

Clause-by-clause comparison

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**CDM 2015 v CDM 2007**

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Principal Contractor  
and Contractor Duties

# Contents

About the Author	2
Introduction	3
Regulation 2 – Definitions	4
Regulation 8 – General Duties	5
Regulation 5 – Appointment of the principal designer and the principal contractor	8
Regulation 6 – Notification	10
Regulation 7 – Application to domestic clients	11
Regulation 12 – Construction phase plan and health and safety file	12
Regulation 13 – Duties of a principal contractor in relation to health and safety at the construction phase	19
Regulation 14 – Principal contractor’s duties to consult and engage with workers	24
Regulation 15 – Duties of contractors	27
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### Profile

- Over 30 years' experience
- In the first part of his career, he was employed by the Cement & Concrete Association on concrete durability research and then by Mouchel on the design, appraisal and site supervision of building and bridge structures
- For the past 20 years, he has focused on construction safety, risk and regulation
- At the British Cement Association, his focus was on structural safety and he led a range of projects to investigate the deterioration of concrete structures and develop guidance for inspecting, assessing and managing existing structures safely (including input to the Hong Kong Building Safety Inspection System)
- As a Director at BOMEL Consultants, his focus was more on human and organisational risks, and he undertook a series of projects on construction health and safety issues including the use of CDM Regulations
- He undertook similar work as a Director of Frontline Consultants
- He recently set up **MPW R&R** to provide risk and regulatory solutions for regulators, regulated organisations and litigants

### CDM Experience

- Led the independent evaluation of CDM 2007 for the Health and Safety Executive (HSE), where the construction industry's implementation of CDM 2007 was assessed to see what changes had been made from the implementation of CDM 1994 and whether the objectives of CDM 2007 had been met
- Reviewed the implementation of CDM 2007 in the construction of London 2012 on behalf of HSE, the Olympic Delivery Authority and the Institution of Civil Engineers
- Helped HSE to analyse the responses to the consultation on the draft ACoP for CDM 1994
- Acted as an expert witness on criminal prosecutions of fatal and major injury accidents resulting from construction activity; these cases have involved charges against clients, designers, planning supervisors, principal contractors and contractors
- Author of around 20 published reports and papers on construction health and safety and CDM – details are available on <http://mpwrandr.co.uk/publications/>

# Introduction

## CDM 2015

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- The Construction (Design and Management) Regulations 2015 (CDM 2015) govern the management of health, safety and welfare when undertaking construction projects in Great Britain
- CDM 2015 replaced CDM 2007 from 6 April 2015
- The key changes are:
  - The CDM 2015 Regulations have a simplified structure
  - Clients' responsibilities have been strengthened and broadened
  - The exemption for Domestic Clients has been removed
  - The role of CDM Coordinator has been removed
  - The new role of Principal Designer has been introduced to plan, manage, monitor and coordinate the pre-construction (design) phase
  - Notification of the project to the Health and Safety Executive (HSE) has been removed as a trigger point for additional duties
  - The threshold for appointing a Principal Designer and Principal Contractor is if more than one Contractor is required on a project
  - The requirement for 'competence' has been removed and replaced with 'skills, knowledge, experience and training' and 'organisational capability'

## This document

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- This is the third document in this series, and provides a clause-by-clause comparison of the Principal Contractor and Contractor duties in CDM 2015 and CDM 2007
- The relevant changes have been highlighted in bold
- Initial comments are provided on the potential implication of the changes between the two versions of the regulations
- The previous two documents comparing Designer and Client duties are available from the following links:
  - <http://mpwrandr.co.uk/designer-duties-cdm-2015-v-cdm-2007/>
  - <http://mpwrandr.co.uk/client-duties-cdm-2015-v-cdm-2007/>
- A brief summary of eight key changes to the CDM 2015 Regulations from CDM 2007 and what those changes mean in practice: <http://mpwrandr.co.uk/cdm-2015-summary-of-changes/>
- If you have any comments, please drop me a line at [mike.webster@mpwrandr.co.uk](mailto:mike.webster@mpwrandr.co.uk)

## Regulation 2 – Definitions

CDM 2015	CDM 2007	Initial Comments
<b>Reg 2 (1)</b> “principal contractor” means the contractor appointed under regulation 5(1)(b) to perform the specified duties in regulations 12 to 14;	<b>Reg 2 (1)</b> “principal contractor” means the person appointed as the principal contractor under regulation 14(2);	<ul style="list-style-type: none"> <li>• Similar</li> </ul>
<b>Reg 2 (1)</b> “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;	<b>Reg 2 (1)</b> “contractor” means any person (including a client, principal contractor or other person referred to in these Regulations) who, in the course or furtherance of a business, carries out or manages construction work;	<ul style="list-style-type: none"> <li>• Similar</li> </ul>

## Regulation 8 – General Duties (1 of 3)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 8 (1)</b> A designer (including a principal designer) or contractor (including a principal contractor) appointed to work on a project <b>must</b> have the <b>skills, knowledge and experience, and, if they are an organisation, the organisational capability</b>, necessary to fulfil the role that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project.</p>	<p><b>Reg 4 (2)</b> Any reference in this regulation to a person being <b>competent shall</b> extend only to his being <b>competent</b> to—                      (a) perform any requirement; and                      (b) avoid contravening any prohibition, imposed on him by or under any of the relevant statutory provisions.</p>	<ul style="list-style-type: none"> <li>• Duty is now must rather than shall – this is the case for all Principal Contractor and Contractor duties</li> <li>• Has split competence into its component parts of skills, knowledge, training and experience for individuals and organisational capability for organisations</li> </ul>
<p><b>Reg 8 (2)</b> A designer or contractor <b>must</b> not accept an appointment to a project unless they fulfil the conditions in paragraph (1).</p>	<p><b>Reg 4 (1)</b> No person on whom these Regulations place a duty <b>shall</b>—                      (b) accept such an appointment or engagement unless he is competent;</p>	<ul style="list-style-type: none"> <li>• Only Contractors and Designers have this duty, not the client</li> </ul>
<p><b>Reg 8 (3)</b> A person who is responsible for appointing a designer or contractor to carry out work on a project <b>must</b> take <b>reasonable steps to satisfy themselves</b> that the designer or contractor fulfils the conditions in paragraph (1).</p>	<p><b>Reg 4 (1)</b> No person on whom these Regulations place a duty <b>shall</b>—                      (a) appoint or engage a CDM co-ordinator, designer, principal contractor or contractor unless he has taken <b>reasonable steps to ensure</b> that the person to be appointed or engaged is <b>competent</b>;</p>	<ul style="list-style-type: none"> <li>• Duty holders now only need to take ‘reasonable steps to satisfy themselves’ rather than ‘reasonable steps to ensure’</li> </ul>

## Regulation 8 – General Duties (2 of 3)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 8 (4)</b> A person with a duty or function under these Regulations <b>must</b> cooperate with any other person working on or in relation to a project, at the same or an adjoining construction site, to the extent necessary to enable any person with a duty or function to fulfil that duty or function.</p>	<p><b>Reg 5 (1)</b> Every person concerned in a project on whom a duty is placed by these Regulations, including paragraph (2), <b>shall</b>—</p> <p>(a) seek the co-operation of any other person concerned in any project involving construction work at the same or an adjoining site so far as is necessary to enable himself to perform any duty or function under these Regulations; and</p> <p>(b) co-operate with any other person concerned in any project involving construction work at the same or an adjoining site so far as is necessary to enable that person to perform any duty or function under these Regulations.</p>	<ul style="list-style-type: none"> <li>• The duty to cooperate has been extended to those who have a ‘function’ under CDM</li> <li>• The duty to ‘seek the co-operation of any other person concerned in any project ...’ has been removed – the duty to cooperate has been extended to ‘any other person’ is covered by ‘function’</li> </ul>
<p><b>Reg 8 (5)</b> A person working on a project under the control of another <b>must</b> report to that person anything they are aware of in relation to the project which is likely to endanger their own health or safety or that of others.</p>	<p><b>Reg 5 (2)</b> Every person concerned in a project who is working under the control of another person <b>shall</b> report to that person anything which he is aware is likely to endanger the health or safety of himself or others.</p>	<ul style="list-style-type: none"> <li>• Similar duty</li> </ul>

## Regulation 8 – General Duties (3 of 3)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 8 (6)</b> Any person who is required by these Regulations to provide information or instruction must ensure the information or instruction is comprehensible and provided as soon as is practicable.</p>		<ul style="list-style-type: none"> <li>• New duty</li> <li>• The duty is ‘practicable’ NOT ‘reasonably practicable’</li> </ul>
<p><b>Reg 8 (7)</b> To the extent that they are applicable to a domestic client, the duties in paragraphs (3), (4) and (6) must be carried out by the person specified in regulation 7(1).</p>		<ul style="list-style-type: none"> <li>• New duty to tie in with requirements for domestic clients</li> <li>• Most of the duties will be carried out by the <b>Contractor, Principal Contractor</b> or Principal Designer and not the Domestic Client</li> </ul>
	<p><b>Reg 6</b> All persons concerned in a project on whom a duty is placed by these Regulations shall <b>co-ordinate their activities</b> with one another in a manner which ensures, so far as is reasonably practicable, the health and safety of persons—</p> <p>(a) carrying out the construction work; and</p> <p>(b) affected by the construction work.</p>	<ul style="list-style-type: none"> <li>• No explicit regulation for all duty holders (including Designers) to co-ordinate their activities in CDM 2015</li> <li>• However, Principal Designer (Reg 11(1) and (5)) and Principal Contractors (Reg 13(1) and (3)) do have duties to coordinate</li> </ul>



## Regulation 5 – Appointment of the principal designer and the principal contractor (1 of 2)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 5</b> (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 <b>must</b> appoint in writing—</p> <p>(a) a designer with control over the pre-construction phase as <b>principal designer</b>; and</p> <p>(b) a contractor as <b>principal contractor</b>.</p> <p>(2) The appointments must be made as soon as is practicable, and, in any event, <b>before the construction phase begins</b>.</p>	<p><b>Reg 14</b> (1) Where a project is <b>notifiable</b>, the client <b>shall</b> appoint a person (“the CDM co-ordinator”) to perform the duties specified in regulations 20 and 21 as soon as is practicable after initial design work or other preparation for construction work has begun.</p> <p>(2) After appointing a CDM co-ordinator under paragraph (1), the client shall appoint a person (“the principal contractor”) to perform the duties specified in regulations 22 to 24 as soon as is practicable <b>after the client knows enough about the project</b> to be able to select a suitable person for such appointment.</p>	<ul style="list-style-type: none"> <li>• Notifiability is no longer a trigger for appointments as a Principal Designer and Principal Contractor are required on ALL projects where there is more than one Contractor working</li> </ul>
	<p><b>Reg 14</b> (3) The client shall ensure that appointments under paragraphs (1) and (2) are changed or renewed as necessary to ensure that there is at all times until the end of the construction phase a CDM co-ordinator and principal contractor.</p>	<ul style="list-style-type: none"> <li>• No equivalent duty in CDM 2015</li> </ul>

## Regulation 5 – Appointment of the principal designer and the principal contractor (2 of 2)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 5</b> (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.</p> <p>(4) If the client fails to appoint a <b>principal contractor</b>, the client must fulfil the duties of the principal contractor in regulations 12 to 14.</p>	<p><b>Reg 14</b> (4) The client shall—</p> <p>(a) be deemed for the purposes of these Regulations, save paragraphs (1) and (2) and regulations 18(1) and 19(1)(a) to have been appointed as the CDM co-ordinator or <b>principal contractor</b>, or both, for any period for which no person (including himself) has been so appointed; and</p> <p>(b) accordingly be subject to the duties imposed by regulations 20 and 21 on a CDM co-ordinator or, as the case may be, the duties imposed by regulations 22 to 24 on a <b>principal contractor</b>, or both sets of duties.</p>	<ul style="list-style-type: none"> <li>• Similar duty whereby if the Client fails to appoint one or both of the duty holders then that Client has to fulfil those duties themselves</li> <li>• Under CDM 2015, the CDM co-ordinator no longer exists for projects commissioned after 6 April 2015</li> </ul>
	<p>(5) Any reference in this regulation to appointment is to appointment in writing.</p>	<ul style="list-style-type: none"> <li>• Incorporated into Reg 5 (1) in CDM 2015</li> </ul>

## Regulation 6 – Notification

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 6 (1)</b> A project is notifiable if the construction work on a construction site is scheduled to—</p> <p>(a) last longer than 30 working days <b>and have more than 20 workers working simultaneously at any point in the project;</b> or</p> <p>(b) exceed 500 person days.</p>	<p><b>Reg 2 (3)</b> For the purposes of these Regulations, a project is notifiable if the construction phase is likely to involve more than—</p> <p>(a) 30 days; or</p> <p>(b) 500 person days, of construction work.</p>	<ul style="list-style-type: none"> <li>• An additional criterion has been added to the criteria for notifiability</li> <li>• This raises the threshold for notification</li> </ul>
<p><b>Reg 6 (2)</b> Where a project is notifiable, the <b>client must give notice in writing to the Executive</b> as soon as is practicable before the construction phase begins.</p> <p>(3) The notice must—</p> <p>(a) contain the particulars specified in Schedule 1;</p> <p>(b) <b>be clearly displayed in the construction site office</b> in a comprehensible form where it can be read by any worker engaged in the construction work; and</p>	<p><b>Reg 21 (1)</b> The <b>CDM co-ordinator shall</b> as soon as is practicable after his appointment <b>ensure that notice is given to the Executive</b> containing such of the particulars specified in Schedule 1 as are available.</p> <p><b>Reg 22 (1)</b></p> <p>(k) ensure that the particulars required to be in the notice given under regulation 21 are displayed in a readable condition in a position where they can be read by any worker engaged in the construction work;</p>	<ul style="list-style-type: none"> <li>• The Client is now required to notify the Executive</li> <li>• Under CDM 2007, the CDM Co-ordinator was required to notify the Executive</li> <li>• Under CDM 2007, it was the Principal Contractor's duty to display the notification in the site office</li> </ul>

## Regulation 7 – Application to domestic clients

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 7</b> (1) Where the client is a domestic client the duties in regulations 4(1) to (7) and 6 must be carried out by—</p> <p>(a) the <b>contractor</b> for a project where there is only <b>one contractor</b>;</p> <p>(b) the <b>principal contractor</b> for a project where there is <b>more than one contractor</b>; or</p> <p>(c) the principal designer where there is a written agreement that the principal designer will fulfil those duties.</p> <p>(2) If a domestic client fails to make the appointments required by regulation 5—</p> <p>(a) the designer in control of the pre-construction phase of the project is the principal designer;</p> <p>(b) the <b>contractor</b> in control of the construction phase of the project is the <b>principal contractor</b>.</p> <p>(3) Regulation 5(3) and (4) does not apply to a domestic client.</p>		<ul style="list-style-type: none"> <li>• New duty to reflect the inclusion of Domestic Clients in CDM 2015</li> <li>• Most of the duties will be carried out by the <b>Contractor, Principal Contractor</b> or Principal Designer and not the Domestic Client</li> </ul>

## Regulation 12 – Construction phase plan and health and safety file (1 of 7)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 12</b> (1) During the pre-construction phase, and before setting up a construction site, the principal contractor <b>must</b> draw up a construction phase plan, <b>or make arrangements for a construction phase plan to be drawn up.</b></p>	<p><b>Reg 23</b> (1) The principal contractor <b>shall</b>—                      (a) before the start of the construction phase, <b>prepare a construction phase plan</b> which is sufficient to ensure that the construction phase is planned, managed and monitored in a way which enables the construction work to be started so far as is reasonably practicable without risk to health or safety, paying adequate regard to the information provided by the designer under regulations 11(6) and 18(2) and the pre-construction information provided under regulation 20(2)(b);</p>	<ul style="list-style-type: none"> <li>Principal Contractors can now ‘make arrangements for a construction phase plan to be drawn up’</li> </ul>

## Regulation 12 – Construction phase plan and health and safety file (2 of 7)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 12 (2)</b> The construction phase plan <b>must</b> set out the health and safety arrangements and site rules taking account, where necessary, of the industrial activities taking place on the construction site and, where applicable, <b>must include specific measures concerning work which falls within one or more of the categories set out in Schedule 3.</b></p>	<p><b>Reg 22 (d)</b> where necessary for health and safety, draw up rules which are appropriate to the construction site and the activities on it (referred to in these Regulations as “site rules”);</p> <p><b>Reg 23 (2)</b> The principal contractor <b>shall</b> take all reasonable steps to ensure that the construction phase plan identifies the risks to health and safety arising from the construction work (including the risks specific to the particular type of construction work concerned) and includes suitable and sufficient measures to address such risks, including any site rules.</p>	<ul style="list-style-type: none"> <li>• Duty now more explicit in relation to addressing the risks associated with work activities involving particular risks</li> <li>• Schedule 3 is shown on Page 14 of this document</li> </ul>
<p><b>Reg 12 (3)</b> The principal designer <b>must assist</b> the principal contractor in preparing the construction phase plan by providing to the principal contractor all information the principal designer holds that is relevant to the construction phase plan including—</p> <p>(a) pre-construction information obtained from the client;</p> <p>(b) any information obtained from designers under regulation 9(3)(b).</p>	<p>Reg 20 (1) The CDM co-ordinator <b>shall—</b></p> <p>(c) <b>liaise</b> with the principal contractor regarding—</p> <p>(ii) the information which the principal contractor needs to prepare the construction phase plan, and</p> <p>(iii) any design development which may affect planning and management of the construction work.</p>	<ul style="list-style-type: none"> <li>• The Principal Designer must now assist the Principal Contractor in preparing the construction phase plan</li> <li>• The duty is more explicit about the information to be provided to the Principal Contractor</li> <li>• In CDM 2007, the CDM Coordinator was only required to ‘liaise with the Principal Contractor’</li> </ul>

## Regulation 12 – Construction phase plan and health and safety file (3 of 7)

CDM 2015	CDM 2007	Initial Comments
<p><b>Regulation 12(2) – Schedule 3: Work involving particular risks</b></p> <ol style="list-style-type: none"> <li>1. Work which puts workers at risk of burial under earthfalls, engulfment in swampland or falling from a height, where the risk is particularly aggravated by the nature of the work or processes used or by the environment at the place of work or site.</li> <li>2. Work which puts workers at risk from chemical or biological substances constituting a particular danger to the health or safety of workers or involving a legal requirement for health monitoring.</li> <li>3. Work with ionizing radiation requiring the designation of controlled or supervised areas under regulation 16 of the Ionising Radiations Regulations 1999(a).</li> <li>4. Work near high voltage power lines.</li> <li>5. Work exposing workers to the risk of drowning.</li> <li>6. Work on wells, underground earthworks and tunnels.</li> <li>7. Work carried out by divers having a system of air supply.</li> <li>8. Work carried out by workers in caissons with a compressed air atmosphere.</li> <li>9. Work involving the use of explosives.</li> <li>10. Work involving the assembly or dismantling of heavy prefabricated components.</li> </ol>		<ul style="list-style-type: none"> <li>• New schedule on what work involves particular risks</li> </ul>

## Regulation 12 – Construction phase plan and health and safety file (4 of 7)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 12 (4)</b> Throughout the project the principal contractor <b>must ensure</b> that the construction phase plan is appropriately reviewed, updated and revised from time to time so that it continues to be sufficient to ensure that construction work is carried out, so far as is reasonably practicable, without risks to health or safety.</p>	<p><b>Reg 23 (1)</b> (b) from time to time and as often as may be appropriate throughout the project update, review, revise and refine the construction phase plan so that it continues to be sufficient to ensure that the construction phase is planned, managed and monitored in a way which enables the construction work to be carried out so far as is reasonably practicable without risk to health or safety; and</p>	<ul style="list-style-type: none"> <li>The duty is now that the Principal Contractor ‘must ensure that the construction phase plan is appropriately reviewed, updated and revised from time to time ...’</li> </ul>
	<p><b>Reg 23 (1)</b> (c) arrange for the construction phase plan to be implemented in a way which will ensure so far as is reasonably practicable the health and safety of all persons carrying out the construction work and all persons who may be affected by the work.</p>	<ul style="list-style-type: none"> <li>No equivalent duty in CDM 2015</li> <li>However in Reg 13(1) the Principal Contractor ‘must plan, manage and monitor the construction phase and coordinate matters relating to health and safety during the construction phase to ensure that, so far as is reasonably practicable, construction work is carried out without risks to health or safety.’</li> </ul>



## Regulation 12 – Construction phase plan and *health and safety file* (5 of 7)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 12 (5)</b> During the pre-construction phase, the principal designer must prepare a health and safety file appropriate to the characteristics of the project which must contain information relating to the project which is likely to be needed during any subsequent project to ensure the health and safety of any person.</p>		<ul style="list-style-type: none"> <li>• On some domestic projects, the Principal Contractor may also undertake the Principal Designer duties</li> <li>• On some commercial projects, the Principal Contractor may not have been appointed at this stage, but the duty may transfer to the Principal Contractor at a later stage (see Reg 12 (8), (9) and (10))</li> </ul>
<p><b>Reg 12 (6)</b> The principal designer must ensure that the health and safety file is appropriately reviewed, updated and revised from time to time to take account of the work and any changes that have occurred.</p>	<p><b>Reg 20 (2)</b> Without prejudice to paragraph (1) the CDM co-ordinator shall— (e) prepare, where none exists, and otherwise review and update a record (“the health and safety file”) containing information relating to the project which is likely to be needed during any subsequent construction work to ensure the health and safety of any person, including the information provided in pursuance of regulations 17(1), 18(2) and 22(1)(j);</p>	<ul style="list-style-type: none"> <li>• On some domestic projects, the Principal Contractor may also undertake the Principal Designer duties</li> <li>• On some commercial projects, the Principal Contractor may not have been appointed at this stage, but the duty may transfer to the Principal Contractor at a later stage (see Reg 12 (8), (9) and (10))</li> <li>• This was the responsibility of the CDM Coordinator under CDM 2007</li> </ul>

## Regulation 12 – Construction phase plan and *health and safety file* (6 of 7)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 12 (7)</b> During the project, the <b>principal contractor must provide the principal designer with any information in the principal contractor's possession relevant to the health and safety file</b>, for inclusion in the health and safety file.</p>	<p><b>Reg 22 (1) (j)</b> <b>identify to each contractor the information</b> relating to the contractor's activity which is likely to be required by the CDM co-ordinator for inclusion in the health and safety file in pursuance of regulation 20(2)(e) and <b>ensure that such information is promptly provided to the CDM co-ordinator;</b></p>	<ul style="list-style-type: none"> <li>• New duty holder that the Principal Contractor has to provide information to</li> <li>• The duty is now that the Principal Contractor 'must provide the principal designer with any information in the principal contractor's possession relevant to the health and safety file ...'</li> </ul>
<p><b>Reg 12 (8)</b> If the principal designer's appointment concludes before the end of the project, the principal designer <b>must pass the health and safety file to the principal contractor.</b></p>		<ul style="list-style-type: none"> <li>• New duty</li> <li>• In case the design is complete and the Principal Designer is not required in the latter stages of a project</li> </ul>
<p><b>Reg 12 (9)</b> Where the health and safety file is passed to the principal contractor under paragraph (8), <b>the principal contractor must ensure that the health and safety file is appropriately reviewed, updated and revised</b> from time to time to take account of the work and any changes that have occurred.</p>		<ul style="list-style-type: none"> <li>• New duty</li> <li>• The Principal Designer's duty to 'must ensure that the health and safety file is appropriately reviewed, updated and revised from time to time' is transferred to the Principal Contractor when the Principal Designer is no longer around</li> </ul>

## Regulation 12 – Construction phase plan and *health and safety file* (7 of 7)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 12 (10)</b> At the end of the project, the <b>principal designer, or where there is no principal designer the principal contractor, must pass</b> the health and safety file to the client.</p>	<p><b>Reg 20 (2)</b> Without prejudice to paragraph (1) the <b>CDM co-ordinator shall—</b> (f) at the end of the construction phase, pass the health and safety file to the client.</p>	<ul style="list-style-type: none"> <li>• New duty</li> <li>• This was the responsibility of the CDM Coordinator under CDM 2007</li> </ul>

## Regulation 13 – Duties of a principal contractor in relation to health and safety at the construction phase (1 of 5)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 13 (1)</b> The principal contractor <b>must</b> plan, manage and monitor the construction phase and coordinate matters relating to health and safety during the construction phase to ensure that, so far as is reasonably practicable, construction work is carried out without risks to health or safety.</p>	<p><b>Reg 22 (1)</b> The principal contractor for a project <b>shall</b>—                      (a) plan, manage and monitor the construction phase in a way which ensures that, so far as is reasonably practicable, it is carried out without risks to health or safety, including facilitating—                      (i) <b>co-operation</b> and co-ordination between persons concerned in the project in pursuance of regulations 5 and 6, and</p>	<ul style="list-style-type: none"> <li>• Similar duty</li> <li>• The duty to cooperate is covered in Reg 8 (4)</li> </ul>
<p><b>Reg 13 (2)</b> In fulfilling the duties in paragraph (1), and in particular when—                      (a) design, technical and organisational aspects are being decided in order to plan the various items or stages of work which are to take place simultaneously or in succession; and                      (b) estimating the period of time required to complete the work or work stages, the principal contractor must take into account the general principles of prevention.</p>	<p><b>Reg 22 (1)</b> The principal contractor for a project <b>shall</b>—                      (a)                      (ii) the application of the general principles of prevention in pursuance of regulation 7</p>	<ul style="list-style-type: none"> <li>• Duty is now explicit on the range of circumstances where the general principles of prevention must be taken into account</li> </ul>

## Regulation 13 – Duties of a principal contractor in relation to health and safety at the construction phase (2 of 5)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 13 (3)</b> The principal contractor <b>must</b>—</p> <p>(a) <b>organise cooperation between contractors</b> (including successive contractors on the same construction site);</p> <p>(b) <b>coordinate implementation by the contractors</b> of applicable legal requirements for health and safety; and</p> <p>(c) <b>ensure that employers and, if necessary for the protection of workers, self-employed persons</b>—</p> <p>(i) apply the general principles of prevention in a consistent manner, and in particular when complying with the provisions of Part 4; and</p> <p>(ii) where required, follow the construction phase plan.</p>	<p><b>Reg 22 (1)</b></p> <p>(e) <b>give reasonable directions</b> to any contractor so far as is necessary to enable the principal contractor to comply with his duties under these Regulations;</p>	<ul style="list-style-type: none"> <li>• Duty has been strengthened from ‘give reasonable directions’ to ‘must organise cooperation, coordinate implementation and ensure that employers and the self-employed ...’</li> <li>• Duty has been extended to self-employed persons as well as Contractors</li> </ul>

## Regulation 13 – Duties of a principal contractor in relation to health and safety at the construction phase (3 of 5)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 13 (4)</b> The principal contractor <b>must ensure</b> that—</p> <p>(a) a suitable site induction is provided;</p> <p>(b) the necessary steps are taken to prevent access by unauthorised persons to the construction site; and</p> <p>(c) facilities that comply with the requirements of Schedule 2 are provided throughout the construction phase.</p>	<p><b>Reg 22 (2)</b></p> <p>The principal contractor <b>shall take all reasonable steps to ensure</b> that every worker carrying out the construction work is provided with—</p> <p>(a) a suitable site induction;</p> <p>(1) (l) <b>take reasonable steps to prevent</b> access by unauthorised persons to the construction site.</p> <p>(1) (c) ensure that welfare facilities sufficient to comply with the requirements of Schedule 2 are provided throughout the construction phase;</p>	<ul style="list-style-type: none"> <li>Duty has changed from 'shall take all reasonable steps to ensure' and take reasonable steps to prevent' to 'must ensure'</li> </ul>
<p><b>Reg 13 (5)</b> The principal contractor must liaise with the principal designer for the duration of the principal designer's appointment and share with the principal designer information relevant to the planning, management and monitoring of the pre-construction phase and the coordination of health and safety matters during the pre-construction phase.</p>	<p><b>Reg 22 (1)</b></p> <p>(b) liaise with the CDM co-ordinator in performing his duties in regulation 20(2)(d) during the construction phase in relation to any design or change to a design;</p>	<ul style="list-style-type: none"> <li>New duty</li> <li>Under CDM 2007, the Principal Contractor's duty only related to 'cooperation between Designers and the Principal Contractor ...'</li> <li>Now the duty involves 'liaising and sharing ... information relevant to the planning, management and monitoring of the pre-construction phase and the coordination of health and safety matters ...'</li> </ul>

## Regulation 13 – Duties of a principal contractor in relation to health and safety at the construction phase (4 of 5)

CDM 2015	CDM 2007	Initial Comments
	<b>Reg 22 (1)</b> (f) ensure that every contractor is informed of the minimum amount of time which will be allowed to him for planning and preparation before he begins construction work;	<ul style="list-style-type: none"> <li>No equivalent duty in CDM 2015</li> </ul>
	<b>Reg 22 (1)</b> (g) where necessary, consult a contractor before finalising such part of the construction phase plan as is relevant to the work to be performed by him;	<ul style="list-style-type: none"> <li>No equivalent duty in CDM 2015</li> </ul>
	<b>Reg 22 (1)</b> (h) ensure that every contractor is given, before he begins construction work and in sufficient time to enable him to prepare properly for that work, access to such part of the construction phase plan as is relevant to the work to be performed by him;	<ul style="list-style-type: none"> <li>No equivalent duty in CDM 2015</li> </ul>

## Regulation 13 – Duties of a principal contractor in relation to health and safety at the construction phase (5 of 5)

CDM 2015	CDM 2007	Initial Comments
	<p><b>Reg 22 (1)</b>                      (i) ensure that every contractor is given, before he begins construction work and in sufficient time to enable him to prepare properly for that work, such further information as he needs—                      (a) S.I. 2006/557, to which there are amendments not relevant to these Regulations.                      (i) to comply punctually with the duty under regulation 13(7), and                      (ii) to carry out the work to be performed by him without risk, so far as is reasonably practicable, to the health and safety of any person;</p>	<ul style="list-style-type: none"> <li>• No equivalent duty in CDM 2015</li> </ul>
	<p><b>Reg 22 (1)</b>                      (j) identify to each contractor the information relating to the contractor's activity which is likely to be required by the CDM co-ordinator for inclusion in the health and safety file in pursuance of regulation 20(2)(e) and ensure that such information is promptly provided to the CDM co-ordinator;</p>	<ul style="list-style-type: none"> <li>• No equivalent duty in CDM 2015</li> </ul>
	<p><b>Reg 22 (2)</b> The principal contractor shall take all reasonable steps to ensure that every worker carrying out the construction work is provided with—                      (b) the information and training referred to in regulation 13(4) by a contractor on whom a duty is placed by that regulation; and                      (c) any further information and training which he needs for the particular work to be carried out without undue risk to health or safety.</p>	<ul style="list-style-type: none"> <li>• No equivalent duty in CDM 2015</li> </ul>



## Regulation 14 – Principal contractor’s duties to consult and engage with workers (1 of 3)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 14</b> The principal contractor <b>must</b>—                      (a) make and maintain arrangements which will enable the principal contractor and workers engaged in construction work to cooperate effectively in developing, promoting and checking the effectiveness of measures to ensure the health, safety and welfare of the workers;</p>	<p><b>Reg 24</b> The principal contractor <b>shall</b>—                      (a) make and maintain arrangements which will enable him and the workers engaged in the construction work to co-operate effectively in promoting and developing measures to ensure the health, safety and welfare of the workers and in checking the effectiveness of such measures;</p>	<ul style="list-style-type: none"> <li>• Similar duty</li> </ul>
<p><b>Reg 14</b>                      (b) consult those workers or their representatives in good time on matters connected with the project which may affect their health, safety or welfare, in so far as they or their representatives have not been similarly consulted by their employer;</p>	<p><b>Reg 24</b>                      (b) consult those workers or their representatives in good time on matters connected with the project which may affect their health, safety or welfare, so far as they or their representatives are not so consulted on those matters by any employer of theirs;</p>	<ul style="list-style-type: none"> <li>• Similar duty</li> </ul>

## Regulation 14 – Principal contractor’s duties to consult and engage with workers (2 of 3)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 14</b>            (c) ensure that those workers or their representatives can inspect and take copies of any information which the principal contractor has, or which these Regulations require to be provided to the principal contractor, which relate to the health, safety or welfare of workers at the site, except any information—            (i) the disclosure of which would be against the interests of national security;            (ii) which the principal contractor could not disclose without contravening a prohibition imposed by or under an enactment;            (iii) relating specifically to an individual, unless that individual has consented to its being disclosed;</p>	<p><b>Reg 24</b>            (c) ensure that such workers or their representatives can inspect and take copies of any information which the principal contractor has, or which these Regulations require to be provided to him, which relates to the planning and management of the project, or which otherwise may affect their health, safety or welfare at the site, except <b>any</b> information—            (i) the disclosure of which would be against the interests of national security,            (ii) which he could not disclose without contravening a prohibition imposed by or under an enactment,            (iii) relating specifically to an individual, unless he has consented to its being disclosed,</p>	<ul style="list-style-type: none"> <li>• Similar duty</li> </ul>

## Regulation 14 – Principal contractor’s duties to consult and engage with workers (3 of 3)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 14</b> (c) (iv) the disclosure of which would, for reasons other than its effect on health, safety or welfare at work, cause substantial injury to the principal contractor’s undertaking or, where the information was supplied to the principal contractor by another person, to the undertaking of that other person; (v) obtained by the principal contractor for the purpose of bringing, prosecuting or defending any legal proceedings.</p>	<p><b>Reg 24</b> (c) (iv) the disclosure of which would, for reasons other than its effect on health, safety or welfare at work, cause substantial injury to his undertaking or, where the information was supplied to him by some other person, to the undertaking of that other person, or (v) obtained by him for the purpose of bringing, prosecuting or defending any legal proceedings.</p>	<ul style="list-style-type: none"> <li>• Similar duty</li> </ul>

## Regulation 15 – Duties of contractors (1 of 7)

CDM 2015	CDM 2007	Initial Comments
<b>Reg 15 (1)</b> A contractor must not carry out construction work in relation to a project unless satisfied that <b>the</b> client is aware of the duties owed by the client under these Regulations.	<b>Reg 13 (1)</b> No contractor shall carry out construction work in relation to a project unless <b>any</b> client for the project is aware of his duties under these Regulations.	<ul style="list-style-type: none"> <li>• Similar duty</li> </ul>
<b>Reg 15 (2)</b> A contractor <b>must</b> plan, manage and monitor construction work carried out either by the contractor or by workers under the contractor's control, to ensure that, so far as is reasonably practicable, it is carried out without risks to health and safety.	<b>Reg 13 (2)</b> Every contractor <b>shall</b> plan, manage and monitor construction work carried out by him or under his control in a way which ensures that, so far as is reasonably practicable, it is carried out without risks to health and safety.	<ul style="list-style-type: none"> <li>• Similar duty</li> </ul>
<b>Reg 15 (3)</b> Where there is <b>more than one contractor working on a project</b> , a contractor must comply with— (a) any directions given by the principal designer or the principal contractor; and (b) the parts of the construction phase plan <b>that are relevant to that contractor's work</b> on the project.	<b>Reg 19</b> (2) Every contractor shall— (c) comply with— (i) any directions of the principal contractor given to him under regulation 22(1)(e), and <b>(ii) any site rules;</b> (3) Every contractor shall— (a) in complying with his duty under regulation 13(2) take all reasonable steps to ensure that the construction work is carried out in accordance with the construction phase plan;	<ul style="list-style-type: none"> <li>• Similar duty for when a Principal Contractor has been appointed</li> <li>• Reg 12(2) requires the site rules to be addressed in the construction phase plan</li> </ul>

## Regulation 15 – Duties of contractors (2 of 7)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 15 (4)</b> If there is only one contractor working on the project, the contractor must take account of the general principles of prevention when—</p> <p>(a) design, technical and organisational aspects are being decided in order to plan the various items or stages of work which are to take place simultaneously or in succession; and</p> <p>(b) estimating the period of time required to complete the work or work stages.</p>		<ul style="list-style-type: none"> <li>• New duty</li> <li>• The Contractor duties are the same as those placed on a Principal Contractor in Reg 13 (2) when there are more than contractor working on a project</li> </ul>
<p><b>Reg 15 (5)</b> If there is only one contractor working on the project, the contractor must draw up a construction phase plan, or make arrangements for a construction phase plan to be drawn up, <b>as soon as is practicable</b> prior to setting up a construction site.</p>		<ul style="list-style-type: none"> <li>• New duty</li> <li>• The Contractor duties are similar to those placed on a Principal Contractor in Reg 12 (1) when there are more than contractor working on a project</li> <li>• The Contractor duty is ‘as soon as is practicable’ whereas the Principal Contractor duty is not qualified</li> <li>• A construction phase plan is now required for ALL projects under CDM 2015</li> </ul>
<p><b>Reg 15 (6)</b> The construction phase plan must fulfil the requirements of regulation 12(2).</p>		<ul style="list-style-type: none"> <li>• New duty</li> <li>• This is a cross-reference to the duties placed on a Principal Contractor in Reg 12 (1) when there is more than contractor working on a project</li> </ul>

## Regulation 15 – Duties of contractors (3 of 7)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 15 (7)</b> A contractor must not employ or appoint a person to work on a construction site unless that person has, or is in the process of obtaining, the <b>necessary skills, knowledge, training and experience</b> to carry out the tasks allocated to that person in a manner that secures the health and safety of any person working on the construction site.</p>	<p><b>Reg 4 (1)</b> No person on whom these Regulations place a duty shall— (a) appoint or engage a CDM co-ordinator, designer, principal contractor or contractor unless he has taken reasonable steps to ensure that the person to be appointed or engaged is <b>competent</b>;</p>	<ul style="list-style-type: none"> <li>• Has split competence into its component parts of skills, knowledge, training and experience for individuals</li> <li>• Is more explicit in what those skills, knowledge, training and experience apply to</li> </ul>
<p><b>Reg 15 (8)</b> A contractor <b>must provide each worker under their control with appropriate supervision, instructions and information</b> so that construction work can be carried out, so far as is reasonably practicable, without risks to health and safety.</p>		<ul style="list-style-type: none"> <li>• New duty to provide supervision, instructions and information</li> <li>• However, the General Principles of Prevention (referenced in CDM 2015 and contained in the Management of Health and Safety at Work Regulations (1999) requires '(l) giving appropriate instructions to employees'</li> </ul>

## Regulation 15 – Duties of contractors (4 of 7)

CDM 2015	CDM 2007	Initial Comments
<p><b>Reg 15 (9)</b> The information provided must include—</p> <p>(a) a suitable site induction, where not already provided by the principal contractor;</p> <p>(b) the procedures to be followed in the event of serious and imminent danger to health and safety;</p> <p>(c) information on risks to health and safety—</p> <p>(i) identified by the risk assessment under regulation 3 of the Management Regulations;</p> <p>or</p> <p>(ii) arising out of the conduct of another contractor’s undertaking and of which the contractor in control of the worker ought reasonably to be aware; and</p> <p><b>(d) any other information necessary</b> to enable the worker to comply with the relevant statutory provisions.</p>	<p><b>Reg 13 (4)</b> Every contractor shall provide every worker carrying out the construction work under his control with any information and training which he needs for the particular work to be carried out safely and without risk to health, including—</p> <p>(a) suitable site induction, where not provided by any principal contractor;</p> <p>(b) information on the risks to their health and safety—</p> <p>(i) identified by his risk assessment under regulation 3 of the Management of Health and Safety at Work Regulations 1999, or</p> <p>(ii) arising out of the conduct by another contractor of his undertaking and of which he is or ought reasonably to be aware;</p> <p>(c) the measures which have been identified by the contractor in consequence of the risk assessment as the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions;</p> <p><b>(d) any site rules;</b></p> <p>(e) the procedures to be followed in the event of serious and imminent danger to such workers; and</p> <p><b>(f) the identity of the persons nominated to implement those procedures.</b></p>	<ul style="list-style-type: none"> <li>• The duty is similar</li> <li>• However, the duty is now less explicit and the onus is put on the Contractor with a catch-all requirement of ‘any other information necessary ...’</li> </ul>

## Regulation 15 – Duties of contractors (5 of 7)

CDM 2015	CDM 2007	Initial Comments
<b>Reg 15 (10)</b> A contractor must not begin work on a construction site unless reasonable steps have been taken to prevent access by unauthorised persons to that site.	<b>Reg 13 (6)</b> No contractor shall begin work on a construction site unless reasonable steps have been taken to prevent access by unauthorised persons to that site.	<ul style="list-style-type: none"> <li>• Similar duty</li> </ul>
<b>Reg 15 (11)</b> A contractor <b>must</b> ensure, so far as is reasonably practicable, that the requirements of Schedule 2 are complied with so far as they affect the contractor or any worker under that contractor's control.	<b>Reg 13 (7)</b> Every contractor <b>shall</b> ensure, so far as is reasonably practicable, that the requirements of Schedule 2 are complied with throughout the construction phase in respect of any person at work who is under his control	<ul style="list-style-type: none"> <li>• Similar duty</li> </ul>
	<b>Reg 13 (3)</b> Every contractor shall ensure that any contractor whom he appoints or engages in his turn in connection with a project is informed of the minimum amount of time which will be allowed to him for planning and preparation before he begins construction work.	<ul style="list-style-type: none"> <li>• No equivalent duty in CDM 2015</li> </ul>



## Regulation 15 – Duties of contractors (6 of 7)

CDM 2015	CDM 2007	Initial Comments
	<p><b>Reg 19 (1)</b> Where a project is notifiable, no contractor shall carry out construction work in relation to the project unless—</p> <p>(a) he has been provided with the names of the CDM co-ordinator and principal contractor;</p> <p>(b) he has been given access to such part of the construction phase plan as is relevant to the work to be performed by him, containing sufficient detail in relation to such work; and</p> <p>(c) notice of the project has been given to the Executive, or as the case may be the Office of Rail Regulation, under regulation 21.</p>	<ul style="list-style-type: none"> <li>• No equivalent duty in CDM 2015</li> </ul>
	<p><b>Reg 19 (2)</b> Every contractor shall—</p> <p>(a) promptly provide the principal contractor with any information (including any relevant part of any risk assessment in his possession or control) which—</p> <p>(i) might affect the health or safety of any person carrying out the construction work or of any person who may be affected by it,</p> <p>(ii) might justify a review of the construction phase plan, or</p> <p>(iii) has been identified for inclusion in the health and safety file in pursuance of regulation 22(1)(j);</p>	<ul style="list-style-type: none"> <li>• No equivalent duty in CDM 2015</li> </ul>

## Regulation 15 – Duties of contractors (7 of 7)

CDM 2015	CDM 2007	Initial Comments
	<p><b>Reg 19</b> (2) (b) promptly identify any contractor whom he appoints or engages in his turn in connection with the project to the principal contractor;</p> <p>(d) promptly provide the principal contractor with the information in relation to any death, injury, condition or dangerous occurrence which the contractor is required to notify or report under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(a).</p>	<ul style="list-style-type: none"> <li>• No equivalent duty in CDM 2015</li> </ul>
	<p><b>Reg 19</b> (3) Every contractor shall—</p> <p>(b) take appropriate action to ensure health and safety where it is not possible to comply with the construction phase plan in any particular case; and</p> <p>(c) notify the principal contractor of any significant finding which requires the construction phase plan to be altered or added to.</p>	<ul style="list-style-type: none"> <li>• No similar duty in CDM 2015</li> </ul>