CDM Regulations 2015 Explained

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Preface

We in the construction industry have lived with the Construction (Design and Management) Regulations – commonly referred to as the CDM Regulations – for over 20 years and, as if to avoid complacency, a new version of the Regulations came into force on 6 April 2015.

The changes in the 2015 Regulations are the result of a hard pruning that has reduced the word count, put more responsibility on the client, changed the arrangements for domestic work and introduced a new role, referred to as the principal designer. This book is therefore entirely different from my earlier books on the 1994 and 2007 Regulations.

The changes ensure that the CDM Regulations remain centre stage for legislation that affects the construction industry. In their third version, it is questionable whether the latest revision to the Regulations represents a triumph of European jurisdiction over UK sovereignty, the lobbying of business interests of those within the construction industry and its clients, or a straightforward response to continue to improve the health and safety record of the construction industry, or all three!

The CDM Regulations represent the latest initiative to improve the health and safety record of the construction industry by influencing the design, management and construction processes. For most readers of this book, it will be important to them to have an authoritative explanation of the Regulations and insight as to how they are likely to affect their own professional and business interests. The Regulations establish principles to improve health and safety management and avoid an easy prescriptive approach, which requires designers and clients to exercise judgement. The onus on designers to avoid hazards or mitigate risks to health and safety should stimulate innovative design solutions. I am in no doubt that the Regulations will continue to be a controversial source of debate and a subject of lobbying, partly encouraged by the Secretary of

State's obligation to carry out a review of the Regulations every 5 years. In the meantime, the 2015 Regulations present many challenges, which I hope will be faced and overcome with the help of this book. The new Regulations also coincide with the digital revolution in the construction industry that makes possible the Building Information Modelling (BIM) initiative. The application of the Regulations will be made easier by BIM, to the benefit of design-driven improvements in health and safety management.

I owe a debt of gratitude to many colleagues and clients, too many to mention, who have ensured that the CDM Regulations have never been far from my work as a construction solicitor. My gratitude to Yvonne, my wife, represents the largest debt because it is she who has lived through the CDM story and this latest chapter with patience and good humour!

About the author

Raymond Joyce BSc, MSc, LLB, CEng, FICE has over 35 years' experience in the construction industry as a chartered civil engineer and a solicitor. He is also an accredited adjudicator and mediator. His first book on the 1994 CDM Regulations established his reputation as an authority on construction health and safety in addition to his reputation for assisting his clients safely through the maze of construction law.

Raymond is a member of the ICE Legal Affairs Panel and Chairman of the Dispute Resolution Panel and has been a member of several British Standards committees and a European Working Group.

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Abbreviations

1994 Regulations	Construction (Design and Management) Regulations 1994
2007 Regulations	Construction (Design and Management) Regulations 2007
2015 Regulations	Construction (Design and Management) Regulations 2015
ACOP	Approved Code of Practice
ALARP	as low as reasonably practicable
BIM	Building Information Modelling
CDM Regulations	Construction (Design and Management) Regulations
Commission	Health and Safety Commission
EU	European Union
Executive	Health and Safety Executive
Framework Directive	Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (89/391/EEC)
Management Regulations	Management of Health and Safety at Work Regulations 1999
HASWA 1974	Health and Safety at Work etc. Act 1974
SFAIRP	so far as is reasonably practicable
SPV	special-purpose vehicle
TMCS D	Temporary or Mobile Construction Sites Directive. The Council Directive of 25 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (92/57/EEC)