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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 146**

**The Construction (Design and Management)  
Regulations (Northern Ireland) 2016**

**PART 2**

**CLIENT DUTIES**

**Client duties in relation to managing projects**

4.—(1) A client shall 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 3 are provided in respect of any person carrying out construction work.

(3) A client shall ensure that these arrangements are maintained and reviewed throughout the project.

(4) A client shall provide pre-construction information as soon as practicable to every designer and contractor appointed, or being considered for appointment, to the project.

(5) A client shall 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
- (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 shall 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.

### **Appointment of the principal designer and the principal contractor**

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 shall 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 shall be made as soon as practicable, and, in any event, before the construction phase begins.

(3) If the client fails to appoint a principal designer, the client shall fulfil the duties of the principal designer in regulations 11 and 12.

(4) If the client fails to appoint a principal contractor, the client shall fulfil the duties of the principal contractor in regulations 12 to 14.

### **Notification**

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 shall give notice in writing to the Executive as soon as is practicable before the construction phase begins.

(3) The notice shall—

- (a) contain the particulars specified in Schedule 2;
- (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.

### **Application to domestic clients**

7.—(1) Where the client is a domestic client the duties in regulations 4(1) to (7) and 6 shall 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 written agreement that the principal designer will fulfil those duties.

(2) If a domestic client fails to make 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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Construction (Design and Management) Regulations (Northern Ireland) 2016, PART 2.