

# 7 Transfer, or Closure of Defence Estate or Premises

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## Introduction

7.1.1 This chapter sets out the procedures and guidance on the health and safety issues related to the disposal, closure or transfer of control of defence establishments.

7.1.2 Achieving the effective transfer of control, closure or disposal of defence estate or establishment is a complicated process, which requires careful planning and the provision of significant resources. The activities, facilities, plant, equipment and the associated risks may differ considerably between establishments and resources to manage them through any transitional period need to be tailored to the constantly changing workplace environment and risk profile. The transfer of control can be between TLBs/Agencies or between the MOD and a business partner as part of a Private Finance Initiative, Public & Private Partnership (PFI/PPP), etc.

7.1.3 The closure and subsequent disposal of defence estate or an establishment should be undertaken in accordance with the provisions of Defence Infrastructure Organisation (DIO) Functional Standard, Design Maintenance Guide 12 (DMG 12) - Site Closure Guide - which may also be used in part as further guidance for the hand over of an establishment between TLBs/Agencies. This chapter serves to supplement DMG 12 in clarifying responsibilities within Defence for the discharge of health and safety duties.

## Roles and Responsibilities

### Top Level Budget Holder (TLB)

7.2.1 Preparing to vacate an establishment involves three main interrelated tasks which the occupying TLB responsible should address in concert with the Infrastructure owners and other stakeholders as necessary. These tasks are:

- initiation of the First Instance Notification of Disposal (FIND) procedure to check for alternative Defence use, sales of land and buildings and the central management of these assets - see JSP 472.
- physical preparation of the Establishment for transfer or closure.
- preparation of appropriate transfer/closure documentation.

## **Commanding Officers (COs)/Heads of Establishment (HoEs)**

7.2.2 The responsibility for health and safety remains with the CO/HoE until the defence estate or establishment is formally handed over to the new occupier or the Infrastructure owners. Additional risks introduced by, for example, the removal of equipment, a transient workforce and contractors, especially when the defence estate or establishment is being run down and vacated prior to closure should be appropriately managed and the effects of the organisational change taken into consideration. The environmental integrity of the defence estate or establishment also remains the responsibility of the CO/HoE.

7.2.3 In order to preserve value and meet the health, safety, environmental and security requirements, the CO/HoE should ensure that an adequate formal property maintenance programme is maintained until the defence estate or establishment is handed over to the new occupier or the Infrastructure owners. If any buildings are to be vacated for a prolonged period of time it is recommended that they are secured to control access; and services are drained and locked off as appropriate to reduce the need for routine maintenance and minimise risks from exposure to pathogens or other hazards. All risk assessments including the site risk assessment should be regularly reviewed and updated throughout the transfer/disposal process. All other hazards existing within the boundary fence are to be similarly treated; these preventative measures should be in place prior to handing the defence estate or establishment over to the new occupier or the Infrastructure owners.

7.2.4 The CO/HoE should provide all the health and safety related documentation (see 7.3.1 below) and formal transfer of H&S responsibilities at the point of hand over to the new occupier or the Infrastructure owner.

## **Infrastructure Owner**

7.2.5 If the defence estate or establishment is to close, the Infrastructure owner remains responsible for the management of the site until its disposal ensuring contracts are appropriately amended to provide satisfactory levels of property management and for providing a nominated Project Manager or equivalent throughout the period post closure to the date of disposal.

7.2.6 The Infrastructure owner of a closed site should ensure that appropriate, adequate and properly maintained boundary or exclusion fencing has been erected around the site with sufficient and suitable signage for the dangers posed by any hazard existing prior to the closure.

## **Manager**

7.2.7 Additional risk assessments should be completed during the transition of ownership or run down prior to closure of the defence estate or premises that takes into consideration the effect of stress (e.g. threat of redundancy, move of house etc) the degradation of management systems (due to the loss of key personnel), change in priorities, maintenance procedures and schedules, disposal of hazardous waste, etc.

7.2.8 Managers should take all reasonable steps to ensure that the measures that have been put in place to control any remaining hazards are regularly reviewed and are properly maintained. As buildings are vacated, this information should be communicated to

the Maintenance Management Organisation to allow them to secure access and drain or lock off services as appropriate.

## Transfer/Closure Documentation

7.3.1 The following formal documentation should be provided to the new HoE/CO/owner at handover. The outgoing TLB is responsible for ensuring that these documents are complete and provided as appropriate.

- the Closure Risk Assessment with a Detailed Closure Handover Report identifying the closure works undertaken and risks remaining.
- a Risk Assessment for each building or facility indicating what hazards exists and what control measures have been put in place to eliminate or reduce the risks to as low as is reasonably practicable.
- an Explosives Ordnance Disposal (EOD) Clearance Certificate signed by a competent person an Explosive Ordnance Contamination Risk Assessment or a Certified Free from Explosives Certificate.
- the Establishment Development Plan (or Planning Study), where applicable.
- radioactive Substances Clearance Certificate.
- health and safety files, including a full set of available Inspection, Operation & Maintenance records, Asbestos Register and Management Plan for the site.

7.3.2 Handover should not be accepted if assurance is not provided that appropriate action has been taken and appropriate documentation is in place to enable the new owner to properly discharge their duties in order to comply with Statutory Requirements.

## Retention of Records

7.4.1. Provision should be made by the outgoing CO/HoE to have all health and safety records, which are not required in the handover documentation, for which there is a statutory obligation, to be retained (e.g. medical and personnel records, accident books or records etc.) and transferred to safe storage in accordance with Defence Policy.

## Related Documents

7.5.1 The following documents should be consulted in conjunction with this chapter:

### JSP 375 Part 2, Volume 1

- Chapter 08 Risk Assessment
- Chapter 17 Stress at Work
- Chapter 35 Organisational Change
- Chapter 39 Retention of Records

### Other MOD Documentation

- Defence Infrastructure Organisation - Functional Standard, Design Maintenance Guide 12, Site Closure Guide.

### Legislation and Guidance

- [Legislation.Gov.uk - The Management of Health and Safety at Work Regulations](http://www.legislation.gov.uk)

- [Legislation.Gov.uk - Defective Premises Act](#)
- [Legislation.Gov.uk - Construction \(Design & Management\) Regulations](#)
- [Legislation.Gov.uk - Occupiers Liability Act](#)
- [Legislation.Gov.uk - Water Act](#)
- [Legislation.Gov.uk - Water Resources Act](#)
- [HSE – Construction and Design Management website](#)