

New CDM Regulations

March 2008



The new CDM regulations were introduced by the Construction (Design and Management) Regulations (Northern Ireland) 2007 and came into force on 9 July 2007. Some concessions may be made in the transitional period but the majority of the provisions are compulsory from their introduction.

The new regulations place a higher duty on the CLIENT to guarantee that the construction team is provided with essential leadership. It also imposes accountability on the client for the impact of their actions, approach and decisions relating to the health and safety of their projects. The regulations recognise that the client may not have either the expertise or the resources to comply with the regulations and therefore their obligation is to ensure that the necessary arrangements are in place to fulfil the duties of the regulations.

The CDM-COORDINATOR is a new role which replaces and extends the role of planning supervisor. It has been said that the CDM-Coordinator is "The client's adviser in matters relating to construction health and safety". This role therefore involves advising the client of their duties at the commencement and during construction.

The PRINCIPAL CONTRACTOR is required to ensure that health and safety management is effective throughout construction. This also imposes upon them a duty to liaise with all parties involved in the project to ensure that they are competent to carry out the work. Additionally they need not only be aware of their own duties and the client's duties under the regulations but also the duties of all other parties concerned in order that they may monitor same and ensure that the parties obtain an adequate level of information.

DESIGNERS also have duties under the new regulations in that they must not produce designs which cannot be constructed, used or maintained in a reasonably safe manner. In an attempt to assist the client, the designer is placed under a duty to ensure that the client is aware of their duties under the CDM regulations before embarking on any work. A new duty placed on the designers is that they must endeavour to eliminate hazards and reduce risks from any hazards which may remain.

If you feel that this affects you and your workforce, please contact the Projects and Construction team for further advice specific to your project.

Please note: The content of this article is for information purposes only and further advice should be sought from a professional advisor before any action is taken.