



## **GUIDANCE TO THE CONSTRUCTION (DESIGN & MANAGEMENT REGULATIONS 2015**

### **INTRODUCTION**

The Construction (Design and Management) Regulations 2015 (CDM 2015) govern the management of health, safety and welfare when undertaking construction projects. The previous 2007 CDM Regulations have been replaced to make it easier for everyone involved to understand what they need to do to complete the job safely. Small and medium size construction businesses now have to make a plan and manage health and safety under CDM 2015 which came into force on 6 April 2015.

Manufacturers supplying standardised products for use in any construction project are not designers; however, the person who selects the product is a designer and must take account of health and safety issues arising from the installation and use of those products.

In a situation where a product is required to be purpose built (bespoke), then the person who prepares the specification or drawings is a designer and so is the manufacturer who develops the specification into a detailed design. The connection is that as a designer your decisions can affect the health and safety of workers and others who will construct, maintain, repair, clean, refurbish and eventually demolish the building or structure, as well as those who will use it as a completed workplace.

For the first time, CDM 2015 now applies to domestic client projects, although the client duties will normally be transferred to the contractor or principal contractor, or if the client wishes to make a specific appointment, the designer.

### **KEY CHANGES IN THE NEW CDM REGULATIONS 2015**

- The revised legislation applies to all projects including, for the first time, domestic jobs.
- All projects must have a written construction phase plan.
- The role of CDM co-ordinator in the previous CDM Regulations 2007 has been removed and replaced with a new role of principal designer.

This means that the responsibility for coordination of the pre-construction phase – which is crucial to the management of any successful construction project – will rest with an existing member of the design team.

- Some domestic and non-domestic projects will have to be notified to the Health & Safety Executive by the client.
- The client: the new Regulations recognise the influence and importance of the client as the head of the supply chain and they are best placed to set standards throughout a project. There is a duty to make sure all persons doing the job have the right skills, knowledge, training and experience.
- Competence. This will be split into its component parts of skills, knowledge, training and experience, and - if it relates to an organisation - organisational capability. This will provide clarity and help the industry to both assess and demonstrate that construction project teams have the right attributes to deliver a healthy and safe project.

The technical standards set out in Part 4 of the new Regulations will remain essentially unchanged from those in guidance related to CDM 2007. HSE's targeting and enforcement policy, as a proportionate and modern regulator, also remains unchanged.

### TRANSITIONAL ARRANGEMENTS

There are transitional arrangements in place that will run for six months from 6 April 2015 to 6 October 2015.

Option 1: For projects starting before 6 April 2015, where the construction phase has not yet started and the client has **not** yet appointed a CDM co-ordinator, the client **must** appoint a principal designer as soon as it is practicable.

Option 2: If the 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 comes to an end before then.

### DRAFT INDUSTRY GUIDANCE

There are a series of draft industry guides available for the five duty holders (clients, contractors, designers, principal contractors and principal designers) under CDM 2015, and one for workers. These were published before the Regulations came into force and may be subject to change.

They set out, in practical terms, what actions are required to deliver a safe and healthy construction project.

In addition, the HSE has produced draft legal series guidance (L153) on the legal requirements for CDM 2015. This was made available before the Regulations came into force on 6 April 2015 to help anyone who has duties under the Regulations to prepare in advance.

Please note the draft Regulations within the guidance have been amended following consultation. The Regulations and this draft legal series guidance may be subject to change while the Regulations are awaiting Parliamentary approval. The final version of the legal series guidance to support CDM 2015 is available from 6 April 2015.

### **MGMA DISCLAIMER**

Whilst the information contained in this bulletin is believed to be correct at the time of publication, the Metal Gutter Manufacturers Association Limited and its member companies cannot be held responsible for any errors or inaccuracies and, in particular, the specification for any application must be checked with the individual manufacturer concerned for a given installation.

Information provided by the MGMA or contained within publications and articles which are made available in any form (mechanical, electronic, photocopying or otherwise) cannot be used or cited as a means of ensuring that a material, product, system or assembly is compliant with Building Regulations.

©2018 MGMA 106 Ruskin Avenue, Rogerstone, Newport, Gwent NP10 0BD  
01633 891584 mgmagutters@gmail.com www.mgma.co.uk