
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 146

**The Construction (Design and Management)
Regulations (Northern Ireland) 2016**

PART 1

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Construction (Design and Management) Regulations (Northern Ireland) 2016 and shall come into operation on 1st August 2016.

Interpretation

2.—(1) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“the 2007 Regulations” means the Construction (Design and Management) Regulations (Northern Ireland) 2007⁽¹⁾;

“the Management Regulations” means the Management of Health and Safety at Work Regulations (Northern Ireland) 2000⁽²⁾;

“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

⁽¹⁾ S.R. 2007 No. 291, as amended by S.R. 2012 No. 179

⁽²⁾ S.R. 2000 No. 388, as amended by S.R. 2001 No. 348, S.R. 2003 No. 454, S.R. 2006 No. 255, S.R. 2011 No. 350 and S.R. 2015 No. 265: revoked in part by S.R. 2007 No. 291

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;

“designated area” means any area designated by Order under section 1(7) of the Continental Shelf Act 1964⁽³⁾ and “within a designated area” includes over and under it;

“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 Executive” means the Health and Safety Executive for Northern Ireland;

“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 Article 2(2) of the 1978 Order;

“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—

(3) 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (1982 c. 23), Schedule 3, paragraph 1 and by the Energy Act 2011 (c. 16), section 103

- (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;

“territorial sea” means the territorial sea of the United Kingdom adjacent to Northern Ireland and “within the territorial sea” includes on, over and under it;

“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; and

“workplace” means a workplace within the meaning of regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993(4) 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

(4) [S.R. 1993 No. 37](#), regulation 2(1) was amended by [S.R. 1995 No. 378](#), regulation 11(2), [S.R. 2003 No. 423](#), regulation 6(a) and (b) and [S.R. 2006 No. 205](#), regulation 42(2) and Schedule 2, Part 2; there are other amendments not relevant to these Regulations

(b) secure from loss or unauthorised interference.

Application within the territorial sea or a designated area

3. Within the territorial sea or a designated area these Regulations shall apply only to and in relation to the premises and activities to which paragraphs 7 and 9(1)(a) of Schedule 1 apply.