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**2006 No.****HEALTH AND SAFETY****The Construction (Design and Management) Regulations 2006**

<i>Made</i> - - - -	2006
<i>Laid before Parliament</i>	2006
<i>Coming into force</i> - -	2006

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The Secretary of State, in exercise of the powers conferred upon him by sections 15(1), (2), (3)(a) and (c), (5)(a), (6)(a) and (b) and (9), 47(2) and (3) and 82(3)(a) of, and paragraphs 1(1) and (2), (6), (7), 8(1), 9, 10, 11, 12, 14, 15(1), 16, 18(a) and 21 of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(1)</sup> (“the 1974 Act”) and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby make the following Regulations:

## **PART 1**

### **INTRODUCTION**

#### **Citation and commencement**

1. These Regulations may be cited as the Construction (Design and Management) Regulations 2006 and shall come into force on 2006.

#### **Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“business” means a trade, business or other undertaking (whether for profit or not);

“client” means a person who in the course or furtherance of a business—

(a) seeks or accepts the services of another which may be used in the carrying out of a project for him; or

(b) carries out a project himself;

“construction site” includes any place where construction work is being carried out or to which the workers have access, but does not include a workplace within it which is set aside for purposes other than construction work;

“construction phase” means the period of time starting when construction work in any project starts and ending when construction work in that project is completed;

“construction phase plan” means a document recording the health and safety arrangements, site rules and any special measures for the construction work;

“construction work” means the carrying out of any building, civil engineering or engineering construction work and includes —

(a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;

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<sup>(1)</sup> 1974 c.37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c.71).

- (b) the preparation for an intended structure, including site clearance, exploration and investigation (but not site survey) and the clearance or preparation of the site or structure for use or occupation at its conclusion;
- (c) the assembly on site of prefabricated elements to form a structure or the disassembly of prefabricated elements which, immediately before such disassembly, formed a structure;
- (d) the removal of a structure or part of a structure or of any product or waste resulting from demolition or dismantling of a structure or from disassembly of prefabricated elements which, immediately before such disassembly, formed a structure; and
- (e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure,

but does not include the exploration for or extraction of mineral resources or activities preparatory thereto carried out at a place where such exploration or extraction is carried out;

“contractor” means any person (including a client or other person referred to in these Regulations) who, in the course or furtherance of a business, carries out or manages construction work;

“co-ordinator” means the person appointed as a co-ordinator under regulation 8(1);

“design” includes drawing, design details, specification and bill of quantities (including specification of articles or substances) relating to a structure, and calculations prepared for the purpose of a design;

“designer” means any person (including a client, contractor or other person referred to in these Regulations) who, in the course or furtherance of a business,—

(f) prepares or modifies a design; or

(g) arranges for or instructs any person under his control to do so,

relating to a structure or to a product or mechanical or electrical system intended for a particular structure; and a person is deemed to prepare a design where a design is prepared by a person under his control;

“excavation” includes any earthwork, trench, well, shaft, tunnel or underground working;

“the Executive” means the Health and Safety Executive;

“health and safety file”—

(h) means the record referred to in regulation 12(1);

- (i) includes a health and safety file prepared under regulation 14(d) of the Construction (Design and Management) Regulations 1994<sup>(2)</sup>;

“loading bay” means any facility for loading or unloading;

“principal contractor” means the person appointed as the principal contractor under regulation 8(2);

“project” means a project which includes or is intended to include construction work and includes all planning, design, management or other work involved in a project;

“site rules” means rules described in regulation 16(1)(c);

“structure” means—

- (j) any building, steel or reinforced concrete structure, railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipe-line, cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure, or structure designed to preserve or alter any natural feature, fixed plant and any structure similar to the foregoing; or
- (k) any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work;

“traffic route” means a route for pedestrian traffic or vehicles and includes any doorway, gateway, loading bay or ramp;

“vehicle” includes any mobile work equipment;

“work equipment” means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not);

“worker” means an employee or a self-employed person;

“writing” includes writing which is kept in electronic form and which can be printed.

(2) Any reference in these Regulations to a plan, rules, document, report or copy includes a plan, rules, document, report or copy which is kept in a form—

- (a) in which it is capable of being reproduced as a printed copy when required;
- (b) which is secure from loss or unauthorised interference.

(3) For the purposes of these Regulations, a project is notifiable if the construction phase is likely to involve more than—

- (a) 30 days; or
- (b) 500 person days,

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<sup>(2)</sup> S.I. 1994/3140, to which there are amendments not relevant to these Regulations.

of construction work for a client.

**Application**

**3.**—(1) These Regulations shall apply—

(a) in Great Britain; and

(b) outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of article 8(1)(a) of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001<sup>(3)</sup>.

(2) Regulations 8 to 13, 14(1), 16 to 18 and 19(1) and (5) shall apply only where a project is notifiable.

(3) Regulations 11, 16(1)(b), 19(4) and Schedule 2 shall apply only in relation to persons at work who are carrying out construction work.

(4) Regulation 20 and Schedule 3, save paragraph 10(3), shall apply only in relation to a construction site.

**PART 2  
DUTIES**

**Competence**

**4.** (1) No person on whom these Regulations place a duty shall—

(a) appoint or engage a co-ordinator, designer, principal contractor or contractor unless he has taken reasonable steps to ensure that he is competent;

(b) accept such appointment or engagement unless he is competent;

(c) arrange for or instruct a worker to carry out or manage design or construction work unless he is—

(i) competent; or

(ii) under the supervision of a competent person.

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<sup>(3)</sup> S.I. 2001/2127.

**Co-operation**

5.—(1) Every person concerned in a project on whom a duty is placed by these Regulations, including paragraph (2), shall—

- (a) 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 the latter to perform any duty or function under these Regulations; and
- (b) 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 the former to perform any duty or function under these Regulations.

(2) Every person concerned in a project who is working under the control of another person shall report to him anything which he is aware is likely to endanger the health or safety of himself or others.

**Election by clients**

6. If, in relation to a project, one or more clients elect in writing to be treated for the purposes of these Regulations as the only clients, other clients who have agreed in writing to such election shall not be subject to any duty owed by a client under these Regulations after such election and consent, save the duties in regulations 5(1)(a), 10(1) so far as it relates to information in his possession, and 12(1).

**The client's arrangements for managing projects**

7.—(1) The client shall take reasonable steps to ensure that arrangements are made, and maintained throughout the project, for managing it which are suitable to ensure—

- (a) that—
  - (i) the construction work can be carried out; and
  - (ii) any structure to which the construction work relates, and which is designed for use as a place of work, can be used, without risk to health or safety; and
- (b) the welfare of the persons carrying out the construction work.

(2) The arrangements referred to in paragraph (1) shall include—

- (a) the allocation of resources (including time) to—
  - (i) the design of a structure;
  - (ii) planning and preparation for construction work; and
  - (iii) the construction work itself,which are, so far as the client in question can reasonably determine, adequate; and
- (b) arrangements for—
  - (i) review and revision of the arrangements;
  - (ii) review of the suitability and compatibility of designs and for any modification;
  - (iii) ensuring that persons are appointed under regulation 8 or engaged as designers or contractors in a suitable sequence and in good time;
  - (iv) the planning for and monitoring of construction work; and
  - (v) ensuring that the duties in regulations 5 and 16 are performed
  - (vi) communication.

**Appointments by the client**

**8.—**(1) The client shall—

- (a) appoint a person (“the co-ordinator”), before design work, or planning or other preparation for construction work is begun, to perform the functions specified in regulation 13(1); and
- (b) ensure so far as is reasonably practicable that the functions are performed.

(2) The client shall appoint one person (in these Regulations called “the principal contractor”) as soon as is practicable after the client knows enough about the project to be able to select a suitable person for such appointment, to perform the functions specified in regulations 16 to 18.

(3) The client shall ensure that appointments under paragraphs (1) and (2) are changed or renewed as necessary to ensure that there are at all times until the end of the construction phase—

- (a) a co-ordinator; and
- (b) a principal contractor,



filling them.

(4) The client shall—

- (a) be deemed for the purposes of these Regulations, save paragraphs (1) and (2) and regulations 14(1)(b) and 19(1)(b), to have been appointed as the co-ordinator or principal contractor for any period for which no person (including himself) has been so appointed; and
- (b) accordingly be subject to the duty imposed by regulation 13(2) on a co-ordinator or, as the case may be, the duties imposed by regulations 16 to 18 on a principal contractor.

(5) Any reference in this regulation to appointment is to appointment in writing.

**Notification of project by the client**

**9.**—(1) The client shall ensure that notice is given to the Executive—

- (a) before design work or planning or other preparation for construction work is begun, containing such of the particulars specified in Schedule 1 as are available; and
- (b) as soon as is practicable after the appointment of the principal contractor, containing any information not notified under sub-paragraph (a).

(2) Any notice under paragraph (1) shall be signed by or on behalf of the client or, if sent by electronic means, shall otherwise show that he has approved it.

**Client's duty in relation to information**

**10.**—(1) The client shall ensure that the persons specified in regulation 13(1)(f)(i) to (iii) are promptly provided by the co-ordinator with all the information in the client's possession, or prepared by the co-ordinator, or which is reasonably obtainable (or with such of the information as is relevant to the person to whom the co-ordinator provides it), including—

- (a) any such information in a health and safety file;
- (b) any such further information about or affecting the site or the construction work;
- (c) information provided by a designer under regulation 14(5);
- (d) the minimum notice which will be allowed to the principal contractor, and the contractors directly appointed by the client, for planning and preparation for construction work ,

which is relevant to the purposes specified in paragraph (2).

(2) The purposes referred to in paragraph (1) are—

- (a) to secure so far as is reasonably practicable the health, safety of persons engaged in the construction work and the health and safety of persons liable to be affected by the way in which it is carried out;
- (b) without prejudice to sub-paragraph (a), to assist the persons to whom information is provided under this regulation—
  - (i) to perform their duties and functions under these Regulations; and
  - (ii) to determine the adequacy of the resources referred to in regulation 7(2) to be allocated by them.

**The client's duty in relation to the start of construction phase**

11. The client shall ensure that the construction phase does not start unless—

- (a) the principal contractor has prepared a construction phase plan which is sufficient to enable the construction work to start without undue risk to health or safety; and
- (b) the requirements of Schedule 2 are complied with.

**The client's duty in relation to the health and safety file**

12.—(1) The client shall ensure that the co-ordinator is provided with all the health and safety information likely to be needed during any subsequent works for inclusion in a record (“the health and safety file”).

(2) Where a single health and safety file relates to more than one project, site or structure, or where it includes other related information the client shall ensure that the information relating to each site or structure can be easily identified.

(3) The client shall take reasonable steps to ensure that after the construction phase the information in the health and safety file—

- (a) is kept available for inspection by any person who may need it to comply with the relevant statutory provisions; and

- (b) is revised as often as may be appropriate to incorporate any relevant new information, including information specified in regulation 4(9)(c) of the Control of Asbestos at Work Regulations 2002<sup>(4)</sup>.

(4) It shall be sufficient compliance with paragraph (3)(a) by a client who disposes of his entire interest in the site if he delivers the health and safety file to the person who acquires his interest in it and ensures that he is aware of the nature and purpose of the file.

### **Functions of co-ordinators**

**13.**—(1) The functions of a co-ordinator, referred to in regulation 8(1)(a), are to—

- (a) advise and assist the client in undertaking the measures he needs to take to comply with these Regulations (including in determining the adequacy of the resources referred to in regulation 7(2)(a));
- (b) identify and extract the information specified in regulation 10;
- (c) advise on the suitability and compatibility of designs and on any need for modification;
- (d) co-ordinate design work, planning and other preparation;
- (e) liaise with the principal contractor in relation to any design or change to a design requiring a review of the construction phase plan, during the construction phase;
- (f) promptly provide, in a convenient form, to—
  - (i) every person designing the structure;
  - (ii) the principal contractor; and
  - (iii) every contractor who has been or is likely to be appointed by the client,with the information specified in regulation 10 (or such of it as is relevant to him);
- (g) prepare, where none exists, and otherwise review and update the health and safety file;
- (h) at the end of the construction phase, pass the health and safety file to the client.

(2) A co-ordinator shall so far as is reasonably practicable perform any function specified in paragraph (1) for which he is appointed.

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<sup>(4)</sup> S.I. 2002/2675.

**Duties of designers**

**14.**—(1) No designer shall commence work in relation to a project unless—

- (a) the client is aware of his duties under these Regulations;
- (b) a co-ordinator has been appointed for the project; and
- (c) notice of the project has been given to the Executive under regulation 9.

(2) The duties in paragraphs (3) and (4) shall be performed so far as is reasonably practicable, taking due account of other relevant design considerations.

(3) Every designer shall in preparing or modifying a design which may be used in construction work in the United Kingdom avoid risks to the health and safety of any person—

- (a) carrying out construction work;
- (b) cleaning or maintaining the permanent fixtures and fittings of a structure;
- (c) using a structure designed as a place of work; or
- (d) liable to be affected by such construction work.

(4) In discharging the duty in paragraph (3), the designer shall—

- (a) eliminate hazards which may give rise to risks; and
- (b) reduce risks from any remaining hazards,

and in doing so shall give collective measures priority over individual measures.

(5) The designer shall provide with the design sufficient information about aspects of the design of a structure or its construction or maintenance as will adequately assist—

- (a) other designers to comply with their duties under this regulation;
- (b) contractors to comply with their duties under regulation 19.

**Designs prepared or modified outside Great Britain**

**15.** Where a design is prepared or modified outside Great Britain for use in construction work to which these Regulations apply—

- (a) the person who commissions it, if he is established within Great Britain; or
- (b) if that person is not so established, the client,

shall ensure that regulation 14 is complied with.

**Duties of the principal contractor**

**16.**—(1) The principal contractor for a project shall—

- (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;
- (b) ensure that the requirements of Schedule 2 are complied with.
- (c) 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”);
- (d) so far as is reasonably practicable, ensure co-ordination of the work, and co-operation among contractors at work during the construction phase;
- (e) liaise with the co-ordinator in relation to any design development which may affect planning and management of the construction work;
- (f) give reasonable directions to any contractor so far as is necessary to enable the principal contractor to comply with his duties under these Regulations;
- (g) where necessary, consult a contractor before finalising such part of the construction plan as is relevant to the work to be performed by him;
- (h) ensure that every contractor is given, in sufficient time to enable him to prepare properly, access to such part of the construction plan as is relevant to the work to be performed by him, containing sufficient detail in relation to such work;
- (i) ensure that every contractor is given, in sufficient time to enable him to prepare properly, such further information as he needs—
  - (i) to comply punctually with the duty under regulation 19(4); and
  - (ii) to carry out the work to be performed by him safely;

- (j) identify to each contractor the information specified in regulation 10(1) relating to the contractor's activity for inclusion in the health and safety file and ensure that it is provided to the co-ordinator promptly;
  - (k) ensure that the particulars required to be in any notice given under regulation 9 are displayed in a readable condition in a position where they can be read by any worker engaged in the construction work;
  - (l) take reasonable steps to prevent access by unauthorised persons to the construction site.
- (2) The principal contractor shall ensure so far as is reasonably practicable that every worker carrying out the construction work is provided with—
- (a) suitable site induction; and
  - (b) any further information and training which he needs for the particular work to be carried out without undue risk to health or safety.

**The construction phase plan**

17.—The principal contractor shall—

- (a) before the start of the construction phase, prepare a construction phase plan which is sufficient to enable the construction work to start without undue risk to health or safety ;
- (b) as often as may be appropriate review, revise and refine the construction phase plan; and
- (c) in preparing, reviewing, revising and refining such a plan, pay adequate regard to information provided under regulation 13(1)(f) and 14(5).

**Co-operation and consultation with workers**

18. The principal contractor shall—

- (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;

- (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;
- (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 any 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;
  - (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) any information obtained by him for the purpose of bringing, prosecuting or defending any legal proceedings.

**Duties of contractors**

**19.**—(1) No contractor shall carry out construction work in relation to a project unless—

- (a) the client is aware of his duties under these Regulations;
- (b) a co-ordinator has been appointed for the project;
- (c) the contractor has been provided with the name of the principal contractor;
- (d) the contractor 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
- (e) notice of the project has been given to the Executive under regulation 9.

(2) Every contractor shall 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 and in accordance with any construction phase plan.

(3) Every contractor shall provide every worker carrying out the construction work under his control with any information and, in the case of an employee of his, training which he needs for the particular work to be carried out safely, including—

- (a) suitable site induction, where not provided by any principal contractor;
- (b) information on the risks to their health and safety—
  - (i) identified by his assessment under regulation 3 of the Management of Health and Safety at Work Regulations 1999<sup>(5)</sup>; or
  - (ii) arising out of the conduct by another contractor of his undertaking and of which he is or ought reasonably to be aware;
- (c) the measures which have been identified by the contractor in consequence of the 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;
- (d) any site rules;
- (e) the procedures to be followed in the event of serious and imminent danger to such workers; and
- (f) the identity of the persons nominated to implement those procedures.

(4) Every contractor shall ensure, so far as is reasonably practicable, that the requirements of Schedule 2 are complied with in respect of any person at work who is under his control.

(5) Every contractor shall —

- (a) as soon as is reasonably practicable, provide the principal contractor with any information (including any relevant part of any risk assessment in his possession or control) which might affect the health or safety of any person at work carrying out the construction work or of any person who may be affected by it, or which might justify a review of the construction phase plan;

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<sup>(5)</sup> S.I. 1999/3242; amended by S.I. 2003/2457.



- (b) comply with any directions of the principal contractor given to him under regulation 16(1)(f);
- (c) 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<sup>(6)</sup>;
- (d) if a construction phase plan is not complied with, take appropriate action to ensure health and safety; and
- (e) notify any principal contractor of any significant finding which requires a construction phase plan to be altered or added to.

**Health and safety on the site**

**20.**—(1) Every contractor (including any principal contractor) shall comply with the requirements of Schedule 3 insofar as they affect him or any person at work under his control or relate to matters within his control.

(2) Every person (other than a contractor) who controls the way in which any construction work is carried out by a person at work shall comply with the requirements of Schedule 3 insofar as they relate to matters which are within his control.

(3) Paragraph 8 of Schedule 3, which expressly says on whom the duties are imposed, shall have effect, but paragraphs (1) and (2) of this regulation shall not apply to it.

**PART 3  
GENERAL**

**Civil liability**

**21.** Breach of a duty imposed by the preceding provisions of these Regulations, other than those imposed by regulations 11, 16(1)(b) and (1), 19(4) and 20 and Schedules 2 and 3, shall not confer a right of action in any civil proceedings insofar as that duty applies for the protection of a person who is not an employee.

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<sup>(6)</sup> S.I. 1995/3163.

**Transitional provision**

22.—(1) These Regulations shall apply in relation to a project which began before their coming into force, with the following modifications.

(2) Subject to paragraph (3), where the time specified in paragraph (1) or (2) of regulation 8 for the appointment of the co-ordinator, or the principal contractor, occurred before the coming into force of these Regulations, the client shall appoint the co-ordinator or, as the case may be, the principal contractor, as soon as is practicable.

(3) Any planning supervisor or principal contractor appointed under regulation 6 of the Construction (Design and Management) Regulations 1994 (“the 1994 Regulations”) shall, in the absence of an express appointment by the client, be treated for the purposes of paragraph (2) as having been appointed as the co-ordinator, or the principal contractor, respectively.

(4) Where notice has been given under regulation 7 of the 1994 Regulations, the references in regulations 16(1)(k) and 19(1)(e) to notice under regulation 9 shall be construed as being to notice under that regulation.

**Amendment of the Construction (Head Protection) Regulations 1989**

23. For paragraph (1) of regulation 2 of the Construction (Head Protection) Regulations 1989<sup>(7)</sup> there shall be substituted the following paragraph—

“2.—(1) Subject to paragraph (2) of this regulation, these Regulations shall apply to construction work within the meaning of the Construction (Design and Construction) Regulations 2006.”.

**Amendment of the Workplace (Health, Safety and Welfare) Regulations 1992**

24.—(1) In regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992<sup>(8)</sup> (“the Workplace Regulations”), there shall be added to the definition of “workplace”—

“(c) a place, including a place within domestic premises, where construction work is being undertaken”.

(2) For regulation 3(1) of the Workplace Regulations there shall be substituted—

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<sup>(7)</sup> S.I. 1989/2209, to which there are amendments not relevant to these Regulations.

<sup>(8)</sup> S.I. 1992/3004; relevant amending instruments are S.I. 1996/1592, 2002/2174.

**“3(1).**These Regulations apply to every workplace except a workplace—

- (a) which is or is in or on a ship within the meaning assigned to that word by regulation 2(1) of the Docks Regulations 1988;
- (b) which is a construction site within the meaning of the Construction (Design and Management) Regulations 2006, and in which the only activity being undertaken is construction work within the meaning of those Regulations, save that—
  - (i) regulations 6 and 18 apply to such workplace;
  - (ii) regulations 7(1A), 10, 15, 16, 18, 19 and 26(1) apply to such workplace which is indoors”.

**Amendment of the Management of Health and Safety at Work Regulations 1999**

**25.** The Management of Health and Safety at Work Regulations 1999 shall be amended—

- (a) in regulation 4, by inserting “or self-employed person” after “employer”;
- (b) in regulation 5(1), by inserting “self-employed person” after “employer”;
- (c) in regulation 7(5), by substituting “an individual who is an employer and” for “a self-employed employer”.

**Revocation of instruments**

**26.** The instruments specified in column 1 of Schedule 5 are revoked to the extent specified in column 3 of that Schedule.

SCHEDULE 1

Regulation 9

PARTICULARS TO BE NOTIFIED TO THE EXECUTIVE

27. Date of forwarding.

28. Exact address of the construction site.

29. Name and address of the client.

30. Name and address of the co-ordinator.

31. Name and address of the principal contractor.

32. Dated planned for the start of the construction phase.

33. Planned duration of the construction phase.

34. Estimated maximum number of people at work on the construction site.

35. Planned number of contractors on the construction site.

36. Name and address of any contractor already appointed.

37. Name and address of any designer already engaged.

SCHEDULE 2                      Regulation 11, 16(1)(b) and 19(4)  
WELFARE FACILITIES

**Sanitary conveniences**

38. Suitable and sufficient sanitary conveniences shall be provided or made available at readily accessible places. So far as is reasonably practicable, rooms containing sanitary conveniences shall be adequately ventilated and lit.

39. So far as is reasonably practicable, sanitary conveniences and the rooms containing them shall be kept in a clean and orderly condition.

40. Separate rooms containing sanitary conveniences shall be provided for men and women, except where and so far as each convenience is in a separate room the door of which is capable of being secured from the inside.

**Washing facilities**

41. Suitable and sufficient washing facilities, including showers if required by the nature of the work or for health reasons, shall so far as is reasonably practicable be provided or made available at readily accessible places.

42. Washing facilities shall be provided—

- (a) in the immediate vicinity of every sanitary convenience, whether or not provided elsewhere; and
- (b) in the vicinity of any changing rooms required by paragraph 15 whether or not provided elsewhere.

43. Washing facilities shall include—

- (a) a supply of clean hot and cold, or warm, water (which shall be running water so far as is reasonably practicable); and
- (b) soap or other suitable means of cleaning; and
- (c) towels or other suitable means of drying.

44. Rooms containing washing facilities shall be sufficiently ventilated and lit.

**45.**Washing facilities and the rooms containing them shall be kept in a clean and orderly condition.

**46.**Subject to paragraph 10 below, separate washing facilities shall be provided for men and women, except where and so far as they are provided in a room the door of which is capable of being secured from inside and the facilities in each such room are intended to be used by only one person at a time.

**47.**Paragraph 9 above shall not apply to facilities which are provided for washing hands, forearms and face only.

**Drinking water**

**48.** An adequate supply of wholesome drinking water shall be provided or made available at readily accessible and suitable places.

**49.**Every supply of drinking water shall be conspicuously marked by an appropriate sign where necessary for reasons of health and safety.

**50.**Where a supply of drinking water is provided, there shall also be provided a sufficient number of suitable cups or other drinking vessels unless the supply of drinking water is in a jet from which persons can drink easily.

**Changing rooms and lockers**

**51.—**(1) Suitable and sufficient changing rooms shall be provided or made available at readily accessible places if—

- (a) a worker has to wear special clothing for the purposes of his work; and
- (b) he cannot, for reasons of health or propriety, be expected to change elsewhere,

being separate rooms for, or separate use of rooms by, men and women where necessary for reasons of propriety.

(2) Changing rooms shall—

- (a) be provided with seating;
- (b) include, where necessary, facilities to enable a person to dry any such special clothing and his own clothing and personal effects.

(3) Suitable and sufficient facilities shall, where necessary, be provided or made available at readily accessible places to enable persons to lock away—

- (a) any such special clothing which is not taken home;
- (b) their own clothing which is not worn during working hours; and
- (c) their personal effects.

**Facilities for rest**

**52.**—(1) Suitable and sufficient rest rooms or rest areas shall be provided or made available at readily accessible places.

(2) Rest rooms and rest areas shall—

- (a) include suitable arrangements to protect non-smokers from discomfort caused by tobacco smoke;
- (b) be equipped with an adequate number of tables and adequate seating with backs for the number of persons at work likely to use them at any one time.
- (c) where necessary, include suitable facilities for any person at work who is a pregnant woman or nursing mother to rest lying down;
- (d) include suitable arrangements to ensure that meals can be prepared and eaten; and
- (e) include the means for boiling water.

SCHEDULE 3

Regulation 20

REQUIREMENTS FOR HEALTH AND SAFETY ON THE SITE

**Safe places of work**

53.—(1) There shall so far as is reasonably practicable, be suitable and sufficient safe access to and egress from every place of work and to and from every other place provided for the use of any person while at work, which access and egress shall be properly maintained.

(2) Every place of work shall, so far as is reasonably practicable, be made and kept safe for any person at work there.

(3) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that no person uses access or egress, or gains access to any place, which does not comply with the requirements of sub-paragraph (1) or (2) respectively.

(4) Every place of work shall, so far as is reasonably practicable, have sufficient working space and be so arranged that it is suitable for any person who is working or who is likely to work there, taking account of any necessary work equipment present.

**Good order**

54.—(1) Every part of a construction site shall, so far as is reasonably practicable, be kept in good order and every part of a construction site which is used as a place of work shall be kept in a reasonable state of cleanliness.

(2) Where necessary in the interests of health and safety, the perimeter of a construction site shall, so far as is reasonably practicable, be identified by suitable signs and the site shall be so arranged that its extent is readily identifiable.

(3) No timber or other material with projecting nails shall—

(a) be used in any work; or

(b) be allowed to remain in any place,

if the nails may be a source of danger to any person.



**Stability of structures**

**55.**—(1) All practicable steps shall be taken, where necessary to prevent danger to any person, to ensure that any new or existing structure or any part of such structure which may become unstable or in a temporary state of weakness or instability due to the carrying out of construction work does not collapse.

(2) Shutterings, temporary supports and buttresses must be of such design, and so installed and maintained as to withstand any strains and stresses which may be imposed on them.

(3) No part of a structure shall be so loaded as to render it unsafe to any person.

**Demolition or dismantling**

**56.**—(1) The demolition or dismantling of a structure, or part of a structure, shall be planned and carried out in such a manner as to prevent, so far as is practicable, danger.

(2) The arrangements for carrying out such demolition or dismantling shall be recorded in writing.

**Explosives**

**57.**—(1) So far as is reasonably practicable, explosives shall be stored, transported and used safely and securely.

(2) Without prejudice to paragraph (1), an explosive charge shall be used or fired only if suitable and sufficient steps have been taken to ensure that no person is exposed to risk of injury from the explosion or from projected or flying material caused thereby.

**Excavations**

**58.** (1) All practicable steps shall be taken, where necessary to prevent danger to any person, including, where necessary, the provision of supports or battering, to ensure that—

(a) any excavation or part of an excavation does not collapse; and

(b) the material of any excavation is not dislodged.

(2) Suitable and sufficient steps shall be taken to prevent any person, work equipment, or any accumulation of material from falling into any excavation, or any material being dislodged.

(3) Without prejudice to sub-paragraphs (1) and (2), suitable and sufficient steps shall be taken, where necessary, to prevent any part of an excavation or ground adjacent to it from being overloaded by work equipment or material.

(4) An excavation which is supported shall not be used to carry out construction work unless—

(a) the excavation, and any work equipment and materials which affect its safety, have been inspected by a competent person—

(i) at the start of the shift in which the work is to be carried out;

(ii) after any event likely to have affected the strength or stability of the excavation; and

(iii) after any accidental fall or dislodgement of any material; and

(b) the person who carried out the inspection is satisfied that the work can be safely carried out at there.

(5) Where the person who carried out the inspection has under paragraph 8(1)(a) informed the person on whose behalf the inspection was carried out of any matter about which he is not satisfied, work shall not be carried out in the excavation until the matters have been satisfactorily remedied.

### **Cofferdams and caissons**

**59.**—(1) Every cofferdam or caisson shall be—

(a) of suitable design and construction;

(b) appropriately equipped so that workers can gain shelter or escape if water or materials enter it; and

(c) properly maintained.

(2) A cofferdam or caisson shall be used to carry out construction work only if—

(a) the cofferdam or caisson, and any work equipment and materials which affect its safety, have been inspected by a competent person—

(i) at the start of the shift in which the work is to be carried out; and

(ii) after any event likely to have affected the strength or stability of the cofferdam or caisson;

and

(iii) the person who carried out the inspection is satisfied that the work can be safely carried out there.

(3) Where the person who carried out the inspection has under paragraph 8(1)(a) informed the person on whose behalf the inspection was carried out of any matter about which he is not satisfied, work shall not be carried out in the cofferdam or caisson until the matters have been satisfactorily remedied.

**Reports of inspections**

**60.**—(1) The person who carries out an inspection under paragraph 6 or 7 shall, before the end of the shift within which the inspection is completed—

- (a) where he is not satisfied that the construction work can be carried out safely at the place inspected, inform the person for whom the inspection was carried out of any matters about which he is not satisfied; and
- (b) prepare a report which shall include the particulars set out in Schedule 4.

(2) A person who prepares a report under paragraph (1) shall, within 24 hours of completing the inspection to which the report relates, provide the report or a copy of it to the person on whose behalf the inspection was carried out.

(3) Where the person owing a duty under paragraph (1) or (2) is an employee or works under the control of another, his employer or, as the case may be, the person under whose control he works shall ensure that he performs the duty.

(4) The person on whose behalf the inspection was carried out shall—

- (a) keep the report or a copy of it available for inspection by an inspector appointed under section 19 of the 1974 Act—
  - (i) at the site of the place of work in respect of which the inspection was carried out until that work is completed; and
  - (ii) after that, for 3 months; and

send to the inspector such extracts from or copies of it as the inspector may from time to time require.

**Energy distribution installations**

**61.**—(1) Where necessary to prevent danger, energy distribution installations shall be located, checked and clearly indicated.

(2) Where there is a risk from electric power cables—

- (a) they shall be redirected away from the area of risk; or
- (b) the current shall be cut off; or
- (c) if it is not reasonably practicable to comply with paragraph (a) or (b), suitable warning notices and—
  - (i) barriers suitable for excluding work equipment which is not needed; or
  - (ii) where vehicles need to pass beneath the cables, suspended protections; or
  - (iii) in either case, measures providing an equivalent level of safety,

shall be provided or (in the case of measures) taken.

(3) No construction work which is liable to create a risk to health or safety from an underground service, or from damage to or disturbance of it, shall be carried out, unless suitable and sufficient steps (including any steps required by this regulation) have been taken to prevent such risk, so far as is reasonably practicable.

**Prevention of drowning**

**62.**—(1) Where in the course of construction work any person is liable to fall into water or other liquid with a risk of drowning, suitable and sufficient steps shall be taken—

- (a) to prevent, so far as is reasonably practicable, such person from so falling; and
- (b) to minimise the risk of drowning in the event of such a fall; and
- (c) to ensure that suitable rescue equipment is provided, maintained and, when necessary, used so that such person may be promptly rescued in the event of such a fall.

(2) Suitable and sufficient steps shall be taken to ensure the safe transport of any person conveyed by water to or from any place of work.

(3) Any vessel used to convey any person by water to or from a place of work shall not be overcrowded or overloaded.

**Traffic routes**

**63.**—(1) Every construction site shall be organised in such a way that, so far as is reasonably practicable, pedestrians and vehicles can move safely.

(2) Traffic routes shall be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.

(3) A traffic route shall not satisfy sub-paragraph (2) unless suitable and sufficient steps are taken to ensure that—

- (a) pedestrians or vehicles may use it without causing danger to the health or safety of persons near it;
- (b) any door or gate for pedestrians which leads onto a traffic route is sufficiently separated from it to enable them from a place of safety to see any approaching vehicle;
- (c) there is sufficient separation between vehicles and pedestrians to ensure safety or, where this is not reasonably practicable—
  - (i) there are provided other means for the protection of pedestrians; and
  - (ii) there are effective arrangements for warning any person liable to be crushed or trapped by any vehicle of its approach;
- (d) any loading bay has at least one exit point for the exclusive use of pedestrians; and
- (e) where it is unsafe for pedestrians to use a gate intended primarily for vehicles, one or more doors for pedestrians is provided in the immediate vicinity of the gate, is clearly marked and is kept free from obstruction.

(4) Every traffic route shall be—

- (a) indicated by suitable signs where necessary for reasons of health or safety;
- (b) regularly checked; and
- (c) properly maintained.

(5) No vehicle shall be driven on a traffic route unless, so far as is reasonably practicable, that traffic route is free from obstruction and permits sufficient clearance.

**Vehicles**

**64.**—(1) Suitable and sufficient steps shall be taken to prevent or control the unintended movement of any vehicle.

(2) Suitable and sufficient steps shall be taken to ensure that, where any person may be endangered by the movement of any vehicle, the person having effective control of the vehicle shall give warning to any person who is liable to be at risk from the movement of the vehicle.

(3) Any vehicle being used for the purposes of construction work shall when being driven, operated or towed—

- (a) be driven, operated or towed in such a manner as is safe in the circumstances; and
- (b) be loaded in such a way that it can be driven, operated or towed safely.

(4) No person shall ride or be required or permitted to ride on any vehicle being used for the purposes of construction work otherwise than in a safe place thereon provided for that purpose.

(5) No person shall remain or be required or permitted to remain on any vehicle during the loading or unloading of any loose material unless a safe place of work is provided and maintained for such person.

(6) Suitable and sufficient measures shall be taken so as to prevent any vehicle from falling into any excavation or pit, or into water, or overrunning the edge of any embankment or earthwork.

**Prevention of risk from fire etc.**

**65.** Suitable and sufficient steps shall be taken to prevent, so far as is reasonably practicable, the risk of injury to any person during the carrying out of construction work arising from—

- (a) fire or explosion;
- (b) flooding; or
- (c) any substance liable to cause asphyxiation.

**Emergency procedures**

**66.**—(1) Where necessary in the interests of the health and safety of any person on a construction site, there shall be prepared and, where necessary, implemented suitable and sufficient arrangements for dealing with any foreseeable emergency, which arrangements shall include procedures for any necessary evacuation of the site or any part thereof.

(2) In making arrangements under paragraph (1), account shall be taken of—

- (a) the type of work for which the construction site is being used;
- (b) the characteristics and size of the construction site and the number and location of places of work on that site;
- (c) the work equipment being used;
- (d) the number of persons likely to be present on the site at any one time; and
- (e) the physical and chemical properties of any substances or materials on or likely to be on the site.

(3) Where arrangements are prepared pursuant to sub-paragraph (1), suitable and sufficient steps shall be taken to ensure that—

- (a) every person to whom the arrangements extend is familiar with those arrangements; and
- (b) the arrangements are tested by being put into effect at suitable intervals.

**Emergency routes and exits**

**67.**—(1) Where necessary in the interests of health and safety of any person on a construction site, a sufficient number of suitable emergency routes and exits shall be provided to enable any person to reach a place of safety quickly in the event of danger.

(2) An emergency route or exit provided pursuant to sub-paragraph (1) shall lead as directly as possible to an identified safe area.

(3) Any emergency route or exit provided in accordance with paragraph (1), and any traffic route giving access thereto, shall be kept clear and free from obstruction and, where necessary, provided with emergency lighting so that such emergency route or exit may be used at any time.

(4) In making provision under sub-paragraph (1), account shall be taken of the matters in sub-paragraph (2) of paragraph 14.

(5) All emergency routes or exits shall be indicated by suitable signs.

**Fire detection and fire-fighting**

**68.**—(1) There shall be provided on a construction site where necessary in the interests of the health and safety of any person at work on that site suitable and sufficient—

- (a) fire-fighting equipment; and
- (b) fire detectors and alarm systems,

which shall be suitably located.

(2) In making provision under sub-paragraph (1), account shall be taken of the matters in sub-paragraph (2) of paragraph 14.

(3) Any fire-fighting equipment, fire detector or alarm system provided under sub-paragraph (1) shall be examined and tested at suitable intervals and properly maintained.

(4) Any fire-fighting equipment which is not designed to come into use automatically shall be easily accessible.

(5) Every person at work on a construction site shall, so far as is reasonably practicable, be instructed in the correct use of any fire-fighting equipment which it may be necessary for him to use.

(6) Where a work activity may give rise to a particular risk of fire, a person shall not carry out such work unless he is suitably instructed.

(7) Fire-fighting equipment shall be indicated by suitable signs.

**Fresh air**

**69.**—(1) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that every place of work or approach thereto has sufficient fresh or purified air to ensure that the place or approach is safe and without risks to health.

(2) Any plant used for the purpose of complying with sub-paragraph (1) shall, where necessary for reasons of health or safety, include an effective device to give visible or audible warning of any failure of the plant.



**Temperature and weather protection**

**70.**—(1) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that during working hours the temperature at any place indoors is reasonable having regard to the purpose for which that place is used.

(2) Every place of work outdoors shall, where necessary to ensure the health and safety of persons at work there, be so arranged that so far as is reasonably practicable and having regard to the purpose for which that place is used and any protective clothing or work equipment provided for the use of any person at work there, it provides protection from adverse weather.

**Lighting**

**71.**—(1) There shall be suitable and sufficient lighting in respect of every place of work and approach thereto and every traffic route, which lighting shall, so far as is reasonably practicable, be by natural light.

(2) The colour of any artificial lighting provided shall not adversely affect or change the perception of any sign or signal provided for the purposes of health and safety.

(3) Without prejudice to sub-paragraph (1), suitable and sufficient secondary lighting shall be provided in any place where there would be a risk to the health or safety of any person in the event of failure of primary artificial lighting.

**SCHEDULE 4**

Schedule 3, paragraph 8(1)(b)

**PARTICULARS TO BE INCLUDED IN A REPORT OF INSPECTION**

- 72.** Name and address of the person on whose behalf the inspection was carried out.
- 73.** Location of the place of work inspected.
- 74.** Description of the place of work or part of that place inspected (including any work equipment and materials).
- 75.** Date and time of the inspection.
- 76.** Details of any matter identified that could give rise to a risk to the health or safety of any person.
- 77.** Details of any action taken as a result of any matter identified in paragraph 5 above.
- 78.** Details of any further action considered necessary.
- 79.** Name and position of the person making report.

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## SCHEDULE 5

Regulation 26

## REVOCATION OF INSTRUMENTS

<i>(1)</i> <i>Description of instrument</i>	<i>(2)</i> <i>Reference</i>	<i>(3)</i> <i>Extent of revocation</i>
The Construction (General Provisions) Regulations 1961	S.I. 1961/1580	The whole Regulations
The Health and Safety Information for Employees Regulations 1989	S.I. 1989/2923	Regulation 8(3); Part III of the Schedule
The Construction (Design and Management) Regulations 1994	S.I. 1994/3140	The whole Regulations
The Construction (Health, Safety and Welfare) Regulations 1996	S.I. 1996/1592	The whole Regulations
The Management of Health and Safety at Work Regulations 1999	S.I. 1999/3242	In Schedule 2, the entry relating to the Construction (Design and Management) Regulations 1994
The Construction (Design and Management)(Amendment) Regulations 2000	S.I. 2000/2380	The whole Regulations