

BEAMA Position Paper on the Relevance and Application to Product Manufacturers of *The Construction (Design and Management) Regulations 2015 - Statutory Instrument 2015 No. 51*

Background

The Construction (Design and Management) (CDM) Regulations first entered the UK Statutory Instruments in 1994, (S.I. 1994 No. 3140). Since then the Regulations have been revised and replaced by new Regulations in 2007, (S.I. 2007 No. 320).

In 2015, the Regulations were again revised and replaced by new Regulations, (S.I. 2015 No 51).

The HSE have published "*Construction (Design and Management) Regulations 2015. Guidance on Regulations*" (L153) and have produced FAQs and other guidance available via their website (<http://www.hse.gov.uk/construction/cdm/fag/index.htm>)

The Regulations apply to construction projects, with the Client, Principle Contractor and/or Principle Designer responsible for its application.

"These regulations apply to all clients of construction projects, whether or not a person is acting in the course or furtherance of a business (regulation 2(1))."

Principal Designer (appointed by the client)

It is fundamental that the principal designer for a project shall plan, manage and monitor the pre-construction phase in a way which ensures that, so far as is reasonably practicable, it is carried out without risks to health or safety.

Principal Contractor (appointed by the client)

It is fundamental that the principal contractor for a project shall 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.

Manufacturers Responsibilities

In those cases, where the manufacturer is appointed as Principal Designer and/or Principal Contractor, he is required as far as reasonably practicable to avoid foreseeable risks to the health and safety of any person performing installation, commissioning, maintenance, repair, de-commissioning, and dismantling of the said fixed plant. The fixed plant safety requirements relevant to the manufacturer are typically defined within client specifications and National and International Standards. In addition, manufacturers have parallel obligations under the Health & Safety at work act 1974.

Manufacturers also have obligations to provide sufficient information to others, so that they can meet their obligations under CDM Regulations. Information that is common place in Instruction Manuals already fulfils the majority of information transfer needs. Manufacturers will co-operate in the provision of additional information relevant to CDM Regulations when requested to do so.

Conclusions

The obligations of the manufacturer under the 2015 CDM Regulations remain largely unchanged from his obligations under the 2007 CDM Regulations, and will be fulfilled by adherence to the statement of principles given above.