

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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