

Construction (Design and Management) Regulations 2015 (CDM2015)

COMPARISON BETWEEN CDM2015 & CDM2007

Callsafe Services Limited



**OVER 25 YEARS PROVIDING EFFECTIVE AND EFFICIENT
HEALTH AND SAFETY ADVICE AND TRAINING TO THE
CONSTRUCTION INDUSTRY AND OTHERS**





The following table has been developed by Callsafe Services Limited to assist our own consultants and trainers, and our clients, in fully understanding the changes to the requirements caused by the Construction (Design and Management) Regulations 2015 (CDM2015) compared to the requirements of the Construction (Design and Management) Regulations 2007 (CDM2007). As a number of clients have expressed their appreciation of this, it has been decided to provide this to the industry at large.

The text in the CDM2015 that is coloured blue, is the text that we consider to be the most important new text. The text in the CDM2007 coloured red is the text that has been significantly changed or removed by CDM2015. The comments & concerns column includes some of the more significant issues that we consider will need to be addressed by the industry as a result of the amended regulations.

Callsafe Services Limited hope that this will be helpful in the amendment of your policies, procedures, formats, arrangements and contracts necessitated by CDM2015.

If you need assistance with these changes, with providing the necessary training and/or CDM advice and assistance on current or new projects and/or a principal designer for your projects, contact Callsafe Services Limited.

COMPARISON BETWEEN CDM2015 AND CDM2007 by CALLSAFE SERVICES LIMITED

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015	CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007	COMMENTS & CONCERNS
PART 1 - INTRODUCTION		
Citation and commencement		
<p>1. These Regulations may be cited as the Construction (Design and Management) Regulations 2015 and come into force on 6th April 2015 immediately after the Mines Regulations 2014.</p>	<p>1. These Regulations may be cited as the Construction (Design and Management) Regulations 2007 and shall come into force on 6th April 2007.</p>	
Interpretation		
<p>2.(1) In these Regulations, unless the context otherwise requires – “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;</p> <p>“construction phase” means the period of time starting 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;</p> <p>“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 it 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), decommissioning, demolition or dismantling of a structure;</p>	<p>2.(1) In these Regulations, unless the context otherwise requires—</p> <p>“business” means a trade, business or other undertaking (whether for profit or not); “client” means a person who in the course or furtherance of a business— (a) seeks or accepts the services of another which may be used in the carrying out of a project for him; or (b) carries out a project himself; “construction phase” means the period of time starting when construction work in any project starts and ending when construction work in that project is completed; “construction phase plan” means a document recording the health and safety arrangements, site rules and any special measures for construction work; “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 it 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), decommissioning, demolition or dismantling of a structure;</p>	<p>The Construction Phase Plan is now aligned to the requirements of the Directive.</p> <p>Construction site definition just moved to be alphabetically listed.</p> <p>The exclusion of fixed plant maintenance routines, as described in the L144 ACoP, para 13, has still not been clarified within the Regulations.</p>

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<p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>"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;</p> <p>"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;</p> <p>"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—</p> <p>(a) prepares or modifies a design; or</p> <p>(b) arranges for or instructs any person under their control to do so,</p> <p>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;</p>	<p>(b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation, and the clearance or preparation of the site or structure for use or occupation at its conclusion;</p> <p>(c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of prefabricated elements which, immediately before such disassembly, formed a structure;</p> <p>(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; and</p> <p>(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 activities preparatory thereto carried out at a place where such exploration or extraction is carried out;</p> <p>"contractor" means any person (including a client, principal contractor or other person referred to in these Regulations) who, in the course or furtherance of a business, carries out or manages construction work;</p> <p>"design" includes drawings, design details, specification and bill of quantities (including specification of articles or substances) relating to a structure, and calculations prepared for the purpose of a design;</p> <p>"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—</p> <p>(a) prepares or modifies a design; or</p> <p>(b) arranges for or instructs any person under their control to do so,</p> <p>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 his control;</p>	<p>According to this definition, archaeological investigations performed pre-construction will not need to be supported. The only legal requirements for excavation supports and excavation inspections are within CDM2015 Regs 22 & 24</p> <p>Changed to include the domestic client.</p>

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<p>“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;</p> <p>“excavation” includes any earthwork, trench, well, shaft, tunnel or underground working;</p> <p>“the general principles of prevention” means the general principles of prevention specified in Schedule 1 to the Management of Health and Safety at Work Regulations 1999;</p> <p>“health and safety file” means a file prepared under regulation 12(5);</p> <p>“inspector for the Executive” means an inspector within the meaning given in section 53(1) of the 1974 Act;</p> <p>“loading bay” means any facility for loading or unloading;</p> <p>“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;</p> <p>“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 work and is of an appropriate level of detail and proportionate to the risks involved, including information about—</p> <p>(a) the project;</p> <p>(b) planning and management of the project;</p> <p>(c) health and safety hazards, including design and construction hazards and how they will be addressed; and</p> <p>(d) information in any existing health and safety file;</p> <p>“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;</p> <p>“principal contractor” means the contractor appointed under regulation 5(1)(b) to perform specified duties in regulations 12 to 14;</p> <p>“principal designer” means the designer appointed under regulation 5(1)(a) to perform specified duties in regulations 11 and 12;</p> <p>“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</p>	<p>“excavation” includes any earthwork, trench, well, shaft, tunnel or underground working;</p> <p>“the Executive” means the Health and Safety Executive;</p> <p>“the general principles of prevention” means the general principles of prevention specified in Schedule 1 to the Management of Health and Safety at Work Regulations 1999;</p> <p>“health and safety file”—</p> <p>(a) means the record referred to in regulation 20(2)(e); and</p> <p>(b) includes a health and safety file prepared under regulation 14(d) of the Construction (Design and Management) Regulations 1994;</p> <p>“loading bay” means any facility for loading or unloading;</p> <p>“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;</p> <p>“pre-construction information” means the information described in regulation 10 and, where the project is notifiable, regulation 15;</p> <p>“principal contractor” means the person appointed as the principal contractor under regulation 14(2);</p> <p>“CDM co-ordinator” means the person appointed as the CDM co-ordinator under regulation 14(1);</p> <p>“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</p>	<p>This definition of a ‘domestic client’ could be construed as meaning charities, etc., which previously have been regarded as ‘client’.</p> <p>The definition now contains the main sections previously specified in the CDM2007 ACoP, Appendix 2.</p> <p>The ‘pre-construction phase’ could overlap the ‘construction phase’ if design is not complete prior to construction commencement, such as with Design & Build.</p> <p>Replacement for the CDMC’s H&S in design duties.</p>

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<p>end of the construction phase; "site rules" means rules which are drawn up for a particular construction site and are necessary for health and safety purposes; "structure" means—</p> <p>(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 pipe-line, 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;</p> <p>(b) any structure similar to anything specified in paragraph (a);</p> <p>(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;</p> <p>"traffic route" means a route for pedestrian traffic or for vehicles and includes any doorway, gateway, loading bay or ramp;</p> <p>"vehicle" includes any mobile work equipment;</p> <p>"work equipment" means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not);</p> <p>"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.</p>	<p>end of the construction phase; "site rules" means the rules described in regulation 22(1)(d);</p> <p>"structure" means—</p> <p>(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 pipe-line, 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, fixed plant and any structure similar to the foregoing; or</p> <p>(b) 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 a part of a structure.</p> <p>"traffic route" means a route for pedestrian traffic or for vehicles and includes any doorway, gateway, loading bay or ramp;</p> <p>"vehicle" includes any mobile work equipment;</p> <p>"work equipment" means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not);</p> <p>"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; and</p> <p>"writing" includes writing which is kept in electronic form and which can be printed.</p>	<p>Wording changed, but meaning has not changed.</p>
<p>2.(2) Any reference in these Regulations to a plan, rule, document, report or copy includes a copy, or electronic version which is —</p> <p>(a) capable of being retrieved or reproduced when required; and</p> <p>(b) secure from loss or unauthorised interference.</p>	<p>2.(2) Any reference in these Regulations to a plan, rules, document, report or copy includes a plan, rules, document, report or copy which is kept in a form—</p> <p>(a) in which it is capable of being reproduced as a printed copy when required; and</p> <p>(b) which is secure from loss or unauthorised interference.</p>	<p>No change.</p>
<p>Application in and outside Great Britain</p>		
<p>3. These Regulations apply—</p> <p>(a) in Great Britain; and</p> <p>(b) to premises and activities outside Great Britain to</p>	<p>3.(1) These Regulations shall apply—</p> <p>(a) in Great Britain; and</p> <p>(b) outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974</p>	<p>CDM will still apply to offshore wind farms and any wave generation plant.</p>

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<p>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 2013.</p>	<p>Act apply by virtue of article 8(1) (a) of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001.</p> <p>3.(2) Subject to the following paragraphs of this regulation, these Regulations shall apply to and in relation to construction work.</p> <p>3.(3) The duties under Part 3 shall apply only where a project— (a) is notifiable; and (b) is carried out for or on behalf of, or by, a client.</p> <p>3.(4) Part 4 shall apply only in relation to a construction site.</p> <p>3.(5) Regulations 9(1)(b), 13(7), 22(1) (c), and Schedule 2 shall apply only in relation to persons at work who are carrying out construction work.</p>	<p>Notification does not cause any other regulations to apply. A PD and PC must be appointed where there may be more than one contractor working on the project.</p>

PART 2 - CLIENT DUTIES

Client duties for managing projects

<p>4.(1) A client must make suitable arrangements for managing a project, including the allocation of sufficient time and other resources.</p> <p>4.(2) Arrangements are suitable if they ensure that— (a) the construction work can be carried out, so far as is reasonably practicable, without risk to the health and 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.</p> <p>4.(3) A client must ensure that these arrangements are maintained and reviewed throughout the project.</p> <p>4.(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>4.(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</p> <p>4.(5) A client must ensure that— (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 (ii) is kept available for inspection by any person who may need it to comply with the relevant legal requirements.</p>	<p>9.(1) Every client shall take reasonable steps to ensure that the arrangements made for managing the project (including the allocation of sufficient time and other resources) by persons with a duty under these Regulations (including the client himself) are suitable to ensure that— (a) the construction work can be carried out so far as is reasonably practicable without risk to the health and safety of any person; (b) the requirements of Schedule 2 are complied with in respect of any person carrying out the construction work; and any structure designed for use as a workplace has been designed taking account of the provisions of the Workplace (Health, Safety and Welfare) Regulations 1992 which relate to the design of, and materials used in, the structure.</p> <p>9.(2) The client shall take reasonable steps to ensure that the arrangements referred to in paragraph (1) are maintained and reviewed throughout the project.</p> <p>10.(1) Every client shall ensure that (a) every person designing the structure; and (b) every contractor who has been or may be appointed by the client, is promptly provided with pre-construction information in accordance with paragraph (2).</p> <p>10.(2) The pre-construction information shall consist of all the information in the client's possession (or which is reasonably obtainable), including— (a) any information about or affecting the site or the construction work; (b) any information concerning the proposed use of the</p>	<p>This appears to be a more onerous duty on the client than previously, as the client, must now 'make suitable arrangement' whereas in CDM2007 they only had to ensure that arrangements were made.</p> <p>No requirement to verify that the Workplace Regs have been applied to the design, but this is a legal requirement so probably does not need to be stated.</p> <p>The construction phase plan does not appear to require a review by anyone. The client must only ensure that one exists. This may fall under the client's duties to make suitable management arrangements and ensuring that the PC is compliant. It is unclear how an unknowledgeable client will do this, without the support and assistance of the CDMC. The client will probably have to source an advisor to assist him/her in the performance of the duties.</p>
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<p>4.(6) A client must take reasonable steps to ensure that—</p> <p>(a) the principal designer complies with the duties in regulations 11 and 12; and</p> <p>(b) the principal contractor complies with the duties in regulations 12 to 14;</p> <p>4.(7) If a client disposes of the client's interest in the structure, the client will comply 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 it and ensuring that that person is aware of the nature and purpose of the file.</p> <p>4.(8) Where there is more than one client in relation to a project—</p> <p>(a) one or more of the clients may elect in writing to be treated for the purposes of these Regulations as the only client or clients;</p> <p>(b) except for the duties specified in sub-paragraph (c) only the client or clients agreed in paragraph (a) are subject to the duties owed by a client under these Regulations;</p> <p>(c) the duties in the following provisions are owed by all clients—</p> <p>(i) regulation 8(4); and</p> <p>(ii) paragraph (4) and regulation 8(6) to the extent that those duties relate to information in the possession of the client.</p>	<p>structure as a workplace;</p> <p>(c) the minimum amount of time before the construction phase which will be allowed to the contractors appointed by the client for planning and preparation for construction work; and</p> <p>(d) any information in any existing health and safety file, which is relevant to the person to whom the client provides it for the purposes specified in paragraph (3).</p> <p>10.(3) The purposes referred to in paragraph (2) are—</p> <p>(a) to ensure so far as is reasonably practicable the health and safety of persons—</p> <p>(i) engaged in the construction work,</p> <p>(ii) liable to be affected by the way in which it is carried out, and</p> <p>(iii) who will use the structure as a workplace; and</p> <p>(b) without prejudice to sub-paragraph (a), to assist the persons to whom information is provided under this regulation—</p> <p>(i) to perform their duties under these Regulations, and</p> <p>(ii) to determine the resources referred to in regulation 9(1) which they are to allocate for managing the project.</p> <p>16. Where the project is notifiable, the client shall ensure that the construction phase does not start unless—</p> <p>(a) the principal contractor has prepared a construction phase plan which complies with regulations 23(1)(a) and 23(2); and</p> <p>(b) he is satisfied that the requirements of regulation 22(1)(c) (provision of welfare facilities) will be complied with during the construction phase.</p> <p>17.(1) The client shall ensure that the CDM co-ordinator is provided with all the health and safety information in the client's possession (or which is reasonably obtainable) relating to the project which is likely to be needed for inclusion in the health and safety file, including information specified in regulation 4(9)(c) of the Control of Asbestos Regulations 2006.</p> <p>17.(2) Where a single health and safety file relates to more than one project, site or structure, or where it includes other related information, the client shall ensure that the information relating to each site or structure can be easily identified.</p>	<p>A better description of the health and safety file, and its application to a structure rather than a project, would have been usefully included.</p>

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	<p>17.(3) The client shall take reasonable steps to ensure that after the construction phase the information in the health and safety file—</p> <p>(a) is kept available for inspection by any person who may need it to comply with the relevant statutory provisions; and</p> <p>(b) is revised as often as may be appropriate to incorporate any relevant new information.</p> <p>17.(4) It shall be sufficient compliance with paragraph (3)(a) by a client who disposes of his entire interest in the structure if he delivers the health and safety file to the person who acquires his interest in it and ensures that he 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, if one or more of such clients elect in writing to be treated for the purposes of these Regulations as the only client or clients, no other client who has agreed in writing to such election shall be subject after such election and consent to any duty owed by a client under these Regulations save the duties in regulations 5(1)(b), 10(1), 15 and 17(1) insofar as those duties relate to information in his possession.</p>	
Appointment of the principal designer and the principal contractor		
<p>5.(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—</p> <p>(a) a designer with control over the pre-construction phase as principal designer; and</p> <p>(b) a contractor as principal contractor.</p> <p>5.(2) The appointments must be made as soon as is practicable, and, in any event, before the construction phase begins.</p> <p>5.(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.</p> <p>5.(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.</p>	<p>14.(1) Where a project is notifiable, the client shall appoint a person ("the CDM coordinator") to perform the duties specified in regulations 20 and 21 as soon as is practicable after initial design work or other preparation for construction work has begun.</p> <p>14.(2) After appointing a CDM co-ordinator under paragraph (1), the client shall appoint a person ("the principal contractor") to perform the duties specified in regulations 22 to 24 as soon as is practicable after the client knows enough about the project to be able to select a suitable person for such appointment.</p> <p>14.(3) The client shall ensure that appointments under paragraphs (1) and (2) are changed or renewed as necessary to ensure that there is at all times until the end of the construction phase a CDM co-ordinator and principal contractor.</p> <p>14.(4) The client shall—</p> <p>(a) be deemed for the purposes of these Regulations, save paragraphs (1) and (2) and regulations 18(1) and 19(1) (a) to have been appointed as the CDM co-ordinator or principal contractor, or both, for any period for which no person (including himself)</p>	<p>The appointments of the PD and PC will be required on the vast majority of projects, they must be appointed as soon as is practicable.</p> <p>This should mean that the PD is appointed at the start of all design work, including feasibility, with the PC appointed as early as possible. The limit of commencement of construction for the appointments could cause some clients not to appoint until then!</p>

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	<p>has been so appointed; and (b) accordingly be subject to the duties imposed by regulations 20 and 21 on a CDM coordinator or, as the case may be, the duties imposed by regulations 22 to 24 on a principal contractor, or both sets of duties.</p> <p>14.(5) Any reference in this regulation to appointment is to appointment in writing.</p>	
Notification		
<p>6.(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.</p> <p>6.(2) Subject to paragraph (4), where a project is notifiable, the client must give notice to the Executive as soon as is practicable before the construction phase begins.</p> <p>6.(3) The notice must— (a) contain the particulars specified in Schedule 1; and (b) be clearly displayed on site in a comprehensible form where it can be read by any worker engaged in the construction work and, if necessary, periodically updated.</p> <p>6.(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 for Railways and Other Guided Transport Systems) Regulations 2006, the client must give notice under paragraph (2) to the Office of Rail Regulation instead of to the Executive.</p> <p>6.(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)); (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998(c)); or (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations), the client must give notice to the Office for Nuclear Regulation instead of the Executive.</p>	<p>2.(3) For the purposes of these Regulations, a project is notifiable if the construction phase is likely to involve more than— (a) 30 days; or (b) 500 person days, of construction work.</p> <p>21.(1) The CDM co-ordinator shall as soon as is practicable after his appointment ensure that notice is given to the Executive containing such of the particulars specified in Schedule 1 as are available.</p> <p>21.(2) Where any particulars specified in Schedule 1 have not been notified under paragraph (1) because a principal contractor has not yet been appointed, notice of such particulars shall be given to the Executive as soon as is practicable after the appointment of the principal contractor, and in any event before the start of the construction work.</p> <p>21.(3) Any notice under paragraph (1) or (2) shall be signed by or on behalf of the client or, if sent by electronic means, shall otherwise show that he has approved it.</p> <p>21.(4) Insofar as the project includes construction work of a description for which the Office of Rail Regulation is made the enforcing authority by regulation 3(1) of the Health and Safety(Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006, paragraphs (1) and (2) shall have effect as if any reference to the Executive were a reference to the Office of Rail Regulation.</p>	<p>Less projects will require notification as the 30 working days and 20 workers both need to apply. Note that this is no longer linked to additional duties.</p> <p>The client will be responsible for submitting the Project Notification (F10).</p> <p>Notification is only required prior to construction commencement, not as soon as is practicable after commencement of preliminary design, as at present.</p> <p>The Office for Nuclear Regulation is included for the first time.</p> <p>No requirement to update the F10!</p>
Application to domestic clients		
<p>7.(1) Where the client is a domestic client the duties in regulations 4(1) to (7) and 6, must be</p>		<p>This means that the contractor/principal contractor will perform the client's duties unless there is a written agreement</p>

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<p>carried out by—</p> <p>(a) the contractor for a project where there is only one contractor; or</p> <p>(b) the principal contractor for a project where there is more than one contractor; or</p> <p>(c) the principal designer where there is a written agreement that the principal designer will fulfil those duties.</p> <p>7.(2) If a domestic client fails to make the appointments required by regulation 5—</p> <p>(a) the designer in control of the pre-construction phase of the project is the principal designer;</p> <p>(b) the contractor in control of the construction phase of the project is the principal contractor.</p> <p>7.(3) Regulation 5(3) and (4) does not apply to a domestic client.</p>		<p>for the principal designer to perform the duties, e.g. make arrangements, allow time/resources, pre-construction information.</p> <p>The domestic client must appoint the PD and PC in writing, even though the PD, with a written agreement, or the PC, will be performing the client's duties for them.</p> <p>If the domestic client does not make the appointments the client would not assume the duties of PD and PC as would a commercial client.</p>

PART 3 – HEALTH AND SAFETY DUTIES AND ROLES

General Duties

<p>8.(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.</p> <p>8(2) A designer or contractor must not accept an appointment to a project unless they fulfil the conditions in paragraph (1).</p> <p>8(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).</p> <p>8.(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.</p> <p>8.(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.</p> <p>8.(6) Any person who is required to provide information or instruction by these Regulations must ensure the information is comprehensible and provided as soon as is practicable.</p>	<p>4.(1) No person on whom these Regulations place a duty shall—</p> <p>(a) appoint or engage a CDM co-ordinator, designer, principal contractor or contractor unless he has taken reasonable steps to ensure that the person to be appointed or engaged is competent;</p> <p>(b) accept such an appointment or engagement unless he is competent;</p> <p>(c) arrange for or instruct a worker to carry out or manage design or construction work unless the worker is—</p> <p>competent, or under the supervision of a competent person.</p> <p>4.(2) Any reference in this regulation to a person being competent shall extend only to his being competent to—</p> <p>(a) perform any requirement; and</p> <p>(b) avoid contravening any prohibition, imposed on him by or under any of the relevant statutory provisions.</p> <p>5.(1) Every person concerned in a project on whom a duty is placed by these Regulations, including paragraph (2), shall—</p> <p>seek the co-operation of any other person concerned in any project involving construction work at the same or an adjoining site so far as is necessary to enable himself to perform any duty or function under these Regulations; and</p> <p>co-operate with any other person concerned in any project involving construction work at the same or an adjoining site so far as is necessary to enable that person to perform any duty or function under these Regulations.</p>	<p>This is better targeted on the requirements for a specific project, and, according to the HSE, will reduce the bureaucracy.</p> <p>However, the guidance refers to PAS91 and SSIP, which are both based on questions in L144 ACoP, Appendix 4, so the questionnaires will generally be the same!</p> <p>The duty on the duty holders to be competent remains, just using different words.</p>
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<p>8.(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>5.(2) Every person concerned in a project who is working under the control of another person shall report to that person anything which he is aware is likely to endanger the health or safety of himself or others.</p> <p>6. All persons concerned in a project on whom a duty is placed by these Regulations shall coordinate their activities with one another in a manner which ensures, so far as is reasonably practicable, the health and safety of persons— (a) carrying out the construction work; and (b) affected by the construction work.</p>	
Duties of designers		
<p>9.(1) A designer must not commence work in relation to a project unless satisfied that the client is aware of the client duties under these Regulations.</p> <p>9.(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 and 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.</p> <p>9.(3) If it is not possible to eliminate the risks, the designer must, so far as is reasonably practicable— (a) take steps to reduce and 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.</p> <p>9.(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.</p>	<p>11.(1) No designer shall commence work in relation to a project unless any client for the project is aware of his duties under these Regulations.</p> <p>11.(2) The duties in paragraphs (3) and (4) shall be performed so far as is reasonably practicable, taking due account of other relevant design considerations.</p> <p>11.(3) Every designer shall in preparing or modifying a design which may be used in construction work in Great Britain avoid foreseeable risks to the health and safety of any person— (a) carrying out construction work; (b) liable to be affected by such construction work; (c) cleaning any window or any transparent or translucent wall, ceiling or roof in or on a structure; (d) maintaining the permanent fixtures and fittings of a structure; or (e) using a structure designed as a workplace.</p> <p>11.(4) In discharging the duty in paragraph (3), the designer shall— (a) eliminate hazards which may give rise to risks; and (b) reduce risks from any remaining hazards, and in so doing shall give collective measures priority over individual measures.</p> <p>11.(5) In designing any structure for use as a workplace the designer shall take account of the provisions of the Workplace (Health, Safety and Welfare) Regulations 1992 which relate to the design of, and materials used in, the structure.</p> <p>11.(6) The designer shall take all reasonable steps to provide with his design sufficient information about aspects of the design of the structure or its construction or maintenance as will adequately assist— (a) clients; (b) other designers; and (c) contractors,</p>	<p>Designers' duties are still generally the same. Better clarification of design coordination requirements would have been useful.</p> <p>Specific reference made to the General Principles of Prevention.</p> <p>No requirement for the designers not to continue their design work without a PD.</p> <p>No specific requirement to comply with the Workplace (Health, Safety and Welfare) Regulations 1992.</p>

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	<p>to comply with their duties under these Regulations.</p> <p>18.(1) Where a project is notifiable, no designer shall commence work (other than initial design work) in relation to the project unless a CDM co-ordinator has been appointed for the project.</p> <p>18.(2) The designer shall take all reasonable steps to provide with his design sufficient information about aspects of the design of the structure or its construction or maintenance as will adequately assist the CDM co-ordinator to comply with his duties under these Regulations, including his duties in relation to the health and safety file.</p>	
Designs prepared or modified outside Great Britain		
<p>10.(1) Where a design is prepared or modified outside Great Britain for use in construction work to which these Regulations apply—</p> <p>(a) the person who commissions it, if he is established within Great Britain; or</p> <p>(b) if that person is not so established, any client for the project, shall ensure that regulation 9 is complied with.</p> <p>10.(2) This regulation does not apply to a domestic client.</p>	<p>12. Where a design is prepared or modified outside Great Britain for use in construction work to which these Regulations apply—</p> <p>(a) the person who commissions it, if he is established within Great Britain; or</p> <p>(b) if that person is not so established, any client for the project, shall ensure that regulation 11 is complied with.</p>	<p>No change, except the exclusion of domestic client.</p>
Duties of a principal designer for health and safety at the pre-construction phase		
<p>11.(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.</p> <p>11.(2) In fulfilling the duties in paragraph (1), and in particular when—</p> <p>(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</p> <p>(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 any health and safety file.</p> <p>11.(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—</p> <p>(a) carrying out or liable to be affected by construction work;</p>	<p>20.(1) The CDM co-ordinator shall—</p> <p>(a) give suitable and sufficient advice and assistance to the client on undertaking the measures he needs to take to comply with these Regulations during the project (including, in particular, assisting the client in complying with regulations 9 and 16);</p> <p>(b) ensure that suitable arrangements are made and implemented for the co-ordination of health and safety measures during planning and preparation for the construction phase, including facilitating—</p> <p>(i) co-operation and co-ordination between persons concerned in the project in pursuance of regulations 5 and 6, and</p> <p>(ii) the application of the general principles of prevention in pursuance of regulation 7; and</p> <p>(c) liaise with the principal contractor regarding—</p> <p>(i) the contents of the health and safety file,</p> <p>(ii) the information which the principal contractor needs to prepare the construction phase plan, and</p>	<p>The PD does not have any duties to advise and assist the client in the performance of the client's duties, except for those related to the pre-construction information.</p> <p>The PD plans, manages and monitors the pre-construction phase.</p> <p>The PD and the PC must cooperate, and the PD must ensure that all cooperate and communicate.</p>

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<p>(b) maintaining or cleaning a structure; or</p> <p>(c) using a structure designed as a workplace.</p> <p>11.(4) In fulfilling the duties in paragraph (1), the principal designer must ensure all designers comply with their duties in regulation 9.</p> <p>11.(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 pre-construction phase cooperate with the client, the principal designer and each other.</p> <p>11.(6) The principal designer must—</p> <p>(a) assist the client in the provision of the pre-construction information required by regulation 4(4); and</p> <p>(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.</p> <p>11.(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.</p>	<p>any design development which may affect planning and management of the construction work.</p> <p>20.(2) Without prejudice to paragraph (1) the CDM co-ordinator shall—</p> <p>(a) take all reasonable steps to identify and collect the pre-construction information;</p> <p>(b) promptly provide in a convenient form to—</p> <p>(i) every person designing the structure, and</p> <p>(ii) every contractor who has been or may be appointed by the client (including the principal contractor),</p> <p>such of the pre-construction information in his possession as is relevant to each;</p> <p>(c) take all reasonable steps to ensure that designers comply with their duties under regulations 11 and 18(2);</p> <p>(d) take all reasonable steps to ensure co-operation between designers and the principal contractor during the construction phase in relation to any design or change to a design;</p> <p>(e) prepare, where none exists, and otherwise review and update a record ("the health and safety file") containing information relating to the project which is likely to be needed during any subsequent construction work to ensure the health and safety of any person, including the information provided in pursuance of regulations 17(1), 18(2) and 22(1)(j); and</p> <p>(f) at the end of the construction phase, pass the health and safety file to the client.</p>	
Construction phase plan and health and safety file		
<p>12.(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.</p> <p>12.(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.</p> <p>12.(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—</p>	<p>23.(1) The principal contractor shall—</p> <p>(a) before the start of the construction phase, prepare a construction phase plan which is sufficient to ensure that the construction phase is planned, managed and monitored in a way which enables the construction work to be started so far as is reasonably practicable without risk to health or safety, paying adequate regard to the information provided by the designer under regulations 11(6) and 18(2) and the pre-construction information provided under regulation 20(2)(b);</p> <p>(b) from time to time and as often as may be appropriate throughout the project update, review, revise and refine the construction phase</p>	<p>New requirement on a single contractor to prepare a Construction Phase Plan.</p> <p>Specific requirement for the PD to assist the PC with the preparation of the construction phase plan.</p> <p>No specific requirement on the PC to provide the construction phase plan to the other contractors, although the general requirement to provide information to be supplied should cause this to happen.</p> <p>PD to prepare the health and safety file as the project progresses, but if the PD does not continue until the end of construction, the PC must complete the health and safety file. As we will not know that design is completed until the construction is complete, it is difficult to see where it would be appropriate to remove the PD from the project.</p>

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<p>(a) pre-construction information obtained from the client; (b) any information obtained from designers under regulation 9(3)(b).</p> <p>12.(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.</p> <p>12.(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.</p> <p>12.(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.</p> <p>12.(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.</p> <p>12.(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.</p> <p>12.(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 reviewed, updated and revised from time to time to take account of the work and any changes that have occurred.</p> <p>12.(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>plan so that it continues to be sufficient to ensure that the construction phase is planned, managed and monitored in a way which enables the construction work to be carried out so far as is reasonably practicable without risk to health or safety; and</p> <p>(c) arrange for the construction phase plan to be implemented in a way which will ensure so far as is reasonably practicable the health and safety of all persons carrying out the construction work and all persons who may be affected by the work.</p> <p>23.(2) The principal contractor shall take all reasonable steps to ensure that the construction phase plan identifies the risks to health and safety arising from the construction work (including the risks specific to the particular type of construction work concerned) and includes suitable and sufficient measures to address such risks, including any site rules.</p>	
Duties of a principal contractor in relation to health and safety at the construction phase		
<p>13.(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.</p> <p>13.(2) In fulfilling the duties in paragraph (1), and in particular when— (a) design, technical and</p>	<p>22.(1) The principal contractor for a project shall— (a) plan, manage and monitor the construction phase in a way which ensures that, so far as is reasonably practicable, it is carried out without risks to health or safety, including facilitating— (i) co-operation and co-ordination between persons concerned in the</p>	<p>Not any significant changes, except a little more specific about the cooperation between the PD and the PC.</p>

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<p>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</p> <p>(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.</p> <p>13.(3) The principal contractor must—</p> <p>(a) organise cooperation between contractors (including successive contractors on the same construction site);</p> <p>(b) coordinate implementation by the contractors of applicable legal requirements for health and safety; and</p> <p>(c) ensure that employers and, if necessary for the protection of workers, self-employed persons—</p> <p>(i) apply the general principles of prevention in a consistent manner, and in particular when complying with the provisions of Part 4; and</p> <p>(ii) where required, follow the construction phase plan.</p> <p>13.(4) The principal contractor must ensure that—</p> <p>(a) a suitable site induction is provided;</p> <p>(b) the necessary steps are taken to prevent access by unauthorised persons to the construction site; and</p> <p>(c) facilities that comply with the requirements of Schedule 2 are provided throughout the construction phase.</p> <p>13.(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>project in pursuance of regulations 5 and 6, and</p> <p>(ii) the application of the general principles of prevention in pursuance of regulation 7;</p> <p>(b) liaise with the CDM co-ordinator in performing his duties in regulation 20(2)(d) during the construction phase in relation to any design or change to a design;</p> <p>(c) ensure that welfare facilities sufficient to comply with the requirements of Schedule 2 are provided throughout the construction phase;</p> <p>(d) where necessary for health and safety, draw up rules which are appropriate to the construction site and the activities on it (referred to in these Regulations as "site rules");</p> <p>(e) give reasonable directions to any contractor so far as is necessary to enable the principal contractor to comply with his duties under these Regulations;</p> <p>(f) ensure that every contractor is informed of the minimum amount of time which will be allowed to him for planning and preparation before he begins construction work;</p> <p>(g) where necessary, consult a contractor before finalising such part of the construction phase plan as is relevant to the work to be performed by him;</p> <p>(h) ensure that every contractor is given, before he begins construction work and in sufficient time to enable him to prepare properly for that work, access to such part of the construction phase plan as is relevant to the work to be performed by him;</p> <p>(i) ensure that every contractor is given, before he begins construction work and in sufficient time to enable him to prepare properly for that work, such further information as he needs—</p> <p>(i) to comply punctually with the duty under regulation 13(7), and</p> <p>(ii) to carry out the work to be performed by him without risk, so far as is reasonably practicable, to the health and safety of any person;</p> <p>(j) identify to each contractor the information relating to the contractor's activity which is likely to be required by the CDM co-ordinator for inclusion in the health and safety file in pursuance of regulation 20(2)(e) and ensure that such information is promptly</p>	

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	<p>provided to the CDM co-ordinator;</p> <p>(k) ensure that the particulars required to be in the notice given under regulation 21 are displayed in a readable condition in a position where they can be read by any worker engaged in the construction work; and</p> <p>(l) take reasonable steps to prevent access by unauthorised persons to the construction site.</p> <p>22.(2) The principal contractor shall take all reasonable steps to ensure that every worker carrying out the construction work is provided with—</p> <p>(a) a suitable site induction;</p> <p>(b) the information and training referred to in regulation 13(4) by a contractor on whom a duty is placed by that regulation; and</p> <p>(c) any further information and training which he needs for the particular work to be carried out without undue risk to health or safety.</p>	

Principal contractor's duties to consult and engage with workers

<p>14. 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>(i) the disclosure of which would be against the interests of national security;</p> <p>(ii) which the principal contractor could not disclose without contravening a prohibition imposed by or under an enactment;</p>	<p>24. The principal contractor shall—</p> <p>(a) make and maintain arrangements which will enable him and the workers engaged in the construction work to co-operate effectively in promoting and developing measures to ensure the health, safety and welfare of the workers and in checking the effectiveness of such measures;</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, so far as they or their representatives are not so consulted on those matters by any employer of theirs;</p> <p>(c) ensure that such 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 him, which relates to the planning and management of the project, or which otherwise may affect their health, safety or welfare at the site, except any information—</p> <p>(i) the disclosure of which would be against the interests of national security,</p> <p>(ii) which he could not disclose without contravening a prohibition imposed by or under an enactment,</p>	<p>No change.</p>
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<ul style="list-style-type: none"> (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. 	<ul style="list-style-type: none"> (iii) relating specifically to an individual, unless he 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 his undertaking or, where the information was supplied to him by some other person, to the undertaking of that other person, or (v) obtained by him for the purpose of bringing, prosecuting or defending any legal proceedings. 	
Duties of contractors		
<p>15.(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.</p> <p>15.(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.</p> <p>15.(3) Where there is more than one contractor working on a project, a contractor must comply with—</p> <ul style="list-style-type: none"> (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. <p>15.(4) If there is only one contractor working on the project, the contractor must take account of the general principles of prevention when—</p> <ul style="list-style-type: none"> (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. <p>15.(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.</p> <p>15.(6) The construction phase plan must fulfil the requirements of regulation 12(2).</p> <p>15.(7) A contractor must not employ</p>	<p>13.(1) No contractor shall carry out construction work in relation to a project unless any client for the project is aware of his duties under these Regulations.</p> <p>13.(2) Every contractor shall plan, manage and monitor construction work carried out by him or under his control in a way which ensures that, so far as is reasonably practicable, it is carried out without risks to health and safety.</p> <p>13.(3) Every contractor shall ensure that any contractor whom he appoints or engages in his turn in connection with a project is informed of the minimum amount of time which will be allowed to him for planning and preparation before he begins construction work.</p> <p>13.(4) Every contractor shall provide every worker carrying out the construction work under his control with any information and training which he needs for the particular work to be carried out safely and without risk to health, including—</p> <ul style="list-style-type: none"> (a) suitable site induction, where not provided by any principal contractor; (b) information on the risks to their health and safety— <ul style="list-style-type: none"> (i) identified by his risk assessment under regulation 3 of the Management of Health and Safety at Work Regulations 1999, or (ii) arising out of the conduct by another contractor of his undertaking and of which he is or ought reasonably to be aware; (c) the measures which have been identified by the contractor in consequence of the risk assessment as the measures he needs to take to comply with 	<p>If only one contractor, the contractor is responsible for producing the construction phase plan.</p> <p>The contractor may now start work without the project being notified, the PD being appointed or the PC being appointed, even if these requirements are valid.</p> <p>New requirement on the contractor, to comply with instructions provided by the PD!</p> <p>No requirement on contractors to inform the PC of RIDDOR incidents/accidents.</p> <p>No requirement on contractors to inform the PC of problems with the construction phase plan.</p>

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<p>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.</p> <p>15.(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.</p> <p>15.(9) The information provided must include—</p> <p>(a) a suitable site induction, where not already provided by the principal contractor;</p> <p>(b) the procedures to be followed in the event of serious and imminent danger to health and safety;</p> <p>(c) information on risks to health and safety—</p> <p>(i) identified by the risk assessment under regulation 3 of the Management Regulations; or</p> <p>(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</p> <p>(d) any other information necessary to enable the worker to comply with the relevant statutory provisions.</p> <p>15.(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>15.(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>the requirements and prohibitions imposed upon him by or under the relevant statutory provisions;</p> <p>(d) any site rules;</p> <p>(e) the procedures to be followed in the event of serious and imminent danger to such workers; and</p> <p>(f) the identity of the persons nominated to implement those procedures.</p> <p>13.(5) Without prejudice to paragraph (4), every contractor shall in the case of any of his employees provide those employees with any health and safety training which he is required to provide to them in respect of the construction work by virtue of regulation 13(2) (b) of the Management of Health and Safety at Work Regulations 1999.</p> <p>13.(6) No contractor shall begin work on a construction site unless reasonable steps have been taken to prevent access by unauthorised persons to that site.</p> <p>13.(7) Every contractor shall ensure, so far as is reasonably practicable, that the requirements of Schedule 2 are complied with throughout the construction phase in respect of any person at work who is under his control.</p> <p>19.(1) Where a project is notifiable, no contractor shall carry out construction work in relation to the project unless—</p> <p>(a) he has been provided with the names of the CDM co-ordinator and principal contractor;</p> <p>(b) he has been given access to such part of the construction phase plan as is relevant to the work to be performed by him, containing sufficient detail in relation to such work; and</p> <p>notice of the project has been given to the Executive, or as the case may be the Office of Rail Regulation, under regulation 21.</p> <p>19.(2) Every contractor shall—</p> <p>(a) promptly provide the principal contractor with any information (including any relevant part of any risk assessment in his possession or control) which—</p> <p>(i) might affect the health or safety of any person carrying out the construction work or of any person who may be affected by it,</p> <p>(ii) might justify a review of the construction phase plan, or</p> <p>(ii) has been identified for inclusion in the health and safety file in pursuance of regulation 22(1)(j);</p>	

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	<p>(b) promptly identify any contractor whom he appoints or engages in his turn in connection with the project to the principal contractor;</p> <p>(c) comply with—</p> <p>(i) any directions of the principal contractor given to him under regulation 22(1)(e), and</p> <p>(ii) any site rules;</p> <p>promptly provide the principal contractor with the information in relation to any death, injury, condition or dangerous occurrence which the contractor is required to notify or report under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.</p> <p>19.(3) Every contractor shall—</p> <p>(a) in complying with his duty under regulation 13(2) take all reasonable steps to ensure that the construction work is carried out in accordance with the construction phase plan;</p> <p>(b) take appropriate action to ensure health and safety where it is not possible to comply with the construction phase plan in any particular case; and</p> <p>(c) notify the principal contractor of any significant finding which requires the construction phase plan to be altered or added to.</p>	

PART 4 – GENERAL REQUIREMENTS FOR ALL CONSTRUCTION SITES

Application of Part 4

<p>16.(1) This Part applies only to a construction site.</p> <p>16.(2) A contractor carrying out construction work must comply with the requirements of this Part so far as they affect the contractor or any worker under the control of the contractor or relate to matters within the contractor's control.</p> <p>16.(3) A domestic client who controls the way in which any construction work is carried out by a person at work must comply with the requirements of this Part so far as they relate to matters within the client's control.</p>	<p>25.(1) Every contractor carrying out construction work shall comply with the requirements of regulations 26 to 44 insofar as they affect him or any person carrying out construction work under his control or relate to matters within his control.</p> <p>25.(2) Every person (other than a contractor carrying out construction work) who controls the way in which any construction work is carried out by a person at work shall comply with the requirements of regulations 26 to 44 insofar as they relate to matters which are within his control.</p> <p>25.(3) Every person at work on construction work under the control of another person shall report to that person any defect which he is aware may endanger the health and safety of himself or another person.</p> <p>25.(4) Paragraphs (1) and (2) shall not apply to regulation 33, which expressly says on whom the duties in that regulation are imposed.</p>	<p>No changes, except for the inclusion of the domestic client.</p>
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Safe places of construction work		
<p>17.(1) There must, so far as is reasonably practicable, be suitable and sufficient safe access to and egress from—</p> <p>(a) every construction site to every other place provided for the use of any person whilst at work; and</p> <p>(b) every place construction work is being carried out to every other place to which workers have access within a construction site.</p> <p>17.(2) A construction site must be, so far as is reasonably practicable, made and kept safe for, and without risks to, the health of a person at work there.</p> <p>17.(3) Action must be taken to ensure, so far as is reasonably practicable, that no person uses access to or egress from or gains access to any construction site which does not comply with the requirements of paragraph (1) or (2).</p> <p>17.(4) A construction site must, so far as is reasonably practicable, have sufficient working space and be arranged so that it is suitable for any person who is working or who is likely to work there, taking account of any necessary work equipment likely to be used there.</p>	<p>26.(1) There shall, so far as is reasonably practicable, be suitable and sufficient safe access to and egress from every place of work and to and from every other place provided for the use of any person while at work, which access and egress shall be properly maintained.</p> <p>26.(2) Every place of work shall, so far as is reasonably practicable, be made and kept safe for, and without risks to health to, any person at work there.</p> <p>26.(3) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that no person uses access or egress, or gains access to any place, which does not comply with the requirements of paragraph (1) or (2) respectively.</p> <p>26.(4) Every place of work shall, so far as is reasonably practicable, have sufficient working space and be so arranged that it is suitable for any person who is working or who is likely to work there, taking account of any necessary work equipment present.</p>	<p>No changes.</p>
Good order and site security		
<p>18.(1) Each part of a construction site must, so far as is reasonably practicable, be kept in good order and those parts in which construction work is being carried out must be kept in a reasonable state of cleanliness.</p> <p>18.(2) Where necessary in the interests of health and safety, a construction site must, so far as is reasonably practicable, and in accordance with the level of risk posed, comply with either or both of the following—</p> <p>(a) have its perimeter identified by suitable signs and be arranged so that its extent is readily identifiable; or</p> <p>(b) be fenced off.</p> <p>18.(3) No timber or other material with projecting nails (or similar sharp object) must—</p> <p>(a) be used in any construction work; or</p> <p>(b) be allowed to remain in any place, if the nails (or similar sharp object) may be a source of danger to any person.</p>	<p>27.(1) Every part of a construction site shall, so far as is reasonably practicable, be kept in good order and every part of a construction site which is used as a place of work shall be kept in a reasonable state of cleanliness.</p> <p>27.(2) Where necessary in the interests of health and safety, a construction site shall, so far as is reasonably practicable and in accordance with the level of risk posed, either—</p> <p>(a) have its perimeter identified by suitable signs and be so arranged that its extent is readily identifiable; or</p> <p>(b) be fenced off, or both.</p> <p>27.(3) No timber or other material with projecting nails (or similar sharp object) shall—</p> <p>(a) be used in any work; or</p> <p>(b) be allowed to remain in any place, if the nails (or similar sharp object) may be a source of danger to any person.</p>	<p>No changes.</p>
Stability of structures		
<p>19.(1) All practicable steps must be taken, where necessary to prevent danger to any person, to ensure that any new or existing</p>	<p>28.(1) All practicable steps shall be taken, where necessary to prevent danger to any person, to ensure that any new or existing</p>	<p>No changes.</p>

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<p>structure does not collapse if, due to the carrying out of construction work, it—</p> <p>(a) may become unstable; or</p> <p>(b) is in a temporary state of weakness or instability.</p> <p>19.(2) Any buttress, temporary support or temporary structure must—</p> <p>(a) be of such design and installed and maintained so as to withstand any foreseeable loads which may be imposed on it; and</p> <p>(b) only be used for the purposes for which it was designed and installed and is maintained.</p> <p>19.(3) A structure must not be so loaded as to render it unsafe to any person.</p>	<p>structure or any part of such structure which may become unstable or in a temporary state of weakness or instability due to the carrying out of construction work does not collapse.</p> <p>28.(2) Any buttress, temporary support or temporary structure must be of such design and so installed and maintained as to withstand any foreseeable loads which may be imposed on it, and must only be used for the purposes for which it is so designed, installed and maintained.</p> <p>28.(3) No part of a structure shall be so loaded as to render it unsafe to any person.</p>	
Demolition or dismantling		
<p>20.(1) The demolition or dismantling of a structure must be planned and carried out in such a manner as to prevent danger or, where it is not practicable to prevent it, to reduce danger to as low a level as is reasonably practicable.</p> <p>20.(2) The arrangements for carrying out such demolition or dismantling must be recorded in writing before the demolition or dismantling work begins.</p>	<p>29.(1) The demolition or dismantling of a structure, or part of a structure, shall be planned and carried out in such a manner as to prevent danger or, where it is not practicable to prevent it, to reduce danger to as low a level as is reasonably practicable.</p> <p>29.(2) The arrangements for carrying out such demolition or dismantling shall be recorded in writing before the demolition or dismantling work begins.</p>	No changes.
Explosives		
<p>21.(1) So far as is reasonably practicable, explosives must be stored, transported and used safely and securely.</p> <p>21.(2) An explosive charge may be used or fired only if suitable and sufficient steps have been taken to ensure that no person is exposed to risk of injury from the explosion or from projected or flying material caused by the explosion.</p>	<p>30.(1) So far as is reasonably practicable, explosives shall be stored, transported and used safely and securely.</p> <p>30.(2) Without prejudice to paragraph (1), an explosive charge shall be used or fired only if suitable and sufficient steps have been taken to ensure that no person is exposed to risk of injury from the explosion or from projected or flying material caused thereby.</p>	No changes.
Excavations		
<p>22.(1) All practicable steps must be taken to prevent danger to any person, including, where necessary, the provision of supports or battering, to ensure that—</p> <p>(a) no excavation or part of an excavation collapses;</p> <p>(b) no material forming the walls or roof of, or adjacent to, any excavation is dislodged or falls; and</p> <p>(c) no person is buried or trapped in an excavation by material which is dislodged or falls.</p> <p>22.(2) Suitable and sufficient steps must be taken to prevent any person, work equipment, or any accumulation of material from falling into any excavation.</p>	<p>31.(1) All practicable steps shall be taken, where necessary to prevent danger to any person, including, where necessary, the provision of supports or battering, to ensure that—</p> <p>(a) any excavation or part of an excavation does not collapse;</p> <p>(b) no material from a side or roof of, or adjacent to, any excavation is dislodged or falls; and</p> <p>(c) no person is buried or trapped in an excavation by material which is dislodged or falls.</p> <p>31.(2) Suitable and sufficient steps shall be taken to prevent any person, work equipment, or any accumulation of material from falling into any excavation.</p>	No changes.

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<p>22.(3) Suitable and sufficient steps must be taken, where necessary, to prevent any part of an excavation or ground adjacent to it from being overloaded by work equipment or material.</p> <p>22.(4) Construction work must not be carried out in an excavation where any supports or battering have been provided in accordance with paragraph (1) unless—</p> <p>(a) the excavation and any work equipment and materials which may affect its safety have been inspected by a competent person—</p> <p>(i) at the start of the shift in which the work is to be carried out;</p> <p>(ii) after any event likely to have affected the strength or stability of the excavation; and</p> <p>(iii) after any material unintentionally falls or is dislodged; and</p> <p>(b) the person who carried out the inspection is satisfied that construction work can be safely carried out there.</p> <p>22.(5) Where the person carrying out an inspection informs the person on whose behalf the inspection is carried out of any matter about which they are not satisfied (under regulation 24(1)), construction work must not be carried out in the excavation until the matter has been satisfactorily remedied.</p>	<p>31.(3) Without prejudice to paragraphs (1) and (2), suitable and sufficient steps shall be taken, where necessary, to prevent any part of an excavation or ground adjacent to it from being overloaded by work equipment or material.</p> <p>31.(4) Construction work shall not be carried out in an excavation where any supports or battering have been provided pursuant to paragraph (1) unless—</p> <p>(a) the excavation and any work equipment and materials which affect its safety, have been inspected by a competent person—</p> <p>(i) at the start of the shift in which the work is to be carried out,</p> <p>(ii) after any event likely to have affected the strength or stability of the excavation, and</p> <p>(iii) after any material unintentionally falls or is dislodged; and</p> <p>(b) the person who carried out the inspection is satisfied that the work can be carried out there safely.</p> <p>31.(5) Where the person who carried out the inspection has under regulation 33(1)(a) informed the person on whose behalf the inspection was carried out of any matter about which he is not satisfied, work shall not be carried out in the excavation until the matters have been satisfactorily remedied.</p>	
Cofferdams and caissons		
<p>23.(1) A cofferdam or caisson must be—</p> <p>(a) of suitable design and construction;</p> <p>(b) appropriately equipped so that workers can gain shelter or escape if water or materials enter it; and</p> <p>(c) properly maintained.</p> <p>23.(2) A cofferdam or caisson must not be used to carry out construction work unless—</p> <p>(a) the cofferdam or caisson and any work equipment and materials which may affect its safety have been inspected by a competent person—</p> <p>(i) at the start of the shift in which the work is to be carried out; and</p> <p>(ii) after any event likely to have affected the strength or stability of the cofferdam or caisson; and</p> <p>(b) the person who carried out the inspection is satisfied that construction work can be safely carried out there.</p>	<p>32.(1) Every cofferdam or caisson shall be—</p> <p>(a) of suitable design and construction;</p> <p>(b) appropriately equipped so that workers can gain shelter or escape if water or materials enter it; and</p> <p>(c) properly maintained.</p> <p>32.(2) A cofferdam or caisson shall be used to carry out construction work only if—</p> <p>(a) the cofferdam or caisson, and any work equipment and materials which affect its safety, have been inspected by a competent person—</p> <p>(i) at the start of the shift in which the work is to be carried out, and</p> <p>(ii) after any event likely to have affected the strength or stability of the cofferdam or caisson; and</p> <p>(b) the person who carried out the inspection is satisfied that the work can be safely carried out there.</p>	No changes.

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<p>23.(3) Where the person carrying out an inspection informs the person on whose behalf the inspection is carried out of any matter about which they are not satisfied (under regulation 24(1)), construction work must not be carried out in the cofferdam or caisson until the matter has been satisfactorily remedied.</p>	<p>32.(3) Where the person who carried out the inspection has under regulation 33(1)(a) informed the person on whose behalf the inspection was carried out of any matter about which he is not satisfied, work shall not be carried out in the cofferdam or caisson until the matters have been satisfactorily remedied.</p>	
Reports of inspections		
<p>24.(1) Where a person who carries out an inspection under regulation 22 or 23 is not satisfied that construction work can be carried out safely at the place inspected that person must—</p> <p>(a) inform the person for whom the inspection was carried out of the matters that could give rise to a risk to the safety of any person before the end of the shift within which the inspection is completed;</p> <p>(b) prepare a report which must include—</p> <p>(i) the name and address of the person on whose behalf the inspection was carried out;</p> <p>(ii) the location of the place of construction work inspected;</p> <p>(iii) a description of the place of construction work or part of that place inspected (including any work equipment and materials);</p> <p>(iv) the date and time of the inspection;</p> <p>(v) details of any matter identified that could give rise to a risk to the safety of any person;</p> <p>(vi) details of any action taken as a result of any matter identified in paragraph (v);</p> <p>(vii) details of any further action considered necessary; and</p> <p>(viii) the name and position of the person making the report.</p> <p>(c) provide the report, or a copy of it, to the person on whose behalf the inspection was carried out, within 24 hours of completing the inspection to which the report relates.23.(3)</p> <p>24.(2) Where the person who carries out an inspection works under the control of another (whether as an employee or otherwise) the person in control must ensure the person who carries out the inspection complies with the requirements of paragraph (1).</p> <p>24.(3) The person on whose behalf the</p>	<p>33.(1) Subject to paragraph (5), the person who carries out an inspection under regulation 31 or 32 shall, before the end of the shift within which the inspection is completed—</p> <p>(a) where he is not satisfied that the construction work can be carried out safely at the place inspected, inform the person for whom the inspection was carried out of any matters about which he is not satisfied; and</p> <p>(b) prepare a report which shall include the particulars set out in Schedule 3.</p> <p>33.(2) A person who prepares a report under paragraph (1) shall, within 24 hours of completing the inspection to which the report relates, provide the report or a copy of it to the person on whose behalf the inspection was carried out.</p> <p>33.(3) Where the person owing a duty under paragraph (1) or (2) is an employee or works under the control of another, his employer or, as the case may be, the person under whose control he works shall ensure that he performs the duty.</p> <p>33.(4) The person on whose behalf the inspection was carried out shall—</p>	<p>No changes, except that the CDM2007 Schedule 3 is now included within the Regulation.</p>

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<p>inspection was carried out must—</p> <p>(a) keep the report or a copy of it available for inspection by an inspector for the Executive—</p> <p>(i) at the site where the inspection was carried out until the construction work is completed; and</p> <p>(ii) after that for 3 months; and</p> <p>(b) send to the inspector such extracts from or copies of the report as the inspector may from time to time require.</p> <p>24.(4) This regulation does not require the preparation of more than one report where more than one inspection is carried out under regulation 22(4)(a)(i) or 23(2)(a)(i) within a 7 day period.</p>	<p>(a) keep the report or a copy of it available for inspection by an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974(a)—</p> <p>(i) at the site of the place of work in respect of which the inspection was carried out until that work is completed, and</p> <p>(ii) after that for 3 months, and send to the inspector such extracts from or copies of it as the inspector may from time to time require.</p> <p>33.(5) Nothing in this regulation shall require as regards an inspection carried out on a place of work for the purposes of regulations 31(4)(a)(i) and 32(2)(a)(i), the preparation of more than one report within a period of 7 days.</p>	
Energy distribution installations		
<p>25.(1) Where necessary to prevent danger, energy distribution installations must be suitably located, periodically checked and clearly indicated.</p> <p>25.(2) Where there is a risk to construction work from overhead electric power cables—</p> <p>(a) they must be directed away from the area of risk; or</p> <p>(b) the power must be isolated and, where necessary, earthed;</p> <p>25.(3) If it is not reasonably practicable to comply with paragraph (2)(a) or (b), suitable warning notices must be provided together with one or more of the following—</p> <p>(a) barriers suitable for excluding work equipment which is not needed;</p> <p>(b) suspended protections where vehicles need to pass beneath the cables; or</p> <p>(c) measures providing an equivalent level of safety.</p> <p>25.(4) Construction work which is liable to create a risk to health or safety from an underground service, or from damage to or disturbance of it, must not be carried out unless suitable and sufficient steps (including any steps required by this regulation) have been taken to prevent the risk, so far as is reasonably practicable.</p>	<p>34.(1) Where necessary to prevent danger, energy distribution installations shall be suitably located, checked and clearly indicated.</p> <p>34.(2) Where there is a risk from electric power cables—</p> <p>(a) they shall be directed away from the area of risk; or</p> <p>(b) the power shall be isolated and, where necessary, earthed; or</p> <p>(c) if it is not reasonably practicable to comply with paragraph (a) or (b), suitable warning notices and—</p> <p>(i) barriers suitable for excluding work equipment which is not needed, or</p> <p>(ii) where vehicles need to pass beneath the cables, suspended protections, or</p> <p>(iii) in either case, measures providing an equivalent level of safety, shall be provided or (in the case of measures) taken.</p> <p>34.(3) No construction work which is liable to create a risk to health or safety from an underground service, or from damage to or disturbance of it, shall be carried out unless suitable and sufficient steps (including any steps required by this regulation) have been taken to prevent such risk, so far as is reasonably practicable.</p>	No substantial changes.
Prevention of drowning		
<p>26.(1) Where, in the course of construction work, a person is at risk of falling into water or other liquid with a risk of drowning, suitable and sufficient steps must be taken to—</p> <p>(a) prevent, so far as is reasonably practicable, the</p>	<p>35.(1) Where in the course of construction work any person is liable to fall into water or other liquid with a risk of drowning, suitable and sufficient steps shall be taken—</p> <p>(a) to prevent, so far as is reasonably practicable, such</p>	No changes.

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<p>person falling;</p> <p>(b) minimise the risk of drowning in the event of a fall; and</p> <p>(c) ensure that suitable rescue equipment is provided, maintained and, when necessary, used so that a person may be promptly rescued in the event of a fall.</p> <p>26.(2) Suitable and sufficient steps must be taken to ensure the safe transport of any person conveyed by water to or from a place of work.</p> <p>26.(3) Any vessel used to convey any person by water to or from a place of work must not be overcrowded or overloaded.</p>	<p>person from so falling;</p> <p>(b) to minimise the risk of drowning in the event of such a fall; and</p> <p>(c) to ensure that suitable rescue equipment is provided, maintained and, when necessary, used so that such person may be promptly rescued in the event of such a fall.</p> <p>35.(2) Suitable and sufficient steps shall be taken to ensure the safe transport of any person conveyed by water to or from any place of work.</p> <p>35.(3) Any vessel used to convey any person by water to or from a place of work shall not be overcrowded or overloaded.</p>	
Traffic routes		
<p>27.(1) A construction site must be organised in such a way that, so far as is reasonably practicable, pedestrians and vehicles can move without risks to health or safety.</p> <p>27.(2) Traffic routes must be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.</p> <p>27.(3) A traffic route does not satisfy paragraph (2) unless suitable and sufficient steps are taken to ensure that—</p> <p>(a) pedestrians or vehicles may use it without causing danger to the health or safety of persons near it;</p> <p>(b) any door or gate for pedestrians which leads onto a traffic route is sufficiently separated from that traffic route to enable pedestrians to see any approaching vehicle or plant from a place of safety;</p> <p>(c) there is sufficient separation between vehicles and pedestrians to ensure safety or, where this is not reasonably practicable—</p> <p>(i) other means for the protection of pedestrians are provided; and</p> <p>(ii) effective arrangements are used for warning any person liable to be crushed or trapped by any vehicle of its approach;</p> <p>(d) any loading bay has at least one exit for the exclusive use of pedestrians; and</p> <p>(e) where it is unsafe for pedestrians to use a gate intended primarily for vehicles, at least one door for pedestrians is provided in the immediate vicinity of the gate, is clearly marked and is kept free from obstruction.</p> <p>27.(4) Each traffic route must be—</p> <p>(a) indicated by suitable signs</p>	<p>36.(1) Every construction site shall be organised in such a way that, so far as is reasonably practicable, pedestrians and vehicles can move safely and without risks to health.</p> <p>36.(2) Traffic routes shall be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.</p> <p>36.(3) A traffic route shall not satisfy sub-paragraph (2) unless suitable and sufficient steps are taken to ensure that—</p> <p>(a) pedestrians or vehicles may use it without causing danger to the health or safety of persons near it;</p> <p>(b) any door or gate for pedestrians which leads onto a traffic route is sufficiently separated from that traffic route to enable pedestrians to see any approaching vehicle or plant from a place of safety;</p> <p>(c) there is sufficient separation between vehicles and pedestrians to ensure safety or, where this is not reasonably practicable —</p> <p>(i) there are provided other means for the protection of pedestrians, and</p> <p>(ii) there are effective arrangements for warning any person liable to be crushed or trapped by any vehicle of its approach;</p> <p>(d) any loading bay has at least one exit point for the exclusive use of pedestrians; and</p> <p>(e) where it is unsafe for pedestrians to use a gate intended primarily for vehicles, one or more doors for pedestrians is provided in the immediate vicinity of the gate, is clearly marked and is kept free from obstruction.</p> <p>36.(4) Every traffic route shall be—</p> <p>(a) indicated by suitable signs</p>	No changes.

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<p>where necessary for reasons of health or safety; (b) regularly checked; and (c) properly maintained.</p> <p>27.(5) No vehicle is to be driven on a traffic route unless, so far as is reasonably practicable, that traffic route is free from obstruction and permits sufficient clearance.</p>	<p>where necessary for reasons of health or safety; (b) regularly checked; and (c) properly maintained.</p> <p>36.(5) No vehicle shall be driven on a traffic route unless, so far as is reasonably practicable, that traffic route is free from obstruction and permits sufficient clearance.</p>	
Vehicles		
<p>28.(1) Suitable and sufficient steps must be taken to prevent or control the unintended movement of any vehicle.</p> <p>28.(2) Where a person may be endangered by the movement of a vehicle, suitable and sufficient steps to give warning to any person who is liable to be at risk from the movement of the vehicle must be taken by either or both— (a) the driver or operator of the vehicle; or (b) where another person is directing the driver or operator because, due to the nature of the vehicle or task, the driver or operator does not have full visibility, the person providing directions.</p> <p>28.(3) A vehicle being used for the purposes of construction work must, when being driven, operated or towed, be— (a) driven, operated or towed in such a manner as is safe in the circumstances; and (b) loaded in such a way that it can be driven, operated or towed safely.</p> <p>28.(4) A person must not ride, or be required or permitted to ride, on any vehicle being used for the purposes of construction work otherwise than in a safe place in that vehicle provided for that purpose.</p> <p>28.(5) A person must not remain, or be required or permitted to remain, on any vehicle during the loading or unloading of any loose material unless a safe place of work is provided and maintained for that person.</p> <p>28.(6) Suitable and sufficient measures must be taken to prevent a vehicle from falling into any excavation or pit, or into water, or overrunning the edge of any embankment or earthwork.</p>	<p>37.(1) Suitable and sufficient steps shall be taken to prevent or control the unintended movement of any vehicle.</p> <p>37.(2) Suitable and sufficient steps shall be taken to ensure that, where any person may be endangered by the movement of any vehicle, the person having effective control of the vehicle shall give warning to any person who is liable to be at risk from the movement of the vehicle.</p> <p>37.(3) Any vehicle being used for the purposes of construction work shall when being driven, operated or towed— (a) be driven, operated or towed in such a manner as is safe in the circumstances; and (b) be loaded in such a way that it can be driven, operated or towed safely.</p> <p>37.(4) No person shall ride or be required or permitted to ride on any vehicle being used for the purposes of construction work otherwise than in a safe place thereon provided for that purpose.</p> <p>37.(5) No person shall remain or be required or permitted to remain on any vehicle during the loading or unloading of any loose material unless a safe place of work is provided and maintained for such person.</p> <p>37.(6) Suitable and sufficient measures shall be taken so as to prevent any vehicle from falling into any excavation or pit, or into water, or overrunning the edge of any embankment or earthwork.</p>	<p>No substantive changes, But does now refer to the banksperson.</p>
Prevention of risk from fire, flooding or asphyxiation		
<p>28. Suitable and sufficient steps must be taken to prevent, so far as is reasonably practicable, the risk of injury to a person during the carrying out of construction work arising from— fire or explosion; (b) flooding; or (c) any substance liable to cause asphyxiation.</p>	<p>38. Suitable and sufficient steps shall be taken to prevent, so far as is reasonably practicable, the risk of injury to any person during the carrying out of construction work arising from— (a) fire or explosion; (b) flooding; or (c) any substance liable to cause asphyxiation.</p>	<p>No changes.</p>

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Emergency procedures		
<p>30.(1) Where necessary in the interests of the health or safety of a person on a construction site, suitable and sufficient arrangements for dealing with any foreseeable emergency must be made and, where necessary, implemented, and those arrangements must include procedures for any necessary evacuation of the site or any part of it.</p> <p>30.(2) In making arrangements under paragraph (1), account must be taken of—</p> <ul style="list-style-type: none"> (a) the type of work for which the construction site is being used; (b) the characteristics and size of the construction site and the number and location of places of work on that site; (c) the work equipment being used; (d) the number of persons likely to be present on the site at any one time; and (e) the physical and chemical properties of any substances or materials on, or likely to be on, the site. <p>30.(3) Where arrangements are made under paragraph (1), suitable and sufficient steps must be taken to ensure that—</p> <ul style="list-style-type: none"> (a) each person to whom the arrangements extend is familiar with those arrangements; and (b) the arrangements are tested by being put into effect at suitable intervals. 	<p>39.(1) Where necessary in the interests of the health and safety of any person on a construction site, there shall be prepared and, where necessary, implemented suitable and sufficient arrangements for dealing with any foreseeable emergency, which arrangements shall include procedures for any necessary evacuation of the site or any part thereof.</p> <p>39.(2) In making arrangements under paragraph (1), account shall be taken of—</p> <ul style="list-style-type: none"> (a) the type of work for which the construction site is being used; (b) the characteristics and size of the construction site and the number and location of places of work on that site; (c) the work equipment being used; (d) the number of persons likely to be present on the site at any one time; and (e) the physical and chemical properties of any substances or materials on or likely to be on the site. <p>39.(3) Where arrangements are prepared pursuant to paragraph (1), suitable and sufficient steps shall be taken to ensure that—</p> <ul style="list-style-type: none"> (a) every person to whom the arrangements extend is familiar with those arrangements; and (b) the arrangements are tested by being put into effect at suitable intervals. 	<p>No changes.</p>
Emergency routes and exits		
<p>31.(1) Where necessary in the interests of the health or safety of a person on a construction site, a sufficient number of suitable emergency routes and exits must be provided to enable any person to reach a place of safety quickly in the event of danger.</p> <p>31.(2) The matters in regulation 30(2) must be taken into account when making provision under paragraph (1).</p> <p>31.(3) An emergency route or exit must lead as directly as possible to an identified safe area.</p> <p>31.(4) An emergency route or exit and any traffic route giving access to it must be kept clear and free from obstruction and, where necessary, provided with emergency lighting so that it may be used at any time.</p> <p>31.(5) Each emergency route or exit must be indicated by suitable signs.</p>	<p>40.(1) Where necessary in the interests of the health and safety of any person on a construction site, a sufficient number of suitable emergency routes and exits shall be provided to enable any person to reach a place of safety quickly in the event of danger.</p> <p>40.(2) An emergency route or exit provided pursuant to paragraph (1) shall lead as directly as possible to an identified safe area.</p> <p>40.(3) Any emergency route or exit provided in accordance with paragraph (1), and any traffic route giving access thereto, shall be kept clear and free from obstruction and, where necessary, provided with emergency lighting so that such emergency route or exit may be used at any time.</p> <p>40.(4) In making provision under paragraph (1), account shall be taken of the matters in regulation 30(2).</p> <p>40.(5) All emergency routes or exits shall be indicated by suitable signs.</p>	<p>Includes more detail on what must be considered when setting up the emergency routes and exits, reg. 30(2).</p>

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Fire detection and fire-fighting		
<p>32.(1) Where necessary in the interests of the health or safety of a person on a construction site, suitable and sufficient fire-fighting equipment and fire detection and alarm systems must be provided and located in suitable places.</p> <p>32.(2) The matters in regulation 30(2) must be taken into account when making provision under paragraph (1).</p> <p>32.(3) Fire-fighting equipment or fire detection and alarm systems must be examined and tested at suitable intervals and properly maintained.</p> <p>32.(4) Fire-fighting equipment which is not designed to come into use automatically must be easily accessible.</p> <p>32.(5) Each person at work on a construction site must, so far as is reasonably practicable, be instructed in the correct use of fire-fighting equipment which it may be necessary for the person to use.</p> <p>32.(6) Where a work activity may give rise to a particular risk of fire, a person must not carry out work unless suitably instructed.</p> <p>32.(7) Fire-fighting equipment must be indicated by suitable signs.</p>	<p>41.(1) Where necessary in the interests of the health and safety of any person at work on a construction site there shall be provided suitable and sufficient— (a) fire-fighting equipment; and (b) fire detection and alarm systems, which shall be suitably located.</p> <p>41.(2) In making provision under paragraph (1), account shall be taken of the matters in regulation</p> <p>41.(3) Any fire-fighting equipment and any fire detection and alarm system provided under paragraph (1) shall be examined and tested at suitable intervals and properly maintained.</p> <p>41.(4) Any fire-fighting equipment which is not designed to come into use automatically shall be easily accessible.</p> <p>41.(5) Every person at work on a construction site shall, so far as is reasonably practicable, be instructed in the correct use of any fire-fighting equipment which it may be necessary for him to use.</p> <p>41.(6) Where a work activity may give rise to a particular risk of fire, a person shall not carry out such work unless he is suitably instructed.</p> <p>41.(7) Fire-fighting equipment shall be indicated by suitable signs.</p>	<p>Includes more detail on what must be considered when setting up the arrangements, reg. 30(2).</p>
Fresh air		
<p>33.(1) Suitable and sufficient steps must be taken to ensure, so far as is reasonably practicable, that each construction site, or approach to a construction site, has sufficient fresh or purified air to ensure that the site or approach is safe and without risks to health or safety.</p> <p>33.(2) Any plant used for the purpose of complying with paragraph (1) must, where necessary for reasons of health or safety, include an effective device to give visible or audible warning of any failure of the plant.</p>	<p>42.(1) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that every place of work or approach thereto has sufficient fresh or purified air to ensure that the place or approach is safe and without risks to health.</p> <p>42.(2) Any plant used for the purpose of complying with paragraph (1) shall, where necessary for reasons of health or safety, include an effective device to give visible or audible warning of any failure of the plant.</p>	<p>No changes.</p>
Temperature and weather protection		
<p>34.(1) Suitable and sufficient steps must be taken to ensure, so far as is reasonably practicable, that during working hours the temperature at a construction site that is indoors is reasonable having regard to the purpose for which that place is used.</p> <p>34.(2) Where necessary to ensure the health or safety of persons at work on a construction site that is outdoors, the construction site must, so far as is reasonably practicable, be arranged to provide protection from adverse</p>	<p>43.(1) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that during working hours the temperature at any place of work indoors is reasonable having regard to the purpose for which that place is used.</p> <p>43.(2) Every place of work outdoors shall, where necessary to ensure the health and safety of persons at work there, be so arranged that, so far as is reasonably practicable and having regard to the purpose for which that place is</p>	<p>No changes.</p>

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<p>weather, having regard to—</p> <p>(a) the purpose for which the site is used; and</p> <p>(b) any protective clothing or work equipment provided for the use of any person at work there.</p>	<p>used and any protective clothing or work equipment provided for the use of any person at work there, it provides protection from adverse weather.</p>	
Lighting		
<p>35.(1) Each construction site and approach and traffic route to that site must be provided with suitable and sufficient lighting, which must be, so far as is reasonably practicable, by natural light.</p> <p>35.(2) The colour of any artificial lighting provided must not adversely affect or change the perception of any sign or signal provided for the purposes of health or safety.</p> <p>35.(3) Suitable and sufficient secondary lighting must be provided in any place where there would be a risk to the health or safety of a person in the event of the failure of primary artificial lighting.</p>	<p>44.(1) Every place of work and approach thereto and every traffic route shall be provided with suitable and sufficient lighting, which shall be, so far as is reasonably practicable, by natural light.</p> <p>44.(2) The colour of any artificial lighting provided shall not adversely affect or change the perception of any sign or signal provided for the purposes of health and safety.</p> <p>44.(3) Without prejudice to paragraph (1), suitable and sufficient secondary lighting shall be provided in any place where there would be a risk to the health or safety of any person in the event of failure of primary artificial lighting.</p>	<p>No changes.</p>
PART 5 - GENERAL		
Enforcement in respect of fire		
<p>36. The enforcing authority for regulations 30 and 31 (so far as those regulations relate to fire) and regulation 32, in respect of a construction site which is contained within or forms part of premises occupied by persons other than those carrying out construction work, or any activity related to this work, is—</p> <p>(a) in England and Wales, the enforcing authority within the meaning of article 25 of the Regulatory Reform (Fire Safety) Order 2005 in respect of premises to which that Order applies; or</p> <p>(b) in Scotland, the enforcing authority within the meaning of section 61 of the Fire (Scotland) Act 2005 in respect of premises to which Part 3 of that Act applies.</p>	<p>46.(1) Subject to paragraphs (2) and (3)—</p> <p>(a) in England and Wales the enforcing authority within the meaning of article 25 of the Regulatory Reform (Fire Safety) Order 2005; or</p> <p>(b) in Scotland the enforcing authority within the meaning of section 61 of the Fire (Scotland) Act 2005, shall be the enforcing authority in respect of a construction site which is contained within, or forms part of, premises which are occupied by persons other than those carrying out the construction work or any activity arising from such work as regards regulations 39 and 40, in so far as those regulations relate to fire, and regulation 41.</p> <p>46.(2) In England and Wales paragraph (1) only applies in respect of premises to which the Regulatory Reform (Fire Safety) Order 2005 applies.</p> <p>46.(3) In Scotland paragraph (1) only applies in respect of premises to which Part 3 of the Fire(Scotland) Act 2005 applies.</p>	<p>No changes.</p>
Transitional provisions		
<p>37. Schedule 4, which makes transitional and saving provisions, has effect.</p>		
Revocation and consequential amendments		
<p>38.(1) The 2007 Regulations are revoked.</p> <p>38.(2) The amendments in Schedule 5 have effect.</p>		

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SCHEDULE 1 - Particulars to be notified under regulation 6		
<ol style="list-style-type: none"> 1. The date of forwarding the notice. 2. The address of the construction site or precise description of its location. 3. The name of the local authority where the construction site is located. 4. A brief description of the project and the construction work that it entails. 5. The following contact details of the client: name, address, telephone number and (if available) an email address. 6. The following contact details of the principal designer: name, address, telephone number and (if available) an email address. 7. The following contact details of the principal contractor: name, address, telephone number and (if available) an email address. 8. The date planned for the start of the construction phase. 9. The time allocated by the client under regulation 4(1) for the construction work. 10. The planned duration of the construction phase. 11. The estimated maximum number of people at work on the construction site. 12. The planned number of contractors on the construction site. 13. The name and address of any contractor already appointed. 14. The name and address of any designer already appointed. 15. A declaration signed by or on behalf of the client that the client is aware of the client duties under these Regulations. 	<ol style="list-style-type: none"> 1. Date of forwarding. 2. Exact address of the construction site. 3. The name of the local authority where the site is located. 4. A brief description of the project and the construction work which it includes. 5. Contact details of the client (name, address, telephone number and any e-mail address). 6. Contact details of the CDM co-ordinator (name, address, telephone number and any e-mail address). 7. Contact details of the principal contractor (name, address, telephone number and any e-mail address). 8. Date planned for the start of the construction phase. 9. The time allowed by the client to the principal contractor referred to in regulation 15(b) for planning and preparation for construction work. 10. Planned duration of the construction phase. 11. Estimated maximum number of people at work on the construction site. 12. Planned number of contractors on the construction site. 13. Name and address of any contractor already appointed. 14. Name and address of any designer already engaged. 15. A declaration signed by or on behalf of the client that he is aware of his duties under these Regulations. 	<p>Slight changes to wording, but client should submit and sign.</p>
SCHEDULE 2 - Minimum welfare facilities required for construction sites		
<p>Sanitary conveniences</p> <ol style="list-style-type: none"> 1.(1) Suitable and sufficient sanitary conveniences must be provided or made available at readily accessible places. 1.(2) So far as is reasonably practicable, rooms containing sanitary conveniences must be adequately ventilated and lit. 1.(3) So far as is reasonably practicable, sanitary conveniences and the rooms containing them must be kept in a clean and orderly condition. 1.(4) Separate rooms containing sanitary conveniences must be provided for men and women, except where and so far as each convenience is in a separate room, the door of which is capable of being secured from the inside. <p>Washing facilities</p> <ol style="list-style-type: none"> 2.(1) Suitable and sufficient washing 	<p>Sanitary conveniences</p> <ol style="list-style-type: none"> 1. Suitable and sufficient sanitary conveniences shall be provided or made available at readily accessible places. So far as is reasonably practicable, rooms containing sanitary conveniences shall be adequately ventilated and lit. 2. So far as is reasonably practicable, sanitary conveniences and the rooms containing them shall be kept in a clean and orderly condition. 3. Separate rooms containing sanitary conveniences shall be provided for men and women, except where and so far as each convenience is in a separate room, the door of which is capable of being secured from the inside. <p>Washing facilities</p> <ol style="list-style-type: none"> 4. Suitable and sufficient washing 	<p>No changes, except the smoking requirements removed as covered under the general smoking bans legislation.</p>

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<p>facilities, including showers if required by the nature of the work or for health reasons, must, so far as is reasonably practicable, be provided or made available at readily accessible places.</p> <p>2.(2) Washing facilities must be provided—</p> <p>(a) in the immediate vicinity of every sanitary convenience, whether or not also provided elsewhere; and</p> <p>(b) in the vicinity of any changing rooms required by paragraph 4, whether or not provided elsewhere.</p> <p>2.(3) Washing facilities must include—</p> <p>(a) a supply of clean hot and cold, or warm, water (which must be running water so far as is reasonably practicable);</p> <p>(b) soap or other suitable means of cleaning; and</p> <p>(c) towels or other suitable means of drying.</p> <p>2.(4) Rooms containing washing facilities must be sufficiently ventilated and lit.</p> <p>2.(5) Washing facilities and the rooms containing them must be kept in a clean and orderly condition.</p> <p>2.(6) Subject to sub-paragraph (7), separate washing facilities must be provided for men and women, except where they are provided in a room the door of which is capable of being secured from inside and the facilities in each room are intended to be used by only one person at a time.</p> <p>2.(7) Sub-paragraph (6) does not apply to facilities which are provided for washing hands, forearms and the face only.</p> <p>Drinking water</p> <p>3.(1) An adequate supply of wholesome drinking water must be provided or made available at readily accessible and suitable places.</p> <p>3.(2) Where necessary for reasons of health and safety every supply of drinking water must be conspicuously marked by an appropriate sign.</p> <p>3.(3) Where a supply of drinking water is provided, a sufficient number of suitable cups or other drinking vessels must also be provided, unless the supply of drinking water is in a jet from which persons can drink easily.</p> <p>Changing rooms and lockers</p> <p>4.(1) Suitable and sufficient changing rooms must be provided or made available at readily accessible places if a worker—</p> <p>(a) has to wear special clothing for the purposes of construction work; and</p> <p>(b) cannot, for reasons of health or</p>	<p>facilities, including showers if required by the nature of the work or for health reasons, shall so far as is reasonably practicable be provided or made available at readily accessible places.</p> <p>5. Washing facilities shall be provided—</p> <p>(a) in the immediate vicinity of every sanitary convenience, whether or not provided elsewhere; and</p> <p>(b) in the vicinity of any changing rooms required by paragraph 14 whether or not provided elsewhere.</p> <p>6. Washing facilities shall include—</p> <p>(a) a supply of clean hot and cold, or warm, water (which shall be running water so far as is reasonably practicable);</p> <p>(b) soap or other suitable means of cleaning; and</p> <p>(c) towels or other suitable means of drying.</p> <p>7. Rooms containing washing facilities shall be sufficiently ventilated and lit.</p> <p>8. Washing facilities and the rooms containing them shall be kept in a clean and orderly condition.</p> <p>9. Subject to paragraph 10 below, separate washing facilities shall be provided for men and women, except where and so far as they are provided in a room the door of which is capable of being secured from inside and the facilities in each such room are intended to be used by only one person at a time.</p> <p>10. Paragraph 9 above shall not apply to facilities which are provided for washing hands, forearms and face only.</p> <p>Drinking water</p> <p>11. An adequate supply of wholesome drinking water shall be provided or made available at readily accessible and suitable places.</p> <p>12. Every supply of drinking water shall be conspicuously marked by an appropriate sign where necessary for reasons of health and safety.</p> <p>13. Where a supply of drinking water is provided, there shall also be provided a sufficient number of suitable cups or other drinking vessels unless the supply of drinking water is in a jet from which persons can drink easily.</p> <p>Changing rooms and lockers</p> <p>14.(1) Suitable and sufficient changing rooms shall be provided or made available at readily accessible places if—</p> <p>(a) a worker has to wear special clothing for the purposes of his work; and</p> <p>(b) he cannot, for reasons of health or</p>	

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<p>propriety, be expected to change elsewhere.</p> <p>4.(2) Where necessary for reasons of propriety, there must be separate changing rooms for, or separate use of rooms by, men and women.</p> <p>4.(3) Changing rooms must—</p> <p>(a) be provided with seating; and</p> <p>(b) include, where necessary, facilities to enable a person to dry any special clothing and any personal clothing or effects.</p> <p>4.(4) Suitable and sufficient facilities must, where necessary, be provided or made available at readily accessible places to enable persons to lock away—</p> <p>(a) any special clothing which is not taken home;</p> <p>(b) their own clothing which is not worn during working hours; and</p> <p>(c) their personal effects.</p> <p>Facilities for rest</p> <p>5.(1) Suitable and sufficient rest rooms or rest areas must be provided or made available at readily accessible places.</p> <p>5.(2) Rest rooms and rest areas must—</p> <p>(a) be equipped with an adequate number of tables and adequate seating with backs for the number of persons at work likely to use them at any one time;</p> <p>(b) where necessary, include suitable facilities for any woman at work who is pregnant or who is a nursing mother to rest lying down;</p> <p>(c) include suitable arrangements to ensure that meals can be prepared and eaten;</p> <p>(d) include the means for boiling water; and</p> <p>(e) be maintained at an appropriate temperature.</p>	<p>propriety, be expected to change elsewhere, being separate rooms for, or separate use of rooms by, men and women where necessary for reasons of propriety.</p> <p>14.(2) Changing rooms shall—</p> <p>(a) be provided with seating; and</p> <p>(b) include, where necessary, facilities to enable a person to dry any such special clothing and his own clothing and personal effects.</p> <p>14.(3) Suitable and sufficient facilities shall, where necessary, be provided or made available at readily accessible places to enable persons to lock away—</p> <p>(a) any such special clothing which is not taken home;</p> <p>(b) their own clothing which is not worn during working hours; and</p> <p>(c) their personal effects.</p> <p>Facilities for rest</p> <p>15.(1) Suitable and sufficient rest rooms or rest areas shall be provided or made available at readily accessible places.</p> <p>15.(2) Rest rooms and rest areas shall—</p> <p>(a) include suitable arrangements to protect non-smokers from discomfort caused by tobacco smoke;</p> <p>(b) be equipped with an adequate number of tables and adequate seating with backs for the number of persons at work likely to use them at any one time;</p> <p>(c) where necessary, include suitable facilities for any person at work who is a pregnant woman or nursing mother to rest lying down;</p> <p>(d) include suitable arrangements to ensure that meals can be prepared and eaten;</p> <p>(e) include the means for boiling water; and</p> <p>(f) be maintained at an appropriate temperature.</p>	
SCHEDULE 3 - Work involving particular risks		
<p>1. Work which puts workers at risk of burial under earthfalls, 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.</p> <p>2. Work which puts workers at risk from chemical or biological substances constituting a particular danger to the health or safety of workers or involving a legal requirement for health monitoring.</p> <p>3. Work with ionizing radiation requiring the designation of</p>		<p>These risks were not detailed in CDM2007, but are part of the Directive.</p> <p>Reg 12.(2) requires the construction phase plan to include specific measures concerning work which falls within one or more of the categories set out in Schedule 3.</p>

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<p>controlled or supervised areas under regulation 16 of the Ionising Radiations Regulations 1999(a).</p> <p>4. Work near high voltage power lines.</p> <p>5. Work exposing workers to the risk of drowning.</p> <p>6. Work on wells, underground earthworks and tunnels.</p> <p>7. Work carried out by divers having a system of air supply.</p> <p>8. Work carried out by workers in caissons with a compressed air atmosphere.</p> <p>9. Work involving the use of explosives.</p> <p>10. Work involving the assembly or dismantling of heavy prefabricated components.</p>		
SCHEDULE 4 - Transitional and saving provisions		
<p>1. In this Schedule— “CDM co-ordinator” means a person appointed under regulation 14(1) of the 2007 Regulations; “competent” means competent to perform any requirement and avoid contravening any prohibition imposed on a person by or under any of the relevant statutory provisions; “relevant project” means a project which began before 6th April 2015.</p> <p>2. These Regulations apply to a relevant project with the modifications specified in this Schedule.</p> <p>Projects with no existing CDM co-ordinator or principal contractor</p> <p>3.(1) This paragraph modifies the application of these Regulations in relation to a relevant project where, immediately before 6th April 2015— (a) no CDM co-ordinator or principal contractor is appointed for the project under the 2007 Regulations; (b) there is more than one contractor, or it is reasonably foreseeable that more than one contractor will be working on the project; and (c) the construction phase has started.</p> <p>3.(2) Regulation 5 does not apply to the project.</p> <p>3.(3) The client may appoint in writing a designer as principal designer.</p> <p>3.(4) The client must appoint in writing a contractor as principal contractor as soon as is practicable after 6th April 2015.</p> <p>3.(5) The principal contractor must draw up a construction phase plan or make arrangements for a construction phase plan to be drawn up under regulation 12(1) and (2) as soon as is practicable after 6th April 2015 and the requirement that the plan must be drawn up during the pre-construction phase and before</p>		<p>Where a project was not notifiable under CDM2007 and no CDMC or PC has been appointed, but there will be more than one contractor on the project, the client must appoint the PC as soon as practicable after 6th April and a construction phase plan and health and safety file are required to be produced by the PC.</p> <p>The client may appoint a PD in these circumstances, and if a PD is appointed, the PD will prepare the health and safety file.</p>

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<p>setting up a construction site is disapplied.</p> <p>3.(6) The client, other than a domestic client, must ensure that the principal contractor complies with sub-paragraph (5) and the client duty in regulation 4(5)(a) is disapplied.</p> <p>3.(7) If the client does not appoint a principal designer, the principal contractor must—</p> <p>(a) prepare a health and safety file under regulation 12(5) as soon as is practicable after 6th April 2015 and the requirement for the file to be prepared during the pre-construction phase is disapplied; and</p> <p>(b) ensure that the health and safety file is reviewed, updated and revised from time to time under regulation 12(6).</p> <p>3.(8) If the client does not appoint a principal designer—</p> <p>(a) the references to the principal designer in regulations 4(5)(b) and 9(3)(b) are treated as references to the principal contractor;</p> <p>(b) the client duty in regulation 4(6)(a) does not apply; and</p> <p>(c) the principal contractor duties in regulation 12(7) and 13(5) do not apply.</p> <p>3.(9) Where a client, other than a domestic client, fails to appoint a principal contractor under sub-paragraph (4) the client must fulfil the duties of the principal contractor specified in these Regulations, as modified by this paragraph.</p> <p>3.(10) Where the client is a domestic client—</p> <p>(a) regulation 7(2) does not apply; and</p> <p>(b) if the client fails to appoint a principal contractor under sub-paragraph (4) the principal contractor for the project is the contractor in control of the construction phase.</p>		
<p>Projects with an existing CDM co-ordinator</p> <p>4.(1) This paragraph and paragraphs 5 and 6 apply where, immediately before 6th April 2015, there is a CDM co-ordinator appointed for a relevant project.</p> <p>4.(2) Where this paragraph applies, the appointment of the CDM co-ordinator continues to have effect for the purposes of these Regulations until a principal designer is appointed or the project comes to an end.</p> <p>4.(3) The client must appoint in writing a principal designer for the project before 6th October 2015 unless the project comes to an end on or before that date.</p> <p>4.(4) Where the appointment of a CDM co-ordinator continues to have effect under sub- paragraph (2)—</p>		<p>Where a project has an appointed CDMC on the 6th April, and the project will complete construction prior to 6th October 2015, the project may continue to its conclusion with the CDMC, and no PD appointment is necessary.</p> <p>The client can still decide to replace the CDMC with a PD even if the project is planned to complete prior to 6th October 2015.</p> <p>If the project is planned to continue past 6th October 2015, the client should appoint a PD, replacing the CDMC, prior to 6th October 2015.</p> <p>It is possible for the CDMC to perform the duties of the PD, providing the duties of the PD can be performed by the organisation previously appointed as CDMC, e.g. are in control of the design.</p>

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015	CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007	COMMENTS & CONCERNS
<p>(a) the CDM co-ordinator must comply with the duties in paragraph 5;</p> <p>(b) the duties in regulations 9(3) (b) and 12(7) to provide information to the principal designer are treated as duties to provide information to the CDM co-ordinator; and</p> <p>(c) the duty in regulation 13(5) to liaise with the principal designer is treated as a duty to liaise with the CDM co-ordinator.</p> <p>Duties of CDM co-ordinator during transitional period</p> <p>5.(1) The CDM co-ordinator must—</p> <p>(a) 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 under these Regulations to fulfil that duty or function;</p> <p>(b) where the CDM co-ordinator works under the control of another, 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;</p> <p>(c) ensure that suitable arrangements are made and implemented for the coordination of health and safety measures during the planning and preparation for the construction phase, including facilitating—</p> <p>(i) cooperation and coordination between all persons working on the pre-construction phase of the project; and</p> <p>(ii) the application of the general principles of prevention;</p> <p>(d) liaise with the principal contractor over—</p> <p>(i) the content of the health and safety file;</p> <p>(ii) the information which the principal contractor needs to prepare the construction phase plan; and</p> <p>(iii) any design development which may affect planning and management of the construction work;</p> <p>(e) where no or partial pre-construction information has been supplied to the CDM co-ordinator by the client under regulation 10 of the 2007 Regulations, assist the client to comply with regulation 4(4) of these Regulations;</p> <p>(f) unless the information has already been provided under regulation 20(2)(b) of the 2007 Regulations, provide any pre-</p>		<p>The change of CDMC to PD is likely to require contractual changes for all organisations working on the project.</p> <p>The duties of the CDMC during the transition phase, between 6th April and 6th October 2015 are the duties required under CDM2007.</p> <p>If the client does not appoint, in writing, a PD prior to the 6th October 2015, the client will be assumed to be the PD and be liable for the PD's duties.</p> <p>Subsequent to the 6th October 2015 there should be no CDMCs on any projects.</p>

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015	CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007	COMMENTS & CONCERNS
<p>construction information that is in the possession or control of the CDM co-ordinator, promptly and in a convenient form, to every designer and contractor appointed, or being considered for appointment, to the project;</p> <p>(g) take all reasonable steps to ensure that designers comply with their duties under regulation 9 of these Regulations;</p> <p>(h) take all reasonable steps to ensure cooperation between designers and the principal contractor during the construction phase in relation to any design or change to a design;</p> <p>(i) if a health and safety file has not been prepared under regulation 20(2)(e) of the 2007 Regulations, prepare a health and safety file that complies with the requirements of regulation 12(5) of these Regulations;</p> <p>(j) review, update and revise the health and safety file from time to time to take account of the work and any changes that have occurred;</p> <p>(k) if the CDM co-ordinator's appointment continues to have effect immediately before the project ends, pass the health and safety file to the client at the end of the project;</p> <p>(l) if a principal designer is appointed, pass the health and safety file and all other relevant health and safety information in the CDM co-ordinator's possession to the principal designer, as soon as is practicable after the appointment.</p> <p>5.(2) The CDM co-ordinator must not arrange for or instruct a worker to carry out or manage design or construction work unless the worker is competent or under the supervision of a competent person.</p> <p>Duties disapplied pending appointment of principal designer</p> <p>6.(1) The duties in regulation 5(1)(a) and (3) do not apply to a project referred to in paragraph 4(1).</p> <p>6.(2) The following duties do not apply to a project referred to in paragraph 4(1) until the principal designer is appointed—</p> <p>(a) the duties in regulation 4(5)(b) and (6)(a);</p> <p>(b) the duties of the principal designer in regulations 11 and 12(3), (5), (6), (8) and (10).</p> <p>6.(3) If a client fails to make the appointment required by paragraph 4(3) the client must fulfil the duties of a principal designer in regulations 11 and 12 on and after 6th October 2015.</p>		

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015	CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007	COMMENTS & CONCERNS
<p>Projects with only one contractor</p> <p>7. Where a relevant project has only one contractor and the construction phase has started, the contractor must draw up a construction phase plan, or make arrangements for a construction phase plan to be drawn up, under regulation 15(5) and (6) as soon as is practicable after 6th April 2015 and the requirement that the plan must be drawn up prior to setting up a construction site is disapplied.</p> <p>Savings</p> <p>8.(1) Where, immediately before 6th April 2015 there is a principal contractor appointed for a relevant project under regulation 14(2) of the 2007 Regulations, for the purposes of these Regulations that principal contractor is treated on and after 6th April 2015 as having been appointed under regulation 5(1)(b) of these Regulations.</p> <p>8.(2) For the purposes of these Regulations, on and after 6th April 2015—</p> <p>(a) a health and safety file prepared for a relevant project under regulation 20(2)(e) of the 2007 Regulations is treated as a health and safety file prepared under regulation 12(5) of these Regulations;</p> <p>(b) a construction phase plan drawn up for a relevant project under regulation 23 of the 2007 Regulations is treated as a construction phase plan drawn up under regulation 12(1) or 15(5) of these Regulations;</p> <p>(c) pre-construction information provided for a relevant project under regulation 10 of the 2007 Regulations is treated as pre-construction information provided under regulation 4(4) of these Regulations;</p> <p>(d) notice given for a relevant project under regulation 21 of the 2007 Regulations is treated as notice given under regulation 6 of these Regulations.</p>		<p>If on 6th April 2015 a project has started construction with only one contractor, the contractor must prepare a construction phase plan as soon as is practicable.</p> <p>If a PC has been appointed under CDM2007, there is no need to re-appoint under CDM2015.</p> <p>Any health and safety file prepared under CDM2007 satisfies the requirements of CDM2015.</p> <p>Any construction phase plan prepared under CDM2007 satisfies the requirements of CDM2015.</p> <p>Any pre-construction information prepared under CDM2007 satisfies the requirements of CDM2015. The Project Notification (F10) does not have to re-submitted on 6th April 2015, except as below:</p> <p>(a) If the PD is appointed, the CDMC is removed from the project and the project construction phase is over 30days in duration and will have more than 20 persons on site at any time, the client will need to re-submit the F10.</p> <p>(b) If the PD is appointed, the CDMC is removed from the project and the project is not notifiable under CDM2015, the F10 should be withdrawn.</p>
	<p>General principles of prevention</p> <p>7.(1) Every person on whom a duty is placed by these Regulations in relation to the design, planning and preparation of a project shall take account of the general principles of prevention in the performance of those duties during all the stages of the project.</p> <p>7.(2) Every person on whom a duty is placed by these Regulations in relation to the construction phase of a project shall ensure so far as is reasonably practicable that the general principles of prevention are applied in the carrying out of the construction work.</p>	<p>The duty to comply with the 'general principles of prevention' is now included within the specific duty holders' duties, e.g. Reg. 9-designers; Reg. 11-PD; Reg. 13-PC and Reg. 15-contractors; and this regulation is withdrawn.</p>



Are you sure that you understand the duties and requirements of CDM2015 and/or other health and safety requirements?

Have you amended your policies and procedures to reflect the current legislation and practice?

Are your employees competent to perform their duties?

Do you select competent organisations to work with you?

Do you manage your organisation and projects without copious amounts of paper?

If the answer to any of the above questions is no, you need to consider training and advice to achieve legal compliance and develop best practices.

Contact the experts

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