



## **LEAFLET 16**

# **TRANSFER, CLOSURE & DISPOSAL OF MOD ESTABLISHMENTS**

**AMENDMENT RECORD**

Amd No	Date	Text Affected	Authority and Date

**REVISION NOTE:**

Leaflet 16 has been extensively revised and now contains information pertaining to the transfer of control of an establishment between TLBs/Agencies or as part of a Private Finance Initiative/Public & Private Partnership as well as the closure and disposal of MOD Establishments

**HISTORICAL RECORD:**

Original Leaflet created in October 2001

Revised December 2009

## Leaflet 16

### Transfer, Closure and Disposal of MOD Establishments

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##### Foreword

This leaflet is published under the authority of the Chairman of the Defence Occupational Health and Safety Board (OHSB). This leaflet is for application across all areas of MOD and the Armed Forces and reflects recent changes in legislation and or MOD practises.

#### 1. SCOPE

1.1 This leaflet provides guidance to TLBs, Commanding Officers/Heads of Establishment and Line Managers both Service and civilian, on the health and safety issues related to the disposal, closure or transfer of control of MOD Establishments in the UK and overseas.

#### 2. INTRODUCTION

2.1 Achieving the effective transfer of control, closure or disposal of a MOD 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 as part of a Private Finance Initiative/Public & Private Partnership (PFI/PPP).

2.2 The closure and subsequent disposal of establishments shall be undertaken in accordance with the provisions of Defence Estates Functional Standard, Design Maintenance Guide 12, Site Closure Guide (DMG 12) which may also be used in part as further guidance for the hand over of an establishment between TLBs/Agencies. This leaflet serves to supplement DMG 12 in clarifying responsibilities within the MOD for the discharge of health and safety duties.

### **3. ROLES AND RESPONSIBILITIES**

#### **3.1 Top Level Budget Holder (TLB)**

3.1.1 Preparing an Establishment for disposal involves three main interrelated tasks; which the TLB responsible for the Establishment shall address during the closure and disposal process, consulting with Defence Estates (DE) and others as necessary. These tasks are:

- a. 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.
- b. Physical preparation of the Establishment for closure.
- c. Preparation of appropriate closure documentation.

#### **3.2 Commanding Officer/Head of Establishment (CO/HoE)**

3.2.1 The responsibility for health and safety remains with the CO/HoE until the establishment is formally handed over to the new owner. Additional risks may need to be managed with the removal of equipment, a transient workforce and contractors, especially when an establishment is being run down and vacated prior to closure. The environmental integrity of the site also remains the responsibility of the CO/HoE.

3.2.2 In order to preserve value and meet the health, safety, environmental and security requirements, the CO/HoE shall maintain a formal property maintenance programme until the establishment is handed over to the new owner

3.2.3 All risk assessments including the site risk assessment shall be regularly reviewed and updated throughout the disposal phase.

3.2.4 The CO/HoE shall provide all the health and safety related documentation listed in 4 below at the point of hand over to the new owner. H&S responsibilities are also transferred at this stage.

3.2.5 If the establishment is to close, responsibility will normally transfer to Defence Estates (DE) to manage the site until its disposal. After handover DE shall take responsibility for 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

### 3.3 Line Manager

3.3.1 Additional risk assessments shall be completed during the transition of ownership or run down prior to closure of an establishment 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, reduced maintenance, build up of radon gas (in unused buildings) and disposal of hazardous waste etc.

3.3.2 Line managers shall 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.

### 3.4 Defence Estates (DE)

3.4.1 DE shall 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 handover of the establishment.

3.4.2 All other hazards existing within the boundary fence shall be similarly treated.

3.4.3. These preventative measures shall have been identified and installed by the outgoing unit and the costs borne by the establishment TLB prior to closure. These are covered in more detail in DMG 12 Annex D.

3.4.4 The environmental issues affecting the site shall have been documented by the Closure Committee by way of a land quality assessment (LQA) and/or Environmental Audit (see JSP 418 Sustainable Development and Environmental Protection Manual).

## 4. TRANSFER/CLOSURE DOCUMENTATION

4.1 The following formal documentation shall be provided to the DE Project Manager at handover. The TLB is responsible for ensuring that these documents are complete and provided as appropriate.

- a. The Closure Risk Assessment (CRA) with a Detailed Closure Handover Report identifying the closure works undertaken and risks remaining.
- b. 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.
- c. 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.
- d. The Establishment Development Plan (or Planning Study), where applicable.

- e Radioactive Substances Clearance Certificate.
- f Health and Safety Files, including a full set of available Inspection, Operation & Maintenance records, Asbestos Register and Management Plan for the site.

4.2 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.

## **5. RECORDS**

5.1. Provision shall 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 MoD Policy.

## **6. RELATED DOCUMENTS**

6.1 The following documents should be consulted in conjunction with this leaflet:

### **JSP 375 Volume 2**

- a. Leaflet 23 Site Risk Assessment
- b. Leaflet 25 Stress at Work
- c. Leaflet 39 Health and Safety Risk Assessment
- d. Leaflet 55 Retention of Records

### **Legislation and Guidance**

- a. The Management of Health and Safety at Work (MHSAW) Regulations
- b. Defective Premises Act
- c. Construction (Design & Management) Regulations
- d. Occupiers Liability Act
- e. Water Act
- f. Water Resources Act
- g. Electricity at Work Regulations.
- h. Functional Standard, Design Maintenance Guide 12, Site Closure Guide