

The Construction (Design and Management) Regulations 2015

Introduction

The *Construction (Design and Management) Regulations 2015* came into force on **6th April 2015**, replacing the *2007* and *1994 Regulations*. In brief, the *CDM Regulations*:

- apply to any project involving more than one contractor (e.g. a plumber and an electrician);
- apply only to construction work;
- apply not just to new build but also to projects such as repointing areas of brickwork; but
- do *not* apply to DIY or maintenance

Principal Designer

One of the important changes from the *2007 Regulations* is that a “**principal designer**” must be appointed, replacing the role “**CDM co-ordinator**”. This is any person who creates or adapts a design, or directs someone under their management to do so. The appointment is required to ensure that the *Regulations* are implemented fully and correctly. The principal designer must have **BOTH** the relevant design skills **AND** be proficient in Health & Safety issues. The role could be undertaken by, for example, an architect or quantity surveyor, but they would have to fulfil the **TWO** functions.

Therefore, if a project falls within the *Regulations*, a principal designer must be appointed to manage Health & Safety issues and ensure that the contractors are competent in the same. The *Regulations* are administered by the Health & Safety Executive and it is a criminal offence to disregard them. Churches should note that they now have a legal responsibility which was previously the sole onus of appointed professionals. Consequently, the church or their project manager will now be liable if a principal designer is not appointed to oversee compliance in Health & Safety matters.

Projects lasting more than 30 days **AND** which involve more than 20 workers on site simultaneously **OR** projects taking more than 500 worker days have to be notified to the Health & Safety Executive. A church officer will have to sign the notification form, even if it is the principal designer who completes and submits the form to the Health & Safety Executive. (For further details see: <https://www.hse.gov.uk/forms/notification/f10.htm>).

The church – as the “client” – is also responsible for:

- the principal designer ensuring that the principal contractor provides a construction phase Health & Safety plan;
- the principal designer ensuring that the principal contractor provides the church with a Health & Safety file at the end of the job.

Transitional Period

Although the *Regulations* came into force on 6th April 2015, there is a six months transitional period. For projects in progress, CDM co-ordinators will continue in their role until 6th October 2015, whereupon a principal designer must be appointed.

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