

5 (1) *The workplace and the equipment, devices and systems to which this regulation applies shall be maintained (including cleaned as appropriate) in an efficient state, in efficient working order and in good repair.”*

There are also the Management of Health and Safety at Work Regulations 1999, which require risks to be not merely assessed and managed, but also monitored and reviewed.

The Guidance

In November 2013, HSE issued a revised edition of “*Workplace Health, Safety & Welfare: Approved Code of Practice and Guidance*” (second edition 2013).[[2]](#footnote-2)This states, at paragraphs 36-39:

*“36. Any building being used as a workplace should be capable of supporting all foreseeable loads imposed on it. Loading can arise from a variety of factors including environmental causes (for example wind or snow loads) and those created by the activities associated with the workplace, for example use of floors by people or vehicles.*

*37 The main causes of stability and solidity problems in buildings are related to the age of the structure and a lack of routine maintenance. Other causes are:*

        *environmental factors (water getting in, corrosive air, vibration, high winds);*

        *settlement;*

        *impact damage;*

        *overloading (or other damage caused by misuse of the building); [or]*

        *change of use*

38. An inspection and maintenance regime, appropriate to the building’s type and use, should be determined to ensure that any defect which may cause an unacceptable safety risk is detected in good time, so appropriate remedial action can be taken. All inspection and maintenance should be carried out by suitably competent people. An inspection and maintenance regime does not necessarily need to be documented.

39. Inspection and maintenance may require only the following:

        a general understanding of building construction and maintenance requirements;

        an awareness of the limitations of your experience and knowledge;

        the willingness and ability to supplement existing experience and knowledge, when necessary by obtaining external help and advice.”

HSE has admitted to Maintain in correspondence that it has not taken any steps to promote the adoption of the new guidance in late 2013.

Conclusion

The result of the legal duty and the guidance is that all employers are under a duty to ensure the structural stability and solidity of their buildings. If they do not do so through regular inspections by a competent people, they may be called upon to show in what other way they meet this duty.

Further inquiries

Maintain is happy to answer further inquiries. Please address them to its Chair, George Allan, at [chair@maintainourheritage.co.uk](mailto:chair@maintainourheritage.co.uk)

Maintain keeps a database of incidents of masonry falling into the street as a result of poor maintenance. This has details of at least 10 fatalities in the UK since 1999.

Web Site

www.maintainourheritage.co.uk

1. www.hse.gov.uk/pubns/books/l24.htm [↑](#footnote-ref-1)
2. <http://www.hse.gov.uk/pubns/books/l24.htm> [↑](#footnote-ref-2)