

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

Clients must be aware of their legal duties under CDM (2007) made under the provision of the Health and Safety at Work etc Act 1974 and any breach of the regulations will be a criminal offence.

Introduction

If you are having construction work undertaken you will need to be aware of the changes to the **Construction (Design and Management) Regulations** and the duties that have been placed on duty holders with respect to this issue.

The duties on the Client are far more extensive and will impact on all construction based projects.

The information below will help you understand what you need to do under the Construction (Design and Management) Regulations 2007 which came into force in April 2007.

CDM 2007 places legal duties on virtually **everyone** involved in construction work.

Those with legal duties are commonly known as 'dutyholders'.

Dutyholders under CDM 2007 are:

Clients - A 'client' is anyone having construction or building work carried out as part of their business. This could be an individual, partnership or company and includes property developers or management companies for domestic properties.

CDM co-ordinators - A 'CDM co-ordinator' has to be appointed to advise the client on projects that last more than 30 days or involve 500 person days of construction work. The CDM co-ordinator's role is to advise the client on health and safety issues during the design and planning phases of construction work.

Designers - The term 'designer' has a broad meaning and relates to the function performed, rather than the profession or job title. Designers are those who, as part of their work, prepare design drawings, specifications, bills of quantities and the specification of articles and substances. This could include architects, engineers and quantity surveyors.

Principal contractors - A 'principal contractor' has to be appointed for projects which last more than 30 days or involve 500 person days of construction work. The principal contractor's role is to plan, manage and co-ordinate health and safety while construction work is being undertaken. The principal contractor is usually the main or managing contractor for the work.

Contractors - A 'contractor' is a business who is involved in construction, alteration, maintenance or demolition work. This could involve building, civil engineering, mechanical, electrical, demolition and maintenance companies, partnerships and the self-employed.

Workers - A 'worker' is anyone who carries out work during the construction, alteration, maintenance or demolition of a building or structure. A worker could be, for example, a plumber, electrician, scaffolder, painter, decorator, steel erector, as well as those supervising the work, such as foreman and chargehands.

Summary of duties under the CDM 2007 Regulations

Duty Holder	All construction projects (Part 2 of the Regulations)	Additional duties for notifiable projects (Part 3 of the Regulations)
Clients (excluding domestic clients)	<p>Check competence and resources of all appointees</p> <p>Ensure there are suitable management arrangements for the project welfare facilities</p> <p>Allow sufficient time and resources for all stages</p> <p>Provide pre-construction information to designers and contractors</p>	<p>Appoint CDM co-ordinator*</p> <p>Appoint principal contractor*</p> <p>Make sure that the construction phase does not start unless there are suitable welfare facilities and a construction phase plan is in place.</p> <p>Provide information relating to the health and safety file to the CDM co-ordinator</p> <p>Retain and provide access to the health and safety file</p> <p>(* There must be a CDM co-ordinator and principal contractor until the end of the construction phase)</p>
CDM co-ordinators		<p>Advise and assist the client with his/her duties</p> <p>Notify HSE</p> <p>Co-ordinate health and safety aspects of design work and cooperate with others involved with the project</p> <p>Facilitate good communication between client, designers and contractors</p> <p>Liaise with principal contractor regarding ongoing design</p> <p>Identify, collect and pass on pre-construction information</p> <p>Prepare/update health and safety file</p>
Designers	<p>Eliminate hazards and reduce risks during design</p> <p>Provide information about remaining risks</p>	<p>Check client is aware of duties and CDM co-ordinator has been appointed</p> <p>Provide any information needed for the health and safety file</p>
Principal contractors		<p>Plan, manage and monitor construction phase in liaison with contractor</p> <p>Prepare, develop and implement a written plan and site rules (Initial plan completed before the construction phase begins)</p> <p>Give contractors relevant parts of the plan</p> <p>Make sure suitable welfare facilities are provided from the start and maintained throughout the construction phase</p> <p>Check competence of all appointees</p> <p>Ensure all workers have site inductions and any further information and training needed for the work</p> <p>Consult with the workers</p> <p>Liaise with CDM co-ordinator regarding ongoing design</p> <p>Secure the site</p>
Contractors	<p>Plan, manage and monitor own work and that of workers</p> <p>Check competence of all their appointees and workers</p> <p>Train own employees</p> <p>Provide information to their workers</p> <p>Comply with the specific requirements in Part 4 of the Regulations</p> <p>Ensure there are adequate welfare facilities for their workers</p>	<p>Check client is aware of duties and a CDM co-ordinator has been appointed and HSE notified before starting work</p> <p>Co-operate with principal contractor in planning and managing work, including reasonable directions and site rules</p> <p>Provide details to the principal contractor of any contractor whom he engages in connection with carrying out the work</p> <p>Provide any information needed for the health and safety file</p> <p>Inform principal contractor of problems with the plan</p> <p>Inform principal contractor of reportable accidents, diseases and dangerous occurrences</p>
Workers/ everyone	<p>Check own competence</p> <p>Co-operate with others and co-ordinate work so as to ensure the health and safety of construction workers and others who may be affected by the work</p> <p>Report obvious risks</p>	