Technical Briefing Notes

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# Control of Asbestos Regulations: What is changing and when?

0203 337 3575 enquiries@vantify.com vantify.com

# Asbestos clearance: changes to independent analyst appointments

Changes to the Control of Asbestos Regulations 2012 will strengthen the independence of asbestos site clearance certification. For organisations commissioning asbestos removal, the main practical implication is to review who appoints the analyst responsible for assessing cleanliness and suitability for reoccupation.

**From 25 November 2027, the removal contractor will no longer be permitted to appoint the analyst undertaking this assessment.** Clients should use the transition period to review procurement arrangements and plan any necessary changes.

## What is changing, and when?

The Control of Asbestos (Amendment etc.) Regulations 2026 (SI 2026/1153) replace Regulation 20. The new provision prohibits the employer responsible for ensuring premises are thoroughly cleaned following asbestos work from appointing the person who assesses that the premises are clean and suitable for reoccupation. In licensed removal projects, this affects the contractor's appointment of the analyst undertaking four-stage clearance and issuing the Certificate of Reoccupation.

The purpose is to remove potential conflicts of interest and strengthen confidence in the independence and impartiality of clearance assessment.

- 25 November 2026: the amending instrument comes into force, except for the replacement Regulation 20.
- 25 November 2027: the replacement Regulation 20, including the independent appointment requirement, takes effect.

This is a future requirement, not a rule already in force. Existing asbestos management and control duties continue to apply during the transition.

## What does this mean for building owners and managing agents?

Where the asbestos removal contractor currently arranges the clearance analyst as part of a combined package, the appointment route will need to change. In practice, the client, dutyholder or managing agent can appoint the analytical organisation directly or use an independent asbestos consultant acting on their behalf. The arrangements should make clear who appoints the analyst and to whom the analyst reports.

**The change concerns independence of appointment; it does not remove the need to select an appropriately accredited analytical organisation or to plan and coordinate clearance properly.**

**Recommended preparation:**

- Identify projects and framework agreements where the removal contractor currently appoints the clearance analyst.
- Review specifications, appointment documents and purchasing arrangements to provide for independent appointment.
- Confirm responsibilities for booking the analyst, coordinating access, receiving results and managing any failed clearance or repeat attendance.

- Allow sufficient time and budget for independently commissioned analytical services, particularly for programmes extending beyond November 2027.
- Retain appointment records and clearance documentation within the project and asbestos management records.

## Survey standards and other guidance developments

HSE has confirmed that it is not introducing mandatory accreditation for asbestos surveying organisations through these changes. It continues to strongly recommend using accredited surveying organisations and is developing guidance and other interventions to improve commissioning and survey quality.

The Notifiable Non-Licensed Work (NNLW) category is being retained, with improved guidance planned to support consistent identification and application. HSE has also announced updates to the Approved Code of Practice L143 and HSG248, Asbestos: The Analysts' Guide, alongside support for dutyholders commissioning asbestos services. Announced guidance updates should not be confused with additional statutory changes.

For clients commissioning surveys, the practical priorities remain competent providers, an agreed survey scope, appropriate access arrangements and a clear understanding of any exclusions or limitations.

## How we can support you

Our asbestos consultancy and project management services can help you review current procurement arrangements, define project requirements, coordinate independent analytical appointments on your behalf, and oversee delivery within an agreed scope.

If you commission licensed asbestos removal, speak to your usual client contact to review your current arrangements and identify any changes needed ahead of 25 November 2027.

**Further information:**

*The Control of Asbestos (Amendment etc.) Regulations 2026;*

*HSE consultation outcome and planned guidance developments.*

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0203 337 3575 enquiries@vantify.com vantify.com

Registered Office, 20 Grosvenor Place, London, England SW1X 7HN