



Legislation and Guidance

Appendix B of TR/19 provides information of legislation and guidance that is relevant to the internal cleanliness of ventilation systems. Please see the excerpts below.

- B1.** Legislation and guidance on standards in buildings is largely orientated towards the design and construction of buildings and associated systems. Increasingly the proper maintenance of building systems is recognised as crucial to the healthy, economic and safe operation of occupied spaces.

Relevant legislation and guidance includes but is not restricted to the following.

- B2. Health and Safety at Work Act 1974** lays down that employers or persons concerned with premises owe the “common duty of care” both to employers and others who may use or visit the premises. They are required to exercise this duty “so far as is reasonably practical”.

- B3. The Control of Substances Hazardous to Health (COSHH) Regulations.** This requires an employer to make a formal risk assessment of health risk from hazardous substances, which includes human pathogens or any dust present in substantial quantities in the air. Regulation 7 (1) requires the employer to prevent exposure of his employees to substances hazardous to health, or where this is not practicable, to ensure that any exposure is adequately controlled.

Under these Regulations, local exhaust ventilation systems dealing with hazardous substances are required to be checked regularly to ensure they are performing efficiently.

- B4. The Occupiers’ Liability Act 1984** imposes a duty of care on an occupier of premises to prevent (so far as reasonably practicable) risk to others of injury, which includes any disease and impairment of physical or mental condition.

- B5. The Workplace (Health, Safety and Welfare) Regulations 1992** require that efficient provision should be made to ensure that ever enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the Regulations require those mechanical ventilation systems to be maintained (including cleaned as appropriate) in an efficient state, in efficient working order and in good repair. Failure to carry out these duties is a breach of the Regulations.



- B5.1 The Approved Code of Practice (ACOP)** accompanying the above Regulations gives guidance on how compliance with the Regulations can be achieved. The ACOP also includes guidance on reasonable practicable steps that can be taken. Failure to follow the ACOP is not a breach of the Regulation, but in the event of a prosecution it can be seen as a failure to comply with the relevant regulation unless it can be shown the Regulation has been complied with in another way.
- B6. Health and Safety Executive: HSG202** “General Ventilation in the Workplace Guidance for Employers” describes general ventilation and fresh air requirements for ordinary workplaces. It restates the legal requirements and cites the HVCA and CIBSE as able to provide information on testing for likely contaminants in ductwork and on cleaning.
- B7. The Fire Precautions (Workplace) Regulations 1997** imposes requirements on the employer regarding fire precautions in the workplace.
- B7.1 The Fire Precautions (Workplace) (Amendment) Regulations 1999** remove most of the exceptions to the 1997 regulations.
- B8. Sick Building Syndrome Health and Safety Executive Guidance Note HS(G) 132** gives guidance on how to deal with Sick Building Syndrome.
- B9. Legionnaires Disease The HSE Approved Code of Practice L8** gives guidance on how to deal with the control of Legionellosis including Legionnaires disease.

Extracts from HVCA TR/19: Internal Cleanliness of Ventilation Systems (2005). Pgs. 29-30.