

CDM Regulations (NI) 2016

STATUTORY RULES OF NORTHERN IRELAND

2016 No. 146

HEALTH AND SAFETY

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

Made - - - - 11th March 2016
Coming into operation - - 1st August 2016

CONTENTS

PART 1
INTRODUCTION

1. Citation and commencement
2. Interpretation
3. Application within the territorial sea or a designated area

PART 2
CLIENT DUTIES

4. Client duties in relation to managing projects
5. Appointment of the principal designer and the principal contractor
6. Notification
7. Application to domestic clients

PART 3
HEALTH AND SAFETY DUTIES AND ROLES

8. General duties
9. Duties of designers
10. Designs prepared or modified outside Northern Ireland
11. Duties of a principal designer in relation to health and safety at the pre-construction phase
12. Construction phase plan and health and safety file
13. Duties of a principal contractor in relation to health and safety at the construction phase
14. Principal contractor's duties to consult and engage with workers
15. Duties of contractors

**CUSTOMER
SERVICE
EXCELLENCE**



Introduction & Background

1. **Reasons for change:**
 - ❖ **EU directive to include domestic projects**
 - ❖ **Current accident rates**
 - ❖ **Current accident profile (mostly on smaller sites)**
 - ❖ **CDM Coordinator Profession**

2. **Objectives:-**
 - ✓ **Improve Health & Safety on construction sites**
 - ✓ **Reduce accident & ill health rates**
 - ✓ **Improve operative protection**

Why revise CDM (NI) 2007?



CDM (NI) Regulations 2016

- ✓ **No CDMC - often appointed late / not a part of the team**
- never intended to be separate discipline
- ✓ **Simplified Regulations**
- ✓ **Strengthened Client role and with more responsibilities**
- ✓ **Applies to all construction projects**
- ✓ **Greater relevance to small projects**
- ✓ **Embedding the co-ordination function within the project team rather than within the role of an individual (CDMC)**
- ✓ **Removal of explicit competence requirements, Skills, knowledge and experience rather than competence**
- ✓ **Removal of exemption for Domestic Clients, their duties may be transferred to Principal Contractor**
- ✓ **ACoP replaced by Guidance**

Client's Duties

Every Client must:

- ✓ **Confirm appointment of duty holders (PD, PC and Contractor)**
- ✓ **Confirm that all duty holders have required Skills, knowledge and experience (formerly competence)**
- ✓ **Ensure that duties are carried out properly**
- ✓ **Notify the HSENI of construction projects**
- ✓ **Provide and update the pre-construction information**
- ✓ **Ensure engagement and consultation**

However –

Every contractor must undertake the duties of the client for work on domestic projects.

Notifiable or Not Notifiable?

Ask yourself:

Is the project expected to take more than 30 days + 20 workers simultaneously at any one time working on the project?

or

500 person days work?

If yes, then the project is notifiable to HSENI

Pre-Design & Pre-Construction Phase

Principal Designer's (PD) duties are to:

- ✓ **Assist the Client to present a Project Brief and Pre-Construction Information**
- ✓ **Pass on all information to the Designers**
- ✓ **Ensure co-operation and co-ordination**
- ✓ **Co-ordinate designers**
- ✓ **Oversee design decisions**
- ✓ **Communicate with the client**

Construction Phase & Post Construction

Principal Designer (PD) will be expected to:

- ✓ **Update the pre-construction information**
- ✓ **Provide the information to the Principal Contractor**
- ✓ **Communicate with the Principal Contractor**

Principal Designer will be expected to complete and handover the Health & Safety File to the client (unless the appointment of the PD ceases)

Principal Contractor

A Principal Contractor's (PC) duties are to:

- ✓ **Develop a Construction Phase Health and Safety Plan**
- ✓ **Properly plan the work**
- ✓ **Consult and engage with all employees***
- ✓ **Communicate the hazards, risks and any precautions required**
- ✓ **Provide information, training, instruction & supervision**
- ✓ **Control, manage and monitor all site activities**
- ✓ **Ensure that design works undertaken during the construction phase are specifically assessed with regard to Health & Safety, (if the PD is not appointed for the construction phase)**
- ✓ **Prepare the Health & Safety File (if the PD is not appointed through to the post construction phase)**

*Consult & Engage

Responsibility of Principal Contractor to consult and engage with all workers on the site

Including seeking objective evidence:

- ✓ **Site Induction**
- ✓ **Rules**
- ✓ **Monitoring Records**

A Client's absolute duty is to ensure that the above duty has been carried out

Additionally, Clients will be expected to:

- ✓ **Appoint duty holders at the right time**
- ✓ **Notify the HSENI**
- ✓ **Ensure all duty holders carry out and complete their duties**

Contractors Duty

A Contractor's duty will be to:

- ✓ **Formulate a Construction Phase Health and Safety Plan for *each* and *every* project irrespective of size, duration, complexity or type of '*construction work*'**

Work involving Particular Risks

Schedule 4 Regulation 12(2)

- Work which puts workers at risk of burial, engulfment, falling from height, where the risk is aggravated by the nature of the work or processes used or by the environment at the place of work or site.
- Work which puts workers at risk from chemical or biological substances constituting a particular danger to the safety or health of workers or involving a legal requirement for health monitoring (Health Surveillance).
- Work with ionizing radiation requiring the designation of controlled or supervised areas under regulation 16 of the Ionising Radiations Regulations (Northern Ireland) 2000.
- Work near high voltage power lines.
- Work exposing workers to the risk of drowning.
- Work on wells, underground earthworks and tunnels.
- Work carried out by divers having a system of air supply.
- Work carried out by workers in caissons with a compressed air atmosphere.
- Work involving the use of explosives.
- Work involving the assembly or dismantling of heavy prefabricated components.

Impact of CDM (NI) 2016

The CDM Regulations (NI) 2016 are likely to have a significant impact on property managers, landlords, facilities managers and home owners, together with their chosen designers and contractors

...and many may not even know

Transitional Arrangements

1. Existing CDMC:

- ✓ Appointment continues until Principal Designer appointed
- ✓ Client must appoint Principal Designer by 01 August 2016

2. No current CDMC or Principal Contractor and Construction Phase has started:

- ✓ Client may appoint Principal Designer
- ✓ Client must appoint Principal Contractor

3. Construction Phase not commenced:

- ✓ Client must appoint Principal Designer as soon as possible

4. Construction Phase commenced:

- ✓ Every Contractor must write Construction Phase Health & Safety Plan as soon as possible post 01 August 2016

Any Questions?

**CUSTOMER
SERVICE
EXCELLENCE**

