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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 291**

The Construction (Design and Management)  
Regulations (Northern Ireland) 2007

PART 1

INTRODUCTION

**Citation and commencement**

1. These Regulations may be cited as the Construction (Design and Management) Regulations (Northern Ireland) 2007 and shall come into operation on 9th July 2007.

**Interpretation**

2.—(1) In these Regulations—

“business” means a trade, business or other undertaking (whether for profit or not);

“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;

“CDM co-ordinator” means the person appointed as the CDM co-ordinator under regulation 14(1);

“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;

“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;

“construction phase plan” means a document recording the health and safety arrangements, site rules and any special measures for construction work;

“construction work” means the carrying out of any building, civil engineering or engineering construction work and includes—

- (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;
- (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;

- (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;
- (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
- (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,

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;

“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;

“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;

“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—

- (f) prepares or modifies a design; or
- (g) arranges for or instructs any person under his control to do so,

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;

“excavation” includes any earthwork, trench, well, shaft, tunnel or underground working;

“the Executive” means the Health and Safety Executive for Northern Ireland;

“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 (Northern Ireland) 2000(1);

“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 (Northern Ireland) 1995(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);

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(1) S.R. 2000 No. 388, as amended by S.R. 2001 No. 348, S.R. 2003 No. 454 and S.R. 2006 No. 255

(2) S.R. 1995 No. 209, as amended by S.R. 1997 No. 229, S.R. 1999 No. 150, S.R. 2000 No. 388 and S.R. 2001 No. 142

“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 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;

“territorial sea” means the territorial sea of the United Kingdom adjacent to Northern Ireland and “within the territorial sea” includes on, over and under it;

“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 (Northern Ireland) 1993<sup>(3)</sup> 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) Within the territorial sea these Regulations shall apply only to and in relation to the premises and activities to which paragraph 6(1)(a) of Schedule 1 applies.

(2) Subject to paragraphs (3) to (5), these Regulations shall apply to and in relation to construction work.

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

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(3) [S.R. 1993 No. 37](#), as amended by [S.R. 1995 No. 378](#), [S.R. 1996 No. 510](#), [S.R. 2003 No. 423](#) and [S.R. 2006 No. 205](#); revoked in part by [S.R. 2003 No. 152](#) and [S.R. 2005 No. 279](#)

- (a) is notifiable; and
  - (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 3 shall apply only in relation to persons at work who are carrying out construction work.