

## The Methodist Property Office - Resourcing Mission

### New Health & Safety Regulations in Construction Work Construction (Design and Management) Regulations 2007 (CDM 2007)

Many managing trustees will already be familiar with health and safety requirements relating to building work, the Construction (Design and Management) Regulations, the CDM Regulations, first introduced in 1994.

The Government has introduced revised regulations, applicable from 6 April 2007, which replace CDM 1994. The regulations come under the overall legislation of the 1974 Health & Safety at Work Act.

Please also see our information sheets on risk assessment.

The Health & Safety Commission have published a useful *Approved Code of Practice* (ACOP) which is essential reading in order to understand the regulations (see references at end).

As always, the regulations need to be consulted for full details, but the main points to be considered are as follows:

- The new regulations are very similar to the 1994 CDM regulations
- The only construction work excluded from these regulations is 'domestic work'; no construction work handled by Methodist managing trustees can be defined as 'domestic work'
- All construction work must have a package of health & safety (H&S) information (for the definition of 'construction work' see ACOP clause 13)
- Construction work even when undertaken by volunteers still comes within the regulations, and managing trustees are responsible for ensuring that all volunteers have sufficient training and competence
- Managing trustees are responsible for checking the competence and

responsibilities of designers and contractors etc

- All construction work lasting more than 30 working days, or involving more than 500 person days, must be notified to the Health & Safety Executive (HSE)
- A CDM Coordinator must be appointed for all notifiable projects

The CDM Coordinator replaces the 1994 CDM regulations 'planning supervisor', and has very similar duties, including:

- Providing the managing trustees with advice relating to H&S risk management
- Ensuring that all designers and contractors are competent
- Coordinating H&S information
- Notifying HSE where applicable
- Preparation of the H&S file

The CDM Coordinator should be appointed as early as possible in the project. Where this person has not been appointed, the managing trustees are legally the CDM Coordinator.

All construction professionals should be familiar with the CDM regulations, and we recommend that you consult a suitable professional for advice whenever you are contemplating a building project. The designer (i.e. architect or surveyor etc) also has considerable duties – see ACOP clause 109 to 145; the Principal Contractor's duties are set out in clause 146 to 192.

The HSE has stressed that one of the main objectives of the revised regulations is that it is important to minimise paperwork and bureaucracy. One of the main complaints about the 1994 CDM regulations was that they produced a 'paperchase', including lengthy H&S documents, which were sometimes of little use.

We appreciate that the new regulations may be considered to impose some additional responsibility on managing trustees, but it is worth bearing in mind that these responsibilities are little different to those already applicable under the 1994 CDM regulations. The main difference is that what was implicit in the old regulations, is now made more explicit, particularly in the requirement to ensure that the professional advisors and building contractors are competent and suitably resourced. For instance, any proposed timescale for building work must be reasonable.

Managing trustees who appoint anyone who they have not assessed to be competent is in breach of the regulations, and we therefore always recommend that a suitable professional is appointed to offer at least some advice, even if a 'full service' is not considered necessary. However, the formal appointment of a 'CDM Coordinator' is only required for projects that have to be notified to the HSE (see above).

If managing trustees do not need to appoint a CDM Coordinator, and also do not appoint a suitable professional (e.g. an architect or surveyor) to advise them as a 'competent person' as defined in the regulations, then the managing trustees themselves become the competent person, which may be inadvisable. In these circumstances, they should discuss the position with their insurance company to ensure they have adequate insurance cover.

Competence: a definition is given in the ACOP appendix 4.

Construction work is very widely defined, and includes repair and redecoration, site investigation and preparation, demolition, and work to services (see APOC clause 13).

*The Workplace (Health, Safety & Welfare) Regulations 1992* are complementary regulations which set out requirements covering, for instance, sanitary provision; eating, drinking, rest and changing facilities; and cleanliness of working spaces during

construction activity (including when volunteers are involved).

## References

*Managing Health & Safety in Construction: Construction (Design & Management) Regulations 2007- Approved Code of Practice (L144)*, HSE Books 2007.

Methodist Property Office Information leaflet T9 – *Property Risk Assessment*.

*Management of Health & Safety at Work - Approved Code of Practice & Guidance*, HSE Books 2007

*The Essentials of Health & Safety at Work*: HSE books (revised edition 2006)

*Health & Safety at Work etc Act, 1974.*

*Management of Health & Safety at Work Act 1999*

*Workplace (Health, Safety & Welfare) Regulations 1992*

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