

The Health and Safety at Work etc. Act 1974

Sections 2, 3, 4 and 6 are defined within ACoP L8 as applicable to legionella control. The first 2 sections cover the primary requirements for legionella control: -

(2) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

(3) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

http://www.legislation.gov.uk/ukpga/1974/37/pdfs/ukpga_19740037_en.pdf

The Management of Health and Safety at Work Regulations 1999 (MHSWR)

These regulations provide a broad framework for controlling health and safety at work. As well as requiring risk assessments, they also require employers to have access to competent help in applying the provisions of health and safety law; to establish procedures to be followed by any working if situations presenting serious and imminent danger were to arise; and for co-operation and co-ordination where two or more employers or self-employed persons share a workplace.

http://www.legislation.gov.uk/uksi/1999/3242/pdfs/uksi_19993242_en.pdf

The Control of Substance Hazardous to Health Regulations 2002

Regulations 6, 7, 8, 9 and 12 are particularly relevant to Legionella control. Regulation 6, Assessment of the risk to health created by working involving substances hazardous to health, is perhaps the most relevant.

(1) An employer shall not carry out any work which is liable to expose any employees to any substance hazardous to health unless he has -

made a suitable and sufficient assessment of the risk created by that work to the health of those employees and of the steps that need to be taken to meet the requirements of these Regulations; and implemented the steps referred to in sub-paragraph (a).

Legionella bacteria are classified as substances hazardous to health and therefore a Legionella risk assessment can be considered a mandatory requirement in all workplace buildings with water systems.

http://www.legislation.gov.uk/uksi/2002/2677/pdfs/uksi_20022677_en.pdf

The Notification of Cooling Towers and Evaporative Condensers Regulations 1992

Approved Code of Practice

This Code has been approved by the Health and Safety Executive, with the consent of the Secretary of State. It gives practical advice on how to comply with the law. If you follow the advice you will be doing enough to comply with the law in respect of those specific matters on which the Code gives advice. You may use alternative methods to those set out in the Code in order to comply with the law.

However, the Code has a special legal status. If you are prosecuted for breach of health and safety law, and it is proved that you did not follow the relevant provisions of the Code, you will need to show that you have complied with the law in some other way or a Court will find you at fault.

Guidance Published in L8

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and Safety inspectors seek to secure compliance with the law and may refer to this guidance.

Downloadable as a PDF Free of charge from the HSE website -

<http://www.hse.gov.uk/pubns/priced/l8.pdf>

HSG274 Technical Guidance

The guidance in each part of HSG274 gives practical advice and examples of good practice in how to achieve what is required under L8. HSG274 is published in three parts:

HSG274 Part 1

This document gives specific guidance for evaporative cooling systems. Appendix 1 and 2 give useful practical advice on what should be found in a legionella risk assessment and in a written scheme of control.

Downloadable as a PDF free of charge from the HSE website -

<http://www.hse.gov.uk/pubns/priced/hsg274part1.pdf>

HSG274 Part 2

This document gives specific guidance for hot and cold water systems. Appendix 2.1 and 2.2 give useful practical advice on what should be found in a legionella risk assessment and in a written scheme of control.

Downloadable as a PDF free of charge from the HSE website -

<http://www.hse.gov.uk/pubns/priced/hsg274part2.pdf>

HSG274 Part 3

This document gives some basic guidance for other risk systems that are not covered in Part 1 or Part 2. For other risk systems, assessment and control of risk must be from first principles of legionella control. These systems require the most competent and knowledgeable assessors and contractors.

Downloadable as a PDF free of charge from the HSE website -

<http://www.hse.gov.uk/pubns/priced/hsg274part3.pdf>

BS 8580-1:2019

This British Standard gives recommendations and guidance on Legionella risk assessment relevant to water systems. It is applicable to any undertaking involving a work activity or premises controlled in connection with a trade, business or other undertaking where there is potential for exposure to water or when water is used or stored in circumstances that could cause a reasonably foreseeable risk of infection by Legionella and contracting legionellosis.

This standard is also available with tracked changes from the 2010 version.

(LCA Members, please refer to the Members Area where you will find a discount code, available for a limited time)

https://shop.bsigroup.com/ProductDetail/?pid=000000000030367524&_ga=2.41239202.160694445.1561111174-776756965.1560852813

HTM 04-01

This Health Technical Memorandum (HTM) gives guidance on the legal requirements, design applications, maintenance and operation of hot and cold water supply, storage and distribution systems in all types of healthcare premises.

The guidance is for:

healthcare management
water safety groups
design engineers
estate managers
operations managers
contractors
supply chain businesses

It also provides advice and guidance on the control and management of the risk posed by Legionella, Pseudomonas aeruginosa and other water borne pathogens within a healthcare setting.

<https://www.gov.uk/government/publications/hot-and-cold-water-supply-storage-and-distribution-systems-for-healthcare-premises>

HTM 01-05

HTM 01-05 is intended to raise the quality of decontamination work in primary care dental services by covering the decontamination of reusable instruments within dental facilities.

<https://www.gov.uk/government/publications/decontamination-in-primary-care-dental-practices>

HSG 220 Care Homes

This guidance is intended to help those providing and managing care homes - to give them a better understanding of the real risks and how to manage them effectively. It has been extensively rewritten, with a number of new topics, and brings together key messages on risks to both workers and residents. It will also be of interest to others working in social care.

This new edition was published during a period of change. At the time of publication (June 2014), HSE and local authorities investigate serious worker and resident incidents. Under the Enforcing Authority Regulations, HSE regulates homes with nursing and local authority owned or run care homes. Other homes are regulated by local authorities.

However, from 1st April 2015 the Care Quality Commission (CQC) in England became the lead investigator of incidents where residents have been harmed because of unsafe or poor quality care.

<https://www.hse.gov.uk/pubns/books/hsg220.htm>

HSG 282 - Spa Pools

Spa-pool systems are a recognised source of diseases caused by infectious agents including the organism that causes legionnaires' disease, primarily *Legionella pneumophila*. There have been a number of outbreaks linked to spa pools in leisure centres, hotels, holiday homes, on cruise ships on display.

This guidance, which supersedes the joint HSE-HPA publication, Management of Spa Pools: Controlling the Risks of Infection, is primarily for those who manage or operate spa-pool systems and explains how to manage and control the risks from legionella and other infectious agents. It will also help service suppliers, designers, manufacturers, importers, suppliers and installers of spa-pool systems meet their legal responsibilities.

As well as guidance on operating and maintaining commercial-type systems, there is specific advice on domestic-type spa pools or hot tubs used as part of a business activity, for example in holiday-park rental units, hotel bedrooms with a dedicated spa and systems on the display or at exhibitions. The guide includes advice on effective ways to safely manage and control spa-pool systems through:

- design, commissioning, operation and maintenance;
- testing and monitoring spa-pool water quality;
- quality and frequency of inspections.

<https://www.hse.gov.uk/pubns/books/hsg282.htm>