
STATUTORY INSTRUMENTS

2015 No. 51

The Construction (Design and Management) Regulations 2015

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.

Appointment of the principal designer and the principal contractor

5.—(1) Where there is more than one contractor, or if it is reasonably foreseeable that more than one contractor will be working on a project at any time, the client must appoint in writing—

- (a) a designer with control over the pre-construction phase as principal designer; and
- (b) a contractor as principal contractor.

(2) The appointments must be made as soon as is practicable, and, in any event, before the construction phase begins.

(3) If the client fails to appoint a principal designer, the client must fulfil the duties of the principal designer in regulation 11 and 12.

(4) If the client fails to appoint a principal contractor, the client must fulfil the duties of the principal contractor in regulations 12 to 14.

Notification

6.—(1) A project is notifiable if the construction work on a construction site is scheduled to—

- (a) last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
- (b) exceed 500 person days.

(2) Where a project is notifiable, the client must give notice in writing to the Executive as soon as is practicable before the construction phase begins.

(3) The notice must—

- (a) contain the particulars specified in Schedule 1;
- (b) be clearly displayed in the construction site office in a comprehensible form where it can be read by any worker engaged in the construction work; and
- (c) if necessary, be periodically updated.

(4) Where a project includes construction work of a description for which the Office of Rail Regulation is the enforcing authority by virtue of regulation 3 of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006(1), the client must give notice to the Office of Rail Regulation instead of the Executive.

(5) Where a project includes construction work on premises which are or are on—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013(2));
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998(3)); or
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations),

(1) S.I. 2006/557. Regulation 3 was amended by S.I. 2007/1573 and 2014/469.

(2) 2013 c.32.

(3) S.I. 1998/494. The definition of “authorised defence site” was inserted into regulation 2(1), and new regulation 2A was inserted into the Regulations, by S.I. 2014/469.

the client must give notice to the Office for Nuclear Regulation instead of the Executive.

Application to domestic clients

7.—(1) Where the client is a domestic client the duties in regulations 4(1) to (7) and 6 must be carried out by—

- (a) the contractor for a project where there is only one contractor;
 - (b) the principal contractor for a project where there is more than one contractor; or
 - (c) the principal designer where there is a written agreement that the principal designer will fulfil those duties.
- (2) If a domestic client fails to make the appointments required by regulation 5—
- (a) the designer in control of the pre-construction phase of the project is the principal designer;
 - (b) the contractor in control of the construction phase of the project is the principal contractor.
- (3) Regulation 5(3) and (4) does not apply to a domestic client.