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HEALTH AND SAFETY COMMISSION

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

Update on the Revision of the Construction (Design and Management) Regulations 1994 and the Construction (Health, Safety and Welfare) Regulations 1996

Summary

This paper provides an update on the revision of the Construction (Design and Management) Regulations 1994 (CDM) and the Construction (Health, Safety and Welfare) Regulations 1996 (CHSW). Members are invited to note the paper and comment on the issues raised.

Issue

1. Progress report on the revision of the CDM and CHSW Regulations.

Timing

2. Ongoing. The original timetable has been revised – see paragraph 7.

Background

3. At the last meeting, Stephen Wright explained that a working group (WG) had been formed to help shape the revised regulations (M3/2003/1). The WG has met monthly since its first meeting in October 2003.

Working Group discussions

4. WG members have considered several issues in relation to the two sets of construction regulations, with the key aim of maintaining the CDM principles but better focusing attention on the management of health and safety – encouraging its integration into project management and discouraging paperwork which does not add value. Issues have included -

- how work currently assigned to the Planning Supervisor should be carried forward and whether, presentationally, this should be merged with the role of the Principal Contractor as aspects of project management. The WG has concluded that they should be kept separate and that the title of Principal Contractor should be retained. They also believe that the successor to the Planning Supervisor needs to be given a title and are looking to that used in the Directive – the Health and Safety Co-ordinator. However, the emphasis should be on the functions which need to be carried out rather than on the titles of the appointees.
- on competence, the WG is considering whether the consultative document should set out competence standards for the various roles and describe initiatives that are underway to simplify competence assessment.
- the extent of any civil liability exemption. The WG accepts that the current broad exemption for civil liability for breach of statutory duty is unlikely to be sustainable and favours removing the exemption for employees, as was done when the Management Regulations were revised to address EU concerns in this respect¹ - rather than completely removing the exemption.
- on the CHSW Regulations (ie those remaining after the proposed Work at Height Regulations are implemented), no substantive changes are planned to standards or wording, although minor changes are likely to improve their clarity.

Revised regulations

5. We hope that copies of the latest draft of revised regulations will be available for the CONIAC meeting in April. These should be suitable for use in wider informal consultation.

¹ <http://www.legislation.hmsso.gov.uk/si/si2003/20032457.htm> — Regulation 6

Communications strategy

6. We need to develop a communications strategy in relation to the launch to maximise the impact of the revised regulations, etc. Members are invited to offer suggestions on such a communications strategy.

Revised timetable

7. To allow for fuller consultation on the developing proposals, it has been decided to allow a further 4 months for revising the regulations and preparing the consultative document. The WG agreed that it was better to 'get it right' than to produce early proposals. Key milestones now include:

July 2004	Full proposals to CONIAC
September 2004	Proposals to HSC
October/November 2004	Formal consultation starts (4 months).

Action

8. Members are invited to note this paper and comment on the issues raised.