STATUTORY INSTRUMENTS

2015 No. 51

HEALTH AND SAFETY

The Construction (Design and Management) Regulations 2015

Made - - - -	*22nd January 2015*
Laid before Parliament	*29th January 2015*
Coming into force - -	*6th April 2015*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 15(1), (2), (3)(a) and (c), (5)(a), (8) and (9), 80(1) and (2)(c) and 82(3)(a) of, and paragraphs 1(1) and (2), 6 to12, 14, 15(1), 16, 18, 20 and 21 of Schedule 3 to, the Health and Safety at Work etc. Act 1974 [F1] ("the 1974 Act").

The Regulations give effect without modifications to proposals submitted to the Secretary of State by the Health and Safety Executive ("the Executive") under section 11(3) of the 1974 Act [F2].

Before submitting those proposals to the Secretary of State, the Executive consulted the bodies that appeared to it to be appropriate as required by section 50(3) of the 1974 Act [F3].

It appears to the Secretary of State that the modifications to the instruments marked with an asterisk in the table in Schedule 5 are expedient for the purposes of section 80(1) of the 1974 Act. It also appears to the Secretary of State not to be appropriate to consult bodies in respect of those modifications for the purposes of section 80(4) [F4] of the 1974 Act.

F1 1974 c.37. Section 15(1) was substituted by paragraph 6 of Schedule 15 to the Employment Protection Act 1975 (c.71) and amended by S.I. 2002/794. Section 15(2) and (3)(c) was amended by paragraphs 1 and 5 of Schedule 12 to the Energy Act 2013 (c.32).

F2 Section 11(3) was inserted by S.I. 2008/960.

F3 Section 50(3) was amended by paragraph 16 of Schedule 15 to the Employment Protection Act 1975 (c.71), **S.I**. 2008/960, paragraphs 4 and 6 of Schedule 7 to the Health and Social Care Act 2012 (c.7), and by paragraphs 1 and 11(1) of Schedule 12 to the Energy Act 2013.

F4 Section 80(4) was amended by S.I. 2002/794.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Construction (Design and Management) Regulations 2015 and come into force on 6th April 2015 immediately after the Mines Regulations 2014 [F5].

F5 S.I. 2014/3248.

Interpretation

2.—(1) In these Regulations—

"the 1974 Act" means the Health and Safety at Work etc. Act 1974;

"the 2007 Regulations" means the Construction (Design and Management) Regulations 2007 [F6];

"the Management Regulations" means the Management of Health and Safety at Work Regulations 1999 [F7];

"business" means a trade, business or other undertaking (whether for profit or not);

"client" means any person for whom a project is carried out;

"construction phase" means the period of time beginning when construction work in a project starts and ending when construction work in that project is completed;

"construction phase plan" means a plan drawn up under regulations 12 or 15;

"construction site" includes any place where construction work is being carried out or to which the workers have access, but does not include a workplace within the site which is set aside for purposes other than construction work;

"construction work" means the carrying out of any building, civil engineering or engineering construction work and includes—

(a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;

(b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation (but not pre-construction archaeological investigations), and the clearance or preparation of the site or structure for use or occupation at its conclusion;

(c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of the prefabricated elements which, immediately before such disassembly, formed a structure;

(d) the removal of a structure, or of any product or waste resulting from demolition or dismantling of a structure, or from disassembly of prefabricated elements which immediately before such disassembly formed such a structure;

(e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure,

but does not include the exploration for, or extraction of, mineral resources, or preparatory activities carried out at a place where such exploration or extraction is carried out;

"contractor" means any person (including a non-domestic client) who, in the course or furtherance of a business, carries out, manages or controls construction work;

"design" includes drawings, design details, specifications and bills of quantities (including specification of articles or substances) relating to a structure, and calculations prepared for the purpose of a design;

"designer" means any person (including a client, contractor or other person referred to in these Regulations) who in the course or furtherance of a business—

(a) prepares or modifies a design; or

(b) arranges for, or instructs, any person under their control to do so,

relating to a structure, or to a product or mechanical or electrical system intended for a particular structure, and a person is deemed to prepare a design where a design is prepared by a person under their control;

"domestic client" means a client for whom a project is being carried out which is not in the course or furtherance of a business of that client;

"excavation" includes any earthwork, trench, well, shaft, tunnel or underground working;

"the general principles of prevention" means the general principles of prevention specified in Schedule 1 to the Management Regulations;

"health and safety file" means a file prepared under regulation 12(5);

"inspector for the Executive" means an inspector within the meaning given in section 53(1) of the 1974 Act [F8];

"loading bay" means any facility for loading or unloading;

"place of work" means any place which is used by any person at work for the purposes of construction work or for the purposes of any activity arising out of or in connection with construction work;

"pre-construction information" means information in the client's possession or which is reasonably obtainable by or on behalf of the client, which is relevant to the construction work and is of an appropriate level of detail and proportionate to the risks involved, including—

(a) information about—

  (i) the project;

  (ii) planning and management of the project;

  (iii) health and safety hazards, including design and construction hazards and how they will be addressed; and

(b) information in any existing health and safety file;

"pre-construction phase" means any period of time during which design or preparatory work is carried out for a project and may continue during the construction phase;

"principal contractor" means the contractor appointed under regulation 5(1)(b) to perform the specified duties in regulations 12 to 14;

"principal designer" means the designer appointed under regulation 5(1)(a) to perform the specified duties in regulations 11 and 12;

"project" means a project which includes or is intended to include construction work and includes all planning, design, management or other work involved in a project until the end of the construction phase;

"site rules" means rules which are drawn up for a particular construction site and are necessary for health or safety purposes;

"structure" means—

(a) any building, timber, masonry, metal or reinforced concrete structure, railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipeline, cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure or structure designed to preserve or alter any natural feature and fixed plant;

(b) any structure similar to anything specified in paragraph (a);

(c) any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work,

and any reference to a structure includes part of a structure;

"traffic route" means a route for pedestrian traffic or for vehicles and includes any doorway, gateway, loading bay or ramp;

"vehicle" includes any mobile work equipment;

"work equipment" means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not);

"working day" means any day on which construction work takes place;

"workplace" means a workplace within the meaning of regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 [F9] other than a construction site.

(2) Any reference in these Regulations to a plan, rule, document, report or copy includes a copy or electronic version which is—

(a) capable of being retrieved or reproduced when required; and

(b) secure from loss or unauthorised interference.

F6 S.I. 2007/320, as amended by S.I. 2012/632, 2013/1471, 2013/1666 and 2014/469.
F7 S.I. 1999/3242, as amended by S.I. 2003/2457, 2007/320, 2010/93 and 2013/1667. S.I. 2005/1541 amends the instrument in relation to England and Wales and S.S.I. 2006/457 in relation to Scotland.
F8 There are amendments to section 53(1) of the 1974 Act but none is relevant.
F9 S.I. 1992/3004; the definition of "workplace" in regulation 2(1) was amended by S.I. 2002/2174.

Application in and outside Great Britain

3. These Regulations apply—

(a) in Great Britain; and

(b) to premises and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of articles 9 and 11(1)(a) of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013 [F10].

F10 S.I. 2013/240.

PART 2

Client duties

Client duties in relation to managing projects

4.—(1) A client must make suitable arrangements for managing a project, including the allocation of sufficient time and other resources.

(2) Arrangements are suitable if they ensure that—

(a) the construction work can be carried out, so far as is reasonably practicable, without risks to the health or safety of any person affected by the project; and

(b) the facilities required by Schedule 2 are provided in respect of any person carrying out construction work.

(3) A client must ensure that these arrangements are maintained and reviewed throughout the project.

(4) A client must provide pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project.

(5) A client must ensure that—

(a) before the construction phase begins, a construction phase plan is drawn up by the contractor if there is only one contractor, or by the principal contractor; and

(b) the principal designer prepares a health and safety file for the project, which—

(i) complies with the requirements of regulation 12(5);

(ii) is revised from time to time as appropriate to incorporate any relevant new information; and

(iii) is kept available for inspection by any person who may need it to comply with any relevant legal requirements.

(6) A client must take reasonable steps to ensure that—

(a) the principal designer complies with any other principal designer duties in regulations 11 and 12; and

(b) the principal contractor complies with any other principal contractor duties in regulations 12 to 14.

(7) If a client disposes of the client's interest in the structure, the client complies with the duty in paragraph (5)(b)(iii) by providing the health and safety file to the person who acquires the client's interest in the structure and ensuring that that person is aware of the nature and purpose of the file.

(8) Where there is more than one client in relation to a project—

(a) one or more of the clients may agree in writing to be treated for the purposes of these Regulations as the only client or clients; and

(b) except for the duties specified in sub-paragraph (c) only the client or clients agreed in paragraph (a) are subject to the duties owed by a client under these Regulations;

(c) the duties in the following provisions are owed by all clients—

(i) regulation 8(4); and

(ii) paragraph (4) and regulation 8(6) to the extent that those duties relate to information in the possession of the client.