

CDM and Building Regulations

Prior to undertaking any services or starting any design work in connection with any project we would like to take this opportunity to ensure clients are aware of their statutory duties under the Construction (Design and Management) Regulations 2015 ('CDM Regulations') and The Building Regulations 2010 ('Building Regulations') as amended by The Building Regulations etc. (Amendment) (England) Regulations 2023.

Client Duties

We recommend that clients seek legal advice regarding their duties, which in summary include the following:

The CDM Regulations and Part 2A (Duty holders and competence) of the Building Regulations state that clients must make suitable arrangements for planning, managing and monitoring the Project, including allocating sufficient time and other resources so as to ensure:

- design work is carried out so that the building work to which the design relates, if built, would be in compliance with all relevant requirements
- building work is carried out in accordance with all relevant requirements
- designers and contractors working on the Project cooperate with each other to ensure compliance with all relevant requirements
- design and building work is periodically reviewed to identify whether it is higher-risk building work
- building work can be carried out, so far as reasonably practicable, without risks to the health and safety of any person affected by the Project
- facilities required by Schedule 2 of the CDM Regulations are provided in respect of any person carrying out construction work.

Relevant requirements mean the requirements of the Building Regulations to the extent these are relevant to the building work or design work of the Project.

You must ensure that the arrangements for planning, managing and monitoring the Project are maintained and reviewed throughout the Project.

Clients also have duties under the CDM Regulations and Building Regulations to:

- provide building information and pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, on the Project.
- cooperate with any other person working on or in relation to the Project to the extent necessary to enable any person with a duty or function under the regulations to fulfil that duty or function.



Principal Designer and Principal Contractor

We envisage that more than one contractor will be working on projects, therefore under the CDM Regulation and Building Regulations clients must appoint in writing:

- a designer with control over the design work as the principal designer
- a contractor with control over the building work as the principal contractor.

Clients may make separate appointments to these roles under the CDM Regulations and Building Regulations respectively. Or clients may certify that the CDM Regulations principal designer and principal contractor are also to be treated as the Building Regulations principal designer and principal contractor, provided they are competent to fulfil both functions.

A principal designers duties include but are not limited to the following;

- Plan, manage, monitor and coordinate health and safety in the pre-construction phase of a project. This includes: identifying, eliminating or controlling foreseeable risks; ensuring designers carry out their duties.
- Prepare and provide relevant information to other dutyholders
- Provide relevant information to the principal contractor to help them plan, manage, monitor and coordinate health and safety in the construction phase.

We recommend that clients appoint a CDM Regulations and Building Regulations principal designer at the earliest opportunity before the construction phase begins. If clients fail to appoint a competent principal designer, they must fulfil the duties of the principal designer until they appoint another person or organization to the role.

Designer Duties

ARC:MC LTD does not offer Principal Designer Services for projects. As specified under CDM Regs we take the role of Designers. With our role to be to prepare or modify designs for a building, product or system relating to a construction project. In accordance to CDM Regs our duties are to adhere to general principles of prevention as well as;

- eliminate, reduce or control foreseeable risks that may arise during: construction; and the maintenance and use of a building once it is built.
- Provide information to other members of the project team to help them fulfil their duties

The General Principles of Prevention are to:

- (a) avoid risks;
- (b) evaluate the risks which cannot be avoided;
- (c) combat the risks at source;
- (d) adapt the work to the individual, especially regarding the design of workplaces, the



choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work, work at a predetermined work rate and to reducing their effect on health;

(e) adapt to technical progress;

(f) replace the dangerous by the non-dangerous or the less dangerous;

(g) develop a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment;

(h) give collective protective measures priority over individual protective measures; and

(i) give appropriate instructions to employees.

Should you have any queries around specific duties on your construction project please speak to a member of our team who would be happy to signpost you to relevant information.

See below for additional sources of information

<https://www.legislation.gov.uk/uksi/1999/3242/schedule/1/made>

<https://www.gov.uk/guidance/the-building-safety-act>

<https://www.legislation.gov.uk/uksi/2023/911/contents/made>

<https://www.hse.gov.uk/building-safety/roles.htm>

