

# Construction (Design and Management) Regulations 2007

## Introduction

*The Construction (Design and Management) Regulations 2007 (CDM) completely replace the CDM 1994 Regulations and the Construction (Health and Welfare) Regulations 1996. The new CDM Regulations come into force on 6th April 2007. The Construction (General Provisions) Regulations 1961 have now been scrapped.*

These regulations apply to just about all construction work defined as follows:

- ▲ a construction site is defined as “any place construction work is carried out” only excluding a workplace within (eg a site office) set out for other purposes – and covered by other safety regulation.
- ▲ construction work is broadly defined as any building, civil engineering or engineering project and includes alterations, renovations, maintenance, cleaning using high pressure abrasion or toxic or corrosive substances and demolition/decommissioning. It includes site preparation: clearance, exploration, investigation and excavation BUT excludes site survey. It covers processes involving prefabrication: assembly and deconstruction. It covers all work to do with services: electricity, gas, water, computers, telecommunications.

### The format of CDM 2007

**Part 1:** Introduction: the scope and definitions

**Part 2:** (Regs 4–13) General Duties which apply to all construction sites and work as described above

**Part 3:** (Regs 14–24) Additional duties when projects are notifiable (that is HSE has to be informed about the work) which is when the construction phase is likely to involve more than:

- (a) 30 days; or
- (b) 500 person days of construction work. (Regulation 2 (3))

**Part 4:** (Regs 26–44) Construction health, safety and welfare. This section reintroduces some measures from the Construction (Health and Welfare) Regulations 1996 including duties regarding stability of structures, demolition, excavations, vehicles, emergency procedures, fresh air, temperature and weather protection.

**Part 5:** (Regs 45–48) General additional measures including civil liability and fire.

### The Schedules

**Schedule 1** Particulars to be notified to the Executive or Office of Rail Regulation.

**Schedule 2** Welfare facilities: minimum standards regarding toilets (including for women), washing facilities (including showers), drinking water, changing rooms and lockers, and rest facilities (including provision for non-smokers) to be provided on site.

**Schedule 3** Particulars to include in inspections (in connection with Reg 30 Excavations and Reg 31 Cofferdams and Caissons). This has to include matters identified as causing risks to health and safety/details of action to be taken/ details of any further action considered necessary; and the person doing the inspection.

**Schedule 4** Details of the laws repealed and other changes made to introduce these laws.

**Schedule 5** Amendments to other regulations needed (for example a reference to Construction (Health, Safety and Welfare) Regulations 1996 gets replaced by a reference to CDM 2007 in the Compressed Air Regulations 1996).

CDM aims to improve the management of health, safety and welfare through all stages of a construction project. It should ensure that safety information about a building is available for construction workers and users of the building after construction has ended.

Safety representatives can try to use the regulations to fight for better health and safety standards in all building work.

CDM places duties to plan, design, manage health and safety in construction work placing duties on clients, contractors and designers for all work; and, for work which must be notified to HSE, onto a new role of the CDM Co-ordinator (but broadly the same as the planning supervisor in CDM 1994 Regs) who is responsible for notification and for keeping the health and safety file, and on the Principle Contractor who has responsibility for the health and safety plan.

There are specific duties on each role and general duties to co-operate and co-ordinate with each other.

There is a duty to design, plan and manage construction work in line with the principles of prevention (eliminate hazardous work if possible; then reduce risk as much as possible).

There is a duty concerning competency to ensure that all appointed are competent to do the work in a safe way; and, principally in the case of workers, to receive suitable training to become competent.

## Managing Safety in Construction: what employers must do

### The Client (Regs 14–17)

Must appoint the CDM-co-ordinator and a Principal Contractor for notifiable work; and ensure that they are competent and have sufficient resources to carry out their health and safety responsibilities.

Must ensure that construction work does not start until a suitable health and safety plan has been prepared by the Principal Contractor.

Ensure the health and safety file is available for inspection after construction.

### The CDM co-ordinator (Regs 20–21)

For notifiable work, the CDM Co-ordinator has to co-ordinate the health and safety aspects of the project design and initial

planning and must:

- ▲ Notify HSE of details of the project required in Schedule 1
- ▲ Ensure a pre-tender safety plan is prepared
- ▲ Ensure a safety file is set up and maintained and delivered to client on completion of the work
- ▲ Check that the designers comply with health and safety duties, are competent and co-operate with each other.

### The Designers (Reg 18)

Must ensure that structures are designed to avoid risks to health and safety or reduce risks at source if they cannot be avoided altogether.

Must provide adequate information on health and safety and ensure this is passed to the CDM Co-ordinator for inclusion in the health and safety plan

### The Principal Contractor (Regs 22–24)

Must take over the health and safety plan and ensure it is developed and implemented.

- ▲ Must ensure that contractors are competent and that they co-operate and comply with health and safety duties.
- ▲ Must ensure that contractors are provided with information
- ▲ Pass information for the health and safety file to the CDM-Co-ordinator
- ▲ Must ensure that employees are properly consulted, informed and trained.

### The Health and Safety Plan

There should be a pre-tender plan which describes the work and risks to workers. Then a full health and safety plan must be developed for the construction phase. This should include:

- ▲ **A description of the project**  
Arrangements for managing the project and monitoring compliance with health and safety requirements
- ▲ **The risks to health and safety**  
Arrangements for the welfare of

people working on the project

- ▲ **Guidance to the regulations** sets out in detail the range of information which should be included in the plan.

### The Health and Safety File

A health and safety file must be prepared providing the end user with information about the risks which have to be managed during maintenance, repair, renovation or demolition. This must be made available to anyone doing any future work on the structure.

Guidance to the regulations recommends that the file include:

- ▲ Drawings and plans
- ▲ The design criteria
- ▲ The construction methods and materials used
- ▲ Maintenance procedures for the structure
- ▲ Specialist operating and maintenance manuals
- ▲ Location and nature of all utilities and services including emergency and fire-fighting systems

### Rights of direct employees and all workers controlled by someone else on site

The phrase "controlled by" is used to cover all the arrangements and tax dodges used by contractors to avoid directly employing workers with full employment rights. On health and safety, however, all building workers have rights:

- ▲ to health and safety information, site induction training and all training related to the construction work. A CSCS skills card is not sufficient there should be specific safety training on site.
- ▲ to express their views to the Principal Contractor about any health and safety issues related to the construction work.

Before starting work, the employer must provide:

- ▲ the name of the CDM co-ordinator and Principal Contractor
- ▲ the health and safety plan or relevant parts of it
- ▲ Building workers have a duty to report defects to the "controller"/employer/or contractor and if desperate they should report them to the HSE directly.

### Action to take

Before starting work make sure that the employer or the contractor provides the health and safety information and training and find out the name of the Principal Contractor.

If you carry out any repair, maintenance or demolition on buildings in the future ask to see the health and safety file for the building first.

If you are a safety representative, use CDM to secure safe conditions for all construction work and work on buildings.

Use the additional consultation, information and inspection rights under the Safety Representatives and Safety Committees Regulations 1977 to:

- ▲ ensure you are consulted and involved from the start check the health and safety plan
- ▲ check the name of the CDM Co-ordinator and Principal Contractor
- ▲ check that members have been given health and safety information and training
- ▲ check the health and safety file.

### Resources

*Managing Health and Safety in Construction* the Approved Code of Practice (ACoP) and industry-approved guidance, to assist construction contractors, workers and design professionals. The ACoP is available from HSE books priced £15. (see [www.hse.gov.uk/pubns/books/l144.htm](http://www.hse.gov.uk/pubns/books/l144.htm))

Factsheets online [www.lhc.org.uk](http://www.lhc.org.uk) London advice 020 7794 5999



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