
**The Small Business Trade Association
Forum April 2006
Small Client Duties under CDM 2007**

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History of the Revision of Construction (Design and Management) Regulations 1994

- CDM 1994 came into force on 31 March 1995;
- Implemented TMCS Directive;
- Deals with the planning and management of construction projects, rather than practical construction process standards;
- Regulations were embraced by the industry, but early concerns arose about complexity and associated bureaucracy.

History of Revision



- November 2001 revision of CDM ACoP;
- September 2002 Discussion Document '*Revitalising Health and Safety in Construction*';
- *Work began in 2003 on revising CDM 94 and combining with CHSW Regulations 1996;*
- March 2005 HSC published consultation document with draft combined Regulations and draft guidance;
- December 2005 HSC agreed Regulations should be supported by an ACoP and Industry produced Guidance;
- In March, the October 2006 implementation date was moved to Spring 2007;

What are the aims of the revision?



- Simplify the regulations and improve clarity;
- Maximise their flexibility;
- Focus on planning and management, not 'The Plan' and other paperwork;
- Strengthen requirements on co-operation and co-ordination- encourage better integration;
- Simplify competence assessment; reduce bureaucracy and raise standards.



New Duty on Clients

- Makes explicit duties they already had under the Management Regulations 1999;
- Makes them accountable for the impact they have on H&S standards on site;
- Requires them to make sure things are done, not do them themselves;
- Must appoint competent contractors and designers, and provide enough time and resource to allow the project to be delivered safely and without risks to health.
- Co-ordinator is their key adviser for notifiable projects;

Feedback from Consultation

- Welcome increased accountability for Clients;
- Larger Clients were doing this anyway;
- Smaller/ One-off Clients concerned and unclear as to what was expected of them;
- New duty not clearly expressed and went further than policy intent.

Response to Consultation

- Taken on two industry secondees from January to March;
- One looking at revised designer duties and one (Tim Kind) looking at new duty on clients;
- Look again at draft regulation to ensure it reflected the policy intent;
- Begin draft ACoP which should give clear guidance on what is expected of small/one-off clients.

Brief for Tim Kind

- Consult with key Client intermediary bodies (particularly those representing small businesses who may be occasional clients) to better understand the concerns of this group and identify ways in which these could be overcome;
- Crystallise the key messages we need to give to this group prior to and during the launch;
- Identify how best these messages should be delivered and by whom.



Progress to date



- Tim has met with key intermediary bodies and distributed a questionnaire to explore the issues;
- He is currently writing up his report- will be finalised over next week or so;
- Work is underway to redraft the regulation in line with policy intent;
- First draft of ACoP written including section for small clients;
- Convened Industry chaired CONIAC working group to coordinate production of industry guidance (including from CCG targeted at small, one-off clients);
- We will give a full report back at the next SBTAF meeting.