



## PROPOSED CHANGES TO THE CDM REGULATIONS

There has been much debate recently regarding the proposed update to the Construction (Design and Management) Regulations and what the new Regulations will entail.

The new Regulations are due to come into force in October 2006 and will, if implemented, replace both the existing CDM Regulations 1994 and the Construction (Health, Safety and Welfare) Regulations 1996.

There have been a number of problems reported with the existing CDM Regulations, most notably that the Planning Supervisors are usually appointed too late into the project and are remote from the rest of the team. Another problem that has been identified is the unwillingness or indifference of Clients to allow enough time and resources to adequately plan and develop projects effectively.

The new Regulations propose to rectify these problems in a number of ways, as detailed below:

- 'Planning Supervisor' will be replaced by 'Co-ordinator', the role of which will involve ensuring that the design work is properly co-ordinated, advising Clients on the competence of designers when required, and helping to locate the relevant information required for designers and contractors. The Co-ordinator will also have to be appointed prior to the design work commencing for notifiable projects.
- Designers and Principal Contractors will have requirements placed on them not to start design work until a Co-ordinator has been appointed.
- Clients will be held legally liable for the work a Co-ordinator usually undertakes if a Co-ordinator is not appointed in accordance with the Regulations.
- The Client and the Principal Contractor will have duties placed upon them to ensure that there are adequate welfare facilities in place on site prior to construction work commencing.
- A general duty will be placed on Clients to ensure that suitable project management arrangements are in place, and that all parties involved in the project are clear about the duties placed upon them. The Client must consider the timing of appointments, how the project will be monitored and the information they must make available and to whom.

It is clear from the proposals that the emphasis of the new Regulations is on early involvement and communication between all parties and the recognition of the important role the Client has to play. It is worth noting, however, that these are still proposals and the Regulations are not due to come into force until October 2006. There will also be new guidance produced which will help all duty-holders to interpret the implementation of the Regulations.

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