
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations revoke and re-enact, with modifications, the Construction (Design and Management) Regulations 2007 (S.I. 2007/320) (the “2007 Regulations”). They implement in Great Britain the requirements of Directive [92/57/EEC](#) (OJ No L245, 26.8.92, p6) (“the Directive”) on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16(1) of Directive [89/391/EEC](#)), except certain technical requirements in the annexes to the Directive which are implemented by other health and safety regulations relating to specific hazards or circumstances. These include the Work at Height Regulations 2005 (S.I. 2005/735) and the Workplace (Health, Safety and Welfare) Regulations 1992 (S.I. 1992/3004).

2. Part 2 sets out the client duties under the Regulations. Part 3 provides for various health and safety duties and roles, namely general duties, the duties of the principal designer, principal contractor, designers and contractors. Part 4 provides the general requirements for all construction sites which remain largely unchanged from the 2007 Regulations. Part 5 sets out general provisions including the requirement for a review of the Regulations by the Secretary of State.

3. The main changes from the 2007 Regulations are—

- (a) These Regulations apply to all clients of construction projects, whether or not a person is acting in the course or furtherance of a business (regulation 2(1)).
- (b) Pre-construction archaeological investigations are not included within the scope of the definition of construction work (regulation 2(1)).
- (c) The role of CDM co-ordinator has been removed and various duties have been recast including client duties (regulation 4) and general duties (regulation 8).
- (d) A client is required to appoint a principal designer as well as a principal contractor in any project where there is, or it is reasonably foreseeable that there will be, more than one contractor working on the project (regulation 5). Under the 2007 Regulations appointments for similar roles were required for notifiable projects.
- (e) The duty to notify now lies with a client and the threshold for notification is raised (regulation 6).
- (f) If a client is a domestic client, most of their duties will be carried out by the contractor, principal contractor, or principal designer (regulation 7).
- (g) The duties of the principal designer are set out in regulations 11 and 12.
- (h) Modified duties of the principal contractor are set out in regulation 12 to 14.
- (i) Modified duties of contractors are set out in regulation 15.
- (j) Transitional provisions are set out in Schedule 4.
- (k) The Secretary of State will carry out a review of the Regulations under the provisions of regulation 39.

4. The key changed role in these Regulations from the 2007 Regulations is that of the principal designer. This role fulfils the function of a safety and health coordinator for the project preparation stage as required by article 3.1 of the Directive which was previously carried out by the role of CDM co-ordinator. The principal designer has a more central role in the project than that of a CDM co-ordinator as they must be a designer with control over the pre-construction phase of the project

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(regulation 5(1)(a)). The pre-construction phase includes all design and preparation work for the construction project (regulation 2(1)). The principal designer is required to coordinate all health and safety matters relating to the pre-construction phase alongside the overall planning, management and monitoring of the pre-construction phase of the project (regulation 11(1)).

5. Schedule 4 provides transitional provisions for existing projects. Where an existing project has a CDM co-ordinator, a principal designer must be appointed within six months of the date these Regulations come into force unless the project ends before that date (paragraph 4 of Schedule 4). During the interim period the existing CDM co-ordinator must fulfil the duties in paragraph 5 of Schedule 4.

6. The principal contractor role fulfils the role of safety and health coordinator for the project execution stage as required by article 3.1 of the Directive. The core duties of the principal contractor have only minor modifications from those imposed under the 2007 Regulations and a principal contractor who has been appointed to an existing project under the 2007 Regulations will be treated as if they had been appointed as a principal contractor under these Regulations (paragraph 8 of Schedule 4).

7. A full impact assessment of the effect that these Regulations will have on the costs of business has been prepared. A copy of this document and the transposition note in relation to the implementation of the Directive have been placed in the Library of each House of Parliament and are annexed to the Explanatory Memorandum which is available alongside these Regulations at www.legislation.gov.uk.

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