

2014 - Preparing for Change Newsletter April 2014

As 2014 progresses, this year will be the forerunner to the new Construction [Design & Management] Regulations 2014, which are scheduled to become operational from the 6th April 2015.

In this Newsletter we have outlined the proposed changes, given the links to the HSE's Consultative Document [CD261] [[click here](#)], which includes the 'rationale' behind the substantial alterations, as well as the proposed CDM Regulations 2014 [[click here](#)], then the Cost Benefit Analysis, followed by the process for commenting.

We also outline the simple procedure to book a free CDM 2014 Workshop to discuss the implications and what you could be doing to voice your opinions and comments.

CDM Regulations 2014 – Less is More, More or Less?



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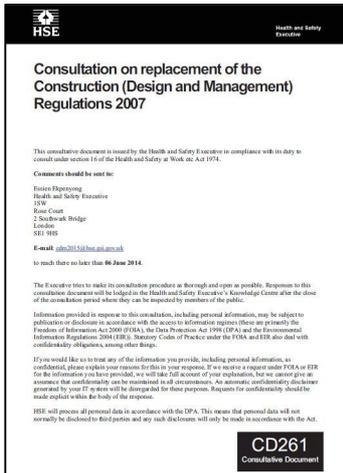
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Construction (Design & Management) Regulations 2014 - CDM Regulations 2014
(introduced to be introduced on 6th April 2015)
HSE Consultation on Replacement of CDM Regulations 2007

CDM Regulations 2014 - Client Duties
The proposed CDM Regulations 2014 involve a major change, specifically for Clients, as the Client duties are being extended to the new function of 'Principal Designer', (replacement for the 'CDM Co-ordinator') has limited experience with the Client. Consequently, the Client will lose their main CDM 'assistant' which is currently the CDM Co-ordinator.

Key changes 'transfer' / transfer:

1. CDM Co-ordinator replaced by Principal Designer from the design team
2. Domestic Client appointed as Designer or Contractor
3. CDM Competency requirements "removed"
4. Approved Code of Practice (ACOP) replaced with Guidance

CDM Regulation 4 - Application to Domestic Clients
A primary change is the extension of the CDM Regulations to include all construction work, even for 'domestic' status clients which are defined by the HSE as:
'Domestic client' means a client for whom a project is being carried out which is not in the course or furtherance of a business of that client'.
Although this will have negligible impact to mainstream construction projects, the inclusion of Domestic Clients represents a fundamental change in UK Health & Safety legislation.

Regulation 5 - Client Duties for Managing Projects
Project Management Arrangements
Implementation Review arrangements to ensure so far as is reasonably practicable, that construction work is carried out with the minimum risk to health and safety, where necessary arrangements for the construction stage.
(Non-Domestic Projects similar to CDM 2007 but no support from the new 'Principal Designer')

Pre-Construction Information
The Construction Information to be provided to each Designer & Contractor by Client.
(Similar to CDM 2007 but with 'Principal Designer' providing assistance instead of CDM Co-ordinator)

Construction Phase Plan (CPP)
Ensure CPP produced by Principal Contractor before any construction commences on site.
CDM 2014 - Principal Designer no duty to review & advise Client on CPP suitability.
CDM 2007 - CDM Co-ordinator advises Client on CPP suitability.

Regulation 7 - HSE Notifications
Construction work > 30 working days & > 20 workers at same time or > 500 person days.
Notify as soon as it is practicable to the HSE.
CDM 2014 - Client Duty (CDM 2007 - CDM Co-ordinator duty)

Regulation 8 - General Duty - Contractor Appointment or Co-ordination Obligations
Contractor training etc.
Client to ensure necessary information / instruction / training received & appropriate supervision provided.
CDM 2014 - new requirement - replaces CDM 2007 Competency requirements.

Co-operation with others
Cooperate with project team & any adjoining site to facilitate CDM compliance, etc. (similar to CDM 2007)

As outlined in our previous newsletter, the CDM Regulations have been targeted for some significant changes. This is mainly due to two reasons.

The first being that the UK interpretation of the EU Temporary & Mobile Construction Sites Directive, which spawned the original CDM Regulations 1994, did not completely address all the requirements of the EU Directive, particularly the UK approach to exempting clients who were commissioning design and construction work related to their 'domestic' premises.

The second and politically motivated issue is the current governmental stance of minimising the effect of EU Directives on UK business competitiveness and the implementation of the 'Red Tape' strategy.

As a result of these two issues, a new set of minimalistic CDM Regulations is to be introduced in April 2015, with the following key amendments:

1. Replacement of the CDM Co-ordinator with a Principal Designer role within the project team.
2. Removal of the Domestic Client exemption and 'transfer' of these CDM Client duties to the Contractor/Designer.
3. Obligation to provide information, instruction, training and supervision to replace the CDM competency requirements.
4. Replacement of the Approved Code of Practice [ACOP] with Guidance.

For previous CDM Regulatory changes, the HSE have included Transitional Arrangements which allow a time period for existing projects and CDM appointments to phase out. Unusually the new CDM Regulations will be retrospective, applying to existing projects and with the requirement for the Client to replace the CDM Co-ordinator with the Principal Designer, "... as soon as is practicable". PFB, due to our design background, intend to provide the service of Principal Designer.

More details on the 'proposed' changes and the implications, including the new function of Principal Designer, are contained in PFB's appended explanatory note [[click here](#)].

The next stage in the HSE's 'CDM change control process', is to obtain comment from interested parties within the design and construction industry. If you intend to express your opinion on these proposals then you have until the 6th June 2014 at the latest. The arrangements for commenting are included within the Consultative Document, [[click here](#)].

CDM 2014 Consultative Document Review Workshops

PFB are providing free CDM 2014 Workshops outlining the main proposals within the HSE's Consultative Document and the implications.

To book one of these Workshops, or find out more about CDM 2014, contact:

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