



## CHANGES TO THE CDM REGULATIONS

The Construction (Design and Management) Regulations 2015 came into effect on 6 April 2015. The main purpose of the regulations has been, and continues to be, improving health and safety on site and reducing risks for those in the construction industry. A stated aim of the HSE is to make the regulations easier to understand, in particular for SMEs.

The main changes are set out below and apply to all construction projects that commence after 6th April. For projects which commenced before that date, there was a six-month grace period before the new regulations kick in.

The main changes are:

- The role of the CDM Co-ordinator has been replaced by that of a Principal Designer.
- Every project must have a construction phase plan drawn up before the construction phase begins.
- The new regulations apply to domestic projects.
- HSE Notification Requirements apply to some domestic projects as well as commercial

THE ROLE OF THE CDM COORDINATOR HAS BEEN REPLACED BY A PRINCIPAL DESIGNER.

The principal designer's role is to plan, manage, monitor and coordinate health and safety in the preconstruction phase of a project. The regulations require the principal designer to be a designer who prepares or modifies the design or who arranges for the design to be prepared or modified. Thus, someone who is a health and safety expert but is not involved in the design process would not be qualified to take on the role and the most obvious candidate for the great majority of projects will be the architect.

A principal designer has to be appointed if there is more than one contractor involved on a project.

In the case of a commercial project where the architect is appointed as principal designer and the client intends to novate the architect's appointment to a design-build



contractor, it may be appropriate for the architect to have two contracts with the client – one as architect and the other as principal designer.

If the principal designer's appointment is terminated before the end of the project, the client should ensure that the health and safety file is passed to the principal contractor

Where a CDM Co-ordinator is appointed on a project that began before 6<sup>th</sup> April, if the project continues beyond 6<sup>th</sup> October 2015, a principal designer has to be appointed to replace him.

EVERY PROJECT MUST HAVE A CONSTRUCTION PHASE PLAN DRAWN UP BEFORE THE CONSTRUCTION PHASE BEGINS.

Regulation 4 (5) states that a client must ensure that

- (a) before the construction phase begins, a construction phase plan is drawn up by the contractor if there is only one contractor, or by the principal contractor; and
- (b) the principal designer prepares a health and safety file for the project which is updated as appropriate during the project.

The construction phase plan must set out the health and safety arrangements and site rules taking account, where necessary, of the industrial activities taking place on the construction site and more detail is contained in Regulation 12.

As with the previous regulations, the client has to appoint a principal contractor if there is more than one contractor. The principal contractor must be appointed early enough to help the client in his duty to ensure that the construction phase plan is prepared before construction commences.

THE NEW REGULATIONS APPLY TO DOMESTIC PROJECTS.

A "domestic client" is someone who has construction work done which is not in the course of the client's business – e.g. someone having work done on their own home or that of a family member.

The regulations assume that where there is only one contractor on a domestic project, the duties will be carried out by that contractor or by the principal contractor. If a domestic client does not make appointments under the regulations, the designer in control of the pre-construction phase will be the principal designer and the contractor in control of the construction phase will be the principal contractor.



HSE NOTIFICATION REQUIREMENTS WILL APPLY TO SOME DOMESTIC PROJECTS AS WELL AS COMMERCIAL ONES

Projects have to be notified to the HSE (Health and Safety Executive) before work commences if the project will exceed 30 construction days with 20 or more workers working simultaneously at any point in the project or if the project period exceeds 500 person days. If any of these thresholds is met on a domestic project, the duty to notify will fall on the principal contractor or principal designer.

HSE Guidance and the text of the new regulations can be found at:

<http://www.hse.gov.uk/pubns/books/1153.htm>

*Giles Dixon, October 2015*