

PART 2

GENERAL MANAGEMENT DUTIES APPLYING TO CONSTRUCTION PROJECTS

Competence

4.—(1) No person on whom these Regulations place a duty shall—

- (a) appoint or engage a CDM co-ordinator, designer, principal contractor or contractor unless he has taken reasonable steps to ensure that the person to be appointed or engaged is competent;
- (b) accept such an appointment or engagement unless he is competent;
- (c) arrange for or instruct a worker to carry out or manage design or construction work unless the worker is—
 - (i) competent, or
 - (ii) under the supervision of a competent person.

(2) Any reference in this regulation to a person being competent shall extend only to his being competent to—

- (a) perform any requirement; and
- (b) avoid contravening any prohibition,

imposed on him by or under any of the relevant statutory provisions.

Co-operation

5.—(1) Every person concerned in a project on whom a duty is placed by these Regulations, including paragraph (2), shall—

- (a) seek the co-operation of any other person concerned in any project involving construction work at the same or an adjoining site so far as is necessary to enable himself to perform any duty or function under these Regulations; and
- (b) co-operate with any other person concerned in any project involving construction work at the same or an adjoining site so far as is necessary to enable that person to perform any duty or function under these Regulations.

(2) Every person concerned in a project who is working under the control of another person shall report to that person anything which he is aware is likely to endanger the health or safety of himself or others.

Co-ordination

6. All persons concerned in a project on whom a duty is placed by these Regulations shall co-ordinate their activities with one another in a manner which ensures, so far as is reasonably practicable, the health and safety of persons—

- (a) carrying out the construction work; and
- (b) affected by the construction work.

General principles of prevention

7.—(1) Every person on whom a duty is placed by these Regulations in relation to the design, planning and preparation of a project shall take account of the general principles of prevention in the performance of those duties during all the stages of the project.

(2) Every person on whom a duty is placed by these Regulations in relation to the construction phase of a project shall ensure so far as is reasonably practicable that the general principles of prevention are applied in the carrying out of the construction work.

Election by clients

8. Where there is more than one client in relation to a project, if one or more of such clients elect in writing to be treated for the purposes of these Regulations as the only client or clients, no other client who has agreed in writing to such election shall be subject after such election and consent to any duty owed by a client under these Regulations save the duties in regulations 5(1)(b), 10(1), 15 and 17(1) insofar as those duties relate to information in his possession.

Client's duty in relation to arrangements for managing projects

9.—(1) Every client shall take reasonable steps to ensure that the arrangements made for managing the project (including the allocation of sufficient time and other resources) by persons with a duty under these Regulations (including the client himself) are suitable to ensure that—

- (a) the construction work can be carried out so far as is reasonably practicable without risk to the health and safety of any person;
- (b) the requirements of Schedule 2 are complied with in respect of any person carrying out the construction work; and
- (c) any structure designed for use as a workplace has been designed taking account of the provisions of the Workplace (Health, Safety and Welfare) Regulations 1992 which relate to the design of, and materials used in, the structure.

(2) The client shall take reasonable steps to ensure that the arrangements referred to in paragraph (1) are maintained and reviewed throughout the project.

Client's duty in relation to information

10.—(1) Every client shall ensure that

- (a) every person designing the structure; and
- (b) every contractor who has been or may be appointed by the client,

is promptly provided with pre-construction information in accordance with paragraph (2).

(2) The pre-construction information shall consist of all the information in the client's possession (or which is reasonably obtainable), including—

- (a) any information about or affecting the site or the construction work;
- (b) any information concerning the proposed use of the structure as a workplace;
- (c) the minimum amount of time before the construction phase which will be allowed to the contractors appointed by the client for planning and preparation for construction work; and
- (d) any information in any existing health and safety file,

which is relevant to the person to whom the client provides it for the purposes specified in paragraph (3).

(3) The purposes referred to in paragraph (2) are—

- (a) to ensure so far as is reasonably practicable the health and safety of persons—
 - (i) engaged in the construction work,
 - (ii) liable to be affected by the way in which it is carried out, and
 - (iii) who will use the structure as a workplace; and
- (b) without prejudice to sub-paragraph (a), to assist the persons to whom information is provided under this regulation—
 - (i) to perform their duties under these Regulations, and
 - (ii) to determine the resources referred to in regulation 9(1) which they are to allocate for managing the project.

Duties of designers

11.—(1) No designer shall commence work in relation to a project unless any client for the project is aware of his duties under these Regulations.

(2) The duties in paragraphs (3) and (4) shall be performed so far as is reasonably practicable, taking due account of other relevant design considerations.

(3) Every designer shall in preparing or modifying a design which may be used in construction work in Great Britain avoid foreseeable risks to the health and safety of any person—

- (a) carrying out construction work;
- (b) liable to be affected by such construction work;

- (c) cleaning any window or any transparent or translucent wall, ceiling or roof in or on a structure;
- (d) maintaining the permanent fixtures and fittings of a structure; or
- (e) using a structure designed as a workplace.

(4) In discharging the duty in paragraph (3), the designer shall—

- (a) eliminate hazards which may give rise to risks; and
- (b) reduce risks from any remaining hazards,

and in so doing shall give collective measures priority over individual measures.

(5) In designing any structure for use as a workplace the designer shall take account of the provisions of the Workplace (Health, Safety and Welfare) Regulations 1992 which relate to the design of, and materials used in, the structure.

(6) The designer shall take all reasonable steps to provide with his design sufficient information about aspects of the design of the structure or its construction or maintenance as will adequately assist—

- (a) clients;
- (b) other designers; and
- (c) contractors,

to comply with their duties under these Regulations.

Designs prepared or modified outside Great Britain

12. Where a design is prepared or modified outside Great Britain for use in construction work to which these Regulations apply—

- (a) the person who commissions it, if he is established within Great Britain; or
- (b) if that person is not so established, any client for the project,

shall ensure that regulation 11 is complied with.

Duties of contractors

13.—(1) No contractor shall carry out construction work in relation to a project unless any client for the project is aware of his duties under these Regulations.

(2) Every contractor shall plan, manage and monitor construction work carried out by him or under his control in a way which ensures that, so far as is reasonably practicable, it is carried out without risks to health and safety.

(3) Every contractor shall ensure that any contractor whom he appoints or engages in his turn in connection with a project is informed of the minimum amount of time which will be allowed to him for planning and preparation before he begins construction work.

(4) Every contractor shall provide every worker carrying out the construction work under his control with any information and training which he needs for the particular work to be carried out safely and without risk to health, including—

- (a) suitable site induction, where not provided by any principal contractor;
- (b) information on the risks to their health and safety—
 - (i) identified by his risk assessment under regulation 3 of the Management of Health and Safety at Work Regulations 1999, or
 - (ii) arising out of the conduct by another contractor of his undertaking and of which he is or ought reasonably to be aware;
- (c) the measures which have been identified by the contractor in consequence of the risk assessment as the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions;
- (d) any site rules;
- (e) the procedures to be followed in the event of serious and imminent danger to such workers; and
- (f) the identity of the persons nominated to implement those procedures.

(5) Without prejudice to paragraph (4), every contractor shall in the case of any of his employees provide

those employees with any health and safety training which he is required to provide to them in respect of the construction work by virtue of regulation 13(2)(b) of the Management of Health and Safety at Work Regulations 1999.

(6) No contractor shall begin work on a construction site unless reasonable steps have been taken to prevent access by unauthorised persons to that site.

(7) Every contractor shall ensure, so far as is reasonably practicable, that the requirements of Schedule 2 are complied with throughout the construction phase in respect of any person at work who is under his control.