

Memorandum of Understanding Between

The Health and Safety Executive for Northern Ireland

and

Mid Ulster District Council

1 Introduction

This Memorandum of Understanding (MoU) made between the Health and Safety Executive for Northern Ireland and the 11 district councils in Northern Ireland will come into force on 1st February 2020.

2 Background

HSENI and the district councils in Northern Ireland have enforcement responsibilities under the Health and Safety at Work (Northern Ireland) Order 1978 and the Control of Asbestos Regulations (Northern Ireland) 2012. These responsibilities are allocated according to the Enforcing Authority Regulations (Northern Ireland) 1999.

Licensable asbestos removal work may only be carried out by a licensed contractor and after notification to HSENI fourteen days prior to the work commencing. HSENI issues asbestos licences and maintains a database of licensed contractors.

Enforcement responsibility for asbestos removal is allocated according to the Enforcing Authority Regulations (Northern Ireland) 1999, with the appropriate district council responsible for the activity in certain premises and HSENI responsible in other premises. Where the activity is part of a construction project HSENI have enforcement responsibility.

3 Purpose

The purpose of this MOU is to allocate enforcement responsibility to HSENI for **all** asbestos removal work which legally requires the use of a contractor who holds an asbestos licence (hereafter called (licensable asbestos removal work), irrespective of the premises at which the removal is occurring.

District councils will maintain enforcement responsibility for non-licensed and notifiable non licensed (NNLW) asbestos removal work on district council enforced premises, whether a contractor who holds an asbestos licence is used or not.

4 Communication and Engagement

Contractors must notify HSENI fourteen days in advance of licensable asbestos removal work commencing. Although HSENI will now assume enforcement responsibility for all licensable asbestos removal work, district council officers will continue to be informed both when such work is to take place in Council enforced premises and when HSENI are planning to inspect licensed asbestos removal in Council enforced premises. The details of any planned works and visits will be passed via HSENI, to the relevant Council.

District council officers may request to accompany a HSENI Inspector when visiting licensable asbestos removal work in Council enforced premises. This request should be made through the Principal Inspector of the construction group.

5 Review

This MOU is to be reviewed every 2 years.

The working of the agreement and the need for changes or additions to this memorandum are kept under review by the organisations. All suggested changes should be brought to the Health and Safety Liaison Group for initial discussion and recommendations. Any amendments proposed would need to be agreed by all parties.

6 Signatories

Signed on behalf of HSENI:

Mid Ulster District Council:

Date: