

## The CDM Regulations 2015

This summary represents the main provisions of the CDM Regulations 2015, but you should refer to the complete text of the Regulations themselves for full details.

### A summary of the key changes

The Construction (Design and Management) Regulations 2015 replace the 2007 Regulations from 6 April 2015. *For projects which have a CDM Co-ordinator at 6 April 2015, the appointment of the CDM co-ordinator continues to have effect until a principal designer is appointed or the project comes to an end. The client must appoint in writing a principal designer for the project before the 6th October 2015 unless the project comes to an end on or before that date.*

The key changes are:

- the Regulations now apply to **any project with two or more contractors**
- **domestic clients**, previously exempt from the Regulations, will now have to comply
- A new role is created, the **Principal Designer**, who becomes responsible for many duties previously those of the CDM Co-ordinator
- some duties formerly carried out by the CDM Co-ordinator will become the direct responsibility of the **Client**

During the consultation with industry, RIBA voiced their members' concern about the ability of designers to discharge the co-ordination function effectively without recourse to third-party advice.

Concerns were also expressed that client duties would be too onerous on small and occasional clients, and it was suggested that in such situations clients would pay for professional advice which might not be forthcoming from the principal designer.

### Why is CDM Changing?

The **policy objectives** behind the Construction (Design and Management) Regulations 2015 are to:

- maintain or improve worker protection
- simplify the regulatory package
- improve health and safety standards on small construction sites
- amend CDM 2007 to correct non-compliance with the Temporary or Mobile Construction Sites Directive:
  - the Directive does not allow domestic clients to be exempt, and
  - the Directive requires a Co-ordinator whenever there is more than one contractor.
- discourage bureaucracy, and
- support the strategic objectives of improved co-ordination, better value for money, improved efficiency and procurement and use of technological changes, for example, building information modelling (BIM).

## The Client's duties

### Client duties for managing projects

**Regulations 4 and 5** set out the client's duty to make suitable arrangements for managing a project and maintaining and reviewing them for its duration so that it is carried out in a way that manages the health and safety risks involved. For projects involving more than one contractor, these regulations require the client to appoint a principal designer and principal contractor and to make sure that they carry out their duties.

**A Client** must always:

- make arrangements for managing a project which will ensure that:
  - construction work is carried out without risk to the health and safety of any person, and
  - the requirements for welfare facilities are complied with.
- provide Pre-Construction Information as soon as practicable to designers and contractors.
- ensure that the management arrangements are maintained and reviewed throughout the project.
- ensure that:
  - the **Principal Designer** complies with his duties
  - the **Principal Contractor** complies with his duties
  - before construction begins, the contractor or **Principal Contractor** prepares a construction phase plan; and
  - on completion of construction, the **Principal Designer** prepares a Health and Safety File

In addition, **the Client** has a stand-alone duty to give notice (the F10) to the HSE if the construction work is scheduled to:

- last longer than 30 working days **and** have more than 20 workers working simultaneously at any point in the project; or
- exceed 500 person days.

### Where there is more than one contractor

A **Client** must appoint a designer with control over the pre-construction phase as **Principal Designer** and a contractor as **Principal Contractor**. The appointments must be made as soon as is practicable, and in any event, before the construction phase begins.

The Regulations define a "designer" as any person (including a client, contractor or other person referred to in the Regulations) who prepares or modifies a design; or arranges for, or instructs, any person under their control to do so,

If the **Client** does not appoint either, he must carry out their duties himself.

## The Domestic Client's duties

A “**Domestic Client**” is a client for whom a project is being carried out which is not in the course or furtherance of his business.

Where the **Client** is a **Domestic Client**, his duties must be carried out by

- the contractor where there is only one contractor; or
- the **Principal Contractor** where there is more than one contractor,

Where a Domestic Client does not appoint a Principal Designer, the first designer appointed during the pre-construction phase will be deemed to be appointed as the Principal Designer.

## The Principal Designer's Duties

The **Principal Designer** must plan, manage, monitor and coordinate the **pre-construction phase** of the project,

to ensure

- that the project is carried out without risks to health or safety;
- that assistance is provided to the **Client** in the preparation of the Pre-Construction Information
- that foreseeable risks to the health or safety are identified, eliminated or controlled
- that all persons working on the project cooperate
- that designers comply with their duties under the Regulations
- that a Health and Safety File is prepared
- that Pre-Construction Information is provided **promptly** to designers and contractors

and to liaise with the **Principal Contractor** regarding any information which the principal contractor may need.

The **Principal Designer** may also fulfil the Client's duties where there is a written agreement between the **Client** and the **Principal Designer**.

*Many **Clients**, particularly **Domestic Clients**, may require advice and assistance from the **Principal Designer** to carry out their duties.*

The Regulations do not require a designer to perform all the duties of a Principal Designer directly, and it will be possible to engage a specialist consultant to perform all or some of the duties.

## Duties of Others

The duties of the Principal Contractor, contractors generally and of designers other than the Principal Designer are generally unchanged.

As previously, they must not start design or construction work unless they are satisfied that the Client is aware of his duties under the Regulations.

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