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## HEALTH AND SAFETY COMMISSION

### CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

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

#### Issue

- 1 Progress report on the revision of CDM and CHSW Regulations inviting members views about the way forward.

#### Background

- 2 The Working Group (WG) agreed that the latest draft of the regulations addressed the major issues and the objectives set by HSC and CONIAC to improve the management of risk by:
  - simplifying the regulations to improve clarity and ease enforcement;
  - maximising their flexibility to fit with the vast range of contractual arrangements;
  - making their focus planning and management rather, than the plan and other paperwork, to emphasise active management and minimise bureaucracy;
  - strengthening the requirements regarding co-ordination and co-operation, particularly between designers and contractors to encourage more integration; and
  - simplifying the assessment of the competence of organisations.

#### Progress

- 3 Finalising the draft regulations has proved more time consuming than expected. As a result work has only recently begun on redrafting the

Approved Code of Practice. The changes involved are, however, much less than to the Regulations.

### **Presentation**

- 3 Some WG members are concerned about the level of change proposed to the current regulations and feel that this may provoke an unproductive reaction. They believe that the draft's focus should be on fewer key deliverables, but the WG has not identified anything specific which should be dropped.
- 4 The WG have agreed that, to avoid the appearance of excessive change, the draft regulations should adopt the Construction, Design and Management Regulations 200x as the working title and that they should be rewritten to make them look much more like the current CDM regulations. (Maintaining the existing structure and wording as far as possible).
- 5 This approach should minimize the risk of overreaction to detailed changes by the industry. However, it is more difficult to judge whether maintaining the look and feel of CDM will help to drive the desired change in mindset (away from bureaucratic compliance towards active management).

### **Timetable**

- 6 At the last meeting the plan outlined was to present this meeting with a draft CD. It was then intended to present the paper to HSC in September, with consultation starting in October or November. The delays mean that the draft regulations and ACoP are unlikely to be ready for this meeting.
- 7 The options are to:
  - delay the package until the November meeting, delaying formal consultation until about February or March 2005;

- clear the consultation package by correspondence between the meetings. This would involve less of a delay.
- 8 Either approach will involve a further delay, on top of the previous 4 month delay. This may impact on those that already planning consultation events and is likely to stimulate comments from the press.

**Action**

- 9 CONIAC members are invited to:
- Comment on the view formed by the WG that the five objectives set by HSC and CONIAC have been broadly met.
  - Comment on the particular issues raised at paragraphs 3 to 5; and
  - Advise on the way forward, including the timetable and process for clearing the draft consultation package.