

On 6th April 2015, the CDM 2007 was revoked and replaced by the Construction (Design and Management) Regulations 2015 (CDM 2015). CDM 2015 is subject to certain transitional arrangements, for construction projects that began before 6th April 2015 and continue beyond that date.

Construction (Design and Management) Regulations 2015 (CDM 2015): Transitional arrangements

CDM 2015 recognises that there will be construction projects that start before the Regulations come into force on 6 April 2015 and continue beyond that date. For these projects, the following transitional arrangements apply.

Where there is, or is expected to be, more than one contractor on a project:

- where the construction phase has not yet started and the client has not yet appointed a CDM co-ordinator, the client must appoint a principal designer as soon as practicable
- if the CDM co-ordinator has already been appointed and the construction phase has started, the client must appoint a principal designer to replace the CDM co-ordinator before 6 October 2015, unless the project comes to an end before then
- in the period it takes to appoint the principal designer, the appointed CDM co-ordinator should comply with the duties contained in Schedule 4 of CDM 2015. These reflect the duties placed on CDM co-ordinators under CDM 2007 rather than requiring CDM co-ordinators to act as principal designers, a role for which they may not be equipped

Other transitional arrangements are:

- pre-construction information, construction phase plans or health and safety files provided under CDM 2007 are recognised as meeting the equivalent requirements in CDM 2015
- any project notified under CDM 2007 is recognised as a notification under CDM 2015
- a principal contractor appointed under CDM 2007 will be considered to be a principal contractor under CDM 2015

In all other circumstances, the requirements of CDM 2015 apply in full from 6 April 2015.

The CDM 2007 pages are therefore being retained until the end of the transitional period, 6th October 2015 and pages giving guidance on CDM 2015 will be published shortly.

The Construction (Design and Management) Regulations 2007 (CDM 2007)

Everyone controlling site work has health and safety responsibilities. Checking that working conditions are healthy and safe before work begins (and ensuring that the proposed work is not going to put others at risk) requires planning and organisation. This applies whatever the size of the site.

The Construction (Design and Management) Regulations 2007 (CDM) can help you to:

- improve health and safety in your industry
- have the right people for the right job at the right time to manage the risks on site, and
- focus on effective planning and manage the risk - not the paperwork.

The regulations come under the overall legislation of the 1974 Health & Safety at Work Act.

Please also see our information sheets on risk assessment.

The Health & Safety Commission has published a useful *Approved Code of Practice* (ACOP) which is essential reading in order to understand the regulations (see references at end).

As always, the regulations need to be consulted for full details, but the main points to be considered are as follows:

- The only construction work excluded from these regulations is 'domestic work'. No construction work handled by Methodist Managing Trustees can be defined as 'domestic work'.
- All construction work must have a package of Health & Safety (H&S) information (for the definition of 'construction work', see ACOP clause 13).
- Construction work, even when undertaken by volunteers, still comes within the regulations. Managing Trustees are responsible for ensuring that all volunteers have sufficient training and competence.
- Managing Trustees are responsible for checking the competence and responsibilities of designers and contractors etc.
 - All construction work lasting more than 30 working days, or involving more than 500 person days, must be notified to the Health & Safety Executive (HSE).
 - A CDM coordinator must be appointed for all notifiable projects.

The CDM coordinator replaces the 1994 CDM regulations 'planning supervisor', and has very similar duties, including:

- providing the Managing Trustees with advice relating to H&S risk management
- ensuring that all designers and contractors are competent
- coordinating H&S information
- notifying HSE where applicable, and
- the preparation of the H&S file.

The CDM coordinator should be appointed as early as possible in the project. Where this person has not been appointed, the Managing Trustees are legally the CDM coordinator.

All construction professionals should be familiar with the CDM regulations, and we recommend that you consult a suitable professional for advice whenever you are contemplating a building project. The designer (ie the architect or surveyor) also has considerable duties (see ACOP clause 109 to 145; the principal contractor's duties are set out in Clauses 146-192).

The HSE has stressed that one of the main objectives of the revised regulations is that it is important to minimise paperwork and bureaucracy. One of the main complaints about the 1994 CDM regulations was that they produced a 'paperchase', including lengthy H&S documents, which were sometimes of little use.

We appreciate that the new regulations may be considered to impose some additional responsibility on Managing Trustees, but it is worth bearing in mind that these responsibilities are little different to those already applicable under the 1994 CDM regulations. The main difference is that what was implicit in the old regulations, is now made more explicit, particularly in the requirement to ensure that the professional advisors and building contractors are competent and suitably resourced. For instance, any proposed timescale for building work must be reasonable.

Managing Trustees who appoint anyone who they have not assessed to be competent are in breach of the regulations, and we therefore always recommend that a suitable professional is appointed to offer at least some advice, even if a 'full service' is not considered necessary.

However, the formal appointment of a CDM coordinator is only required for projects that have to be notified to the HSE (see above).

If Managing Trustees do not need to appoint a CDM coordinator, and also do not appoint a suitable professional (eg an architect or surveyor) to advise them as a 'competent person' as defined in the regulations, then the Managing Trustees themselves become the competent person, which may be inadvisable. In these circumstances, they should discuss the position with their insurance company to ensure they have adequate insurance cover.

Competence: a definition is given in the ACOP appendix 4.

Construction work is very widely defined, and includes repair and redecoration, site investigation and preparation, demolition, and work to services (see APOC clause 13).

The Workplace (Health, Safety & Welfare) Regulations 1992 are complementary regulations which set out requirements covering, for instance, sanitary provision; eating, drinking, rest and changing facilities; and cleanliness of working spaces during construction activity (including when volunteers are involved).

References

Managing Health & Safety in Construction: Construction (Design & Management) Regulations 2007- Approved Code of Practice (L144), HSE Books 2007.

books.hse.gov.uk/hse/public/home.jsf

Technical Information leaflet T9 – *Property Risk Assessment*.

Management of Health & Safety at Work - Approved Code of Practice & Guidance, HSE Books 2007

The Essentials of Health & Safety at Work: HSE books (revised edition 2006) *Health & Safety at Work etc Act, 1974*.

Management of Health & Safety at Work Act

1999 Workplace (Health, Safety & Welfare)

Regulations 1992

Health & Safety Executive (HSE) publications: tel: 01787 881165, www.hse.gov.uk

Health & Safety Executive (HSE) infoline: tel: 0845 345 0055