

CDM REGULATIONS 2015

Briefing note no.1:

Overview of the new regulations

The new Construction Design and Management (CDM) Regulations 2015, coming into force on 6 April 2015, set out duties for both principal designers and designers, specific roles defined in the draft regulations, which will have implications for all architects, whether they are acting as the lead designer on a project or providing any element of design.

The following guidance and information is provided to RIBA members and chartered practices:

The key change in the CDM Regulations 2015 affecting architects is the dropping of the CDM Co-ordinator role created under CDM 2007, a role currently frequently contracted out to a third party consultant, and the introduction of the principal designer who will be a member of the design team.

The principal designer will be responsible for co-ordinating the pre-construction phase of the project. While this role can be undertaken by any of the designers on the project design team who can control the pre-construction phase of the project, the architect or lead designer would appear to be the natural choice for the role on most building projects, since the principal designer should have meaningful responsibility for co-ordination of the design of the project.

The core technical standards set out in the new Regulations remain essentially unchanged from those in CDM 2007; the majority of change relates to the management of projects determined by the revised roles and duties of the client, principal designer, principal contractor, designers and contractors. Designers' duties to advise the client; take account of pre-construction information and the principles of prevention to eliminate, reduce and control risks; and provide information on remaining risks, are unchanged.

As under CDM 2007, both domestic and commercial projects are subject to the CDM Regulations 2015.

Domestic and commercial projects are notifiable to the HSE under CDM 2015 if the construction work on 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

The new CDM Regulations impose duties on domestic clients as well as commercial clients, although domestic client duties will normally be transferred to the principal contractor/contractor, or, if the client wishes, to the principal designer.

HSE has published the draft Statutory Instrument along with draft Legal Series guidance (L153). Draft guidance for the five duty holders under CDM 2015 (clients, contractors, designers, principal contractors, and principal designers) has been produced by industry volunteers appointed via the Construction Industry Advisory Committee (CONIAC) and published by the Construction Industry Training Board (CITB). Along with revised web pages, client leaflet and a new template health and safety plan/web application for small projects, this suite of guidance will replace the Approved Code of Practice (ACOP) and accompanying guidance for CDM 2007. HSE will consult later this year on the need for and content of a new ACOP to supplement this package.

The main authority for health and safety matters under CDM 2015 rests with the principal contractor/contractor once works have commenced on site. In most projects the principal designer will continue to have a role and provide information and services throughout the construction phase – the appointment is required for as long as design work continues.

If the principal designer's appointment finishes before the end of the project because all design work is complete, then the principal designer must ensure that the principal contractor has comprehensive pre-construction information on risks which have not been eliminated in the designs, the means employed to reduce or control those risks and the implications for implementing the design work during the remainder of the project. The principal designer should also arrange to hand over the health and safety file.

Architects will need to understand the purpose of key documentation referred to in the Regulations, including 'pre-construction information', the 'construction phase plan', and the 'health and safety file'.

There will be transition arrangements when the new Regulations are introduced. For projects due to start before 6 April 2015, and where a CDM Co-ordinator has not yet been appointed, the client must appoint a principal designer as soon as practicable. If a CDM Co-ordinator has already been appointed, a principal designer must be appointed to replace the CDM Co-ordinator by 6 October 2015, unless the project is completed before then.

The CDM Regulations indirectly impose criminal as well as civil liabilities on architects and designers, and it is imperative that the profession is fully informed about the revised regulatory framework. The RIBA recommends that architects should read the draft guidance on the CDM Regulations 2015 – the Legal (L) Series guidance – available on the HSE website.

It is also recommended that architects should familiarise themselves with the draft guidance for designers and principal designers, available from the CITB website.