

Construction (Design & Management) Regulations 2015

The new Construction Design and Management (CDM) Regulations 2015 and associated guidance have been published by the Health and Safety Executive (HSE). The Regulations are intended to replace the existing 2007 CDM regime. Subject to Parliamentary approval, the new regulations will come into effect on **6th April 2015**.

Does my Congregation need to be aware of the Regulations?

Yes. They are the main set of regulations for managing the health, safety and welfare of 'construction projects' and apply to all building and construction projects, regardless of the size, duration and nature of the work. They will therefore apply if your congregation is undertaking any form of construction work on any church building and will include structural alterations to a church, replacing the roof of your hall or making alterations to the manse.

The Proposed Changes

The 2007 regulations were generally seen as complex and difficult to understand. The HSE has therefore attempted to simplify the processes involved to make them clearer.

- **Principal designer:** The key and biggest change is that the CDM Co-ordinator is to be replaced with a Principal Designer, who will take on the majority of the current responsibilities of the CDM Co-ordinator.

The Principal Designer will therefore be responsible for planning, managing and monitoring the pre-construction phase of a project and, in particular, will be responsible for:

- Ensuring that risks are eliminated or controlled through design work.
- Passing information to the Principal Contractor.
- Ensuring cooperation and coordination within the project team.
- Ensuring designers comply with their duties.
- Assisting the client in the preparation of the pre-construction information.
- Preparing the health & safety file.

The Principal Designer is likely to be the architect or lead designer and it appears that the Principal Designer will simply inherit the majority of the legal duties currently discharged by the CDM Co-ordinator. It is unclear how Principal Designers will undertake these additional duties; whether by up-skilling existing staff or by employing or sub-contracting to a specialist consultant.

Congregations should therefore ensure that a Principal Designer is appointed from the professional team.

- **Amending the trigger threshold for appointment of Principal Designer & Principal Contractor:** The current trigger for appointment of a Principal Contractor is for a project over 30 days on site, the same as the F10 notification of a Construction Project (see: <http://www.hse.gov.uk/construction/cdm/faq/general.htm>). This will be changed so that a client will have to appoint a Principal Designer and Principal Contractor when there is, or will be, more than one contractor on site. This will inevitably lead to many more small projects being subjected to this threshold. The requirement to issue the F10 notification will also be amended to a 20 person threshold (i.e. notification required where there are 20+ on site.)
- **Client:** The new Regulations recognise the importance of the 'client' as head of the supply chain and the party best placed to set standards throughout a project. Congregations may wish to appoint one or two elders to act as the point of contact for the Session or Board as the client.
- **Removal of explicit competence requirements and replacement with a requirement for appropriate skills:** The HSE has commented that the current CDM regime is overly bureaucratic when it comes to competence, although promoting competence within construction remains of key importance. It is therefore be the responsibility of the respective team members to ensure they are sufficiently competent to fulfil their given roles.
- **The technical standards** which the Principal Designer must ensure are met are set out in Part 4 and are essentially unchanged from CDM 2007. HSE's targeting and enforcement policy, as a regulator, also remains unchanged.

Replacement of the Approved Code of Practice (ACOP)

The ACOP is to be replaced with tailored guidance, specifically aimed at smaller organisations. It is to be simple in terminology and include template documents for use in typical high risk, small value projects (such as roof replacements or loft conversions). The guidance has not yet been published.

Main Transitional Arrangements

When the new regulations come into force, there will be a transitional period which will run for six months from 6 April 2015 to 6 October 2015. For projects starting before 6 April 2015, where the construction phase has not yet commenced and the client has not yet appointed a CDM Co-ordinator, the client must appoint a Principal Designer as soon as it is practicable. 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. In the period it takes to appoint the Principal Designer, the appointed CDM Co-ordinator should comply with the duties contained in Schedule 4 to the new CDM 2015 Regulations.

CDM Regs 2007

The [existing CDM 2007 Regulations and industry guidance](#) will be available until October 2015.

Further Information can be found at <http://www.hse.gov.uk/pubns/books/l153.htm> or please do not hesitate to contact the Law Department should you have any questions.