

2001 No. 142

HEALTH AND SAFETY

**Construction (Design and Management) (Amendment)
Regulations (Northern Ireland) 2001**

Made 30th March 2001

Coming into operation 3rd May 2001

The Department of Enterprise, Trade and Investment(**a**), being the Department concerned(**b**), in exercise of the powers conferred on it by Articles 17(1), (2), (3), (4) and (6), 20(2), 43(2) and 55(2) of, and paragraphs 1(1), 5(1), 13, 14(1), 15, 19 and 20 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**c**) and of every other power enabling it in that behalf and for the purpose of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A) of that Order(**d**) after the carrying out by the said Executive of consultations in accordance with Article 46(3) of that Order(**e**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Construction (Design and Management) (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 3rd May 2001.

Amendment of the Construction (Design and Management) Regulations (Northern Ireland) 1995

2.—(1) The Construction (Design and Management) Regulations (Northern Ireland) 1995(**f**) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2, for the definition of “designer” there shall be substituted the following definition—

“ “designer” means any person who carries on a trade, business or other undertaking in connection with which he prepares a design;”.

(3) After paragraph (3) of regulation 2 there shall be inserted the following paragraph—

(a) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5)
(b) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(c) S.I. 1978/1039 (N.I. 9)
(d) Article 13(1) was amended by S.I. 1998/2795 (N.I. 18), Article 4
(e) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18(c)
(f) S.R. 1995 No. 209

“(3A) Any reference in these Regulations to a person preparing a design shall include a reference to his employee or other person at work under his control preparing it for him; but nothing in this paragraph shall be taken to affect the application of paragraph (2).”.

(4) In paragraph (1) of regulation 13 after the word “prepare”, where it first occurs, there shall be inserted the words “for him”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 30th March 2001.

(L.S.)

M. Bohill

A senior officer of the Department
of Enterprise, Trade and Investment

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations amend the Construction (Design and Management) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 209) (“the 1995 Regulations”).

2. The Regulations—

(a) substitute a new definition of “designer” in regulation 2(1) of the 1995 Regulations (*regulation 2(2)*); and

(b) introduce, as regulation 2(3A), provision that any reference in the 1995 Regulations to a person preparing a design shall include a reference to his employee or other person under his control preparing it for him (*regulation 2(3)*),

thereby ensuring that the duty in regulation 13(2) of the 1995 Regulations (requirements on designer) applies to a person where his employee or other such person prepares a design for him.

3. The Regulations amend regulation 13(1) of the 1995 Regulations so that the requirement in it does not apply to an employer who supplies his employee to a designer (*regulation 2(4)*).

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