

**2000 No. 2380**

**HEALTH AND SAFETY**

**The Construction (Design and Management) (Amendment)  
Regulations 2000**

*Made - - - - 4th September 2000*

*Laid before Parliament 11th September 2000*

*Coming into force 2nd October 2000*

The Secretary of State, in exercise of the powers conferred on him by section 15(1) of the Health and Safety at Work etc. Act 1974(a) (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Construction (Design and Management) (Amendment) Regulations 2000 and shall come into force on 2nd October 2000.

(2) In these Regulations “the principal Regulations” means the Construction (Design and Management) Regulations 1994(b).

(3) In these Regulations any reference to a numbered regulation is a reference to the regulation in the principal Regulations so numbered.

**Amendment of the principal Regulations**

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—

“(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. Paragraph (2) of regulation 12 shall be amended by deleting the words “the property of” in both instances.

---

(a) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively.

(b) S.I. 1994/3140.

5. Paragraph (1) of regulation 13 shall be amended by inserting after the word “prepare”, where it first occurs, the words “for him”.

Signed by authority of the Secretary of State

4th September 2000

*Whitty*  
Parliamentary Under Secretary of State,  
Department of the Environment,  
Transport and the Regions

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

**1.** These Regulations amend the Construction (Design and Management) Regulations 1994/3140 (“the principal Regulations”)—

- (a) by substituting a new definition of “designer” in regulation 2(1) (*regulation 2*); and
- (b) by introducing, as regulation 2(3A), provision that any reference in them to a person preparing a design shall include a reference to his employee or other person under his control preparing it for him (*regulation 3*),

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

**2.** These Regulations delete the words “the property of” (which are otiose) from regulation 12(2) of the principal Regulations (*regulation 4*).

**3.** These Regulations amend regulation 13(1) of the principal Regulations so that the requirement in it does not apply to an employer who supplies his employee to a designer (*regulation 5*).

**2000 No. 2380**

**HEALTH AND SAFETY**

**The Construction (Design and Management) (Amendment)  
Regulations 2000**

**£1.50**

© Crown copyright 2000

Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo,  
Controller of Her Majesty's Stationery Office and Queen's Printer of  
Acts of Parliament

E 1672 09/00 ON (MFK)