

PART 3  
ADDITIONAL DUTIES WHERE PROJECT IS NOTIFIABLE

**Appointments by the client where a project is notifiable**

**14.**—(1) Where a project is notifiable, the client shall appoint a person (“the CDM co-ordinator”) to perform the duties specified in regulations 20 and 21 as soon as is practicable after initial design work or other preparation for construction work has begun.

(2) After appointing a CDM co-ordinator under paragraph (1), the client shall appoint a person (“the principal contractor”) to perform the duties specified in regulations 22 to 24 as soon as is practicable after the client knows enough about the project to be able to select a suitable person for such appointment.

(3) The client shall ensure that appointments under paragraphs (1) and (2) are changed or renewed as necessary to ensure that there is at all times until the end of the construction phase a CDM co-ordinator and principal contractor.

(4) The client shall—

- (a) be deemed for the purposes of these Regulations, save paragraphs (1) and (2) and regulations 18(1) and 19(1)(a) to have been appointed as the CDM co-ordinator or principal contractor, or both, for any period for which no person (including himself) has been so appointed; and
- (b) accordingly be subject to the duties imposed by regulations 20 and 21 on a CDM co-ordinator or, as the case may be, the duties imposed by regulations 22 to 24 on a principal contractor, or both sets of duties.

(5) Any reference in this regulation to appointment is to appointment in writing.

**Client’s duty in relation to information where a project is notifiable**

**15.** Where the project is notifiable, the client shall promptly provide the CDM co-ordinator with pre-construction information consisting of—

- (a) all the information described in regulation 10(2) to be provided to any person in pursuance of regulation 10(1);
- (b) any further information as described in regulation 10(2) in the client’s possession (or which is reasonably obtainable) which is relevant to the CDM co-ordinator for the purposes specified in regulation 10(3), including the minimum amount of time before the construction phase which will be allowed to the principal contractor for planning and preparation for construction work.

**The client’s duty in relation to the start of the construction phase where a project is notifiable**

**16.** Where the project is notifiable, the client shall ensure that the construction phase does not start unless—

- (a) the principal contractor has prepared a construction phase plan which complies with regulations 23(1)(a) and 23(2); and
- (b) he is satisfied that the requirements of regulation 22(1)(c) (provision of welfare facilities) will be complied with during the construction phase.

**The client’s duty in relation to the health and safety file**

**17.**—(1) The client shall ensure that the CDM co-ordinator is provided with all the health and safety information in the client’s possession (or which is reasonably obtainable) relating to the project which is likely to be needed for inclusion in the health and safety file, including information specified in regulation 4(9)(c) of the Control of Asbestos Regulations 2006(7).

(2) Where a single health and safety file relates to more than one project, site or structure, or where it includes other related information, the client shall ensure that the information relating to each site or structure can be easily identified.

(3) The client shall take reasonable steps to ensure that after the construction phase the information in the health and safety file—

- (a) is kept available for inspection by any person who may need it to comply with the relevant statutory provisions; and
- (b) is revised as often as may be appropriate to incorporate any relevant new information.

(4) It shall be sufficient compliance with paragraph (3)(a) by a client who disposes of his entire interest in the structure if he delivers the health and safety file to the person who acquires his interest in it and ensures that he is aware of the nature and purpose of the file.

#### **Additional duties of designers**

**18.**—(1) Where a project is notifiable, no designer shall commence work (other than initial design work) in relation to the project unless a CDM co-ordinator has been appointed for the project.

(2) 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 the CDM co-ordinator to comply with his duties under these Regulations, including his duties in relation to the health and safety file.

#### **Additional duties of contractors**

**19.**—(1) Where a project is notifiable, no contractor shall carry out construction work in relation to the project unless—

- (a) he has been provided with the names of the CDM co-ordinator and principal contractor;
- (b) he has been given access to such part of the construction phase plan as is relevant to the work to be performed by him, containing sufficient detail in relation to such work; and
- (c) notice of the project has been given to the Executive, or as the case may be the Office of Rail Regulation, under regulation 21.

(2) Every contractor shall—

- (a) promptly provide the principal contractor with any information (including any relevant part of any risk assessment in his possession or control) which—
  - (i) might affect the health or safety of any person carrying out the construction work or of any person who may be affected by it,
  - (ii) might justify a review of the construction phase plan, or
  - (iii) has been identified for inclusion in the health and safety file in pursuance of regulation 22(1)(j);
- (b) promptly identify any contractor whom he appoints or engages in his turn in connection with the project to the principal contractor;
- (c) comply with—
  - (i) any directions of the principal contractor given to him under regulation 22(1)(e), and
  - (ii) any site rules;
- (d) promptly provide the principal contractor with the information in relation to any death, injury, condition or dangerous occurrence which the contractor is required to notify or report under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(8).

(3) Every contractor shall—

- (a) in complying with his duty under regulation 13(2) take all reasonable steps to ensure that the construction work is carried out in accordance with the construction phase plan;
- (b) take appropriate action to ensure health and safety where it is not possible to comply with the construction phase plan in any particular case; and
- (c) notify the principal contractor of any significant finding which requires the construction phase plan to be altered or added to.

#### **General duties of CDM co-ordinators**

**20.**—(1) The CDM co-ordinator shall—

- (a) give suitable and sufficient advice and assistance to the client on undertaking the measures he needs to take to comply with these Regulations during the project (including, in particular, assisting the client in complying with regulations 9 and 16);
- (b) ensure that suitable arrangements are made and implemented for the co-ordination of health and safety measures during planning and preparation for the construction phase, including facilitating—
  - (i) co-operation and co-ordination between persons concerned in the project in pursuance of

- regulations 5 and 6, and
- (ii) the application of the general principles of prevention in pursuance of regulation 7; and
- (c) liaise with the principal contractor regarding—
  - (i) the contents of the health and safety file,
  - (ii) the information which the principal contractor needs to prepare the construction phase plan, and
  - (iii) any design development which may affect planning and management of the construction work.
- (2) Without prejudice to paragraph (1) the CDM co-ordinator shall—
  - (a) take all reasonable steps to identify and collect the pre-construction information;
  - (b) promptly provide in a convenient form to—
    - (i) every person designing the structure, and
    - (ii) every contractor who has been or may be appointed by the client (including the principal contractor),
 such of the pre-construction information in his possession as is relevant to each;
  - (c) take all reasonable steps to ensure that designers comply with their duties under regulations 11 and 18(2);
  - (d) take all reasonable steps to ensure co-operation between designers and the principal contractor during the construction phase in relation to any design or change to a design;
  - (e) prepare, where none exists, and otherwise review and update a record (“the health and safety file”) containing information relating to the project which is likely to be needed during any subsequent construction work to ensure the health and safety of any person, including the information provided in pursuance of regulations 17(1), 18(2) and 22(1)(j); and
  - (f) at the end of the construction phase, pass the health and safety file to the client.

#### **Notification of project by the CDM co-ordinator**

**21.**—(1) The CDM co-ordinator shall as soon as is practicable after his appointment ensure that notice is given to the Executive containing such of the particulars specified in Schedule 1 as are available.

(2) Where any particulars specified in Schedule 1 have not been notified under paragraph (1) because a principal contractor has not yet been appointed, notice of such particulars shall be given to the Executive as soon as is practicable after the appointment of the principal contractor, and in any event before the start of the construction work.

(3) Any notice under paragraph (1) or (2) shall be signed by or on behalf of the client or, if sent by electronic means, shall otherwise show that he has approved it.

(4) Insofar as the project includes construction work of a description for which the Office of Rail Regulation is made the enforcing authority by regulation 3(1) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006(9), paragraphs (1) and (2) shall have effect as if any reference to the Executive were a reference to the Office of Rail Regulation.

#### **Duties of the principal contractor**

**22.**—(1) The principal contractor for a project shall—

- (a) plan, manage and monitor the construction phase in a way which ensures that, so far as is reasonably practicable, it is carried out without risks to health or safety, including facilitating—
  - (i) co-operation and co-ordination between persons concerned in the project in pursuance of regulations 5 and 6, and
  - (ii) the application of the general principles of prevention in pursuance of regulation 7;
- (b) liaise with the CDM co-ordinator in performing his duties in regulation 20(2)(d) during the construction phase in relation to any design or change to a design;
- (c) ensure that welfare facilities sufficient to comply with the requirements of Schedule 2 are provided throughout the construction phase;
- (d) where necessary for health and safety, draw up rules which are appropriate to the construction site

and the activities on it (referred to in these Regulations as “site rules”);

- (e) give reasonable directions to any contractor so far as is necessary to enable the principal contractor to comply with his duties under these Regulations;
- (f) ensure that every contractor is informed of the minimum amount of time which will be allowed to him for planning and preparation before he begins construction work;
- (g) where necessary, consult a contractor before finalising such part of the construction phase plan as is relevant to the work to be performed by him;
- (h) ensure that every contractor is given, before he begins construction work and in sufficient time to enable him to prepare properly for that work, access to such part of the construction phase plan as is relevant to the work to be performed by him;
- (i) ensure that every contractor is given, before he begins construction work and in sufficient time to enable him to prepare properly for that work, such further information as he needs—
  - (i) to comply punctually with the duty under regulation 13(7), and
  - (ii) to carry out the work to be performed by him without risk, so far as is reasonably practicable, to the health and safety of any person;
- (j) identify to each contractor the information relating to the contractor’s activity which is likely to be required by the CDM co-ordinator for inclusion in the health and safety file in pursuance of regulation 20(2)(e) and ensure that such information is promptly provided to the CDM co-ordinator;
- (k) ensure that the particulars required to be in the notice given under regulation 21 are displayed in a readable condition in a position where they can be read by any worker engaged in the construction work; and
- (l) take reasonable steps to prevent access by unauthorised persons to the construction site.

(2) The principal contractor shall take all reasonable steps to ensure that every worker carrying out the construction work is provided with—

- (a) a suitable site induction;
- (b) the information and training referred to in regulation 13(4) by a contractor on whom a duty is placed by that regulation; and
- (c) any further information and training which he needs for the particular work to be carried out without undue risk to health or safety.

### **The principal contractor’s duty in relation to the construction phase plan**

**23.—**(1) The principal contractor shall—

- (a) before the start of the construction phase, prepare a construction phase plan which is sufficient to ensure that the construction phase is planned, managed and monitored in a way which enables the construction work to be started so far as is reasonably practicable without risk to health or safety, paying adequate regard to the information provided by the designer under regulations 11(6) and 18(2) and the pre-construction information provided under regulation 20(2)(b);
- (b) from time to time and as often as may be appropriate throughout the project update, review, revise and refine the construction phase plan so that it continues to be sufficient to ensure that the construction phase is planned, managed and monitored in a way which enables the construction work to be carried out so far as is reasonably practicable without risk to health or safety; and
- (c) arrange for the construction phase plan to be implemented in a way which will ensure so far as is reasonably practicable the health and safety of all persons carrying out the construction work and all persons who may be affected by the work.

(2) The principal contractor shall take all reasonable steps to ensure that the construction phase plan identifies the risks to health and safety arising from the construction work (including the risks specific to the particular type of construction work concerned) and includes suitable and sufficient measures to address such risks, including any site rules.

### **The principal contractor’s duty in relation to co-operation and consultation with workers**

**24.** The principal contractor shall—

- (a) make and maintain arrangements which will enable him and the workers engaged in the construction

work to co-operate effectively in promoting and developing measures to ensure the health, safety and welfare of the workers and in checking the effectiveness of such measures;

- (b) consult those workers or their representatives in good time on matters connected with the project which may affect their health, safety or welfare, so far as they or their representatives are not so consulted on those matters by any employer of theirs;
- (c) ensure that such workers or their representatives can inspect and take copies of any information which the principal contractor has, or which these Regulations require to be provided to him, which relates to the planning and management of the project, or which otherwise may affect their health, safety or welfare at the site, except any information—
  - (i) the disclosure of which would be against the interests of national security,
  - (ii) which he could not disclose without contravening a prohibition imposed by or under an enactment,
  - (iii) relating specifically to an individual, unless he has consented to its being disclosed,
  - (iv) the disclosure of which would, for reasons other than its effect on health, safety or welfare at work, cause substantial injury to his undertaking or, where the information was supplied to him by some other person, to the undertaking of that other person, or
  - (v) obtained by him for the purpose of bringing, prosecuting or defending any legal proceedings.

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(7) S.I. 2006/2739. [Back \[7\]](#)

(8) [S.I. 1995/3163](#), to which there are amendments not relevant to these Regulations. [Back \[8\]](#)

(9) S.I. 2006/557, to which there are amendments not relevant to these Regulations. [Back \[9\]](#)