

# CDM 2015 No.2

**Group** Development and Property Management  
**Title** CDM 2015 Duty Holders Summary  
**Date** 02 August 2018

## Purpose

To provide Landsec with clear guidance on the new Construction Design and Management Regulations 2015.

On the 30th January 2015 the new Construction (Design & Management) Regulations were published. They will come into force on the 6th April 2015.

This is not just a minor update or some name changes; the new regulations significantly change the way in which CDM is currently implemented. Noted below is a summary guide to the main changes.

All construction works must be carried out in strict accordance with the CDM 2015, the regulations defines a Client as anyone for whom a construction project is carried out. As Tenant you will be responsible of any formal notification to the Health and Safety Executive, if the works trigger notification. You are also reminded where there is, or is likely to be, more than one contractor the Tenant needs to appoint in writing a Principle Designer to act as pre- construction coordinator and a Principle Contractor to act as construction phase coordinator.

Regulations	Summary
<p><b>Regulation 4 Client duties for managing projects</b></p> <ol style="list-style-type: none"> <li>1. A client must make suitable arrangements for managing a project, including the allocation of sufficient time and other resources.</li> <li>2. Arrangements are suitable if they ensure that – (a) the construction work can be carried out, so far as is reasonable practicable, without risks to the health or safety of any person affected by the project; and (b) the facilities required by Schedule 2 are provided in respect of any person carrying out construction work.</li> </ol>	<p><b>Health and safety arrangements</b>            Client must make arrangements for managing the project (including allocation of time and other resources) to ensure construction work can be carried out without risks to Health and Safety and welfare facilities provided;</p> <p><b>Maintain and review arrangements</b>            Ensure arrangements maintained and reviewed throughout the project;</p> <p><b>Pre-construction information (PCI)</b>            Provide as soon as practicable to designers and contractors appointed, or being considered;</p>



<p>3. A client must ensure that these arrangements are maintained and reviewed throughout the project.</p> <p>4. A client must provide pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project.</p> <p>5. 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 – (i) complies with the requirements of regulation 12(5); (ii) is revised from time to time as appropriate to incorporate any relevant new information; and (iii) is kept available for inspection by any person who may need it to comply with the relevant legal requirements.</p> <p>6. A client must take reasonable steps to ensure that—</p> <p>a) the principal designer complies with any other principal designer duties in regulations 11 and 12; and</p> <p>b) the principal contractor complies with any other principal contractor duties in regulations 12 to 14;</p> <p>7. If a client disposes of the client’s interest in the structure, the client complies with the duty in paragraph (5)(b)(iii) by providing the health and safety file to the person who acquires the client’s interest in the structure and ensuring that that person is aware of the nature and purpose of the file.</p> <p>8. Where there is more than one client in relation to a project— (a) one or more of the clients may agree in writing to be treated for the purposes of these Regulations as the only client or clients; and (b)except for the duties specified in sub-paragraph (c)only the client or</p>	<p><b>Construction phase plan (CPP)</b></p> <ul style="list-style-type: none"><li>— Make sure CPP drawn up by the Contractor or Principal Contractor (PC) before construction phase (CP) begins;</li></ul> <p><b>Health and file (HSF)</b></p> <ul style="list-style-type: none"><li>— Make sure Principal Designer (PD) prepare a compliant HSF which is:</li><li>— Revised from time to time to incorporate relevant new information: and is</li><li>— Kept available for inspection by any person who may need it to comply with relevant legal requirements.</li><li>— Provide HSF to a person who acquires the client interest in structure and aware of nature and purpose;</li></ul> <p><b>Compliance by PD &amp; PC</b></p> <ul style="list-style-type: none"><li>— Take steps to ensure PD complies with any other PD duties in Regs 11 and 12: and the PC complies with any PC duties in Regs 12 to 14;</li></ul> <p><b>Multiple clients</b></p> <ul style="list-style-type: none"><li>— Clients can agree in writing that one client only will be subject to client duties.</li></ul>
--	--



<p>clients agreed in paragraph (a) are subject to the duties owed by a client under these Regulations; (c)the duties in the following provisions are owed by all clients — (i) regulation 8(4); and (ii)paragraph (4) and regulation 8(6) to the extent that those duties relate to information in the possession of the client.</p>	
<p><b>Regulation 5 Appointment of the principal designer and the principal contractor.</b></p> <ol style="list-style-type: none"> <li>1. Where there is more than one contractor, or if it is reasonably foreseeable that more than one contractor will be working on a project at any time, the client must appoint in writing— (a)a designer with control over the preconstruction phase as principal designer; and (b) a contractor as principal contractor.</li> <li>2. The appointments must be made as soon as is practicable, and in any event, before the construction phase begins.</li> <li>3. If the client fails to appoint a principal designer, the client must fulfil the duties of the principal designer in regulations 11 and 12.</li> <li>4. If the client fails to appoint a principal contractor, the client must fulfil the duties of the principal contractor in regulations 12 to 14</li> </ol>	<p><b>PD and PC appointments (&gt;1 contractor)</b></p> <ul style="list-style-type: none"> <li>— Where &gt;1 contractor (or foreseeable) working on project at any time client must appoint in writing a designer with control over the Pre-Construction Phase (PCP) as PD; and Appoint a contractor as PC;</li> <li>— Appoint as soon as is practicable and before the CP begins; and Client who fails to appoint must fulfil PD duties (Regs 11 and 12) and PC duties (Regs 12 to 14).</li> </ul>
<p><b>Regulation 6 Notification</b></p> <ol style="list-style-type: none"> <li>1. A project is notifiable if the construction work on a construction site is scheduled to— (a) last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or (b) exceed 500 person days.</li> <li>2. Where a project is notifiable, the client must give notice in writing to the Executive as soon as is practicable before the construction phase begins.</li> </ol>	<p><b>Notifiable projects</b></p> <ul style="list-style-type: none"> <li>— Are projects where site 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.</li> </ul> <p><b>Client to give notice of project</b></p> <ul style="list-style-type: none"> <li>— Notice in writing to the HSE as soon as is practicable before the CP begins containing</li> </ul>



<p>3. The notice must— (a) contain the particulars specified in Schedule 1; (b) be clearly displayed in the construction site office in a comprehensible form where it can be read by any worker engaged in the construction work; and (c) if necessary, be periodically updated.</p> <p>4. Where a project includes construction work of a description for which the Office of Rail Regulation is the enforcing authority by virtue of regulation 3 of the Health and Safety (Enforcing Authority or Railways and Other Guided Transport Systems) Regulations 2006, the client must give notice to the Office of Rail Regulation instead of the Executive.</p> <p>5. Where a project includes construction work on premises which are or are on (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013); (b) an authorised defence site (within the meaning given in regulation 2(1) or the Health and Safety (Enforcing Authority) Regulations 1998); or (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations), the client.</p>	<p>particulars in Schedule 1; or Notice to client on GB nuclear and defence projects.</p> <p><b>Display of notice</b></p> <p>— Notice must be clearly displayed in the construction site office where it can be read by any worker engaged in the construction work and if necessary updated.</p>
<p><b>Regulation 7 Application to domestic clients</b></p> <p>1. Where the client is a domestic client the duties in regulations 4(1) to (7) and 6 must be carried out by — (a) the contractor for a project where there is only one contractor; (b) the principal contractor for a project where there is more than one contractor; or (c) the principal designer where there is a written agreement that the principal designer will fulfil those duties.</p> <p>2. If a domestic client fails to make the appointments required by regulation 5— (a) the designer in control of the pre-construction phase of the project is the principal designer; (b) the contractor in control of the</p>	



<p>construction phase of the project is the principal contractor.</p> <p>3. 3. Regulation 5(3) and (4) does not apply to a domestic client.</p>	
<p><b>Regulation 8 General duties</b></p> <ol style="list-style-type: none"> <li>1. A designer (including a principal designer) or contractor (including a principal contractor) appointed to work on a project must have the skills, knowledge and experience and, if they are an organisation, the organisational capability, necessary to fulfil the role that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project.</li> <li>2. A designer or contractor must not accept an appointment to a project unless they fulfil the conditions in paragraph (1).</li> <li>3. A person who is responsible for appointing a designer or contractor to carry out work on a project must take reasonable steps to satisfy themselves that the designer or contractor fulfils the conditions in paragraph (1).</li> <li>4. A person with a duty or function under these Regulations must cooperate with any other person working on or in relation to a project at the same or an adjoining construction site to the extent necessary to enable any person with a duty or function to fulfil that duty or function.</li> <li>5. A person working on a project under the control of another must report to that person anything they are aware of in relation to the project which is likely to endanger their own health or safety or that of others.</li> <li>6. Any person who is required by these Regulations to provide information or instruction must ensure the information or instruction is comprehensible and provided as soon as is practicable.</li> </ol>	<p><b>Skills, knowledge, training and Experience</b></p> <ul style="list-style-type: none"> <li>— Designers (including PD) or Contractor (including PC) must have skills, knowledge, training and experience necessary to fulfil the role in a manner that secures the Health and Safety of any person affected;</li> <li>— Organisations must have the organisational capability.</li> </ul> <p><b>Checks on skills</b></p> <ul style="list-style-type: none"> <li>— Person appointing must take steps to satisfy themselves that the designer or contractor fulfils the conditions above.</li> </ul> <p><b>Acceptance of appointments</b></p> <ul style="list-style-type: none"> <li>— Designer or contractor must not accept an appointment unless they fulfil the conditions above.</li> </ul> <p><b>Cooperation by all</b></p> <ul style="list-style-type: none"> <li>— Person with a duty or function must cooperate with others working on or in relation to a project at same or adjoining site.</li> </ul> <p><b>Reporting danger</b></p> <ul style="list-style-type: none"> <li>— Persons under the control of another must report to that person anything they are aware of in relation to the project which is likely to endanger their own H&amp;S or that of others.</li> </ul> <p><b>Information and instruction</b></p> <ul style="list-style-type: none"> <li>— Any person required to provide must ensure comprehensible and provided soon as is practicable.</li> </ul>



<p>7. To the extent that they are applicable to a domestic client, the duties in paragraphs (3), (4) and (6) must be carried out by the person specified in regulation 7(1).</p>	<p><b>Domestic projects</b></p> <ul style="list-style-type: none"> <li>— Above where applicable to a domestic client carried out by the person specified in regulation 7(1).</li> </ul>
<p><b>Regulation 9 Duties of designers</b></p> <ol style="list-style-type: none"> <li>1. A designer must not commence work in relation to a project unless satisfied that the client is aware of the duties owed by the client under these Regulations.</li> <li>2. When preparing or modifying a design the designer must take into account the general principles of prevention and any pre-construction information to eliminate, so far as is reasonably practicable, foreseeable risks to the health or safety of any person— (a) carrying out or liable to be affected by construction work; (b) maintaining or cleaning a structure; or (c) using a structure designed as a workplace.</li> <li>3. If it is not possible to eliminate these risks, the designer must, so far as is reasonably practicable— (a) take steps to reduce or, if that is not possible, control the risks through the subsequent design process; (b) provide information about those risks to the principal designer; and (c) ensure appropriate information is included in the health and safety file.</li> <li>4. A designer must take all reasonable steps to provide, with the design, sufficient information about the design, construction or maintenance of the structure, to adequately assist the client, other designers and contractors to comply with their duties under these Regulations.</li> </ol>	<p><b>Check client awareness</b></p> <ul style="list-style-type: none"> <li>— Designer must not commence work unless satisfied the client aware of client CDM duties.</li> </ul> <p><b>Eliminate risks</b></p> <ul style="list-style-type: none"> <li>— When preparing or modifying a design take into account the GPP and any PCI to eliminate risks. If it is not possible to eliminate risks:</li> </ul> <p><b>Reduce and control risks</b></p> <ul style="list-style-type: none"> <li>— Take steps to reduce or, if not possible, control the risks through the subsequent design process.</li> </ul> <p><b>Information about risks</b></p> <ul style="list-style-type: none"> <li>— Provide information about risks to the PD and ensure appropriate information is included in the health and safety file;</li> <li>— Provide sufficient information about the design, construction or maintenance of the structure, to adequately assist the client, other designers and contractors to comply.</li> </ul>
<p><b>Regulation 10 Designs prepared or modified outside Great Britain</b></p>	



<ol style="list-style-type: none"> <li>1. Where a design is prepared or modified outside Great Britain for use in construction work to which these Regulations apply— (a) the person who commissions it, if established within Great Britain; or (b) if that person is not so established, the client for the project, must ensure that regulation 9 is complied with.</li> <li>2. This regulation does not apply to a domestic client.</li> </ol>	<p><b>Designs prepared outside GB</b></p> <ul style="list-style-type: none"> <li>— Person commissioning or client must ensure designer duty compliance; and not applicable to domestic client.</li> </ul>
<p><b>Regulation 11 Duties of a principal designer in relation to health and safety at the pre-construction phase</b></p> <ol style="list-style-type: none"> <li>1. The principal designer must plan, manage and monitor the pre-construction phase and coordinate matters relating to health and safety during the pre-construction phase to ensure that, so far as is reasonably practicable, the project is carried out without risks to health or safety.</li> <li>2. In fulfilling the duties in paragraph (1), and in particular when — (a) design, technical and organisational aspects are being decided in order to plan the various items or stages of work which are to take place simultaneously or in succession; and (b) estimating the period of time required to complete such work or work stages, the principal designer must take into account the general principles of prevention and, where relevant, the content of any construction phase plan and health and safety file.</li> <li>3. In fulfilling the duties in paragraph (1), the principal designer must identify and eliminate or control, so far as is reasonably practicable, foreseeable risks to the health or safety of any person— (a) carrying out or liable to be affected by construction work; (b) maintaining or cleaning a structure; or (c) using a structure designed as a workplace.</li> </ol>	<p><b>Plan, manage, monitor &amp; coordinate</b></p> <ul style="list-style-type: none"> <li>— PD must plan, manage and monitor the PCP and coordinate matters relating to Health and Safety during PCP to ensure that project is carried out without risks to Health and Safety and in fulfilling these duties the PD must also:</li> </ul> <p><b>General principles of prevention</b></p> <ul style="list-style-type: none"> <li>— Take into account GPP and the content of any CPP and HSF.</li> </ul> <p><b>Identify &amp; eliminate or control risks</b></p> <ul style="list-style-type: none"> <li>— Identify and eliminate or control foreseeable risks to Health and Safety of any person carrying out or affected by construction work; maintaining or cleaning a structure; or using a structure as a place of work.</li> </ul> <p><b>Designer compliance</b></p> <ul style="list-style-type: none"> <li>— Ensure designers comply with their duties to eliminate, reduce and control risk and provide information.</li> </ul> <p><b>Cooperation of all</b></p> <ul style="list-style-type: none"> <li>— Ensure that all persons working in relation to the PCP cooperate with the client, PD and each other; and</li> </ul>



<ol style="list-style-type: none"> <li>4. In fulfilling the duties in paragraph (1), the principal designer must ensure all designers comply with their duties in regulation 9.</li> <li>5. In fulfilling the duty to coordinate health and safety matters in paragraph (1), the principal designer must ensure that all persons working in relation to the preconstruction phase cooperate with the client, the principal designer and each other.</li> <li>6. The principal designer must— (a) assist the client in the provision of the pre-construction information required by regulation 4(4); and (b) so far as it is within the principal designer's control, provide pre-construction information, promptly and in a convenient form, to every designer and contractor appointed, or being considered for appointment, to the project.</li> <li>7. The principal designer must liaise with the principal contractor for the duration of the principal designer's appointment and share with the principal contractor information relevant to the planning, management and monitoring of the construction phase and the coordination of health and safety matters during the construction phase</li> </ol>	<p><b>Pre-construction information</b></p> <ul style="list-style-type: none"> <li>— Assist client in the provision of PCI and provide promptly and in a convenient form, to every designer and contractor appointed, or being considered for appointment.</li> </ul> <p><b>Construction phase liaison</b></p> <ul style="list-style-type: none"> <li>— Liaise with the PC and share with the PC information relevant to the planning, management and monitoring of the CP and the coordination of Health and Safety matters during CP.</li> </ul>
<p><b>Regulation 12 Construction phase plan and health and safety file</b></p> <ol style="list-style-type: none"> <li>1. During the pre-construction phase, and before setting up a construction site, the principal contractor must draw up a construction phase plan or make arrangements for a construction phase plan to be drawn up.</li> <li>2. 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, where applicable, must include specific measures concerning work which falls within one or more of the categories set out in Schedule 3.</li> </ol>	<p><b>CPP drawing up by PC</b></p> <ul style="list-style-type: none"> <li>— During PCP, and before setting up a construction site, PC must draw up a CPP or make arrangements for CPP to be drawn up.</li> </ul> <p><b>CPP content</b></p> <ul style="list-style-type: none"> <li>— CPP must set out the Health and Safety arrangements and site rules taking account any industrial activities taking place on the site and include specific measures concerning work, which falls within one or more of the categories set out in Schedule 3.</li> </ul>





<ol style="list-style-type: none"><li>3. The principal designer must assist the principal contractor in preparing the construction phase plan by providing to the principal contractor all information the principal designer holds that is relevant to the construction phase plan including— (a) pre-construction information obtained from the client; (b) any information obtained from designers under regulation 9(3)(b).</li><li>4. Throughout the project the principal contractor must ensure that the construction phase plan is appropriately reviewed, updated and revised from time to time so that it continues to be sufficient to ensure that construction work is carried out, so far as is reasonably practicable, without risks to health or safety.</li><li>5. During the pre-construction phase, the principal designer must prepare a health and safety file appropriate to the characteristics of the project which must contain information relating to the project which is likely to be needed during any subsequent project to ensure the health and safety of any person.</li><li>6. The principal designer must ensure that the health and safety file is appropriately reviewed, updated and revised from time to time to take account of the work and any changes that have occurred.</li><li>7. During the project, the principal contractor must provide the principal designer with any information in the principal contractor's possession relevant to the health and safety file, for inclusion in the health and safety file.</li><li>8. If the principal designer's appointment concludes before the end of the project, the principal designer must pass the health and safety file to the principal contractor.</li><li>9. Where the health and safety file is passed to the principal contractor under paragraph (8), the principal contractor must ensure that the health and safety file is appropriately</li></ol>	<p><b>Information from PD to PC</b></p> <ul style="list-style-type: none"><li>— PD must assist PC in preparing CPP by providing all information PD holds that is relevant to the CPP including PCI from the client and any information obtained from designers.</li></ul> <p><b>CPP reviews</b></p> <p>PC must throughout project ensure CPP is reviewed, updated and revised so it continues to be sufficient to ensure that construction work is carried out without risks to Health and Safety.</p> <p><b>HSF preparation</b></p> <ul style="list-style-type: none"><li>— During the PCP the PD must prepare a HSF containing information relating to the project likely to be needed during any subsequent project to ensure the Health and Safety of any person.</li></ul> <p><b>HSF reviews</b></p> <ul style="list-style-type: none"><li>— PD must ensure that the HSF reviewed, updated and revised to take account of the work and any changes that have occurred.</li></ul> <p><b>Information from PC to PD</b></p> <ul style="list-style-type: none"><li>— During project PC must provide PD with any information in the PC's possession relevant to the HSF for inclusion in HSF.</li></ul> <p><b>HSF transfers</b></p> <p>PD must pass HSF to PC if appointment concludes before the end of the project and where it is:</p> <ul style="list-style-type: none"><li>— PC must ensure HSF reviewed, updated and revised to take account of the work and any changes that have occurred; and</li><li>— At the end of the project PD or PC must pass HSF to client.</li></ul>
---	--



<p>reviewed, updated and revised from time to time to take account of the work and any changes that have occurred.</p> <p>10. At the end of the project, the principal designer, or where there is no principal designer the principal contractor, must pass the health and safety file to the client</p>	
<p><b>Regulation 13 Duties of a principal contractor in relation to health and safety at the construction phase</b></p> <ol style="list-style-type: none"> <li>1. The principal contractor must plan, manage and monitor the construction phase and coordinate matters relating to health and safety during the construction phase to ensure that, so far as is reasonably practicable, construction work is carried out without risks to health or safety;</li> <li>2. In fulfilling the duties in paragraph (1), and in particular when—(a) design, technical and organisational aspects are being decided in order to plan the various items or stages of work which are to take place simultaneously or in succession; and (b) estimating the period of time required to complete the work or work stages; the principal contractor must take into account the general principles of prevention.</li> <li>3. The principal contractor must — (a) organise cooperation between contractors (including successive contractors on the same construction site):(b) coordinate implementation by the contractors of applicable legal requirements for health and safety; and (c) ensure that employers and, if necessary for the protection of workers, self-employed persons — (i) apply the general principles of prevention in a consistent manner, and in particular when complying with the provisions of Part 4; (ii) where required, follow the construction phase plan.</li> </ol>	<p><b>Plan, manage, monitor &amp; coordinate</b></p> <ul style="list-style-type: none"> <li>— PC must plan, manage and monitor the CP; and to ensure construction work is carried out without risks to Health and Safety;</li> <li>— Coordinate matters relating to Health and Safety during the CP phase to ensure construction work is carried out without risks to H&amp;S.</li> </ul> <p><b>General principals of prevention</b></p> <ul style="list-style-type: none"> <li>— PC must take into account GPP in fulfilling the above, and in particular when design, technical and organisational aspects are being decided and estimating the period of time required to complete the work.</li> </ul> <p><b>Organise cooperation</b></p> <ul style="list-style-type: none"> <li>— PC must organise cooperation between contractors and coordinate implementation by the contractors of legal requirements and ensure that employers etc. apply the GPP in a consistent manner (particular re Part 4) and follow the CPP.</li> </ul> <p><b>Site Induction (SI)</b></p> <ul style="list-style-type: none"> <li>— PC must ensure that suitable SI provided</li> </ul>



<p>4. The principal contractor must ensure that —          (a) a suitable site induction is provided; (b) the necessary steps are taken to prevent access by unauthorised persons to the construction site; and (c) facilities that comply with the requirements of Schedule 2 are provided throughout the construction phase.</p> <p>5. The principal contractor must liaise with the principal designer for the duration of the principal designer's appointment and share with the principal designer information relevant to the planning, management and monitoring of the pre-construction phase and the coordination of health and safety matters during the pre-construction phase</p>	<p><b>Site Access</b></p> <ul style="list-style-type: none"> <li>— PC must ensure that steps taken to prevent access by unauthorised persons to the construction site.</li> </ul> <p><b>Welfare facilities</b></p> <ul style="list-style-type: none"> <li>— PC must ensure that facilities comply (Schedule 2) throughout the CP.</li> </ul> <p><b>Liaison with PD</b></p> <ul style="list-style-type: none"> <li>— PC must liaise with PD for the duration of the PDs appointment and share with PD information relevant to the planning, management and monitoring of the PCP and the coordination of Health and Safety during the PCP</li> </ul>
<p><b>Regulation 14 Principal contractor's duties to consult and engage with workers</b></p> <p>The principal contractor must —</p> <p>a) make and maintain arrangements which will enable the principal contractor and workers engaged in construction work to cooperate effectively in developing, promoting and checking the effectiveness of measures to ensure the health, safety and welfare of the workers;</p> <p>b) consult those workers or their representatives in good time on matters connected with the project which may affect their health, safety or welfare, in so far as they or their representatives have not been similarly consulted by their employer;</p> <p>c) ensure that those workers or their representatives can inspect and take copies of any information which the principal contractor has, or which these Regulations require to be provided to the principal contractor, which relate to the health, safety or welfare of workers at the site, except any information —</p>	<p><b>Worker consultation</b></p> <ul style="list-style-type: none"> <li>— PC must make and maintain arrangements, which will enable PC and workers to cooperate in developing, promoting and checking the effectiveness of measures to ensure health, safety and welfare (HSW) of the workers; PC must consult workers (or reps) in good time on matters connected with the project, which may affect their HSW, in so far as they have not been similarly consulted by their employer;</li> </ul> <p><b>Supply of documents</b></p> <ul style="list-style-type: none"> <li>— PC must ensure workers can inspect and take copies of any information which the PC has, or which these Regulations require to be provided to the PC, which relate to the HSW of workers at the site. Subject to certain exceptions. See left opposite</li> </ul>



<p>(i) the disclosure of which would be against the interests of national security; (ii) which the principal contractor could not disclose without contravening a prohibition imposed by or under an enactment; (iii) relating specifically to an individual, unless that individual has consented to its being disclosed; (iv) the disclosure of which would, for reasons other than its effect on health, safety or welfare at work, cause substantial injury to the principal contractor's undertaking or, where the information was supplied to the principal contractor by another person, to the undertaking of that other person; (v) obtained by the principal contractor for the purpose of bringing, prosecuting or defending any legal proceedings</p>	
<p><b>Regulation 15 Duties of contractors</b></p> <ol style="list-style-type: none"> <li>1. A contractor must not carry out construction work in relation to a project unless satisfied that the client is aware of the duties owed by the client under these Regulations.</li> <li>2. A contractor must plan, manage and monitor construction work carried out either by the contractor or by workers under the contractor's control, to ensure that, so far as is reasonably practicable, it is carried out without risks to health and safety.</li> <li>3. Where there is more than one contractor working on a project, a contractor must comply with — (a) any directions given by the principal designer or the principal contractor; and (b) the parts of the construction phase plan that are relevant to that contractor's work on the project.</li> <li>4. If there is only one contractor working on the project, the contractor must take account of the general principles of prevention when (a) design, technical and organisational aspects are being decided in order to plan the various</li> </ol>	<p><b>Client awareness</b></p> <ul style="list-style-type: none"> <li>— Contractor must not carry out construction work unless satisfied client is aware of the duties owed by client under these Regulations.</li> </ul> <p><b>Plan, manage and monitor</b></p> <ul style="list-style-type: none"> <li>— Contractor must plan, manage and monitor construction work carried out either by the contractor or by workers under their control to ensure that it is carried out without risks to Health and Safety.</li> </ul> <p><b>Directions from PC or PD or CPP</b></p> <ul style="list-style-type: none"> <li>— Where &gt;1 contractor must comply with any directions given by the PD or the PC and the parts of the CPP that are relevant to that contractor's work on the project.</li> </ul> <p><b>General principles of prevention</b></p> <ul style="list-style-type: none"> <li>— Where only one contractor must take account of the GPP when design, technical and organisational aspects are being decided and</li> </ul>



<p>items or stages of work which are to take place simultaneously or in succession; and (b) estimating the period of time required to complete the work or work stages.</p> <ol style="list-style-type: none"><li>5. If there is only one contractor working on the project, the contractor must draw up a construction phase plan, or make arrangements for a construction phase plan to be drawn up, as soon as is practicable prior to setting up a construction site.</li><li>6. The construction phase plan must fulfil the requirements of regulation 12(2).</li><li>7. A contractor must not employ or appoint a person to work on a construction site unless that person has, or is in the process of obtaining, the necessary skills, knowledge, training and experience to carry out the tasks allocated to that person in a manner that secures the health and safety of any person working on the construction site.</li><li>8. A contractor must provide each worker under their control with appropriate supervision, instructions and information so that construction work can be carried out, so far as is reasonably practicable, without risks to health and safety.</li><li>9. The information provided must include — (a) a suitable site induction, where not already provided by the principal contractor; (b) the procedures to be followed in the event of serious and imminent danger to health and safety; (c) information on risks to health and safety — (i) identified by the risk assessment under regulation 3 of the Management Regulations, or (ii) arising out of the conduct of another contractor's undertaking and of which the contractor in control of the worker ought reasonably to be aware; and (d) any other information necessary to enable the worker to comply with the relevant statutory provisions.</li></ol>	<p>when estimating the period of time required to complete the work.</p> <p><b>Construction phase plan</b></p> <ul style="list-style-type: none"><li>— Where only one contractor must draw up a CPP, or make arrangements for a CPP to be drawn up, as soon as is practicable prior to setting up a construction site. CPP must fulfil the requirements of Reg 12</li></ul> <p><b>Skills, knowledge &amp; training</b></p> <ul style="list-style-type: none"><li>— Contractor must not employ or appoint a person to work on site unless has (or in the process of obtaining) the necessary skills, knowledge, training and experience to carry out the tasks allocated in a manner that secures the Health and Safety of any person working onsite.</li></ul> <p><b>Supervision, Instruction &amp; Information (SII)</b></p> <ul style="list-style-type: none"><li>— Contractor must provide each worker under Their control with appropriate SII so the construction work can be carried out without risks to Health and Safety and must include:<ul style="list-style-type: none"><li>— Site induction, where not already provided by PC;</li><li>— Procedures to be followed in the event of serious and imminent danger to health and safety;</li><li>— Information on risks to H&amp;S identified by the MHSW risk assessment or arising out of the conduct of another contractor's undertaking; and</li><li>— Any other information necessary to enable the worker to comply with relevant statutory provisions.</li></ul></li></ul> <p><b>Site access</b></p> <ul style="list-style-type: none"><li>— Contractor must not begin work on site unless steps taken to prevent access by unauthorised persons.</li></ul>
--	--



<p>10. A contractor must not begin work on a construction site unless reasonable steps have been taken to prevent access by unauthorised persons to that site.</p> <p>11. A contractor must ensure, so far as is reasonably practicable, that the requirements of Schedule 2 are complied with so far as they affect the contractor or any worker under that contractor's control.</p>	<p><b>Welfare facilities</b></p> <ul style="list-style-type: none"> <li>— Contractor must ensure that the requirements of Schedule 2 are complied with so far as they affect the contractor or any worker under that contractor's control</li> </ul>
<p><b>Schedule 3 Regulation 12(2) Work involving particular risks</b></p> <ol style="list-style-type: none"> <li>1. Work which puts workers at risk of burial under earth falls, engulfment in swampland or falling from a height, where the risk is particularly aggravated by the nature of the work or processes used or by the environment at the place of work or site;</li> <li>2. Work, which puts workers at risk from chemical or biological substances constituting a particular danger to the safety or health of workers or involving a legal requirement for health monitoring;</li> <li>3. Work with ionizing radiation requiring the designation of controlled or supervised areas under regulation 16 of the Ionising Radiations Regulations 1999;</li> <li>4. Work near high voltage power lines;</li> <li>5. Work exposing workers to the risk of drowning;</li> <li>6. Work on wells, underground earthworks and tunnels;</li> <li>7. Work carried out by divers having a system of air supply;</li> <li>8. Work carried out by workers in caissons with a compressed air atmosphere;</li> <li>9. Work involving the use of explosives;</li> <li>10. Work involving the assembly or dismantling of heavy prefabricated components</li> </ol>	<p><b>Particular risks</b></p> <ul style="list-style-type: none"> <li>— Collapse of excavation work etc.;</li> <li>— Falling from height;</li> <li>— Substances with particular danger;</li> <li>— Substances requiring health monitoring;</li> <li>— Ionizing radiations work;</li> <li>— High voltage power lines work near;</li> <li>— Work with risk of drowning;</li> <li>— Wells, underground earthworks and tunnel work;</li> <li>— Diving with air supply;</li> <li>— Compressed air work in caissons;</li> <li>— Explosives use; and</li> <li>— Assembly or dismantling heavy prefabricated components</li> </ul> <p><b>Editors note:</b></p> <p>These particular risks are as detailed in the relevant EU Directive and could be more simply summarised as:</p> <ul style="list-style-type: none"> <li>— Excavation work etc. (1)</li> <li>— Work at height (1)</li> <li>— Lifting operations (10)</li> <li>— Substances hazardous to health (2)</li> <li>— High voltage lines (4)</li> <li>— Drowning risk e.g. work over water (5)</li> <li>— Ionising radiations work (3)</li> <li>— Confined spaces e.g. tunnelling etc. (6)</li> <li>— Diving (7)</li> <li>— Compressed air in caissons )8)</li> <li>— Explosives (9)</li> </ul>



## Regulation 2 Interpretation

(1) In these Regulations —

“**the 1974 Act**” means the Health and Safety at Work etc. Act 1974;

“**the 2007 Regulations**” means the Construction (Design and Management) Regulations 2007;

“**the Management Regulations**” means the Management of Health and Safety at Work Regulations 1999;

“**business**” means a trade, business or other undertaking (whether for profit or not);

“**client**” means any person for whom a project is carried out;

“**construction phase**” means the period of time beginning when construction work in a project starts and ending when construction work in that project is completed;

“**construction phase plan**” means a plan drawn up under regulations 12 or 15;

“**construction site**” includes any place where construction work is being carried out or to which the workers have access but does not include a workplace within the site which is set aside for purposes other than construction work;

“**construction work**” means the carrying out of any building, civil engineering or engineering construction work and includes—

(a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;

(b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation (but not pre-construction archaeological investigations), and the clearance or preparation of the site or structure for use or occupation at its conclusion;

(c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of the prefabricated

elements which, immediately before such disassembly, formed a structure;

(d) the removal of a structure, or of any product or waste resulting from demolition or dismantling of a structure, or from disassembly of prefabricated elements which immediately before such disassembly formed such a structure;

(e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air,

hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure, but does not include the exploration for, or extraction of, mineral resources, or preparatory activities carried out at a place where such exploration or extraction is carried out;

“**contractor**” means any person (including a non-domestic client) who, in the course or furtherance of a business, carries out, manages or controls construction work;

“**design**” includes drawings, design details, specifications and bills of quantities (including specification of articles or substances) relating to a structure, and calculations prepared for the purpose of a design;

“**designer**” means any person (including a client, contractor or other person referred to in these Regulations) who in the course or furtherance of a business— (a) prepares or modifies a design; or (b) arranges for, or instructs, any person under their control to do so, relating to a structure, or to a





product or mechanical or electrical system intended for a particular structure, and a person is deemed to prepare a design where a design is prepared by a person under their control; “**domestic client**” means a client for whom a project is being carried out which is not in the course or furtherance of a business of that client; “**excavation**” includes any earthwork, trench, well, shaft, tunnel or underground working; “**the general principles of prevention**” means the general principles of prevention specified in Schedule 1 to the Management Regulations; “**health and safety file**” means a file prepared under regulation 12(5); “**inspector for the Executive**” means an inspector within the meaning given in section 53(1) of the 1974 Act; “**loading bay**” means any facility for loading or unloading; “**place of work**” means any place which is used by any person at work for the purposes of construction work or for the purposes of any activity arising out of or in connection with construction work; “**pre-construction information**” means information in the client’s possession or which is reasonably obtainable by or on behalf of the client, which is relevant to the construction work and is of an appropriate level of detail and proportionate to the risks involved, including —(a) information about —(i) the project; (ii) planning and management of the project;(iii) health and safety hazards, including design and construction hazards and how they will be addressed; and (b) information in any listing health and safety file; “pre-construction phase” means any period of time during which design or preparatory work is carried out for a project and may continue during the construction phase; “principal contractor” means the contractor appointed under regulation 5(1)(b) to perform specified duties in regulations 12 to 14; “principal designer” means the designer appointed under regulation 5 (1)(a) to perform specified duties in regulations 11 and 12; “project” means a project which includes or is intended to include construction work and includes all planning, design, management or other work involved in a project until the end of the construction phase; “site rules” means rules which are drawn up for a particular construction site and are necessary for health or safety purposes; “structure” means — (a) any building, timber, masonry, metal or reinforced concrete structure, railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipeline, cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure or structure designed to preserve or alter any natural feature, and fixed plant; (b) any structure similar to anything specified in paragraph (a);(c) any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work, and any reference to a structure includes part of a structure; “traffic route” means a route for pedestrian traffic or for vehicles and includes any doorway, gateway, loading bay or ramp; “vehicle” includes any mobile work equipment; “work equipment” means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not); “working day” means any day on which construction work takes place; “workplace” means a workplace within the meaning of regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 other than a construction site. (2) Any reference in these Regulations to a plan, rule, document, report or copy includes a copy or electronic version, which is — (a) capable of being retrieved or reproduced when required; and (b) secure from loss or unauthorised interference.





### **Regulation 3 Application in and outside Great Britain**

(1) —These Regulations apply — (a) in Great Britain; and (b) to premises and activities outside Great Britain to which sections 1 to 59 and /80 to 82 of the 1974 Act apply by virtue of articles 9 and 11(1) (a) of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 201

---

Further help and contacts: If you need any further information or guidance please contact any member of the Health, Safety & Security Team.