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ASUC | Guide to  
CDM 2015 changes for Domestic:  
**UNDERPINNING, STRUCTURAL  
REPAIR AND BASEMENT CONTRACTS**

Construction (Design and Management)  
Regulations 2015



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Underpinning & Subsidence Repair Techniques / Engineered Foundation Solutions / Retro fit Basement Construction

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**CONTENTS**

1.	Introduction .....	3
2.	Main Changes in CDM 2015.....	3
2.1	Principal designer .....	3
2.2	Client.....	3
2.3	Competence .....	3
2.4	Technical Standards.....	3
2.5	Transitional changes.....	3
2.6	Domestic clients .....	4
2.7	Insurance Claims.....	5
2.8	Pre-Construction Information .....	5
2.9	Construction Phase Plan.....	5
2.10	Health and Safety File.....	5
2.11	Notification changes.....	5
3.	References .....	7

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## 1. Introduction

The new Construction (Design and Management) Regulations 2015 (CDM Regs) come into force on 6 April 2015 and apply to all building and construction projects, regardless of the size, duration and nature of the work.

This document on behalf of ASUC and its members seeks to provide clarification around the domestic market which is predominantly where our members operate.

Full guidance on CDM 2015 is available from the links in the appendix at the end of this guidance note. These include HSE and industry guidance, the latter organised and hosted by the CITB.

## 2. Main Changes in CDM 2015

The main changes, outlined in general by the Health & Safety Executive, are as follows:

### 2.1 Principal designer

The replacement of CDM co-ordinator (under CDM 2007) by principal designer.

This means that the responsibility for coordination of the pre-construction phase – which is crucial to the management of any successful construction project – will rest with an existing member of the design team.

*(Note that the pre-construction phase can overlap considerably with the construction phase)*

### 2.2 Client

The new Regulations recognise the influence and importance of the client as the head of the supply chain and as the party best placed to set standards throughout a project

### 2.3 Competence

By splitting 'competence' into its component parts of skills, knowledge, training and experience, and - if they are an organisation - organisational capability, provides clarity for the industry to assess and demonstrate that construction project teams have the right attributes to deliver a healthy and safe project.

### 2.4 Technical Standards

The technical standards set out in Part 4 remain essentially unchanged from CDM 2007 and HSE's targeting and enforcement policy, as a proportionate and modern regulator, also remains unchanged.

### 2.5 Transitional changes

When CDM 2015 comes into force on 6 April 2015, there will be a transitional period that will run for six months from 6 April 2015 to 6 October 2015.

For projects starting before 6 April 2015, where the construction phase has not yet started and the client has **not** yet appointed a CDM co-ordinator, the client **must** appoint a principal designer as soon as it is practicable.

If the CDM co-ordinator has already been appointed, a principal designer **must** be appointed to replace the CDM co-ordinator by 6 October 2015, unless the project comes to an end before then.

In the period it takes to appoint the principal designer, the appointed CDM co-ordinator should comply with the duties contained in Schedule 4 to the new CDM 2015 Regulations. These duties reflect the existing requirements under CDM 2007 for the CDM co-ordinator rather than requiring CDM co-ordinators to act as principal designers, a role for which they may not be equipped.

## **2.6 Domestic clients**

Domestic clients – are people who have construction work carried out on their own home, or the home of a family member. CDM 2015 extends the management parts of the legislation so they apply to projects for domestic clients. This is to ensure that the work is better organised and better controlled, especially where several contractors are on site at the same time. In all cases the arrangements for managing the project must be proportionate to the project size, complexity and level of risk.

Local authorities, housing associations, charities, landlords and other businesses may own domestic properties, but they are not a domestic client for the purposes of CDM 2015. If the work is in connection with a business attached to domestic premises, such as a shop, the client is not a domestic client.

Domestic clients are in scope of CDM 2015, but their duties as a client are normally transferred to the contractor, on a single contractor project or; the principal contractor, on a project involving more than one contractor which is not done as part of a business, whether for profit or not.

However, the domestic client can choose to have a written agreement with the principal designer who will then carry out the client duties.

### **2.6.1 What should a domestic client do?**

A domestic client is NOT required to carry out the duties placed on commercial clients in regulations 4 (client duties for managing projects), 6 (Notification) and 8 (General duties) - where the project involves:

#### **2.6.1.1 Only one contractor:**

The client duties must instead be carried out by the contractor. The contractor must then carry out the client duties as well as the duties they already have as contractor for the project. In practice, this should involve doing little more to manage the work to ensure health and safety;

#### **2.7.2 More than one contractor:**

The client duties must instead be carried out by the principal contractor as well as the duties they already have as principal contractor. If the domestic client has not appointed a principal contractor then the duties of the client will be carried out by the contractor in control of the construction work.

In many situations, domestic clients wishing to extend, refurbish or demolish parts of their own property will, in the first instance, engage an architect or other designer to produce possible designs for them. It is also recognised that construction work does not always follow immediately after design work is completed. If they so wish, a domestic client has the flexibility of agreeing (in writing) with their designer that the designer coordinates and manages the project, rather than this role automatically passing to the principal contractor. Where no such agreement is made, then the principal contractor will automatically take over the project management responsibilities.

### **2.6.2 Working for a domestic client**

The role of designers, principal designers, principal contractors and contractors when working on a project for a domestic client, is normally no different from their role when working for a commercial client. They have the same duties and should carry them out in the same way as they would for a commercial client. However, the effect of regulation 7 is to transfer the client duties to other duty holders when working for domestic clients.

The following documents, available from the CITB, have useful information:

[www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-clients.pdf](http://www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-clients.pdf)

[www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-designers.pdf](http://www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-designers.pdf)

[www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-principal-contractors.pdf](http://www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-principal-contractors.pdf)

[www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-principal-designer.pdf](http://www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-principal-designer.pdf)

### **2.7 Insurance Claims**

The role of insurers and /or their agents in procuring repair contractors and paying them directly for that work on behalf of a householder (the premium payer) makes them a commercial client and therefore the role of a Principal Designer will be required in all circumstances.

### **2.8 Pre-Construction Information**

Information is key to ensuring the permanent works and the temporary works designs are suitable and that a suitable workforce, plant, system of work, sequence and timescale is selected. For all projects the amount and detail of information needed should be assessed by all parties working together. This applies to projects for both commercial and domestic clients.

### **2.9 Construction Phase Plan**

Under CDM 2015 this is a requirement for all construction projects whatever their size or complexity. However the plan needs to be proportionate to the nature of the work and the site.

### **2.10 Health and Safety File**

It is vital that the client is given sufficient information at the end of a construction project to enable them to safely operate, maintain and carry out future building works on the new facility. Under CDM 2015 this information must be provided to commercial and domestic clients on all construction projects that involve more than one contractor.

### **2.11 Notification changes**

A project is notifiable if the construction work on a construction site is scheduled to:

- Last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
- Exceed 500 person days. (Note that 500 person days is easily achieved even with a relatively small workforce – e.g. 5 persons x 100 days)

Where a project is notifiable, the client must give notice in writing to the Health & Safety Executive as soon as is practicable before the construction phase begins.

The notice must:

- contain the particulars specified as under
  1. The date of forwarding the notice.
  2. The address of the construction site or precise description of its location.
  3. The name of the local authority where the construction site is located.
  4. A brief description of the project and the construction work that it entails.
  5. The following contact details of the client: name, address, telephone number and (if available) an email address.
  6. The following contact details of the principal designer: name, address, telephone number and (if available) an email address.
  7. The following contact details of the principal contractor: name, address, telephone number and (if available) an email address.
  8. The date planned for the start of the construction phase.
  9. The time allocated by the client under regulation 4(1) for the construction work.
  10. The planned duration of the construction phase.
  11. The estimated maximum number of people at work on the construction site.
  12. The planned number of contractors on the construction site.
  13. The name and address of any contractor already appointed.
  14. The name and address of any designer already appointed.
  15. A declaration signed by or on behalf of the client that the client is aware of the client duties under these Regulations.
- Be clearly displayed in the construction site office in a comprehensible form where it can be read by any worker engaged in the construction work; and
- If necessary, be periodically updated

The easiest way to notify any project is to use the electronic F10 notification form on HSE's website. Further information on how to notify construction work is on HSE's construction web pages [www.hse.gov.uk/construction](http://www.hse.gov.uk/construction)

### 3. References

A link to the main HSE guidance (below) also contains the full text of the Regulations. The document is free to download.

At time of writing this is still in draft form and the weblink will be updated before the Regulations come into force.

By April 2015 additional summaries, explanation and frequently asked questions/answers will be available on the HSE website.

[www.hse.gov.uk/pubns/priced/draft-l153.pdf](http://www.hse.gov.uk/pubns/priced/draft-l153.pdf)

The CITB has the following useful industry guidance documents

<http://www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-clients.pdf>

<http://www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-contractors.pdf>

[www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-designers.pdf](http://www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-designers.pdf)

[www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-principal-contractors.pdf](http://www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-principal-contractors.pdf)

[www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-principal-designer.pdf](http://www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-principal-designer.pdf)

[www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-workers.pdf](http://www.citb.co.uk/Documents/CDM%20Regs/industry-guidance-workers.pdf)

The HSE has the following documents on:

Running a small construction site: What you need to know as a busy builder

[www.hse.gov.uk/pubns/cis63.pdf](http://www.hse.gov.uk/pubns/cis63.pdf)

Excavations

[www.hse.gov.uk/pubns/cis64.pdf](http://www.hse.gov.uk/pubns/cis64.pdf)

Domestic basement construction projects: What you need to know as a busy builder

[www.hse.gov.uk/pubns/cis66.pdf](http://www.hse.gov.uk/pubns/cis66.pdf)

ASUC Guidelines on both Basement Construction and Underpinning and mini-piling can be downloaded for free from:

[www.asuc.org.uk/specialist\\_underpinning\\_subsidence\\_publications.html](http://www.asuc.org.uk/specialist_underpinning_subsidence_publications.html)

Temporary works guidance is also available from the ASUC website from:

[twforum.org.uk/media/58911/twf2014.02\\_client\\_guide\\_26\\_january\\_2015\\_final.pdf](http://twforum.org.uk/media/58911/twf2014.02_client_guide_26_january_2015_final.pdf)

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