

CDM 2007

CDM 2015

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Citation and commencement Interpretation	CDM 2007	CDM 2015
	<p>1. These Regulations may be cited as the Construction (Design and Management) Regulations 2007 and shall come into force on 6th April 2007.</p> <p>2.- (1) In these Regulations, unless the context otherwise requires- %business+means a trade, business or other undertaking (whether for profit or not);</p>	<p>1. These Regulations may be cited as the Construction (Design and Management) Regulations 2015 and come into force on 6th April 2015 immediately after the Mines Regulations 2014(1).</p> <p>2.- (1) In these Regulations-</p>
	<p>%client+means a person who in the course or furtherance of a business- (a) seeks or accepts the services of another which may be used in the carrying out of a project for him; or (b) carries out a project himself;</p>	<p>%the 1974 Act+means the Health and Safety at Work etc. Act 1974; %the 2007 Regulations+means the Construction (Design and Management) Regulations 2007(1); %the Management Regulations+means the Management of Health and Safety at Work Regulations 1999(2); %business+means a trade, business or other undertaking (whether for profit or not);</p>
	<p>%client+means any person for whom a project is carried out;</p>	<p>%client+means any person for whom a project is carried out;</p>
	<p>%CDM co-ordinator+means the person appointed as the CDM co-ordinator under regulation 14(1);</p> <p>%construction phase+means the period of time starting when construction work in any project starts and ending when construction work in that project is completed;</p> <p>%construction phase plan+means a document recording the health and safety arrangements, site rules and any special measures for construction work;</p>	<p>%construction phase+means the period of time beginning when construction work in a project starts and ending when construction work in that project is completed;</p> <p>%construction phase plan+means a plan drawn up under regulations 12 or 15;</p>
	<p>%construction site+includes any place where construction work is being carried out or to which the workers have access, but does not include a workplace within it which is set aside for purposes other than construction work;</p> <p>%construction work+means the carrying out of any building, civil engineering or engineering construction work and includes-</p>	<p>%construction site+includes any place where construction work is being carried out or to which the workers have access, but does not include a workplace within the site which is set aside for purposes other than construction work;</p> <p>%construction work+means the carrying out of any building, civil engineering or engineering construction work and includes-</p>
	<p>(a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;</p> <p>(b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation, and the clearance or preparation of the site or structure for use or occupation at its conclusion;</p>	<p>(a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;</p> <p>(b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation (but not pre-construction archaeological investigations), and the clearance or preparation of the site or structure for use or occupation at its conclusion;</p>
	<p>(c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of prefabricated elements which, immediately before such disassembly, formed a structure;</p> <p>(d) the removal of a structure or of any product or waste resulting from demolition or dismantling of a structure or from disassembly of prefabricated elements which immediately before such disassembly formed such a structure; and</p> <p>(e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure,</p>	<p>(c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of the prefabricated elements which, immediately before such disassembly, formed a structure;</p> <p>(d) the removal of a structure, or of any product or waste resulting from demolition or dismantling of a structure, or from disassembly of prefabricated elements which immediately before such disassembly formed such a structure;</p> <p>(e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure,</p>
	<p>but does not include the exploration for or extraction of mineral resources or activities preparatory thereto carried out at a place where such exploration or extraction is carried out;</p> <p>%contractor+means any person (including a client, principal contractor or other person referred to in these Regulations) who, in the course or furtherance of a business, carries out or manages construction work;</p> <p>%design+includes drawings, design details, specification and bill of quantities (including specification of articles or substances) relating to a structure, and calculations prepared for the purpose of a design;</p> <p>%designer+means any person (including a client, contractor or other person referred to in these Regulations) who in the course or furtherance of a business-</p>	<p>but does not include the exploration for, or extraction of, mineral resources, or preparatory activities carried out at a place where such exploration or extraction is carried out;</p> <p>%contractor+means any person (including a non-domestic client) who, in the course or furtherance of a business, carries out, manages or controls construction work;</p> <p>%design+includes drawings, design details, specifications and bills of quantities (including specification of articles or substances) relating to a structure, and calculations prepared for the purpose of a design;</p> <p>%designer+means any person (including a client, contractor or other person referred to in these Regulations) who in the course or furtherance of a business-</p>
	<p>(a) prepares or modifies a design; or (b) arranges for or instructs any person under his control to do so,</p>	<p>(a) prepares or modifies a design; or (b) arranges for, or instructs, any person under their control to do so,</p>
	<p>relating to a structure or to a product or mechanical or electrical system intended for a particular structure, and a person is deemed to prepare a design where a design is prepared by a person under his control;</p>	<p>relating to a structure, or to a product or mechanical or electrical system intended for a particular structure, and a person is deemed to prepare a design where a design is prepared by a person under their control;</p>
	<p>%excavation+includes any earthwork, trench, well, shaft, tunnel or underground working;</p> <p>%the Executive+means the Health and Safety Executive;</p> <p>%the general principles of prevention+means the general principles of prevention specified in Schedule 1 to the Management of Health and Safety at Work Regulations 1999(1)</p>	<p>%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;</p> <p>%excavation+includes any earthwork, trench, well, shaft, tunnel or underground working;</p> <p>%the general principles of prevention+means the general principles of prevention specified in Schedule 1 to the Management Regulations;</p>

CDM 2007

%health and safety file+

(a)
means the record referred to in regulation 20(2)(e); and

(b)

includes a health and safety file prepared under regulation 14(d) of the Construction (Design and Management) Regulations 1994(2);

%loading bay+means any facility for loading or unloading;
%place of work+means any place which is used by any person at work for the purposes of construction work or for the purposes of any activity arising out of or in connection with construction work;

%pre-construction information+means the information described in regulation 10 and, where the project is notifiable, regulation 15.

%principal contractor+means the person appointed as the principal contractor under regulation 14(2);

%project+means a project which includes or is intended to include construction work and includes all planning, design, management or other work involved in a project until the end of the construction phase;

i.e. - (d)where necessary for health and safety, draw up rules which are appropriate to the construction site and the activities on it (referred to in these Regulations as %site rules+);

%site rules+means the rules described in regulation 22(1)(d);

%structure+means-

(a)
any building, timber, masonry, metal or reinforced concrete structure, railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipe-line, cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure or structure designed to preserve or alter any natural feature, fixed plant and any structure similar to the foregoing; or

(b)
any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work, and any reference to a structure includes a part of a structure.

%traffic route+means a route for pedestrian traffic or for vehicles and includes any doorway, gateway, loading bay or ramp;

%vehicle+includes any mobile work equipment;

%work equipment+means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not);

%workplace+means a workplace within the meaning of regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992(3) other than a construction site; and

%writing+includes writing which is kept in electronic form and which can be printed.

(2) Any reference in these Regulations to a plan, rules, document, report or copy includes a plan, rules, document, report or copy which is kept in a form-

(a)in which it is capable of being reproduced as a printed copy when required; and

(b)which is secure from loss or unauthorised interference.

(3) For the purposes of these Regulations, a project is notifiable if the construction phase is likely to involve more than-

(a)30 days; or

(b)500 person days,

of construction work.

Application

3.- (1) These Regulations shall apply-

(a)in Great Britain; and

(b)outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of article 8(1)(a) of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001(1).

(2) Subject to the following paragraphs of this regulation, these Regulations shall apply to and in relation to construction work.

(3) The duties under Part 3 shall apply only where a project-

(a)is notifiable; and

CDM 2015

%health and safety file+means a file prepared under regulation 12(5);

%inspector for the Executive+means an inspector within the meaning given in section 53(1) of the 1974 Act(3);

%loading bay+means any facility for loading or unloading;

%place of work+means any place which is used by any person at work for the purposes of construction work or for the purposes of any activity arising out of or in connection with construction work;

%pre-construction information+means information in the client's possession or which is reasonably obtainable by or on behalf of the client, which is relevant to the construction work and is of an appropriate level of detail and proportionate to the risks involved, including-

(a)

information about-

(i)

the project;

(ii)

planning and management of the project;

(iii)

health and safety hazards, including design and construction hazards and how they will be addressed; and

(b)

information in any existing health and safety file;

%pre-construction phase+means any period of time during which design or preparatory work is carried out for a project and may continue during the construction phase;

%principal contractor+means the contractor appointed under regulation 5(1)(b) to perform the specified duties in regulations 12 to 14;

%principal designer+means the designer appointed under regulation 5(1)(a) to perform the specified duties in regulations 11 and 12;

%project+means a project which includes or is intended to include construction work and includes all planning, design, management or other work involved in a project until the end of the construction phase;

%site rules+means rules which are drawn up for a particular construction site and are necessary for health or safety purposes;

%structure+means-

(a)
any building, timber, masonry, metal or reinforced concrete structure, railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipeline, cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure or structure designed to preserve or alter any natural feature and fixed plant;

(b)

any structure similar to anything specified in paragraph (a);

(c)

any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work, and any reference to a structure includes part of a structure;

%traffic route+means a route for pedestrian traffic or for vehicles and includes any doorway, gateway, loading bay or ramp;

%vehicle+includes any mobile work equipment;

%work equipment+means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not);

%working day+means any day on which construction work takes place;

%workplace+means a workplace within the meaning of regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992(4) other than a construction site.

(2) Any reference in these Regulations to a plan, rule, document, report or copy includes a copy or electronic version which is-

(a)capable of being retrieved or reproduced when required; and

(b)secure from loss or unauthorised interference.

3. These Regulations apply-

(a)in Great Britain; and

(b)premises and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of articles 9 and 11(1)(a) of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013(1).

CDM 2007

CDM 2015

	(b) is carried out for or on behalf of, or by, a client. (4) Part 4 shall apply only in relation to a construction site.		
	(5) Regulations 9(1)(b), 13(7), 22(1)(c), and Schedule 2 shall apply only in relation to persons at work who are carrying out construction work.		
Competence	4.- (1) No person on whom these Regulations place a duty shall- (a) appoint or engage a CDM co-ordinator, designer, principal contractor or contractor unless he has taken reasonable steps to ensure that the person to be appointed or engaged is competent; (b) accept such an appointment or engagement unless he is competent; (c) arrange for or instruct a worker to carry out or manage design or construction work unless the worker is- (i) competent, or (ii) under the supervision of a competent person. (2) Any reference in this regulation to a person being competent shall extend only to his being competent to- (a) perform any requirement; and (b) avoid contravening any prohibition, imposed on him by or under any of the relevant statutory provisions.		
Co-operation	5.- (1) Every person concerned in a project on whom a duty is placed by these Regulations, including paragraph (2), shall- (a) seek the co-operation of any other person concerned in any project involving construction work at the same or an adjoining site so far as is necessary to enable himself to perform any duty or function under these Regulations; and (b) co-operate with any other person concerned in any project involving construction work at the same or an adjoining site so far as is necessary to enable that person to perform any duty or function under these Regulations. (2) Every person concerned in a project who is working under the control of another person shall report to that person anything which he is aware is likely to endanger the health or safety of himself or others.		
Co-ordination	6. All persons concerned in a project on whom a duty is placed by these Regulations shall co-ordinate their activities with one another in a manner which ensures, so far as is reasonably practicable, the health and safety of persons- (a) carrying out the construction work; and (b) affected by the construction work.		
General principles of prevention	7.- (1) Every person on whom a duty is placed by these Regulations in relation to the design, planning and preparation of a project shall take account of the general principles of prevention in the performance of those duties during all the stages of the project. (2) Every person on whom a duty is placed by these Regulations in relation to the construction phase of a project shall ensure so far as is reasonably practicable that the general principles of prevention are applied in the carrying out of the construction work.		
Election by clients	8. Where there is more than one client in relation to a project, if one or more of such clients elect in writing to be treated for the purposes of these Regulations as the only client or clients, no other client who has agreed in writing to such election shall be subject after such election and consent to any duty owed by a client under these Regulations save the duties in regulations 5(1)(b), 10(1), 15 and 17(1) insofar as those duties relate to information in his possession.		
Client's duty in relation to arrangements for managing projects	9.- (1) Every client shall take reasonable steps to ensure that the arrangements made for managing the project (including the allocation of sufficient time and other resources) by persons with a duty under these Regulations (including the client himself) are suitable to ensure that- (a) the construction work can be carried out so far as is reasonably practicable without risk to the health and safety of any person; (b) the requirements of Schedule 2 are complied with in respect of any person carrying out the construction work; and (c) any structure designed for use as a workplace has been designed taking account of the provisions of the Workplace (Health, Safety and Welfare) Regulations 1992 which relate to the design of, and materials used in, the structure. (2) The client shall take reasonable steps to ensure that the arrangements referred to in paragraph (1) are maintained and reviewed throughout the project.	4.- (1) A client must make suitable arrangements for managing a project, including the allocation of sufficient time and other resources. (2) Arrangements are suitable if they ensure that- (a) the construction work can be carried out, so far as is reasonably practicable, without risks to the health or safety of any person affected by the project; and (b) the facilities required by Schedule 2 are provided in respect of any person carrying out construction work.	Client duties in relation to managing projects
Client's duty in relation to information	10.- (1) Every client shall ensure that (a) every person designing the structure; and (b) every contractor who has been or may be appointed by the client, is promptly provided with pre-construction information in accordance with paragraph (2). (2) The pre-construction information shall consist of all the information in the client's possession (or which is reasonably obtainable), including- (a) any information about or affecting the site or the construction work;	(3) A client must ensure that these arrangements are maintained and reviewed throughout the project. (4) A client must provide pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project. (5) A client must ensure that- (a) before the construction phase begins, a construction phase plan is drawn up by the contractor if there is only one contractor, or by the principal contractor; and	Old Reg 16 16. Where the project is notifiable, the client shall ensure that the construction phase does not start unless the principal contractor has prepared a construction phase plan which complies with regulations 23(1)(a) and 23(2); and

CDM 2007

- (b) any information concerning the proposed use of the structure as a workplace;
 - (c) the minimum amount of time before the construction phase which will be allowed to the contractors appointed by the client for planning and preparation for construction work; and
 - (d) any information in any existing health and safety file, which is relevant to the person to whom the client provides it for the purposes specified in paragraph (3).
- (3) The purposes referred to in paragraph (2) are-
- (a) to ensure so far as is reasonably practicable the health and safety of persons-
 - (i) engaged in the construction work,
 - (ii) liable to be affected by the way in which it is carried out, and
 - (iii) who will use the structure as a workplace; and
 - (b) without prejudice to sub-paragraph (a), to assist the persons to whom information is provided under this regulation-
 - (i) to perform their duties under these Regulations, and
 - (ii) to determine the resources referred to in regulation 9(1) which they are to allocate for managing the project.

CDM 2015

- (b) the principal designer prepares a health and safety file for the project, which-
 - (i) complies with the requirements of regulation 12(5);
 - (ii) is revised from time to time as appropriate to incorporate any relevant new information; and
 - (iii) is kept available for inspection by any person who may need it to comply with any relevant legal requirements.
- (6) A client must take reasonable steps to ensure that-
 - (a) the principal designer complies with any other principal designer duties in regulations 11 and 12; and
 - (b) the principal contractor complies with any other principal contractor duties in regulations 12 to 14.
- (7) If a client disposes of the client's interest in the structure, the client complies with the duty in paragraph (5)(b)(iii) by providing the health and safety file to the person who acquires the client's interest in the structure and ensuring that that person is aware of the nature and purpose of the file.
- (8) Where there is more than one client in relation to a project-
 - (a) one or more of the clients may agree in writing to be treated for the purposes of these Regulations as the only client or clients; and
 - (b) except for the duties specified in sub-paragraph (c) only the client or clients agreed in paragraph (a) are subject to the duties owed by a client under these Regulations;
 - (c) the duties in the following provisions are owed by all clients-
 - (i) regulation 8(4); and
 - (ii) paragraph (4) and regulation 8(6) to the extent that those duties relate to information in the possession of the client.
- 5. (1) Where there is more than one contractor, or if it is reasonably foreseeable that more than one contractor will be working on a project at any time, the client must appoint **in writing**-
 - (a) a designer with control over the pre-construction phase as principal designer; and
 - (b) a contractor as principal contractor.
- (2) The appointments must be made as soon as is practicable, and, in any event, before the construction phase begins.
- (3) If the client fails to appoint a principal designer, the client must fulfil the duties of the principal designer in regulation 11 and 12.
- (4) If the client fails to appoint a principal contractor, the client must fulfil the duties of the principal contractor in regulations 12 to 14.
- 6.- (1) A project is notifiable if the construction work on a construction site is scheduled to-
 - (a) last longer than 30 working days **and have more than 20 workers working simultaneously at any point in the project;** or
 - (b) exceed 500 person days.
- (2) Where a project is notifiable, the client must give notice in writing to the Executive as soon as is practicable before the construction phase begins.
- (3) The notice must-
 - (a) contain the particulars specified in Schedule 1;
 - (b) be clearly displayed in the construction site office in a comprehensible form where it can be read by any worker engaged in the construction work; and
 - (c) if necessary, be periodically updated.
- (4) Where a project includes construction work of a description for which the Office of Rail Regulation is the enforcing authority by virtue of regulation 3 of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006(1), the client must give notice to the Office of Rail Regulation instead of the Executive.
- (5) Where a project includes construction work on premises which are or are on-
 - (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013(2));
 - (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998(3)); or
 - (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations),
 the client must give notice to the Office for Nuclear Regulation instead of the Executive.
- 7.- (1) Where the client is a domestic client the duties in regulations 4(1) to (7) and 6 must be carried out by-
 - (a) the contractor for a project where there is only one contractor;
 - (b) the principal contractor for a project where there is more than one contractor; or
 - (c) the principal designer where there is a written agreement that the principal designer will fulfil those duties.
- (2) If a domestic client fails to make the appointments required by regulation 5-
 - (a) the designer in control of the pre-construction phase of the project is the principal designer;
 - (b) the contractor in control of the construction phase of the project is the principal contractor.
- (3) Regulation 5(3) and (4) does not apply to a domestic client.

See Old Reg 8
8. Where there is more than one client in relation to a project, if one or more of such clients elect in writing to be treated for the purposes of these Regulations as

Appointment of the principal designer and the principal contractor

Notification

Application to domestic clients

CDM 2007

CDM 2015

Duties of designers

- 11.- (1) No designer shall commence work in relation to a project unless any client for the project is aware of his duties under these Regulations.
- (2) The duties in paragraphs (3) and (4) shall be performed so far as is reasonably practicable, taking due account of other relevant design considerations.
- (3) Every designer shall in preparing or modifying a design which may be used in construction work in Great Britain avoid foreseeable risks to the health and safety of any person-
- (a) carrying out construction work;
- (b) liable to be affected by such construction work;
- (c) cleaning any window or any transparent or translucent wall, ceiling or roof in or on a structure;
- (d) maintaining the permanent fixtures and fittings of a structure; or
- (e) using a structure designed as a workplace.
- (4) In discharging the duty in paragraph (3), the designer shall-
- (a) eliminate hazards which may give rise to risks; and
- (b) reduce risks from any remaining hazards, and in so doing shall give collective measures priority over individual measures.
- (5) In designing any structure for use as a workplace the designer shall take account of the provisions of the Workplace (Health, Safety and Welfare) Regulations 1992 which relate to the design of, and materials used in, the structure.
- (6) The designer shall take all reasonable steps to provide with his design sufficient information about aspects of the design of the structure or its construction or maintenance as will adequately assist-
- (a) clients;
- (b) other designers; and
- (c) contractors,
- to comply with their duties under these Regulations.

Designs prepared or modified outside Great Britain

12. Where a design is prepared or modified outside Great Britain for use in construction work to which these Regulations apply-
- (a) the person who commissions it, if he is established within Great Britain; or
- (b) if that person is not so established, any client for the project, shall ensure that regulation 11 is complied with.

General duties

- 8.- (1) A designer (including a principal designer) or contractor (including a principal contractor) appointed to work on a project must have the skills, knowledge and experience, and, if they are an organisation, the organisational capability, necessary to fulfil the role that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project.
- (2) A designer or contractor must not accept an appointment to a project unless they fulfil the conditions in paragraph (1).
- (3) A person who is responsible for appointing a designer or contractor to carry out work on a project must take reasonable steps to satisfy themselves that the designer or contractor fulfils the conditions in paragraph (1).
- (4) A person with a duty or function under these Regulations must cooperate with any other person working on or in relation to a project, at the same or an adjoining construction site, to the extent necessary to enable any person with a duty or function to fulfil that duty or function.
- (5) A person working on a project under the control of another must report to that person anything they are aware of in relation to the project which is likely to endanger their own health or safety or that of others.
- (6) Any person who is required by these Regulations to provide information or instruction must ensure the information or instruction is comprehensible and provided as soon as is practicable.
- (7) To the extent that they are applicable to a domestic client, the duties in paragraphs (3), (4) and (6) must be carried out by the person specified in regulation 7(1).

Duties of designers

- 9.- (1) A designer must not commence work in relation to a project unless satisfied that the client is aware of the duties owed by the client under these Regulations.
- (2) When preparing or modifying a design the designer must take into account the general principles of prevention and any pre-construction information to eliminate, so far as is reasonably practicable, foreseeable risks to the health or safety of any person-
- (a) carrying out or liable to be affected by construction work;
- (b) maintaining or cleaning a structure; or
- (3) If it is not possible to eliminate these risks, the designer must, so far as is reasonably practicable-
- (a) take steps to reduce or, if that is not possible, control the risks through the subsequent design process;
- (b) provide information about those risks to the principal designer; and
- (c) ensure appropriate information is included in the health and safety file.

- (4) A designer must take all reasonable steps to provide, with the design, sufficient information about the design, construction or maintenance of the structure, to adequately assist the client, other designers and contractors to comply with their duties under these Regulations.

Designs prepared or modified outside Great Britain

- 10.- (1) Where a design is prepared or modified outside Great Britain for use in construction work to which these Regulations apply-
- (a) the person who commissions it, if established within Great Britain; or
- (b) if that person is not so established, the client for the project, must ensure that regulation 9 is complied with.
- (2) This regulation does not apply to a domestic client.

Duties of a principal designer in relation to health and safety at the pre-construction phase

- 11.- (1) The principal designer must plan, manage and monitor the pre-construction phase and coordinate matters relating to health and safety during the pre-construction phase to ensure that, so far as is reasonably practicable, the project is carried out without risks to health or safety.
- (2) In fulfilling the duties in paragraph (1), and in particular when-
- (b) estimating the period of time required to complete such work or work stages, the principal designer must take into account the general principles of prevention and, where relevant, the content of any construction phase plan and any health and safety file.
- (3) In fulfilling the duties in paragraph (1), the principal designer must identify and eliminate or control, so far as is reasonably practicable, foreseeable risks to the health or safety of any person-
- (a) carrying out or liable to be affected by construction work;
- (b) maintaining or cleaning a structure; or
- (c) using a structure designed as a workplace.
- (4) In fulfilling the duties in paragraph (1), the principal designer must ensure all designers comply with their duties in regulation 9.
- (5) In fulfilling the duty to coordinate health and safety matters in paragraph (1), the principal designer must ensure that all persons working in relation to the pre-construction phase cooperate with the client, the principal designer and each other.
- (6) The principal designer must-
- (a) assist the client in the provision of the pre-construction information required by regulation 4(4); and

CDM 2007

CDM 2015

Duties of contractors

13. (1) No contractor shall carry out construction work in relation to a project unless any client for the project is aware of his duties under these Regulations.
 (2) Every contractor shall plan, manage and monitor construction work carried out by him or under his control in a way which ensures that, so far as is reasonably practicable, it is carried out without risks to health and safety.

(3) Every contractor shall ensure that any contractor whom he appoints or engages in his turn in connection with a project is informed of the minimum amount of time which will be allowed to him for planning and preparation before he begins construction work.

(4) Every contractor shall provide every worker carrying out the construction work under his control with any information and training which he needs for the particular work to be carried out safely and without risk to health, including-

(a) suitable site induction, where not provided by any principal contractor;

(b) information on the risks to their health and safety.
 (i) identified by his risk assessment under regulation 3 of the Management of Health and Safety at Work Regulations 1999, or

(ii) arising out of the conduct by another contractor of his undertaking and of which he is or ought reasonably to be aware;

(c) the measures which have been identified by the contractor in consequence of the risk assessment as the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions;

(d) any site rules;
 (e) the procedures to be followed in the event of serious and imminent danger to such workers; and

(f) the identity of the persons nominated to implement those procedures.
 (5) Without prejudice to paragraph (4), every contractor shall in the case of any of his employees provide those employees with any health and safety training which he is required to provide to them in respect of the construction work by virtue of regulation 13(2)(b) of the Management of Health and Safety at Work Regulations 1999.

(6) No contractor shall begin work on a construction site unless reasonable steps have been taken to prevent access by unauthorised persons to that site.

(7) Every contractor shall ensure, so far as is reasonably practicable, that the requirements of Schedule 2 are complied with throughout the construction phase in respect of any person at work who is under his control.

Appointments by the client where a project is notifiable

14. (1) Where a project is notifiable, the client shall appoint a person (the CDM co-ordinator) to perform the duties specified in regulations 20 and 21 as soon as is practicable after initial design work or other preparation for construction work has begun.

(2) After appointing a CDM co-ordinator under paragraph (1), the client shall appoint a person (the principal contractor) to perform the duties specified in regulations 22 to 24 as soon as is practicable after the client knows enough about the project to be able to select a suitable person for such appointment.

(3) The client shall ensure that appointments under paragraphs (1) and (2) are changed or renewed as necessary to ensure that there is at all times until the end of the construction phase a CDM co-ordinator and principal contractor.

(4) The client shall:
 (a) be deemed for the purposes of these Regulations, save paragraphs (1) and (2) and regulations 18(1) and 19(1)(a) to have been appointed as the CDM co-ordinator or principal contractor, or both, for any period for which no person (including himself) has been so appointed; and

(b) so far as it is within the principal designer's control, provide pre-construction information, promptly and in a convenient form, to every designer and contractor appointed, or being considered for appointment, to the project.

(7) The principal designer must liaise with the principal contractor for the duration of the principal designer's appointment and share with the principal contractor information relevant to the planning, management and monitoring of the construction phase and the coordination of health and safety matters during the construction phase.

15. (1) A contractor must not carry out construction work in relation to a project unless satisfied that the client is aware of the duties owed by the client under these Regulations.

(2) A contractor must plan, manage and monitor construction work carried out either by the contractor or by workers under the contractor's control, to ensure that, so far as is reasonably practicable, it is carried out without risks to health and safety.

(3) Where there is more than one contractor working on a project, a contractor must comply with-

(a) any directions given by the principal designer or the principal contractor; and
 (b) the parts of the construction phase plan that are relevant to that contractor's work on the project.

(4) If there is only one contractor working on the project, the contractor must take account of the general principles of prevention when-
 (a) design, technical and organisational aspects are being decided in order to plan the various items or stages of work which are to take place simultaneously or in succession; and

(b) estimating the period of time required to complete the work or work stages.

(5) If there is only one contractor working on the project, the contractor must draw up a construction phase plan, or make arrangements for a construction phase plan to be drawn up, as soon as is practicable prior to setting up a construction site.

(6) The construction phase plan must fulfil the requirements of regulation 12(2).

(7) A contractor must not employ or appoint a person to work on a construction site unless that person has, or is in the process of obtaining, the necessary skills, knowledge, training and experience to carry out the tasks allocated to that person in a manner that secures the health and safety of any person working on the construction site.

(8) A contractor must provide each worker under their control with appropriate supervision, instructions and information so that construction work can be carried out, so far as is reasonably practicable, without risks to health and safety.

(9) The information provided must include-
 (a) a suitable site induction, where not already provided by the principal contractor;

(b) the procedures to be followed in the event of serious and imminent danger to health and safety;

(c) information on risks to health and safety.

(i) identified by the risk assessment under regulation 3 of the Management Regulations; or
 (ii) arising out of the conduct of another contractor's undertaking and of which the contractor in control of the worker ought reasonably to be aware; and

(d) any other information necessary to enable the worker to comply with the relevant statutory provisions.

(10) A contractor must not begin work on a construction site unless reasonable steps have been taken to prevent access by unauthorised persons to that site.

(11) A contractor must ensure, so far as is reasonably practicable, that the requirements of Schedule 2 are complied with so far as they affect the contractor or any worker under that contractor's control.

Duties of contractor:

CDM 2007

CDM 2015

Client's duty in relation to information where a project is notifiable

(b) accordingly be subject to the duties imposed by regulations 20 and 21 on a CDM co-ordinator or, as the case may be, the duties imposed by regulations 22 to 24 on a principal contractor, or both sets of duties.
(5) Any reference in this regulation to appointment is to appointment in writing.

15. Where the project is notifiable, the client shall promptly provide the CDM co-ordinator with pre-construction information consisting of:
(a) all the information described in regulation 10(2) to be provided to any person in pursuance of regulation 10(1);
(b) any further information as described in regulation 10(2) in the client's possession (or which is reasonably obtainable) which is relevant to the CDM co-ordinator for the purposes specified in regulation 10(3), including the minimum amount of time before the construction phase which will be allowed to the principal contractor for planning and preparation for construction work.

The client's duty in relation to the start of the construction phase where a project is notifiable

16. Where the project is notifiable, the client shall ensure that the construction phase does not start unless-
(a) the principal contractor has prepared a construction phase plan which complies with regulations 23(1)(a) and 23(2); and

The client's duty in relation to the health and safety file

(b) he is satisfied that the requirements of regulation 22(1)(c) (provision of welfare facilities) will be complied with during the construction phase.
17. (1) The client shall ensure that the CDM co-ordinator is provided with all the health and safety information in the client's possession (or which is reasonably obtainable) relating to the project which is likely to be needed for inclusion in the health and safety file, including information specified in regulation 4(9)(c) of the Control of Asbestos Regulations 2006(1).
(2) Where a single health and safety file relates to more than one project, site or structure, or where it includes other related information, the client shall ensure that the information relating to each site or structure can be easily identified.
(3) The client shall take reasonable steps to ensure that after the construction phase the information in the health and safety file-
(a) is kept available for inspection by any person who may need it to comply with the relevant statutory provisions; and
(b) is revised as often as may be appropriate to incorporate any relevant new information.
(4) It shall be sufficient compliance with paragraph (3)(a) by a client who disposes of his entire interest in the structure if he delivers the health and safety file to the person who acquires his interest in it and ensures that he is aware of the nature and purpose of the file.

Additional duties of designers

18. (1) Where a project is notifiable, no designer shall commence work (other than initial design work) in relation to the project unless a CDM co-ordinator has been appointed for the project.
(2) The designer shall take all reasonable steps to provide with his design sufficient information about aspects of the design of the structure or its construction or maintenance as will adequately assist the CDM co-ordinator to comply with his duties under these Regulations, including his duties in relation to the health and safety file.

Additional duties of contractors

19. (1) Where a project is notifiable, no contractor shall carry out construction work in relation to the project unless-
(a) he has been provided with the names of the CDM co-ordinator and principal contractor;
(b) he has been given access to such part of the construction phase plan as is relevant to the work to be performed by him, containing sufficient detail in relation to such work; and
(c) notice of the project has been given to the Executive, or as the case may be the Office of Rail Regulation, under regulation 21.
(2) Every contractor shall-
(a) promptly provide the principal contractor with any information (including any relevant part of any risk assessment in his possession or control) which-
(i) might affect the health or safety of any person carrying out the construction work or of any person who may be affected by it,
(ii) might justify a review of the construction phase plan, or
(iii) has been identified for inclusion in the health and safety file in pursuance of regulation 22(1)(j);
(b) promptly identify any contractor whom he appoints or engages in his turn in connection with the project to the principal contractor;
(c) comply with-
(i) any directions of the principal contractor given to him under regulation 22(1)(e), and
(ii) any site rules;
(d) promptly provide the principal contractor with the information in relation to any death, injury, condition or dangerous occurrence which the contractor is required to notify or report under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(1).
(3) Every contractor shall-
(a) in complying with his duty under regulation 13(2) take all reasonable steps to ensure that the construction work is carried out in accordance with the construction phase plan;
(b) take appropriate action to ensure health and safety where it is not possible to comply with the construction phase plan in any particular case; and
(c) notify the principal contractor of any significant finding which requires the construction phase plan to be altered or added to.

General duties of CDM co-ordinators

20. (1) The CDM co-ordinator shall-

CDM 2007

CDM 2015

Notification of project by the CDM co-ordinator

(a) give suitable and sufficient advice and assistance to the client on undertaking the measures he needs to take to comply with these Regulations during the project (including, in particular, assisting the client in complying with regulations 9 and 16);

(b) ensure that suitable arrangements are made and implemented for the co-ordination of health and safety measures during planning and preparation for the construction phase, including facilitating-

(i) co-operation and co-ordination between persons concerned in the project in pursuance of regulations 5 and 6, and

(ii) the application of the general principles of prevention in pursuance of regulation 7; and

(c) liaise with the principal contractor regarding-

(i) the contents of the health and safety file,

(ii) the information which the principal contractor needs to prepare the construction phase plan, and

(iii) any design development which may affect planning and management of the construction work.

(2) Without prejudice to paragraph (1) the CDM co-ordinator shall-

(a) take all reasonable steps to identify and collect the pre-construction information;

(b) promptly provide in a convenient form to-

(i) every person designing the structure, and

(ii) every contractor who has been or may be appointed by the client (including the principal contractor),

such of the pre-construction information in his possession as is relevant to each;

(c) take all reasonable steps to ensure that designers comply with their duties under regulations 11 and 18(2);

(d) take all reasonable steps to ensure co-operation between designers and the principal contractor during the construction phase in relation to any design or change to a design;

(e) prepare, where none exists, and otherwise review and update a record (the health and safety file) containing information relating to the project which is likely to be needed during any subsequent construction work to ensure the health and safety of any person, including the information provided in pursuance of regulations 17(1), 18(2) and 22(1)(j); and

(f) at the end of the construction phase, pass the health and safety file to the client.

21.- (1) The CDM co-ordinator shall as soon as is practicable after his appointment ensure that notice is given to the Executive containing such of the particulars specified in Schedule 1 as are available.

(2) Where any particulars specified in Schedule 1 have not been notified under paragraph (1) because a principal contractor has not yet been appointed, notice of such particulars shall be given to the Executive as soon as is practicable after the appointment of the principal contractor, and in any event before the start of the construction work.

(3) Any notice under paragraph (1) or (2) shall be signed by or on behalf of the client or, if sent by electronic means, shall otherwise show that he has approved it.

(4) Insofar as the project includes construction work or a description for which the Office of Rail Regulation is made the enforcing authority by regulation 3(1) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006(1), paragraphs (1) and (2) shall have effect as if any reference to the Executive were a reference to the Office of Rail Regulation.

Duties of the principal contractor

22.- (1) The principal contractor for a project shall-

(a) plan, manage and monitor the construction phase in a way which ensures that, so far as is reasonably practicable, it is carried out without risks to health or safety, including ~~facilitating~~;

(i) co-operation and co-ordination between persons concerned in the project in pursuance of regulations 5 and 6, and

(ii) the application of the general principles of prevention in pursuance of regulation 7;

(b) liaise with the CDM co-ordinator in performing his duties in regulation 20(2)(d) during the construction phase in relation to any design or change to a design;

(c) ensure that welfare facilities sufficient to comply with the requirements of Schedule 2 are provided throughout the construction phase;

(d) where necessary for health and safety, draw up rules which are appropriate to the construction site and the activities on it (referred to in these Regulations as 'site rules');

(e) give reasonable directions to any contractor so far as is necessary to enable the principal contractor to comply with his duties under these Regulations;

(f) ensure that every contractor is informed of the minimum amount of time which will be allowed to him for planning and preparation before he begins construction work;

(g) where necessary, consult a contractor before finalising such part of the construction phase plan as is relevant to the work to be performed by him;

(h) ensure that every contractor is given, before he begins construction work and in sufficient time to enable him to prepare properly for that work, access to such part of the construction phase plan as is relevant to the work to be performed by him;

(i) ensure that every contractor is given, before he begins construction work and in sufficient time to enable him to prepare properly for that work, such further information as he needs-

13.- (1) The principal contractor must plan, manage and monitor the construction phase and coordinate matters relating to health and safety during the construction phase to ensure that, so far as is reasonably practicable, construction work is carried out without risks to health or safety.

Duties of a principal contractor in relation to health and safety at the construction phase

2) In fulfilling the duties in paragraph (1), and in particular when-

(a) design, technical and organisational aspects are being decided in order to plan the various items or stages of work which are to take place simultaneously or in succession; and

(b) estimating the period of time required to complete the work or work stages,

the principal contractor must take into account the general principles of prevention.

(3) The principal contractor must-

CDM 2007

- (i) to comply punctually with the duty under regulation 13(7), and
 - (ii) to carry out the work to be performed by him without risk, so far as is reasonably practicable, to the health and safety of any person;
 - (j) identify to each contractor the information relating to the contractor's activity which is likely to be required by the CDM co-ordinator for inclusion in the health and safety file in pursuance of regulation 20(2)(e) and ensure that such information is promptly provided to the CDM co-ordinator;
 - (k) ensure that the particulars required to be in the notice given under regulation 21 are displayed in a readable condition in a position where they can be read by any worker engaged in the construction work; and
 - (l) take reasonable steps to prevent access by unauthorised persons to the construction site.
- (2) The principal contractor shall take all reasonable steps to ensure that every worker carrying out the construction work is provided with-
- (a) a suitable site induction;
 - (b) the information and training referred to in regulation 13(4) by a contractor on whom a duty is placed by that regulation; and
 - (c) any further information and training which he needs for the particular work to be carried out without undue risk to health or safety.

The principal contractor's duty in relation to the construction phase plan

23. (1) The principal contractor shall-
- (a) before the start of the construction phase, prepare a construction phase plan which is sufficient to ensure that the construction phase is planned, managed and monitored in a way which enables the construction work to be started so far as is reasonably practicable without risk to health or safety, paying adequate regard to the information provided by the designer under regulations 11(6) and 18(2) and the pre-construction information provided under regulation 20(2)(b);
 - (b) from time to time and as often as may be appropriate throughout the project update, review, revise and refine the construction phase plan so that it continues to be sufficient to ensure that the construction phase is planned, managed and monitored in a way which enables the construction work to be carried out so far as is reasonably practicable without risk to health or safety; and
 - (c) arrange for the construction phase plan to be implemented in a way which will ensure so far as is reasonably practicable the health and safety of all persons carrying out the construction work and all persons who may be affected by the work.
- (2) The principal contractor shall take all reasonable steps to ensure that the construction phase plan identifies the risks to health and safety arising from the construction work (including the risks specific to the particular type of construction work concerned) and includes suitable and sufficient measures to address such risks, including any site rules.

The principal contractor's duty in relation to co-operation and consultation with workers

24. The principal contractor shall-
- (a) make and maintain arrangements which will enable him and the workers engaged in the construction work to co-operate effectively in promoting and developing measures to ensure the health, safety and welfare of the workers and in checking the effectiveness of such measures;

CDM 2015

- (a) **organise** cooperation between contractors (including successive contractors on the same construction site);
 - (b) coordinate implementation by the contractors of applicable legal requirements for health and safety; and
- (c) ensure that employers and, if necessary for the protection of workers, self-employed persons-
- (i) apply the general principles of prevention in a consistent manner, and in particular when complying with the provisions of Part 4; and
 - (ii) where required, follow the construction phase plan.
- (4) The principal contractor must ensure that-
- (a) a suitable site induction is provided;
 - (b) the necessary steps are taken to prevent access by unauthorised persons to the construction site; and
 - (c) facilities that comply with the requirements of Schedule 2 are provided throughout the construction phase.
- (5) The principal contractor must liaise with the principal designer for the duration of the principal designer's appointment and share with the principal designer information relevant to the planning, management and monitoring of the pre-construction phase and the coordination of health and safety matters during the pre-construction phase.
12. (1) During the pre-construction phase, and before setting up a construction site, the principal contractor must draw up a construction phase plan, or make arrangements for a construction phase plan to be drawn up.
- (2) The construction phase plan must set out the health and safety arrangements and site rules taking account, where necessary, of the industrial activities taking place on the construction site and, where applicable, must include specific measures concerning work which falls within one or more of the categories set out in Schedule 3.
- (3) The principal designer must assist the principal contractor in preparing the construction phase plan by providing to the principal contractor all information the principal designer holds that is relevant to the construction phase plan including-
- (a) pre-construction information obtained from the client;
 - (b) any information obtained from designers under regulation 9(3)(b).
- (4) Throughout the project the principal contractor must ensure that the construction phase plan is appropriately reviewed, updated and revised from time to time so that it continues to be sufficient to ensure that construction work is carried out, so far as is reasonably practicable, without risks to health or safety.
- (5) During the pre-construction phase, the principal designer must prepare a health and safety file appropriate to the characteristics of the project which must contain information relating to the project which is likely to be needed during any subsequent project to ensure the health and safety of any person.
- (6) The principal designer must ensure that the health and safety file is appropriately reviewed, updated and revised from time to time to take account of the work and any changes that have occurred.
- (7) During the project, the principal contractor must provide the principal designer with any information in the principal contractor's possession relevant to the health and safety file, for inclusion in the health and safety file.
- (8) If the principal designer's appointment concludes before the end of the project, the principal designer must pass the health and safety file to the principal contractor.
- (9) Where the health and safety file is passed to the principal contractor under paragraph (8), the principal contractor must ensure that the health and safety file is appropriately reviewed, updated and revised from time to time to take account of the work and any changes that have occurred.
- (10) At the end of the project, the principal designer, or where there is no principal designer the principal contractor, must pass the health and safety file to the client.

Duties of a principal contractor in relation to health and safety at the construction phase

Construction phase plan and health and safety file

Principal contractor's duties to consult and engage with workers

14. The principal contractor **must**-
- (a) make and maintain arrangements which will enable the principal contractor and workers engaged in construction work to cooperate effectively in developing, promoting and checking the effectiveness of measures to ensure the health, safety and welfare of the workers;

CDM 2007

(b)consult those workers or their representatives in good time on matters connected with the project which may affect their health, safety or welfare, so far as they or their representatives are not so consulted on those matters by any employer of theirs;

(c)ensure that such workers or their representatives can inspect and take copies of any information which the principal contractor has, or which these Regulations require to be provided to him, **which relates to the planning and management of the project, or which otherwise may affect their health, safety or welfare at the site**, except any information-

(i)the disclosure of which would be against the interests of national security,

(ii)which he could not disclose without contravening a prohibition imposed by or under an enactment,

(iii)relating specifically to an individual, unless he has consented to its being disclosed,

(iv)the disclosure of which would, for reasons other than its effect on health, safety or welfare at work, cause substantial injury to his undertaking or, where the information was supplied to him by some other person, to the undertaking of that other person, or

(v)obtained by him for the purpose of bringing, prosecuting or defending any legal proceedings.

CDM 2015

(b)consult those workers or their representatives in good time on matters connected with the project which may affect their health, safety or welfare, in so far as they or their representatives have not been similarly consulted by their employer;

(c)ensure that those workers or their representatives can inspect and take copies of any information which the principal contractor has, or which these Regulations require to be provided to the principal contractor, **which relate to the health, safety or welfare of workers at the site**, except any information-

(i)the disclosure of which would be against the interests of national security;

(ii)which the principal contractor could not disclose without contravening a prohibition imposed by or under an enactment;

(iii)relating specifically to an individual, unless that individual has consented to its being disclosed;

(iv)the disclosure of which would, for reasons other than its effect on health, safety or welfare at work, cause substantial injury to the principal contractor's undertaking or, where the information was supplied to the principal contractor by another person, to the undertaking of that other person;

(v)obtained by the principal contractor for the purpose of bringing, prosecuting or defending any legal proceedings.