



Health and Safety Executive for Northern Ireland

Proposals for the replacement of the Construction (Design and Management) Regulations (Northern Ireland) 2007

Consultative Document

December 2014

PROPOSALS FOR THE REPLACEMENT OF THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS (NORTHERN IRELAND) 2007

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This Consultative Document is closely based on the Consultative Document *“Consultation on the replacement of the Construction (Design and Management) Regulations 2007”* issued by the Great Britain Health and Safety Executive (HSEGB), whose assistance is gratefully acknowledged.

If you would prefer a printed version, it can be obtained on request. Furthermore, if you require a more accessible format, executive summaries are available in Braille or large print, on disc or audio-cassette, or in Irish, Ulster Scots and other languages of the minority ethnic communities in Northern Ireland. To obtain a summary in one of these formats, please contact Robert Greer at the address shown at paragraph 75.

PROPOSALS FOR THE REPLACEMENT OF CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS (NORTHERN IRELAND) 2007

INTRODUCTION

1. This Consultative Document (CD) seeks views on proposals by the Health and Safety Executive for Northern Ireland (HSENI) to replace the Construction (Design and Management) Regulations (Northern Ireland) 2007 (CDMNI 2007). It is also proposed that the associated GB Approved Code of Practice (ACoP), which is approved for use in Northern Ireland, will be withdrawn and replaced.
2. The policy objectives behind the proposed Construction (Design and Management) Regulations (Northern Ireland) 2015 (CDMNI 2015) are to:
 - maintain or improve worker protection;
 - simplify the regulatory package;
 - improve health and safety standards on small construction sites;
 - implement the Temporary or Mobile Construction Sites Directive (TMCSO) in a proportionate way;
 - discourage bureaucracy; and
 - meet better regulation principles.
3. In developing these proposals HSENI has considered a broad range of evidence. This includes the evaluation of the equivalent GB Construction (Design and Management) Regulations 2007 (CDMGB 2007) through independent research, the views of a cross-industry working group established under the Construction Industry Advisory Committee (CONIAC) in GB and a substantial body of evidence through HSENI's and HSEGB's engagement with the construction industry.
4. There has been continued improvement in the industry's performance on health and safety over the recent years. However, it remains one of the highest risk industry sectors in which to work with unacceptable standards still encountered, particularly on smaller sites.
5. A draft copy of the proposed Regulations is shown at **Annex A**.

BACKGROUND TO THE PROPOSALS

CDMNI 1995

6. CDM was first introduced in NI in 1995 following publication of the 1992 European Directive 92/57/EEC on minimum safety and health standards for temporary or mobile construction sites¹.
7. The Construction (Design and Management) Regulations (Northern Ireland) 1995 (CDMNI 1995) and the Construction (Design and Management)

¹ Directive 92/57/EEC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1992L0057:20070627:EN:PDF>

Regulations 1994 (CDMGB 1994) taken together implemented Directive 92/57/EEC for the UK. The Regulations were a significant change from what had gone before, outlining management arrangements for safety and health on construction projects and placing responsibilities on those who procure and design construction projects as well as those managing sites. The physical safeguards that applied to all construction sites remained, for the time being, in the raft of Factories Act era regulations dating back to the 1960s.

8. The CDM Regulations were considered structurally complex, and many in the industry struggled with their systematic approach and concepts. Concerns developed that they were not delivering what was intended, but instead drove bureaucratic behaviours.
9. In autumn 2002, the Health and Safety Commission in GB (HSE) published a wide ranging Discussion Document 'Revitalising Health and Safety in Construction'². The debate this prompted led to wide discussion in the industry about the fitness for purpose of the CDM Regulations. This started the process of a review of the legislation followed by consultation on revised regulations in NI in 2005. Emerging concerns included:
 - inadequate client focus;
 - complexity of the Regulations and their structure;
 - the failure of the planning supervisor role; and
 - bureaucracy.
10. The review of CDM also provided an opportunity to consider developing a single set of Regulations for construction to include both revised proposals for CDM and also the physical safeguard requirements of the then Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996.

CDMNI 2007

11. A Northern Ireland consultation exercise was conducted in 2005. The aims were to:
 - simplify the Regulations, to make them easier to apply to the diverse range of contractual arrangements;
 - improve co-ordination by creating a 'client advisor' role of the CDM co-ordinator (CDM-c);
 - improve client focus;
 - increase the focus on competence assessment; and
 - bear down on bureaucracy.
12. HSENI worked closely with colleagues in HSE in preparing CDMNI 2007, which came into operation on 9 July 2007. The GB Approved Code of Practice (ACoP) was approved for use with CDMNI 2007.

² Revitalising document: <http://www.hse.gov.uk/consult/disdocs/dde20.pdf>

Evaluation of CDMGB 2007 by the GB Health and Safety Executive

13. The evaluation of CDMGB 2007 was one of the largest post-implementation evaluations undertaken by HSE, reflecting the more than two million workers subject to its requirements. A pilot exercise was undertaken in 2009 to develop a question set and methodology, and the main evaluation started in 2010.
14. The evaluation consisted of three elements. Firstly, an external research project which consisted of a substantial questionnaire, structured interviews, focus groups and open meetings and workshops. Secondly, a formal working group under CONIAC was convened, and thirdly, HSE invited informal submissions from industry stakeholders. Feedback was also received from HSE inspectors.
15. The external research was published in April 2012³ and along with the other elements of the evaluation the broad conclusions were that:
 - CDMGB 2007 was viewed more positively by dutyholders than the 1994 version;
 - its broad structure was fit for purpose;
 - problems generally arose through mis-interpretation and over-interpretation of the Regulations;
 - significant concerns remained, however, in several areas:
 - the Regulations had not borne down on bureaucracy as hoped;
 - the Regulations had led to an industry approach to competence which was heavy-handed and in many cases burdensome, particularly on SMEs;
 - the co-ordination function in the pre-construction phase was not in many cases well-embedded.
16. During the evaluation process the Government announced the Löfstedt Review⁴ whose terms of reference were, among others, to:
 - be evidence based;
 - examine costs and benefits of health and safety regulations;
 - look for provisions which go beyond Directive requirements;
 - look for how legislation might have driven inappropriate litigation and compensation claims.
17. Additionally, in July 2011, health and safety came under the three week 'spotlight' of the Red Tape Challenge⁵. This is a Cabinet Office led initiative seeking comments from the public on all Government regulations. A number of comments were made on the CDM Regulations.

³ RR920 - <http://www.hse.gov.uk/research/rrhtm/rr920.htm>

⁴ Löfstedt Review: <https://www.gov.uk/government/policies/improving-the-health-and-safety-system>

⁵ Red Tape Challenge website: <http://www.redtapechallenge.cabinetoffice.gov.uk/themehome/health-and-safety-spotlight/>

18. The evidence from both the Löfstedt Review and the Red Tape Challenge was used to inform the development of the revised CDM Regulatory package.
19. In addition, HSEGB has taken into account the Government's wider strategy on construction, including the Government's industrial strategy for construction (published July 2013), Construction 2025⁶. The proposed revision will principally support the strategic objectives of improved co-ordination, better value for money, improved efficiency and procurement and use of technological changes, for example, building information modelling (BIM).
20. Given that the GB and NI CDM Regulations at the time of the evaluation were similar, HSENI believes that there is no reason to suppose that the position in Northern Ireland will be any different.

Europe

21. During the process of developing a revised regulatory package, HSENI has liaised closely with HSE to consider the implementation of the Temporary or Mobile Construction Sites Directive (TMCS D) and the UK's policy on implementation of EU Directives. The following two issues in CDMNI 2007 have been identified as requiring re-alignment with the Directive:
 - the client definition – the CDMNI 2007 definition includes 'by way of trade or furtherance of a business' thus excluding 'domestic clients'; and
 - the threshold of appointments (currently contained in Part 3 of CDMNI 2007) - the requirement to appoint the CDM-c is currently set at the same threshold as for project notification. TMCS D requires it whenever there is more than one contractor.
22. The proposed changes to the NI Regulations are required to meet the UK's commitment that EU Directives should be fully implemented.

Small sites

23. Most of the fatalities now occur on small sites – sites where fewer than 15 people work – which is the reverse of the historical picture.
24. The larger, more structured part of the industry has made significant progress in improving its management of health and safety risks over this timeframe. Its motivation for achieving higher standards is often one of continuous improvement and innovation leading to best practice, rather than just meeting regulatory requirements.
25. A more pronounced two-tier industry has arguably emerged and the challenge is to provide an effective regulatory framework which is more applicable to smaller construction sites, and to appear more relevant to their needs. To

⁶ Construction 2025: <https://www.gov.uk/government/publications/construction-2025-strategy>

deliver this, a radical rethink is needed on the length, complexity and accessibility of the package and the value that the current ACoP provides to those who run such sites.

Implications for developing CDM

26. Given the various background considerations, the desire to improve standards in the SME sector and reduce bureaucracy across the industry, a more comprehensive revision of CDM is proposed.

THE PROPOSALS

27. In line with GB, the draft Regulations therefore propose significant changes in the following areas, each of which is then considered in detail:

- significant structural simplification of the Regulations;
- the replacement of the ACoP with targeted guidance;
- replacement of the CDM-c role with a new role, that of the 'principal designer';
- removal of explicit competence requirements and replacing with a specific requirement for appropriate skills, knowledge, training and experience;
- addressing areas of TMCS D relating to domestic clients; and
- the threshold for appointment of co-ordinators.

28. The public consultation exercise will be run in accordance with existing guidelines. Nothing is set in stone and the proposed regulatory package is subject to amendment in the light of outcome of the consultation.

Timetable

29. It is proposed, subject to Ministerial and NI Assembly Committee scrutiny, that the revised Regulations will come into operation in mid - late 2015.

Structural simplification of the Regulations

30. The scope of CDMNI 2007 is broad, covering a large industry across many sub-sectors with a wide range of approaches to delivering projects. The Regulations apply to all construction work from major infrastructure and civil engineering projects to small scale works at domestic premises, e.g. replacing guttering. The definition of construction work in CDMNI 2015 is substantially unchanged from CDMNI 2007, except for clarification that it does not include pre-construction archaeological investigations.

31. HSE NI proposes a substantial simplification of the structure of the Regulations to make them more straightforward, linear and easier to navigate and understand. There will be less duplication – for example the overlap between current Part 2 and Part 3 requirements - and the structure aims to follow the process of a project more logically. This will make the Regulations significantly more accessible and relevant to those involved in small projects.

32. HSENI does not propose significant changes to the current Part 4 and Schedule 3, which set out the specific technical requirements relating to health and safety on construction sites, as these have not proved controversial, have stood the test of time and are not covered by other legislation.

Replacing the ACoP with targeted guidance

33. The primary purpose of an ACoP is to assist dutyholders in relation to the standards expected of them in complying with the law. The CDM ACoP is one of the longest of those supporting health and safety regulations. It attempts to define a system of management arrangements which applies to the entire breadth of the industry from minor refurbishment works to major infrastructure projects. Large parts of the CDM ACoP were originally written as guidance but were eventually published as an ACoP. The reality is that those who would most benefit from the ACoP find it inaccessible and do not read it because it is too long, complex and does not appear relevant to them. Those who have the specialist resources to manage construction health and safety find aspects of it difficult to apply in a proportionate manner and often over-interpret it.
34. One argument put forward for the retention of the ACoP is that the status of ACoPs gives power to health and safety professionals and others in persuading senior managers and Boards that a particular course of action is needed. HSENI's position is that businesses should be focused on what outcomes they want to deliver rather than the status of a document.
35. Another relevant factor is that guidance documents are easier and quicker to revise than ACoPs, in order to keep their contents current.
36. HSE consulted on removal of the CDM ACoP and its replacement with a suite of tailored guidance, with clear guidance on interpretation and material that is particularly aimed at small businesses. This will be in plain English, explaining what is required to be done in order to comply with the law. For example, HSE will provide template health and safety plans for typical, high risk, small projects such as roof replacement, loft conversions or extensions. They propose to work closely with the construction industry in developing this material and also in supporting better-organised parts of the industry to produce their own guidance which meets their own purposes.
37. One of the main messages from the GB consultation was that respondents (most of whom were from the relatively larger section of the industry) liked and valued having an ACoP, especially as they perceived it as having special legal status. To address these concerns HSE proposes to introduce a new, simplified ACoP in 2015, once the industry has had a chance to familiarise itself with the guidance.
38. In Northern Ireland the GB CDM ACoP is approved for use with CDMNI 2007. HSENI proposes to consult on the withdrawal of this approval, the adoption of the suite of tailored GB guidance material and approval of the new simplified

GB ACoP for use in Northern Ireland. Your views on this approach would be appreciated.

Replacing the CDM co-ordinator (CDM-c) role with the principal designer

39. HSENI proposes to remove the CDM-c role. There is a widely held view, supported by evidence, that the current approach is often bureaucratic and adds costs with little added value. As such it is often ineffective. This view has been expressed partly in the evaluation, but has been more clearly voiced in one-to-one discussions with industry stakeholders. Appointments are often made too late, too little resource is made available, and those involved in fulfilling the role are often not well embedded into the pre-construction project team.
40. Pre-construction co-ordination is required by the TMCS D. HSENI therefore aims to replace the role with one called the 'principal designer' (PD). The responsibility for discharging the function will rest with an individual or business in control of the pre-construction phase. It is this element of control and influence over the design which are the fundamental differences between the CDM-c role and the PD role. The default position will be that the responsibility for discharging of the function is within the existing project team, facilitating an integrated approach to risk management. HSENI expects that moving away from a default position where an external contractor is appointed will deliver considerable economies of scale.
41. The PD will be responsible for planning, managing and monitoring the pre-construction phase of a project in the same way that the Principal Contractor (PC) is responsible for planning, managing and monitoring the construction phase. In summary, the PD will be responsible for:
- planning, managing and monitoring the pre-construction phase;
 - ensuring that where reasonably practicable, risks are eliminated or controlled through design work;
 - passing information on to the PC;
 - ensuring co-operation and co-ordination;
 - ensuring designers comply with their duties;
 - assisting the client in preparing the pre-construction information; and
 - preparing the health and safety file.
42. The duties of the PD (and of the PC) make reference to the 'general principles of prevention' contained in Schedule 1 to the Management of Health and Safety at Work Regulations (Northern Ireland) 2000. These general principles of prevention establish a hierarchy of control of risk which are entirely consistent with effective management of risk on construction sites.
43. In short, HSENI wants to realign the way in which the co-ordination function is delivered, and wants it to be seen as an integral business function rather than a separate and in many cases an externalised add-on.

Replacing the explicit requirement for individual competence with new regulation 8 and removing CDM's explicit requirement for corporate competence

44. There is strong evidence to suggest that there is a need to bear down on the excessively bureaucratic response in many parts of the industry to complying with CDMNI 2007. Such approaches waste valuable resources which could be better targeted at achieving improved standards.
45. The CDM evaluation showed real concerns over how the industry has responded to the challenge of assuring corporate competence and a competent workforce. Aside from the evaluation, there is a great deal of industry concern about the balance between costs and benefits in the competence arena. This is true of both individual and corporate competence.
46. Promoting competence within the construction industry remains a key priority for HSENI and developing individual competence is crucial to reducing accidents and ill health. HSENI's vision for competence in the construction industry is one where:
 - competence is seen by employers as a long-term issue, building on the basics of selection, training, management of experience and life-long learning. Supervision is vital, but is not a substitute for competence;
 - small contractors should only have to complete the minimum amount of paperwork possible to demonstrate their health and safety arrangements at the prequalification stage;
 - third party schemes all use the standards for prequalification in health and safety set out in Publicly Available Standard 91 ('PAS91'). Where clients require higher standards this must be explicitly recognised;
 - third party schemes all belong to a common framework of accountability e.g. Safety Schemes In Procurement ('SSIP') Forum;
 - clients do not insist, at the prequalification stage, on a contractor filling in their own in-house questionnaires, where similar paperwork has already been completed for another client or procurement scheme;
 - clients take seriously their responsibility, at the award stage, to ensure that contractors have the capacity in terms of time, resources, managerial and supervisory capability to deliver the project;
 - the site-based workforce is demonstrably qualified through qualifications based on agreed national standards; and
 - PCs do not insist that occasional site visitors, including professionals or ancillary trades require a competence card.
47. The requirements of regulation 4 of CDMNI 2007 and the detailed framework of competence assessment supporting it at Appendix 4 of the ACoP have promoted an industry response which, in general, is costly and bureaucratic. Furthermore, this response has diverted attention from the delivery of competent businesses and workers to the processes involved rather than the outcomes.

48. HSENI considers that regulation 4 should be removed given that competence is most effectively promoted through cultural change and leadership in the industry rather than regulation. The regulation introduced the concepts of 'individual' and 'corporate' competence, the latter being a potentially misleading term. Experience has shown that extending the language of competence to organisations has caused widespread confusion, and that it is not easy to determine whether the legal requirement for competence has been met.
49. Regulation 4 has facilitated the proliferation of commercially-driven third party schemes. Although these assessment schemes aim to comply with the core criteria in Appendix 4 of the ACoP, differences between the assessment requirements and the frequency of re-assessments between different schemes have resulted in the process becoming both bureaucratic and costly to construction organisations – particularly for smaller organisations. Instead, we would wish to see such schemes uniting under the banner of the SSIP Forum.
50. Additionally, regulation 4 has not established the correct balance of responsibilities between the employer, the self-employed, the employee and third party competency card schemes, such as the Construction Skills Register scheme (CSR) and others. It is hoped that work with the various Sector Skills Councils, Awarding Bodies, colleges and nationally-recognised training providers in the industry to promote a greater joint responsibility for agreeing standards of assessment and co-ordinating training and achievement of competence in health and safety can be achieved.
51. HSENI plan to retain a general requirement under the revision of CDM (new regulation 8) for those appointing others to carry out construction work to ensure that they have received appropriate information, instruction, training and supervision to allow them to work safely. This aligns with the general requirements under Articles 4 and 5 of the Health and Safety at Work (Northern Ireland) Order 1978.
52. HSENI believes that the competence of construction industry professionals should be overseen by, and be the responsibility of, the relevant professional bodies and institutions.
53. HSENI acknowledges the presentational difficulties associated with removing regulation 4 of CDMNI 2007 and Appendix 4 of the ACoP, and we remain committed to supporting the industry in ensuring its workers are competent. The proposed removal of the detailed competence requirements is intended to create an environment in which HSENI can work with the industry through non-regulatory approaches to ensure the systems it operates for individual and corporate competence assurance suit the industry's needs.

Clients' duties including domestic clients

54. Clients remain central to the success or otherwise of construction projects. The proposed Regulations seek to maintain a strong focus on clients and

encourage them to take an active role in ensuring that construction work being carried out on their behalf is planned and managed in the right way.

55. CDMNI 2007 defines a client as any person who ‘...in the course or furtherance of a business’ has or seeks to have construction work carried out. This phrase effectively exempts owner occupiers from client duties. TMCS D does not make this distinction. HSENI propose to address this through the redrafting of CDM, but to do so in a way that is proportionate.
56. HSENI therefore proposes to remove the domestic client exemption, but to create the default position whereby duties that would fall on a domestic client instead fall to the contractor (or PC where there is more than one contractor). However, regulation 7 also allows a domestic client the option of appointing a PD to carry out regulations 4, 6 and 8 and contains a fallback position if no appointments are made.
57. HSENI wants to ensure that effective co-ordination of health and safety is carried out on all projects regardless of whether they are carried out for domestic clients. HSENI also expects these requirements to be discharged in a sensible and proportionate manner. For the majority of small, domestic projects this will mean no change to how these projects should currently be managed for health and safety. As part of the proposed guidance we will make this clear, as well as the associated enforcement expectations.

Threshold for appointment of co-ordinators

58. Under CDMNI 2007 the threshold for the Part 3 requirements to apply (appointment of the CDM-c, PC etc.) is the same as the notification threshold – 30 days or 500 person-days. TMCS D requires the appointment of co-ordinators wherever there is more than one contractor.
59. HSENI similarly plans to revise CDM to satisfy this requirement, but in a proportionate way. The aim is to set out clearly as part of the proposed guidance the sensible and proportionate arrangements for co-ordination on smaller projects which fall within the scope of this requirement. HSENI estimates that there would be a large proportion of small projects per year for domestic and non-domestic clients which will require the appointment of co-ordinators. For the vast majority of these projects we would expect little more than is currently carried out for these duties to be discharged appropriately, given the existing requirements for co-operation and co-ordination in regulation 11 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000.
60. HSENI expect that the PD role will be discharged by the person responsible for the design work, which may be a contractor, an architect, an engineer, etc. In practice, little additional work, over and above what is currently expected of a responsible designer will be required by this change. Overall HSENI believe that there should be more effective co-ordination, particularly of smaller and poorly managed projects involving significant health and safety risks.

Notification

61. The requirement for notification of construction projects to HSENI has been brought into line with Directive 92/57/EEC. HSENI proposes a stand-alone duty to notify projects lasting longer than 30 working days and on which more than 20 workers are working simultaneously or exceeding 500 person days. This no longer acts as a threshold triggering additional duties as is the case in CDMNI 2007, avoiding the complexity of the current structure.

What the consultation seeks

62. This consultation therefore seeks views on the following areas:

- structure of the draft Regulations – the proposals adopt a more straightforward structure that follows the progression of a construction project;
- clients' duties including domestic clients – the proposals remove the exemption for domestic clients from client responsibilities. Domestic clients procuring work can assume the appointments to the co-ordination roles will happen automatically;
- co-ordination roles (principal designer and principal contractor) and appointment thresholds – the proposals remove the CDM co-ordinator role. Instead the client appoints (where there is more than one contractor) a principal designer at the pre-construction stage;
- contractors' duties – few changes from CDMNI 2007 but simplified;
- designers' duties – the proposals retain explicit duties on designers since their role is crucial in considering and reducing risks during project design and beyond;
- competence – the concept of competence remains central to the rationale behind the proposed new Regulations, but a general requirement for information, instruction, training and supervision is proposed in place of a separate regulation on competence;
- notification – amended to align with the threshold in the Directive;
- consideration of withdrawal of ACoP approval – proposal that the approval of the GB ACoP be withdrawn, the suite of tailored GB guidance material be adopted and the new simplified GB ACoP be approved for use in Northern Ireland; and
- Impact Assessment – the analysis and considerations set out in the GB Impact Assessment can be applied directly to Northern Ireland on a proportionate basis and with a resultant similar conclusion.

RELATIONSHIP WITH GREAT BRITAIN

63. The proposals set out in this document do not differ in any significant way from proposals for corresponding GB Regulations (see acknowledgement on page 2 of this CD). Such differences as do occur relate only to Northern Ireland legislation and institutions. As the GB and Northern Ireland proposals, taken together, are intended to implement a European Directive, it is essential that the same legal requirements apply throughout the United Kingdom.

64. In finalising its proposals, HSENI will have regard to the outcome of the GB consultation on the proposed Construction (Design and Management) Regulations 2015.

EXPLOSIVES

65. It should be noted that, unlike the proposed corresponding GB Regulations, the proposed NI Regulations do not contain provisions dealing with explosives. The current legislation dealing with this in Northern Ireland is the Construction (Use of Explosives) Regulations 1997 (S.R. 1997 No.555) for which the Department of Justice for Northern Ireland has responsibility.

COSTS AND BENEFITS

66. A copy of the GB Final Impact Assessment for the corresponding GB Regulations can be found at **Annex B**.

67. HSENI is of the opinion that the analysis and considerations as set out in the GB Impact Assessment can be applied directly to Northern Ireland on a proportionate basis and with a resultant similar conclusion.

68. To estimate NI costs an apportionment factor is used of the number of people employed in construction in NI to the number of people employed in construction in GB, i.e. 2,037,000:57,000 or **2.8%**.

69. Applying the apportionment factor the following Northern Ireland costs and benefits are expected;

- a one-off net cost of familiarisation of £476 thousand in the first year;
- savings of £476 thousand a year from more efficient delivery of the co-ordination function;
- savings of £84 thousand a year from the change in threshold for the project notification requirements;
- unqualified but potentially significant savings from the removal of the explicit competence requirements; and
- costs of £252 thousand a year from applying the Regulations to domestic clients of construction work.

70. In total, if the preferred option in the GB Impact Assessment is implemented, there would be average annual net savings to society (including business) of £392 thousand with a 10 year net present value of £3.388 million (also a saving).

71. Comments on these conclusions would be welcome.

EQUALITY IMPACT

72. The proposals have been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified. The proposed changes to the Construction (Design and Management) Regulations (Northern Ireland) 2007 will apply equally to all businesses and there is no evidence to suggest that this will impact disproportionately upon any particular group. A copy of the screening document is at **Annex C**.

HUMAN RIGHTS

73. The Department has considered the matter of Convention rights and is satisfied that there are no matters of concern.

INVITATION TO COMMENT

74. HSENI would welcome your comments on the proposals in this CD. In particular, comment is invited on the assumption relating to costs relevant to Northern Ireland and the conclusion that the proposals would have no adverse effect on any section 75 groups.

75. Comments, in whatever format you choose to use, should be sent to: -

Robert Greer
Health and Safety Executive for Northern Ireland
83 Ladas Drive
Belfast, BT6 9FR
Tel: (028) 90 546 817; Fax: (028) 90 235 383;
Textphone: (028) 90 546 896
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so as to arrive no later than **noon on Monday 23 March 2015**.

76. HSENI tries to make its consultation procedures as thorough and open as possible. Responses to this consultation will be kept at the office of HSENI at the above address after the close of this consultation period, where they can be inspected by members of the public or be copied to them. HSENI can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of information given by you in response to this consultation.

77. The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, HSENI in this case. This right of access to information includes information provided in response to a consultation. HSENI cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made

public or be treated as confidential. If you do not wish information about your identity to be made public, please include an explanation in your response.

78. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

December 2014 Health and Safety Executive for Northern Ireland

 STATUTORY RULES OF NORTHERN IRELAND

2015 No. 000

HEALTH AND SAFETY**Construction (Design and Management) Regulations (Northern Ireland) 2015**

Made - - - - *xth xxxxx 2015*

Coming into operation - *xth xxxxx 2015*

The Department of Enterprise, Trade and Investment(**a**), being the Department concerned(**b**), makes the following Regulations in exercise of the powers conferred by Articles 17(1), (2), (3), (5)(**c**), 43(2) and (3), 54(1) and (2) and 55(2) of, and paragraphs 1(1) and (2), 5, 6, 7(1), 8 to 11, 13, 14(1), 15, 17, 19 and 20 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**d**) (“the 1978 Order”).

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**e**) of the 1978 Order after the Executive has carried out consultations in accordance with Article 46(3)(**f**).

PART 1**INTRODUCTION****Citation and commencement**

1. These Regulations may be cited as the Construction (Design and Management) Regulations (Northern Ireland) 2015 and shall come into operation on xth xxxxx 2015.

Interpretation

2.—(1) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“the 2007 Regulations” means the Construction (Design and Management) Regulations (Northern Ireland) 2007(**g**);

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- (**a**) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services; *see* S.I. 1882/846 (N.I. 11), Article 3
- (**b**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
- (**c**) Article 17 shall be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)
- (**d**) S.I. 1978/1039 (N.I. 9): the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1). Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraph 19
- (**e**) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
- (**f**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
- (**g**) S.R. 2007 No. 291, as amended by S.R. 2012 No. 179

“the Management Regulations” means the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(a);

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

“client” means any person for whom a project is carried out;

“construction phase” means the period of time starting when construction work in a 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 special measures for construction work which, where applicable, includes specific measures concerning work which falls within one or more of the following categories;

- (a) work which puts workers at risk of burial under earthfalls, engulfment in swampland or falling from a height, where the risk is particularly aggravated by the nature of the work or processes used or by the environment at the place of work or site;
- (b) work which puts workers at risk from chemical or biological substances constituting a particular danger to the safety and health of workers involving a legal requirement for health monitoring;
- (c) work with ionizing radiation requiring the designation of controlled or supervised areas as defined in Article 20 of Directive 80/836/Euratom;
- (d) work near high voltage power lines;
- (e) work exposing workers to the risk of drowning;
- (f) work on wells, underground earthworks and tunnels;
- (g) work carried out by divers having a system of air supply;
- (h) work carried out by workers in caissons with a compressed-air atmosphere;
- (i) work involving the use of explosives;
- (j) work involving the assembly or dismantling of heavy prefabricated components;

and for the purposes of this definition “site rules” means rules which are drawn up for a particular construction site and are necessary for health and safety purposes

“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 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;
- (b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation (but not pre-construction archaeological investigations), and the clearance or preparation of the site or structure for use or occupation as its conclusion;
- (c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of the prefabricated elements which, immediately before such disassembly, formed a structure;
- (d) the removal 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 such a structure;

(a) S.R. 2000 No. 388, as amended by S.R. 2001 No. 348, S.R. 2003 No. 454, S.R. 2006 No. 255 and S.R. 2011 No. 350: revoked in part by S.R. 2007 No. 291

- (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 preparatory activities carried out at a place where such exploration or extraction is carried out;

“contractor” means any person who, in the course of furtherance of a business, carries out, manages or controls construction work;

“design” includes drawings, design details, specifications and bills 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—

- (a) prepares or modifies a design; or
- (b) arranges for or instructs any person under their 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 their control;

“domestic client” means a client for whom a project is being carried out which is not in the course or furtherance of a business of that client;

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

“the Executive” means the Health and Safety Executive for Northern Ireland;

“the general principles of prevention” means the general principles of prevention specified in Schedule 1 to the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(a);

“health and safety file” means the record referred to in regulation 9(f);

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

“place of work” means any place which is used by any person at work for the purposes of construction work or for the purposes of any activity arising out of or in connection with construction work;

“pre-construction information” means information in the client’s possession or which is reasonably obtainable, which is relevant to the work and is of an appropriate level of detail and proportionate to the risks involved, including information about—

- (a) the project;
- (b) planning and management of the project;
- (c) health and safety hazards, including design and construction hazards and how they will be addressed; and
- (d) information in any existing health and safety file;

“pre-construction phase” means any period of time during which design or preparatory work is carried out for a project and may continue during the construction phase;

“principal contractor” means the contractor appointed under regulation 6(1)(b) to perform the functions in regulations 12 and 13;

“principal designer” means the designer appointed under regulation 6(1)(a) to perform the functions in regulations 11 and 12;

“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 until the end of the construction phase;

(a) S.R. 2000 No. 388

“site rules” means rules which are drawn up for a particular construction site and are necessary for health and safety purposes;

“structure” means—

- (a) any building, timber, masonry, metal 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 those listed; or
- (b) any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work,

and any reference to a structure includes part of a structure;

“territorial sea” means the territorial sea of the United Kingdom adjacent to Northern Ireland and “within the territorial sea” includes on, over and under it;

“traffic route” means a route for pedestrian traffic or for 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); and

“workplace” means a workplace within the meaning of regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993(a) other than a construction site.

(2) Any reference in these Regulations to a plan, rule, document, report or copy includes a copy, or electronic version which is—

- (a) capable of being retrieved or reproduced when required; and
- (b) secure from loss or unauthorised interference.

Application

3.—(1) Within the territorial sea these Regulations shall apply only to and in relation to the premises and activities to which any of the paragraphs 2 to 9 of Schedule 1 applies.

(2) These Regulations apply to a project except for Part 4, which only applies in relation to a construction site.

PART 2

CLIENT DUTIES

Client duties for managing projects

4.—(1) A client shall make arrangements for managing a project (including the allocation of sufficient time and other resources) that are suitable for persons with a duty under these Regulations to ensure that—

- (a) construction work is carried out so far as is reasonably practicable without risk to the health and safety of any person affected by the project; and

(a) S.R. 1993 No. 37, regulation 2(1) was amended by S.R. 1995 No. 378, regulation 11(2), S.R. 2003 No. 423, regulation 6(a) and (b) and S.R. 2006 No. 205, regulation 42(2) and Schedule 2, Part 2; there are other amendments not relevant to these Regulations

- (b) the requirements of Schedule 3 are complied with in respect of any person carrying out construction work.
- (2) A client shall ensure that these arrangements are maintained and reviewed throughout the project.
- (3) A client shall provide pre-construction information as soon as practicable to every designer and contractor appointed, or being considered for appointment, to the project.
- (4) A client shall ensure that—
 - (a) before the construction phase begins a construction phase plan is drawn up by the contractor if there is only one contractor, or by the principal contractor; and
 - (b) the principal designer prepares a health and safety file for the project, which—
 - (i) complies with the requirements of regulation 12(5);
 - (ii) is revised from time to time as appropriate to incorporate any relevant new information; and
 - (iii) is kept available for inspection by any person who may need it to comply with the relevant legal requirements.
- (5) A client shall take reasonable steps to ensure that—
 - (a) the principal designer complies with the duties in regulations 11 and 12;
 - (b) the principal contractor complies with the duties in regulations 12 and 13.
- (6) If a client disposes of the client's interest in the structure, the client will comply with the duty in paragraph (4)(b)(iii) by providing the health and safety file to the person who acquires the client's interest in it and ensuring that that person is aware of the nature and purpose of the file.
- (7) Where there is more than one client in relation to a project—
 - (a) one or more of the clients may elect in writing to be treated for the purposes of these Regulations as the only client or clients; and
 - (b) only the client or clients agreed in paragraph (a) will be subject to any duty owed by a client under these Regulations except for the duties in regulations 5(2), 5(4)(d) and 8(2), to the extent that those duties relate to information in the client's possession.

Appointment of the principal designer and the principal contractor

- 5.**—(1) Where there is more than one contractor or if it is reasonably foreseeable that more than one contractor will be working on a project at any time, the client shall appoint in writing—
- (a) a designer as principal designer; and
 - (b) a contractor as principal contractor.
- (2) The appointments shall be made as soon as practicable, and in any event, before the construction phase begins.
- (3) If the client fails to appoint a principal designer the client shall fulfil the duties of the principal designer.
- (4) If the client fails to appoint a principal contractor the client shall fulfil the duties of the principal contractor.

Notification

- 6.**—(1) A project is notifiable if the construction work on a construction site is scheduled to—
- (a) last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
 - (b) exceed 500 person days.
- (2) Where a project is notifiable, the client shall give notice to the Executive as soon as is practicable before the construction phase begins.

- (3) The notice shall—
 - (a) contain the particulars specified in Schedule 2; and
 - (b) be clearly displayed on site in a comprehensible form where it can be read by any worker engaged in the construction work and, if necessary, periodically updated.

Application to domestic clients

7.—(1) Where the client is a domestic client the duties in regulations 4, 6 and 8, shall be carried out by—

- (a) the contractor for a project where there is only one contractor;
 - (b) the principal contractor for a project where there is more than one contractor; or
 - (c) the principal designer where there is written agreement that the principal designer will fulfil those duties.
- (2) If a domestic client fails to make appointments required by regulation 5—
- (a) the designer in control of the pre-construction phase of the project is the principal designer.
 - (b) the contractor in control of the construction phase of the project is the principal contractor.
- (3) Regulation 5(3) and (4) does not apply to a domestic client.

PART 3

HEALTH AND SAFETY DUTIES AND ROLES

General duties

8.—(1) A designer or contractor appointed to work on a project shall have the skills, knowledge, training and experience and, if they are an organisation, the organisational capability, necessary to fulfil the role and complete the tasks that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project.

(2) A designer or contractor shall not accept an appointment to a project unless they fulfil the condition in paragraph (1).

(3) A person who is responsible for appointing a designer or contractor to carry out work on a construction project shall take reasonable steps to satisfy themselves that the designer or contractor fulfils the condition in paragraph (1).

(4) A person with a duty or function under these Regulations shall co-operate with any person working on or in relation to a project at the same or an adjoining construction site to the extent necessary to enable the person with a duty or function to fulfil that duty or function.

(5) A person working on a project under the control of another shall report to that person anything they are aware of in relation to the project which is likely to endanger their own health or safety or that of others.

(6) A person who is required to provide information or instruction by these Regulations shall ensure the information is comprehensible and provided as soon as is practicable.

Duties of designers

9.—(1) A designer shall not commence work in relation to a project unless satisfied that the client is aware of the client duties under these Regulations.

(2) When preparing, or modifying a design the designer shall take into account the general principles of prevention and any pre-construction information to eliminate, so far as is reasonably practicable, foreseeable risks to the health and safety of any person—

- (a) carrying out or liable to be affected by construction work;
- (b) maintaining or cleaning a structure; or
- (c) using a structure designed as a workplace.

(3) If it is not possible to eliminate the risks in accordance with paragraph (2), the designer shall so far as is reasonably practicable—

- (a) take steps to reduce and control the risks through the subsequent design process;
- (b) provide information about those risks to the principal designer; and
- (c) ensure appropriate information is included in the health and safety file.

(4) A designer shall take all reasonable steps to provide, with the design, sufficient information about the design, construction or maintenance of the structure, to adequately assist the client, other designers and contractors to comply with their duties under these Regulations.

Designs prepared or modified outside Northern Ireland

10. Where a design is prepared or modified outside Northern Ireland for use in construction work to which these Regulations apply—

- (a) the person who commissions it, if established within Northern Ireland; or
- (b) if that person is not so established, the client for the project,

shall ensure that regulation 9 is complied with.

Duties of a principal designer for health and safety at the pre-construction phase

11.—(1) A principal designer shall plan, manage, monitor and coordinate the pre-construction phase of a project, taking into account the general principles of prevention to ensure that so far as is reasonably practicable, the project is carried out without risks to health or safety.

(2) In fulfilling the duty in paragraph (1) the principal designer shall, so far as is reasonably practicable, identify, eliminate or control foreseeable risks to the health or safety of any person—

- (a) carrying out or liable to be affected by construction work,
- (b) maintaining or cleaning a structure, or
- (c) using a structure designed as a workplace.

(3) In fulfilling the duty to coordinate in paragraph (1) the principal designer shall, in particular, ensure that—

- (a) all persons working on the pre-construction phase cooperate with the client, the principal designer and each other; and
- (b) all designers comply with their duties in regulation 9.

(4) The principal designer shall—

- (a) assist the client in the provision of the pre-construction information required by regulation 4(3); and
- (b) so far as it is within the principal designer's control, provide pre-construction information, promptly and in a convenient form, to every designer and contractor appointed, or being considered for appointment, to the project.

(5) The principal designer shall liaise with the principal contractor for the duration of the principal designer's appointment and share with the principal contractor information relevant to the planning, management, monitoring or coordination of the construction phase.

Duties of the principal designer and principal contractor to cooperate in the preparation of the construction phase plan and health and safety file

12.—(1) During the pre-construction phase, and before setting up a construction site the principal contractor shall draw up a construction phase plan or make arrangements for a construction phase plan to be drawn up.

(2) The principal designer shall cooperate with the principal contractor in the preparation of the construction phase plan and provide to the principal contractor any information the principal designer holds that is relevant for the construction phase plan.

(3) When drawing up the construction phase plan the principal contractor shall take account of the general principles of prevention and relevant information in any health and safety file, in particular when—

- (a) design, technical and organisational aspects are being decided in order to plan the various items or stages of work which are to take place simultaneously or in succession;
- (b) estimating the period of time required to complete the work or work stages.

(4) Throughout the project the principal contractor shall ensure that the construction phase plan is appropriately updated, reviewed and revised from time to time, taking account of the matters in paragraph (3) so that it continues to be sufficient to ensure that construction work is carried out so far as is reasonably practicable without risks to health and safety.

(5) A health and safety file shall be prepared for the project which shall contain information relating to the project which is likely to be needed during any subsequent construction work to ensure the health and safety of any person.

(6) The principal designer shall initiate the file during the pre-construction phase and shall revise it as appropriate from time to time.

(7) During the construction phase, the principal contractor shall provide the principal designer with information for inclusion in the health and safety file.

(8) If the pre-construction phase concludes before the end of the project, the principal designer shall pass the health and safety file to the principal contractor.

(9) Where the health and safety file is passed to the principal contractor in accordance with paragraph (8), the principal contractor shall ensure that the health and safety file is appropriately updated, reviewed and revised from time to time to take account of the work and any changes that have occurred.

(10) At the end of the project, the principal designer, or where there is no principal designer the principal contractor, shall pass the health and safety file to the client.

Duties of the principal contractor

13.—(1) The principal contractor shall plan, manage, monitor and coordinate the construction phase to ensure that so far as is reasonably practicable, construction work is carried out without risks to health or safety;

(2) In fulfilling the duties in paragraph (1) and in particular—

- (a) when decisions are made about the technical and organisational aspects of the project; and
- (b) estimating the period of time required to complete the work or work stages;

the principal contractor shall ensure that the general principles of prevention are taken into account.

(3) The principal contractor shall coordinate implementation of the relevant legal requirements for health and safety to ensure that employers and, if necessary for the protection of workers, self-employed persons—

- (a) apply the general principles of prevention in a consistent manner in particular when complying with the provisions of Part 4;
- (b) where required, follow the construction phase plan;

- (4) The principal contractor shall ensure—
- (a) a suitable site induction is provided;
 - (b) the necessary steps are taken to prevent access by unauthorised persons to the construction site;
 - (c) welfare facilities that comply with the requirements of Schedule 3 are provided throughout the construction phase.
- (5) The principal contractor shall liaise with the principal designer for the duration of the principal designer's appointment and share with the principal designer information relevant to the planning, management, monitoring or coordination of the pre-construction phase.

Principal contractor's duties to consult and engage with workers

14. The principal contractor shall—

- (a) make and maintain arrangements which will enable the principal contractor and workers engaged in 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 the 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 have not been similarly consulted by their employer;
- (c) ensure that 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 the principal contractor, 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 the principal contractor could not disclose without contravening a prohibition imposed by or under an enactment;
 - (iii) relating specifically to an individual, unless that individual 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 the principal contractor's undertaking or, where the information was supplied to the principal contractor by some other person, to the undertaking of that person; and
 - (v) obtained by the principal contractor for the purpose of bringing, prosecuting or defending any legal proceedings.

Duties of contractors

15.—(1) A contractor shall not carry out construction work in relation to a project unless satisfied that the client is aware of the client duties under these Regulations.

(2) A contractor shall plan, manage and monitor the way in which construction work is carried out either by the contractor or by workers under the contractor's control in a way which ensures that, so far as is reasonably practicable, it is carried out without risks to health and safety.

(3) Where there is more than one contractor working on a project, a contractor shall comply with—

- (a) any directions given by the principal designer or the principal contractor; and
- (b) the parts of the construction phase plan that are relevant to that contractor's work on the project.

(4) If there is no principal contractor, a contractor shall ensure that a construction phase plan is drawn up, or that arrangements are made for it to be drawn up as soon as practicable prior to setting up a construction site.

(5) When drawing up the construction phase plan the contractor shall take account of the general principles of prevention when—

- (a) design, technical and organisational aspects are being decided in order to plan the various items or stages of work which are to take place simultaneously or in succession;
- (b) estimating the period of time required to complete the work or work stages.

(6) No contractor may employ or appoint a person to work on a construction site unless that person has, or is in the process of obtaining, the necessary skills, knowledge, training and experience to carry out the tasks allocated to them in a manner that secures the health and safety of any person working on the construction site.

(7) A contractor shall provide each worker under their control with appropriate supervision, instructions and information so that construction work can be carried out without risks to health and safety.

(8) The information provided shall include—

- (a) a suitable site induction, where not already provided by the principal contractor;
- (b) the procedures to be followed in the event of serious and imminent danger to health and safety;
- (c) information on risks to the health and safety—
 - (i) identified by the assessment under regulation 3 of the Management Regulations; or
 - (ii) arising out of the conduct of another contractor's undertaking and of which the contractor in control of the worker ought reasonably to be aware; and
- (d) any other information necessary to enable the worker to comply with the relevant statutory provisions.

(9) A contractor shall not begin work on a construction site unless reasonable steps have been taken to prevent access by unauthorised persons to that site.

(10) Each contractor shall ensure, so far as is reasonably practicable, that the requirements of Schedule 3 are complied with so far as they affect the contractor or any worker under that contractor's control.

PART 4

GENERAL REQUIREMENTS FOR ALL CONSTRUCTION SITES

Application of Regulations 16 - 34

16.—(1) A contractor carrying out construction work shall comply with the requirements of regulations 16 to 34, so far as they affect the contractor or any worker under the control of that contractor or relate to matters within the contractor's control.

(2) A domestic client who controls the way in which any construction work is carried out by a person at work shall comply with the requirements of regulations 16 to 34, so far as they relate to matters within the client's control.

(3) Each worker shall report to the person in control of that worker, any defect which the worker is aware may endanger their own health and safety or health and safety of another.

(4) Paragraphs (1) and (2) do not apply to regulation 23.

Safe places of construction work

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

(2) Each place of construction work shall, so far as is reasonably practicable, be made and kept safe for and without risks to the health of any person at work there.

(3) 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 of construction work which does not comply with the requirements of paragraph (1) or (2).

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

Good order and site security

18.—(1) Each part of a construction site shall, so far as is reasonably practicable, be kept in good order and those parts which are used as a place of construction work shall be kept in a reasonable state of cleanliness.

(2) Where necessary in the interests of health and safety, a construction site shall, so far as is reasonably practicable, and in accordance with the level of risk posed—

- (a) have its perimeter identified by suitable signs and be arranged so that its extent is readily identifiable; or
- (b) be fenced off,
- (c) or both.

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

- (a) be used in any construction work; or
- (b) be allowed to remain in any place,

if the nails (or similar sharp object) may be a source of danger to any person.

Stability of structures

19.—(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 a 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) Any buttress, temporary support or temporary structure shall—

- (a) be of such design and installed and maintained so as to withstand any foreseeable loads which may be imposed on it; and
 - (b) only be used for the purposes for which it was designed, and installed and is maintained.
- (3) No part of a structure shall be so loaded as to render it unsafe to any person.

Demolition or dismantling

20.—(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 danger or, where it is not practicable to prevent it, to reduce danger to as low a level as is reasonably practicable.

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

Excavations

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

- (a) no excavation or part of an excavation collapses;
- (b) no material from a side or roof of, or adjacent to, any excavation is dislodged or falls; and
- (c) no person is buried or trapped in an excavation by material which is dislodged or falls.

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

(3) 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) Construction work shall not be carried out in an excavation where any supports or battering have been provided pursuant to paragraph (1) 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 material unintentionally falls or is dislodged; and
- (b) the person who carried out the inspection is satisfied that construction work can be carried out there safely.

(5) Where the person who carried out the inspection has under regulation 23(1)(a) informed the person on whose behalf the inspection was carried out of any matter about which they are not satisfied, construction work shall not be carried out in the excavation until the matter has been satisfactorily remedied.

Cofferdams and caissons

22.—(1) A 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 may 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
- (b) the person who carried out the inspection is satisfied that construction work can be carried out there safely.

(3) Where the person who carried out the inspection has under regulation 23(1)(a) informed the person on whose behalf the inspection was carried out of any matter about which they are not satisfied, construction work shall not be carried out in the cofferdam or caisson until the matter has been satisfactorily remedied.

Reports of inspections

23.—(1) Where a person who carries out an inspection under regulation 21 or 22 is not satisfied that construction work can be carried out safely at the place inspected that person shall—

- (a) inform the person for whom the inspection was carried out of the matters that could give rise to a risk to the safety of any person before the end of the shift within which the inspection is completed; and
- (b) prepare a report which shall include—
 - (i) the name and address of the person on whose behalf the inspection was carried out;
 - (ii) the location of the place of construction work inspected;
 - (iii) a description of the place of construction work or part of that place inspected (including any work equipment and materials);
 - (iv) the date and time of the inspection;
 - (v) the details of any matter identified that could give rise to a risk to the safety of any person;
 - (vi) details of any action taken as a result of any matter identified in paragraph (v);
 - (vii) the details of any further action considered necessary; and
 - (viii) the name and position of the person making the report.

(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 responsible for carrying out an inspection works under the control of another (whether as an employee or otherwise) the person in control shall ensure the person responsible for carrying out the inspection complies with the requirements of paragraphs (1) and (2).

(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 under Article 21 of the 1978 Order—
 - (i) at the site where the inspection was carried out until the construction 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.

(5) This regulation does not require the preparation of more than one report where more than one inspection is carried out under regulation 21(4)(a)(i) or 22(2)(a)(i) within a 7 day period.

Energy distribution installations

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

(2) Where there is a risk to construction work from overhead electric power cables—

- (a) they shall be directed away from the area of risk; or
- (b) the power shall be isolated and, where necessary, earthed; 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 cables, suspended protections; and
 - (iii) in either case, measures providing an equivalent level of safety,

shall be provided or 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, is to be carried out unless suitable and sufficient steps (including any steps required by this regulation) have been taken to prevent the risk, so far as is reasonably practicable.

Prevention of drowning

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

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

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

Traffic routes

26.—(1) Each construction site shall be organised in such a way that, so far as is reasonably practicable, pedestrians and vehicles can move without risks to health and safety.

(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 does not satisfy 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 and safety of persons near it;
- (b) any door or gate for pedestrians which leads onto a traffic route is sufficiently separated from that traffic route to enable pedestrians to see any approaching vehicle or plant from a place of safety;
- (c) there is sufficient separation between vehicles and pedestrians to ensure safety or, where this is not reasonably practicable—
 - (i) other means for the protection of pedestrians are provided; and
 - (ii) effective arrangements are used 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 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) Each traffic route shall be—

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

(5) No vehicle is to 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

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

(2) Where a person may be endangered by the movement of a vehicle, the person with effective control of the vehicle shall take suitable and sufficient steps to give warning to any person who is liable to be at risk from the movement of the vehicle.

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

- (a) driven, operated or towed in such a manner as is safe in the circumstances; and
 - (b) loaded in such a way that it can be driven, operated or towed safely.
- (4) No person may 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 in that vehicle provided for that purpose.
- (5) No person may 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 that person.
- (6) Suitable and sufficient measures shall be taken so as to prevent a 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

28. Suitable and sufficient steps shall be taken to prevent, so far as is reasonably practicable, the risk of injury to a 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

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

(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 under paragraph (1), suitable and sufficient steps shall be taken to ensure that—

- (a) each 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

30.—(1) Where necessary in the interests of the health and safety of a 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 under paragraph (1) shall lead as directly as possible to an identified safe area.

(3) An emergency route or exit provided under paragraph (1), and any traffic route giving access to it, shall be kept clear and free from obstruction and, where necessary, provided with emergency lighting so that it may be used at any time.

(4) The matters in regulation 29(2) shall be taken into account when making provision under paragraph (1).

(5) Each emergency route or exit shall be indicated by suitable signs.

Fire detection and fire-fighting

31.—(1) Where necessary in the interests of the health and safety of a person at work on a construction site, suitable and sufficient fire-fighting equipment and fire detection and alarm systems shall be provided and located in a suitable place.

(2) The matters in regulation 29(2) shall be taken into account when making provision under paragraph (1).

(3) Fire-fighting equipment or fire detection and alarm systems provided under paragraph (1) shall be examined and tested at suitable intervals and properly maintained.

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

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

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

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

Fresh air

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

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

Temperature and weather protection

33.—(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 of construction work that is indoors is reasonable having regard to the purpose for which that place is used.

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

Lighting

34.—(1) Each place of construction work and approach and traffic route to that place of work shall be provided with suitable and sufficient lighting, which shall be, so far as is reasonably practicable, 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) Suitable and sufficient secondary lighting shall be provided in any place where there would be a risk to the health and safety of a person in the event of the failure of primary artificial lighting.

PART 5

GENERAL

Civil Liability

35. Breach of a duty imposed by the preceding provisions of these Regulations, other than those imposed by regulations 4(1)(b), 4(4), 13(4)(b) and (c), 15(9) and (10), 16(1), (2) and (4), 17 to 34 and Schedule 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 of the person on whom the duty is placed.

Enforcement in respect of fire

36.—(1) Subject to paragraph (2), the Northern Ireland Fire and Rescue Services Board, within the meaning of the Fire and Rescue Services (Northern Ireland) Order 2006(a), shall be the enforcing authority in respect of a construction site which is contained within, or forms part of, premises which are occupied by persons other than those carrying out the construction work or any activity arising from such work as regards regulations 29 and 30, in so far as those regulations relate to fire, and regulation 31.

(2) Paragraph (1) shall not apply in respect of any premises of a description specified in Part 1 of Schedule 1 to the Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991(b).

Transitional and transitory provisions

37.—(1) These regulations apply in relation to a project which began before the date these regulations come into operation, with the following modifications.

(2) Where there is no existing CDM-C or principal contractor and a principal designer and principal contractor are required for the project by regulation 5 of these Regulations—

- (a) if the project is at pre-construction phase the client shall appoint a principal designer and the principal contractor, as soon as is practicable; or
- (b) if the construction phase has begun the client shall appoint a principal contractor as soon as is practicable.

(3) Where a CDM co-ordinator has been appointed for the project—

- (a) a principal designer shall be appointed within 6 months of the date these Regulations come into operation; and
- (b) the CDM co-ordinator duties in the 2007 Regulations continue to apply to the project, instead of the duties of a principal designer, until the principal designer is appointed.

(4) Where a principal contractor has been appointed under regulation 14(2) of the 2007 Regulations, they will be treated as having been appointed under regulation 5(1)(b) of these Regulations.

(5) A health and safety file prepared under regulation 20(2)(e) of the 2007 Regulations is treated as a health and safety file created under regulation 12 of these Regulations.

(6) A construction phase plan prepared under regulation 23 of the 2007 Regulations is treated as a construction phase plan prepared under regulation 12 or 15 of these Regulations.

(7) Pre-construction information provided under regulation 10(2) of the 2007 Regulations is treated as pre-construction information under regulation 4(2) of these Regulations.

(a) S.R. 2006 No. 1254 (N.I. 9), as amended by S.R. 2006 No. 257 (C.15), S.I. 2006/3336 (N.I. 21), S.R. 2007 No. 194 (C. 11), 2008 c. 9, S.R. 2010 No. 325, S.R. 2010 No. 328 (C. 20), S.I. 2012/2404 and S.I. 2013/602

(b) S.R. 1991 No. 446, as amended by S.R. 1999 No. 150, S.R. 2001 No. 436 and S.R. 2003 No. 152

(8) Notice given under regulation 21 of the 2007 Regulations it is treated as notice under regulation 6 of these Regulations.

(9) In this regulation—

“CDM co-ordinator” means the person appointed under regulation 14(1) of the 2007 Regulations.

Revocations, amendments and savings

38.—(1) The Construction (Design and Management) Regulations (Northern Ireland) 2007 are revoked.

(2) The amendments in Schedule 4 have effect.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on xth xxxx 2015.



Jackie Kerr

A senior officer of the Department of Enterprise, Trade and Investment

SCHEDULE 1

Regulation 3

**PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA OR
A DESIGNATED AREA**

Interpretation

1.—(1) In this Schedule—

“activity” includes a diving project and standing a vessel by;

“diving project” has the meaning assigned to it by regulation 2(1) of the Diving at Work Regulations (Northern Ireland) 2005(a) save that it includes an activity in which a person takes part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;

“offshore installation” shall be construed in accordance with paragraph 2(2) and (3);

“supplementary unit” means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation;

“vessel” includes a hovercraft and any floating structure which is capable of being navigated.

(2) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(3) Any reference in this Schedule to premises and activities includes a reference to any person, article or substance on those premises or engaged in, or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

Offshore installations

2.—(1) This paragraph shall apply within the territorial sea or a designated area to and in relation to—

- (a) any offshore installation and any activity on it;
- (b) any activity in connection with, or any activity immediately preparatory to an activity in connection with, an offshore installation, whether carried on from the installation itself, in or from a vessel or in any manner, other than an activity falling within sub-paragraph (4);
- (c) a diving project involving—
 - (i) the survey and preparation of the sea bed for an offshore installation;
 - (ii) the survey and restoration of the sea bed consequent on the removal of an offshore installation.

(2) Subject to sub-paragraph (3), in this Schedule, “offshore installation” means a structure which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water—

- (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
- (b) for undertaking activities falling within paragraph 6(2);
- (c) for the conveyance of things by means of a pipe;
- (d) for undertaking activities that involve mechanically entering the pressure containment boundary of a well: or

(a) S.R. 2005 No. 45, as amended by S.R. 2007 No. 247

- (e) primarily for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of heads (a) to (d),

together with any supplementary unit which is ordinarily connected to it, and all the connections.

(3) Any reference in sub-paragraph (2) to a structure or supplementary unit does not include—

- (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
- (b) a well;
- (c) a mobile structure which has been taken out of use and is not yet being moved with a view to its being used for any of the purposes specified in sub-paragraph (2);
- (d) any part of a pipeline; and
- (e) a structure falling within paragraph 8(c).

(4) Subject to sub-paragraph (5), the following activities fall within this paragraph—

- (a) transporting, towing or navigating an installation;
- (b) any of the following activities carried on in or from a vessel—
 - (i) giving assistance in the event of an emergency;
 - (ii) training in relation to the giving of assistance in the event of an emergency;
 - (iii) testing equipment for use in giving assistance in the event of an emergency.
 - (iv) putting or maintaining a vessel on stand-by ready for an activity referred to in any of sub-heads (i) to (iii).

(5) Sub-paragraph (4)(b) does not apply in respect of a vessel in or from which an activity is carried on in connection with, or any activity that is immediately preparatory to an activity in connection with, an offshore installation other than an activity falling within sub-paragraph 4(b).

Wells

3.—(1) Subject to sub-paragraph (2), this paragraph applies within the territorial sea or a designated area to and in relation to—

- (a) a well and any activity in connection with it; and
- (b) an activity which is immediately preparatory to any activity in head (a).

(2) Sub-paragraph (1) includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation.

Pipelines

4.—(1) This paragraph applies within the territorial sea or a designated area to and in relation to—

- (a) any pipeline;
- (b) any pipeline works;
- (c) the following activities in connection with pipeline works—
 - (i) the loading, unloading, fuelling or provisioning of a vessel;
 - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel, being in either case a vessel which is engaged in pipeline works; or
 - (iii) the moving, supporting, laying or retrieving of anchors attached to a pipe-laying vessel including the supervision of those activities and giving of instruction in connection with them.

(2) In this paragraph—

“pipeline” means a pipe or system of pipes for the conveyance of any thing, together with—

- (a) any apparatus for inducing or facilitating the flow of any thing through, or through part of, the pipe or system;
- (b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;
- (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
- (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in heads (a) to (c);
- (e) apparatus for the transmission of information for the operation of the pipe or system;
- (f) apparatus for the cathodic protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system;

but not including a pipeline of which no initial or terminal point is situated in the United Kingdom, within the territorial sea adjacent to the United Kingdom, or within a designated area;

“pipeline works” means—

- (a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;
- (c) changing the position of or dismantling or removing a pipeline or length of pipeline;
- (d) opening the bed of the sea for the purposes of the works mentioned in heads (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in heads (a) to (d);
- (f) a diving project in connection with any of the works mentioned in heads (a) to (e) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.

Mines

5.—(1) This paragraph applies to and in relation to a mine within the territorial sea, and any activity in connection with it, while it is being worked.

(2) In this paragraph “mine” has the same meaning as in the Mines Act (Northern Ireland) 1969(a).

Gas Importation and Storage

6.—(1) Subject to sub-paragraph (3), this paragraph applies within the territorial sea to and in relation to any activities connected with or immediately preparatory to the activities set out in sub-paragraph (2).

(2) The activities are—

- (a) the unloading of gas to an installation or pipeline;
- (b) the storage of gas, whether temporary or permanent, in or under the shore or bed of any water;
- (c) the conversion of any natural feature for the purpose of storing gas, whether temporarily or permanently;

(a) 1969 c. 6 (N.I.)

- (d) the recovery of gas stored;
- (e) exploration with a view to, or in connection with, the carrying on of activities within heads (a) to (d).

(3) Sub-paragraph (1) does not apply to an activity falling within sub-paragraph (2) if the provisions of this Schedule apply to or in relation to that activity by virtue of paragraph 2(1).

(4) In this paragraph—

“gas” means any substance which is gaseous at a temperature of 15°C and a pressure of 101.325 kPa (1013.25 mb); and

“installation” includes any floating structure or device maintained on a station by whatever means.

(5) For the purposes of sub-paragraphs (2) and (4), references to gas include any substance which consists wholly or mainly of gas.

Production of Energy from Water or Wind

7.—(1) This paragraph applies within the territorial sea to and in relation to any energy structure or activities connected with or preparatory to—

- (a) the exploitation of those areas for the production of energy from water or wind,
- (b) the exploration of such areas with a view to, or in connection with, the production of energy from water or wind, or
- (c) the operation of a cable for transmitting electricity from an energy structure.

(2) In this paragraph “energy structure” means a fixed or floating structure or machine, other than a vessel, which is, or is to be, or has been, used for producing energy from water or wind.

Underground Coal Gasification

8. This paragraph applies within the territorial sea or a designated area to and in relation to—

- (a) underground coal gasification and any activity in connection with it;
- (b) any activity which is immediately preparatory to any activity in sub-paragraph (a); and
- (c) any fixed or floating structure which is, or is to be, or has been, used in connection with the carrying on of activities within sub-paragraphs (a) and (b).

Other activities

9.—(1) Subject to sub-paragraph (2), this paragraph applies within the territorial sea to and in relation to—

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any building, or other structure, not being in any case a vessel, or any preparation for any such activity;
- (b) the transfer of people or goods between a vessel or aircraft and a structure (including a building) mentioned in head (a);
- (c) the loading, unloading, fuelling or provisioning of a vessel;
- (d) a diving project;
- (e) the laying, installation, inspection, maintenance, operation, recovery or repair of a cable;
- (f) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel;
- (g) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which paragraph 2(3)(c) applies;

- (h) the transfer of people or goods between a vessel or aircraft and a structure mentioned in head (g).
- (2) This paragraph does not apply—
 - (a) to a case where paragraph 2, 3, 4, 5, 6, 7 or 8 applies; or
 - (b) to vessels which are registered outside the United Kingdom and are on passage through the territorial sea.

SCHEDULE 2

Regulation 6

PARTICULARS TO BE NOTIFIED TO THE EXECUTIVE

- 1.** Date of forwarding the notice.
- 2.** The address of the construction site or precise description of its location.
- 3.** The name of the district council where the construction site is located.
- 4.** A brief description of the project and the construction site 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 allowed by the client to the principal contractor referred to in regulation 5(1) for planning and preparation for 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 engaged.
- 15.** A declaration signed by or on behalf of the client that the client is aware of the client duties under these Regulations.

SCHEDULE 3 Regulation 4(1)(b), 13(4)(c) and 15(10)
**MINIMUM HEALTH AND SAFETY REQUIREMENTS FOR
CONSTRUCTION SITES**
WELFARE FACILITIES

Sanitary conveniences

1. 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.

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

3. 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

4. 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.

5. Washing facilities shall be provided—

- (a) in the immediate vicinity of every sanitary conveniences, whether or not also provided elsewhere; and
- (b) in the vicinity of any changing rooms required by paragraph 14 whether or not provided elsewhere.

6. 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);
- (b) soap or other suitable means of cleaning; and
- (c) towels or other suitable means of drying.

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

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

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

10. Paragraph 9 does not apply to facilities which are provided for washing hands, forearms and face only.

Drinking water

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

12. Where necessary for reasons of health and safety every supply of drinking water shall be conspicuously marked by an appropriate sign.

13. 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

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

- (a) has to wear special clothing for the purposes of construction work; and
- (b) 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; and
- (b) include, where necessary, facilities to enable a person to dry any special clothing and any personal clothing or 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 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

15.—(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) 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;
- (b) where necessary, include suitable facilities for any woman at work who is pregnant or who is a nursing mother to rest lying down;
- (c) include suitable arrangements to ensure that meals can be prepared and eaten;
- (d) include the means for boiling water; and
- (e) be maintained at an appropriate temperature.

SCHEDULE 4
AMENDMENTS

Regulation 38

<i>Column 1</i> <i>Title</i>	<i>Column 2</i> <i>Reference</i>	<i>Column 3</i> <i>Extent of amendment</i>
Factories Act (Northern Ireland) 1965(a)	1965 c.20	In section 176(1) in the definitions “building operation” and “work of engineering construction” for “Construction (Design and Management) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 291)” substitute “Construction (Design and Management) Regulations (Northern Ireland) 2015”
Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993(b)	S.R. 1993 No. 37	In regulation 3(1)(b) for “Construction (Design and Management) Regulations (Northern Ireland) 2007” substitute “Construction (Design and Management) Regulations (Northern Ireland) 2015”
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997(c)	S.R. 1997 No. 455	In regulation 2(1) for “regulation 2 of the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996” substitute “regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 2015”
The Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999(d)	S.R. 1999 No. 90	In regulation 2(1) for “Construction (Design and Management) Regulations (Northern Ireland) 2007” substitute “Construction (Design and Management) Regulations (Northern Ireland) 2015”

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- (a) 1965 c. 20, as amended by S.R. 1996 No. 510 and S.R. 2007 No. 291; there are other amendments not relevant to these Regulations
- (b) S.R. 1993 No. 37, as amended by S.R. 1995 No. 378, S.R. 1996 No. 510, S.R. 2003 No. 423, S.R. 2006 No. 205 and S.R. 2007 No. 291; revoked in part by S.R. 2003 No. 152 and S.R. 2005 No. 279
- (c) S.R. 1997 No. 455, as amended by S.R. 1998 No. 375, S.R. 1999 No. 150, S.R. 2000 No. 375, S.R. 2001 No. 436, S.R. 2004 No. 196, S.R. 2005 No. 45, S.R. 2006 No. 173, S.R. 2006 No. 205, S.R. 2006 No. 425, S.R. 2007 No. 247 and S.R. 2010 No. 160; revoked in part by S.R. 2006 No. 425
- (d) S.R. 1999 No. 90, as amended by S.R. 2000 No. 375, S.R. 2003 No. 33, S.R. 2006 No. 205, S.R. 2006 No. 425, S.R. 2007 No. 31, S.R. 2007 No. 291, S.R. 2009 No. 238 and S.R. 2012 No. 179

Provision and Use of Work Equipment Regulations (Northern Ireland) 1999(a)	S.R. 1999 No. 305	In regulation 6(5)(e) for “regulation 30(4) or 31(2) of the Construction (Design and Management) Regulations (Northern Ireland) 2007” substitute “regulation 20(4) and 21(2) of the Construction (Design and Management) Regulations (Northern Ireland) 2015”
Fire Precautions (Workplace) Regulations (Northern Ireland) 2001(b)	S.R. 2001 No. 348	In regulation 3(5)(a) for “regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 2007” substitute “regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 2015”
Gas Safety (Installation and Use) Regulations (Northern Ireland) 2004(c)	S.R. 2004 No. 63	In regulation 2(4)(d) for “regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 2007” substitute “regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 2015”
Work in Compressed Air Regulations (Northern Ireland) 2004(d)	S.R. 2004 No. 241	In regulation 2(1) for ““the 2007 Regulations” means the Construction (Design and Management) Regulations (Northern Ireland) 2007” substitute ““the 2015 Regulations” means the Construction (Design and Management) Regulations (Northern Ireland) 2015”
		In regulation 3(1) for “Construction (Design and Management) Regulations (Northern Ireland) 2007” substitute “Construction (Design and Management) Regulations (Northern Ireland) 2015” and for “regulation 2(3)” substitute “regulation 7(1)”
		In regulation 5(3) for “Construction (Design and Management) Regulations (Northern Ireland)

(a) S.R. 1999 No. 305, as amended by S.I. 1999/2001, S.R. 2000 No. 87, S.I. 2001/1701, S.R. 2003 No. 423, S.I. 2004/129, S.R. 2005 No. 279, S.R. 2005 No. 397, S.R. 2006 No. 1, S.R. 2007 No. 31, S.R. 2007 No. 291, S.R. 2008 No. 422, S.I. 2011/2157 and S.R. 2012 No. 179; revoked in part by S.R. 2007 No. 291

(b) S.R. 2001 No. 348, as amended by S.R. 2003 No. 152, S.R. 2003 No. 454 and S.R. 2007 No. 291

(c) S.R. 2004 No. 63, as amended by S.R. 2006 No. 205 and S.R. 2007 No. 291

(d) S.R. 2004 No. 241, as amended by S.R. 2005 No. 45 and S.R. 2007 No. 291

		2007” substitute “Construction (Design and Management) Regulations (Northern Ireland) 2015”
		In regulation 13(2)(a) for “regulation 38, 39 and 43(3) of the 2007 Regulations” substitute “regulation 28, 29 and 33(3) of the 2015 Regulations”
		In regulation 13(2)(d) for “regulation 38(1) of the 2007 Regulations” substitute “regulation 28(1) of the 2015 Regulations”
		In regulation 14(1) for “regulation 40 of the 2007 Regulations” substitute “regulation 30 of the 2015 Regulations”
Work at Height Regulations (Northern Ireland) 2005 (a)	S.R. 2005 No. 279	In regulation 2(1) for “Construction (Design and Management) Regulations (Northern Ireland) 2007” substitute “Construction (Design and Management) Regulations (Northern Ireland) 2015”
REACH Enforcement Regulations 2008 (b)	SI 2008/2852	In paragraph 1(d)(i)(bb) of Part 3 of Schedule 3, for “Construction (Design and Management) Regulations (Northern Ireland) 2007” substitute “Construction (Design and Management) Regulations (Northern Ireland) 2015”

(a) S.R. 2005 No. 279, as amended by S.R. 2007 No. 135 and S.R. 2007 No. 291; revoked in part by S.R. 2007 No. 291
(b) S.I. 2008/2852, as amended by S.I. 2009/716, S.R. 2009 No. 238, S.I. 2010/1513, S.I. 2012/632, S.I. 2013/1948 and S.I. 2013/2919; revoked in part by S.I. 2009/716 and S.R. 2009 No. 238

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations revoke and replace, the Construction (Design and Management) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 291) (CDM Regulations 2007). They implement in Northern Ireland the requirements of Directive 92/57/EEC (O.J. No. L245, 26.8.92, p6) (“the Directive”) on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), except certain requirements which are implemented by the Work at Height Regulations (Northern Ireland) 2005 (S.R. 2005 No. 279).

2. Part 2 sets out the client duties under the Regulations. Part 3 provides for various health and safety duties and roles; general duties, the duties of the principal designer, principal contractor, designers and contractors. Part 4 provides the general requirements for all construction sites, which remain largely unchanged from the CDM Regulations 2007. Part 5 sets out the general provisions, civil liability, enforcement in respect of fire and transitional provisions.

3. The main changes in comparison with the CDM Regulations 2007 include the following—

- (a) These Regulations apply to all clients, whether or not a person is acting in the course or furtherance of a business (*regulation 2(1)*).
- (b) If a client is a domestic client, certain of their duties will be carried out by the contractor, principal contractor, or principal designer.
- (c) Pre-construction archaeological investigations are not included within the scope of the definition of construction work (*regulation 2(1)*).
- (d) Pre-construction information has now been defined in regulation 2(1) rather than listed in a Schedule.
- (e) The role of a CDM co-ordinator has been omitted and instead a new role of a principal designer has been created (*regulation 2(1) and 9*).
- (f) The client’s duty to appoint a principal designer or principal contractor is triggered where there is more than one contractor (*regulation 6*), rather than the previous threshold for notification under the CDM Regulations 2007.
- (g) The duties of the principal designer are provided for in regulations 11 and 12.
- (h) The duties of the principal contractor are set out in regulations 12 and 13.
- (i) The duties of contractors remain largely the same as the CDM Regulations 2007 and are set out in regulation 15.
- (j) The notification requirement has been amended and is now provided for in regulation 7.
- (k) The requirement for the contents of inspection reports are now provided for in regulation 23 rather than a separate Schedule, (previously Schedule 4 of the CDM Regulations 2007 set out the requirements).

4. In Great Britain the corresponding Regulations are the Construction (Design and Management) Regulations 2014 (S.I. 2014/xxx). The Great Britain Health and Safety Executive has prepared a full impact assessment in relation to these Regulations. A copy of that assessment together with a Northern Ireland supplement prepared by the Health and Safety Executive for Northern Ireland is held at the offices of that Executive at 83 Ladas Drive, Belfast, BT6 9FR, from where a copy may be obtained on request. A copy of the transposition note in relation to the implementation of the Directive set out in paragraph 1 can also be obtained from the same address. Copies of both these documents are annexed to the Explanatory Memorandum which is available alongside these Regulations at www.legislation.gov.uk.

5. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable—

- (a) on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding £20,000, or both; or

- (b) on conviction on indictment to imprisonment for a term not exceeding two years, or a fine, or both.

Title: Construction (Design and Management) Regulations 2015 (CDM 2015) IA No: HSE0079 Lead department or agency: Health and Safety Executive Other departments or agencies: None	Impact Assessment (IA)		
	Date: 15/08/2014		
	Stage: Final		
	Source of intervention: EU		
	Type of measure: Secondary legislation		
Contact for enquiries: Anthony Lees – anthony.lees@hse.gsi.gov.uk / Maria Ottati – maria.ottati@hse.gsi.gov.uk			
Summary: Intervention and Options			RPC Opinion: TBD

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?
£-121 m	£-132 m	£-19.6 m	Yes Out

What is the problem under consideration? Why is government intervention necessary?

CDM 2015 will replace an existing set of Regulations (CDM 2007) while maintaining or improving implementation of a European Directive. An evaluation of the existing Regulations revealed a number of shortcomings, including some which disproportionately affect smaller businesses. Small sites are currently responsible for an increasingly large proportion of serious and fatal incidents, and the regulatory framework needs to be made substantially simpler and more accessible to be effective in addressing this. Additionally, HSE has become aware that transposition of the Directive in Great Britain is insufficient in certain respects.

What are the policy objectives and the intended effects?

The majority of the proposals in this package (sections A to D) are intended to:

- address the shortcomings of the current Regulations identified in the evaluation;
- provide a regulatory framework that is better suited to the needs of small businesses in the sector, thus increasing compliance and improving health and safety outcomes;
- align the Regulations more closely with the Directive, in the most appropriate way, removing measures which go beyond Directive requirements, thus reflecting better regulation principles

Proposals in sections E and F aim to address areas where current transposition is insufficient.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

- **Option 1** – Do nothing
 - **Option 2** – Shorten and simplify the Regulations; withdraw the Approved Code of Practice and replace with guidance; remove the CDM co-ordinator role and replace it with a new role; alter the conditions used to trigger several duties; remove explicit competence requirements; and remove the exemption from client duties for domestic clients by using a “deeming” approach.
- Option 2 is the preferred option, as it is expected to improve health and safety, generates savings to business, and brings the Regulations in line with the Directive.

Will the policy be reviewed? It **will** be reviewed. If applicable, set review date: TBD

Does implementation go beyond minimum EU requirements?			Yes		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A		Non-traded: N/A

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible SELECT SIGNATORY: _____ Date: _____

Summary: Analysis & Evidence Policy Option 1

Description: Do nothing

FULL ECONOMIC ASSESSMENT

Price Base Year 2012 ¹	PV Base Year 2013	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)			
			Low:	High:	Best Estimate: 0	
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)	
Low	1 st year					
High						
Best Estimate						
Description and scale of key monetised costs by 'main affected groups' Option 1 is the status quo and results in no additional costs						
Other key non-monetised costs by 'main affected groups'						
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Benefit (Present Value)	
Low	-					
High						
Best Estimate						0
Description and scale of key monetised benefits by 'main affected groups' Option 1 is the status quo and results in no additional benefits						
Other key non-monetised benefits by 'main affected groups'						
Key assumptions/sensitivities/risks					Discount rate (%)	3.5%
There is a risk of infraction proceedings if GB fails to make the changes analysed in sections E and F (changes in thresholds for additional duties and removal of the exemption for domestic clients).						

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:	In scope of OIOO?	Measure qualifies as

¹ For all options, EANCB presented in 2009 prices, calculated using BRE's Impact Assessment calculator

Summary: Analysis & Evidence Policy Option 2

Description: Variety of changes including removing the exemption for domestic clients by using a 'deeming' approach.

FULL ECONOMIC ASSESSMENT

Price Base Year 2013	PV Base Year 2014	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low:	High:	Best Estimate: 121

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	1 st year		
High			
Best Estimate		17.3	10.2

Description and scale of key monetised costs by 'main affected groups'

Costs to homeowners of £1.2 million per year (recurring familiarisation) from removing the exemption from client duties for domestic clients. Annual costs of £8.6 million to business from additional duties due to the same. One-off familiarisation cost of £17.3 million to existing businesses. Average annual costs to business of £0.4 million for changing the threshold for various duties.

Other key non-monetised costs by 'main affected groups'

Loss of business to some of those currently specialising on discharging the CDM co-ordinator role (indirect impact under OITO methodology).

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	-		
High			
Best Estimate		0	26.5

Description and scale of key monetised benefits by 'main affected groups'

Average annual savings to businesses (undertaking projects of over £200k value) of £23 million from the efficiencies generated by the removal of the CDM co-ordinator role. Average annual savings to businesses of £3 million from not having to notify projects to HSE due to a change in the trigger for notification. Savings to new businesses entering the market of £0.5 million per year from having to familiarise themselves with simpler, more accessible regulations.

Other key non-monetised benefits by 'main affected groups'

The simplification of the structure and language of the Regulations will lead them to be more easily accessible to smaller businesses. This is expected to lead to increased compliance, and therefore to improvements in health and safety outcomes. The removal of the explicit requirements for competence from the Regulations could potentially lead to substantial savings over time, especially to small businesses, as HSE continues to work with industry to rationalise the situation.

Key assumptions/sensitivities/risks

Discount rate (%)

3.5%

The assumptions underpinning the savings to businesses from the removal of the CDM co-ordinator role are key to the size of the 'Out' claimed. The number of projects is well-substantiated from ONS data, and the median cost of the different relevant duties by a formal evaluation. Assumptions about how those costs will change under the proposal were subjected to a sense-check by businesses in the sector (in addition to formal consultation) and the assumptions

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 1.6	Benefits: 21.2	Net: 19.6	Yes	OUT

Introduction

1. This document sets out an assessment of the impact of the proposed Construction (Design and Management) Regulations 2015 (CDM 2015). CDM 2015 will replace an existing set of Regulations while maintaining or improving implementation of a European Directive.
2. The construction industry employs approximately 2.1 million people in Great Britain². Despite considerable improvements in culture, processes and risk controls in some parts of the industry leading to reductions in the numbers and rates of fatal and other incidents, it remains one of the most dangerous industries to work in, with approximately 45 fatal injuries to workers on average every year³. The resulting deaths (60-70% of which occur on smaller projects), major accidents and cases of occupationally-caused or exacerbated ill health are largely preventable.

Existing Regulations

3. Several sets of health and safety regulations apply to construction work. However, the key set is the Construction (Design and Management) Regulations 2007 (CDM 2007) which is based on and is the principal mechanism for transposing European Council Directive 92/57/EEC on minimum safety and health requirements at temporary or mobile construction sites in Great Britain.
4. In line with the Directive, CDM 2007 defines a system of management roles and processes and prescribes a large number of practical health and safety precautions and welfare requirements for construction projects. The roles are:
 - the client (the person for whom the project is carried out),;
 - the CDM co-ordinator and principal contractor (persons who co-ordinate health and safety during the pre-construction and construction stages of the project respectively);
 - contractors (persons who carry out the construction work);
 - designers (persons who design or contribute to the design of structures to be constructed by the contractors).

The client, contractor and designer roles exist in nearly all projects but the co-ordinators are only required to be appointed for projects that exceed a specified threshold. Additionally, CDM 2007 imposes duties on the self-employed, in recognition of the high degree of self-employment in the construction industry and the Directive requirement to extend duties to the self-employed.

5. CDM 2007 is enforced by the Health and Safety Executive (HSE), the Office of Rail Regulation and in very limited circumstances by local

² Source: Annual Population Survey (ONS), 2013

³ Source: HSE. The average for the 5-year period 2009-2010 to 2013-2014 is 44 fatal injuries a year.

authorities. The duties imposed impact directly or indirectly on all those who procure, plan, design, manage or carry out construction work. The Regulations are supported by an Approved Code of Practice (ACOP) that gives practical advice on compliance with the law.

Evaluation of the existing Regulations

6. CDM 2007 came into force in April 2007. A post-implementation evaluation of the Regulations⁴ was conducted earlier than would normally have been the case, following a commitment given by the Government during a Parliamentary prayer debate in May 2007.
7. The evaluation was completed in early 2011. It comprised a large-scale survey of dutyholders supplemented by data and insights obtained from HSE inspectors and an HSE/industry working group established by the HSE-chaired Construction Industry Advisory Committee (CONIAC). The evidence gathered suggested that while CDM 2007 was regarded as generally better than what had gone before, there was still scope to improve its effectiveness especially in the context of smaller construction sites and businesses.
8. The evaluation also revealed a number of shortcomings in the existing Regulations. The most significant of these was a failure to curb the tendency of dutyholders to adopt bureaucratic responses in their attempts to achieve compliance. In particular, the detailed requirements for competence assessment contained within the Regulations has led to a system of competence assurance that is costly and delivered through a multitude of commercial pre-qualification schemes. This disproportionately affects smaller contractors, who see it as a barrier to business. As a mechanism to demonstrate that it meets individual worker competence requirements, the industry has similarly developed a complex system of individual competence card schemes, which arguably add significant costs to construction projects with often little benefit.
9. Other issues identified include: lateness in appointment of co-ordinators and in provision of information, designers producing or being asked to produce unnecessary paperwork, and limited effectiveness of the CDM co-ordinator role. Furthermore, the ACOP is now seen as too long and not well suited to the characteristics and needs of smaller businesses. These findings are consistent with comments received in the Red Tape Challenge⁵.
10. The larger, more structured part of the industry has made significant progress in improving management of health and safety risks since the Deputy Prime Minister's Construction Summit in 2001. It is arguably less motivated by regulation than by best practice and continuous improvement, and has accepted the need for demonstrable leadership in

⁴ Evaluation of the Construction (Design and Management) Regulations 2007 - <http://www.hse.gov.uk/research/rrhtm/rr920.htm>

⁵ See: <http://www.redtapechallenge.cabinetoffice.gov.uk/home/index/>

delivering improvements in worker protection. A two-tier industry has subsequently emerged, however, with small sites responsible for an increasingly large proportion of serious and fatal incidents. HSE has adapted its inspection programme accordingly but the challenge of providing an effective regulatory framework for small sites remains. Such a framework needs to be substantially simpler and more accessible and CDM 2007 is not seen as delivering in this regard.

Policy objectives and intended effects

11. This package contains a number of proposals, which can be separated into two groups regarding their policy objectives and intended effects.
12. The proposals in the first group are presented in sections A to D and respond to the following policy considerations:
 - the findings of the Evaluation;
 - the policy of “copy out” of Directives;
 - HSE’s focus on effective regulation of smaller sites, which supports the case for radical simplification of CDM 2007 and supporting guidance
13. Those proposals are therefore intended to:
 - address the shortcomings of the current Regulations identified in the evaluation;
 - provide a regulatory framework that is better suited to the needs of small businesses in the sector, thus increasing compliance and improving health and safety;
 - align the Regulations more closely with the Directive in the most appropriate way, reflecting better regulation principles.
14. Following completion of the Löfstedt Review⁶ and the Star Chamber process arising from the Red Tape Challenge, the HSE Board considered the arguments for and against a revision of CDM 2007. The Board directed that a revision be undertaken using copy out of the parent Directive as the starting point but directed that HSE should argue for the retention of measures which go beyond the Directive but demonstrably add value. In the context of the proposed revision, the only significant area in this proposal is the retention of explicit duties on designers, whereas the Directive provides for only implicit duties. Stakeholder consultation (both informal, prior to developing the proposals, and through the formal Consultation) suggests that there is strong industry support for the retention of these duties. The Board further directed that the revision should take into account the need to improve compliance at smaller sites, whilst being mindful of requirements of the Government policy on Better Regulation.

⁶ The Löfstedt Review was an independent review of health and safety legislation, carried out by Professor Ragnar Löfstedt and published in November 2011. See: <https://www.gov.uk/government/publications/reclaiming-health-and-safety-for-all-lofstedt-report>

15. The proposals in the second group are presented in sections E and F. They arise from the fact that HSE has become aware that transposition of the Directive in Great Britain is insufficient in certain respects, and revision of the Regulations presents an opportunity to align the Regulations with the Directive.
16. Those proposals are therefore intended to address areas where current transposition is insufficient.

Consultation

17. Formal public consultation⁷ on HSE's proposed changes to CDM took place between March 31st and June 6th 2014.
18. In developing this proposal, HSE engaged in extensive discussions with stakeholders on how best to simplify the Regulations and where measures that could be considered going beyond the Directive should be retained (see paragraph 14). Therefore, for most of the proposed changes the Consultation-stage Impact Assessment (IA) presented a single option in addition to "Do nothing".
19. The exception was the removal of the exemption from client duties for domestic clients. This is one of the areas where the current transposition is now considered insufficient, and the change is proposed to bring national legislation in line with the Directive. In its section F, the Consultation-stage IA presented detailed analysis for two options for implementing this: one which copied out the Directive (option 1) and one which sought to provide a level of relief to domestic clients (option 2, which we describe as a 'deeming' approach). Under the copy-out option, the new client duties would fall on and be discharged by the homeowner. Under the 'deeming' approach option, the Regulations would provide that the contractor(s) for the project would, by default, carry out the client's duties without further intervention required from the homeowner.
20. The analysis presented in the Consultation-stage IA made it clear that the copy-out option resulted in much higher costs to society than the option applying the 'deeming' approach. With copy-out, this element of the proposal resulted in costs of £170 million a year to homeowners, whereas using the 'deeming' approach led to average annual costs of £1.3 million to homeowners and £4.6 million to contractors. The Consultation-stage IA provided a detailed analysis of why we estimated such a large difference in costs between the two options (see, particularly, paragraph 144 of that IA), but in summary, it was for two main reasons: a) contractors would already be familiar with the details of the work to be done and with the regulatory framework, whereas homeowners would have to familiarise themselves with both, and this

⁷ The Consultation Document, which contains the relevant Impact Assessment at Annex 2, can be found here: <http://www.hse.gov.uk/consult/condocs/cd261.htm>

would be a recurring cost for them; and, b) contractors would discharge the supervision element of their client duties as the work proceeds, while they are already in situ, whereas homeowners would need to spend time on supervision that they would otherwise be using for other purposes (work, or leisure pursuits).

21. Both of these options were based on continuing to apply our current risk-based enforcement policy, but section F also considered options where more HSE resources would be devoted to the enforcement of the new client duties. These options were discussed but were not formally consulted upon, although comments from consultees were still welcome.
22. Over the 10 weeks of the formal consultation, we received a total of 1427 responses. Over 600 responses were from consultancies, and almost 300 hundred from industry. Trade associations and trade unions were also well represented. In terms of roles of the respondents, over 500 responses were received from CDM co-ordinators, whose role would be removed under the proposed revision. We also had many responses from clients, designers and contractors (in the region of 150 for each role).
23. The consultation sought views on the degree of support for the overall aims of the package. From industry stakeholders there is strong degree of support for these aims, with the clearest support from organisations representing contractors and construction clients, Trades Unions cautiously support the proposals, generally supporting its aims, but qualifying this with concerns over worker protection and whether real improvements can be delivered with SMEs. Support was more heavily qualified by those representing design professionals and health and safety professionals.
24. There were also questions asking in more detail about the different changes proposed in the package. Details can be found in our analysis of the outcome of the public consultation presented to the HSE Board⁸, but we have included some of that feedback (especially when it was relevant to our analysis of the impacts of the proposal) throughout this IA.
25. Finally, the consultation document included questions about the consultation-stage IA. Due to the large number of questions we needed to ask on the substance of the proposed regulatory changes, we did not ask detailed questions about the different assumptions in the IA. Respondents had the option to comment on the assumptions made and to highlight areas they thought we had missed.
26. Almost half of all respondents made comments on the IA, in differing levels of detail. The main themes that emerged from the responses were: that the time taken for familiarisation had been underestimated,

⁸ See: <http://www.hse.gov.uk/aboutus/meetings/hseboard/2014/130814/paugb1462.pdf>

that some of the costs of time used were too low, that the transitional costs had not been adequately addressed, and that the assumed savings from the replacement of the CDM co-ordinator role with that of the principal designer were overestimated (specifically, many suggested that clients would continue to contract out the role to an external party). All these issues have been addressed by adjusting the relevant assumptions in this IA (after further stakeholder work, as described below). In the case of transitional costs, there has also been a change in the proposals to address this issue.

27. In addition to the formal public consultation, we also engaged closely with construction industry stakeholders through the development of the draft Regulations, in advance of, during and after the public consultation. The Construction Industry Advisory Committee (CONIAC) with its wide representation provided an appropriate forum for engagement at a collective level. We also undertook a great deal of *ad hoc* work with different groups of stakeholders. This included a range of activities, from supporting stakeholder organisations by attending consultation events organised by them and answering questions about the proposals, to individual meetings with representatives of organisations of particular interest. Some of the latter took place after the formal consultation had closed and were used to explore issues raised in the relevant organisation's consultation response and identified in the previous paragraphs.
28. The IA and the assumptions made in it were one of the subjects discussed in this additional consultation work. We were particularly interested in the assumptions underlying Section B (Removal of the CDM co-ordinator role and its replacement with a new role), which is where the bulk of these proposals' savings to business arise, but other areas were also discussed.
29. Detailed analysis of the feedback received on particular assumptions is included in the relevant sections of this IA.
30. After analysis of the feedback from consultation and consideration of the impacts of the different options considered, it has been decided by the HSE Board that the 2nd option analysed in the consultation-stage IA (going forward with the revision to CDM 2007 and removing the exemption for domestic clients through a "deeming" approach; also referred to as option 2 in the present IA) is the preferred option. We therefore only present an updated analysis of it and the "Do nothing" option in this final IA.

Proposed Regulations – key changes

31. The key proposed changes in CDM 2015 are:
 - shortening and structural simplification of the Regulations (Section A);

- removal of the Approved Code of Practice (ACOP) and its replacement with straightforward guidance aimed at specific industry sub-sectors (Section A);
- removal of CDM co-ordinator role and its replacement with a new role (Section B);
- removal of the detailed framework for the assessment of individual and corporate competence (Section C);
- tightening of the condition used to trigger notification of a construction project to the competent authority (Section D);
- alteration of the conditions used to trigger a raft of additional duties (Section E);
- removal of the exemption from client duties for domestic clients, implemented by using a “deeming” approach. (Section F).

32. These changes are analysed in option 2, and were also option 2 in the consultation-stage IA. Option 1 is the “do nothing” option, which functions as the baseline against which we compare option 2.

Alternatives to regulation

33. The proposed revision of CDM 2007 would replace the detailed competence assurance requirements with a non-regulatory approach led by industry and focused on adding value and not bureaucracy. Section C (starting at paragraph 93) analyses this proposal.

Costs and benefits of the changes in CDM 2015

Option 1 - Do nothing

34. Option 1 continues with the status quo, and would therefore not lead to additional costs or benefits. However, there is a risk of infraction proceedings if GB fails to make the changes analysed in sections E and F (changes in thresholds for additional duties and removal of the exemption for domestic clients), which are intended to align the Regulations more closely with the Directive.

Option 2 – A variety of changes to CDM 2007, including the removal of the exemption for domestic clients by using a “deeming” approach.

General assumptions: transitional provisions

35. One of the issues widely raised by stakeholders was that the lack of a transitional period in between CDM 2007 and CDM 2015 would generate difficulties for projects already underway when CDM 2015 comes into force in April 2015. It emerged that the main problem would be that a CDM co-ordinator would already be appointed in those projects, often with a contract running past April 2015. Moving to the new regime would require renegotiating those CDM co-ordinators’ contracts to account for the early termination, and this would have a cost to business.

36. To take account of that feedback, HSE now proposes transitional provisions which would allow for CDM co-ordinators to continue in post for six months from the coming into force of the revised Regulations, or the duration of the existing project, whichever should come sooner.
37. This period was chosen after analysing the data from projects notified to HSE (which are those that would require the appointment of a CDM co-ordinator). Notifications include data on projected start and end dates of projects. In order to avoid seasonal variations, we modelled what the situation would have been at the beginning of April 2014.
38. Our analysis showed that over 90% of all projects started before April 1st 2014 were expected to be over by that date. A total of 98% would be over after 6 further months (and more than 96% would be over by 3 months after April 1st).
39. To reflect this, we will apply a factor of 0.95 to any of the costs or benefits that are incurred in the first year by projects that would have appointed a CDM co-ordinator under CDM 2007 (please note that this results in a smaller net benefit for that year).
40. This, however, assumes that stakeholders have not already incorporated prior knowledge of the upcoming changes into their contractual arrangements. The details of our proposals (including the date when the Regulations are expected to come into force) have been known to industry for a long time. Projects running for a long period tend to be the largest ones and, as we will assume throughout this IA, the larger sector of the industry tends to be most engaged with health and safety regulatory requirements and HSE. We expect most will have been aware of the upcoming changes and incorporated that information into their contracts with CDM co-ordinators. For this reason, we expect the transitional impacts after the 6-month period will be virtually nil, and that the reduction in net benefits could be smaller in reality than we estimated above. We will, however, take a conservative approach and use that estimate.
41. We note that introducing transitional provisions results in costs to business that are lower or, at most, equal to those that would be incurred under an option with no transitional provisions. This is because businesses will not be forced to make use of these provisions. If they judge that the savings from CDM 2015 compensate for any transitional costs, they will be able to switch to that regime on the day the regulations come into force.

A) Shortening and simplification of the text of the Regulations, and removal of the ACOP

42. The evaluation confirmed that, while the clarity of CDM 2007 had improved on its predecessor Regulations, it remains a difficult text, with

a structure that is complex when compared with the Directive. A substantial body of evidence from the evaluation of CDM 2007, including from HSE inspectors, small construction contractors and the bodies which represent them suggests that the Regulations are poorly understood by those who most need to apply its principles and precautions in order to improve health and safety conditions (that is, those operating on small construction sites). It is clear that, five years after the introduction of CDM 2007, numerous misunderstandings persist. These shortcomings contribute to reduced compliance and result in unnecessary bureaucracy.

43. CDM 2015 takes the text of the Directive as a starting point and is substantially shorter than CDM 2007. This has been achieved by a more concise expression of duties together with the removal of detailed provisions which in some cases went beyond the Directive or in other cases only signposted more general requirements. The structure of the revised Regulations has been significantly simplified in that frequent cross-referencing between individual Regulations has been reduced. Instead, the revision is based on a linear structure which corresponds to the timeline of involvement of duty holders in a typical construction project.
44. It is proposed that the revised regulatory package does not contain an Approved Code of Practice (ACOP). The existing ACOP attempts to define management arrangements and standards for the entire spectrum of construction projects, and as such it has not been fully effective. In particular, the ACOP is long and is often over-interpreted. The CDM evaluation showed that it has had very limited impact in the SME sector, to whom it appears inaccessible and irrelevant.
45. The textual improvements aim to make the Regulations and guidance significantly easier to understand and this in turn will reduce time needed for familiarisation for new businesses and contribute to the amelioration of many of the issues identified in paragraphs 8 - 9. It is planned that the Regulations will be supplemented by a suite of concise, accessible guidance tailored to the needs of dutyholders in specific industry sub-sectors, especially those operating on smaller sites.
46. One of the main messages from the formal consultation was that respondents (most of whom are from the relatively larger sector of the industry) like and value having an ACOP, especially because they perceive it as having a special legal status. To address these concerns, we propose to introduce a new, simplified ACOP next year, once the industry has had a chance to familiarise itself with the guidance. Any additional costs that would derive from that would be analysed in the corresponding IA. This CDM 2015 IA therefore analyses the situation with the withdrawal of the ACOP, which will be the case after the Regulations come into force and until a new ACOP is introduced.

Number of businesses affected⁹:

47. The changes in the text of the regulations will impact both on existing businesses in the sector and on those entering the sector each year. The types of businesses affected would be mainly contractors and designers.
48. For the number of contractors, we consulted several recent sources. The Office for National Statistics (ONS) Construction Statistics Annual Report 2013¹⁰ and a pamphlet released by the UK Contractors Group¹¹ presented numbers that varied between 230,000 and 260,000. We will use an estimate somewhere in the middle, of 240,000 contractors.
49. For the number of design professionals, we used estimates from the Construction Skills Network, based on data from ONS and Experian. Their document "Blueprint for UK Construction Skills 2012-2016"¹², presents estimates for 2012 of total employment by occupation. They estimate a total of approximately 150,000 architects, surveyors and civil engineers.
50. Based on the data for 2012-2016 presented by Construction Skills, we will assume that the number of contractors entering the market every year will be approximately 7,000 and the number of new designers approximately 3,000.

Cost implications of the changes in the text of the regulations and removal of the ACOP:

51. There would be costs to existing businesses from understanding the changes to the regulations, and savings to new businesses entering the sector, as we expect it would take them less time to understand requirements.
52. The CDM 2015 Regulations have been made much shorter (the number of pages has been reduced by a quarter) and they have been written in a way that should make them much easier to understand. Replacement of the long, complex ACOP with concise and accessible guidance tailored for specific industry sectors should facilitate this. We expect that those existing businesses familiarising themselves with the new Regulations and guidance would already be familiar with the current Regulations, and therefore familiar with most of the concepts in the new ones. However, as the new Regulations contain changes in regulatory requirements, those businesses will have to spend some time understanding them.

⁹ This section will not include familiarisation costs for domestic clients. Those costs will be analysed in section F, together with all costs on domestic clients.

¹⁰ See: <http://www.ons.gov.uk/ons/rel/construction/construction-statistics/no--14--2013-edition/art-construction-statistics-annual--2013.html>

¹¹ See:

http://www.ukcg.org.uk/fileadmin/documents/UKCG/futures/Construction_in_the_UK_economy.pdf

¹² See: http://www.eskills.org/uploads/CSN-Report-National-Overview_tcm17-28589.pdf

53. The CDM 2007 IA¹³ estimated that it would take 8 hours per contractor and 6 hours per designer to familiarise themselves with the 2007 Regulations (this would include the ACOP). We would mainly expect businesses that are already aware of the content of the current regulations to seek to understand the changes, so the majority of those will already have a grounding in how the regulatory framework works. Additionally, we would expect that most smaller contractors would make use of the new, more concise guidance, specifically tailored to their needs, rather than the actual Regulations.
54. In the consultation-stage IA we assumed that for existing businesses, it would take approximately 1 hour to understand the changes. Feedback from stakeholders suggested that we had underestimated that time, and a number of respondents added that some would chose to attend a training course, rather than read through the guidance themselves (this would happen at the higher end of the market). Suggested alternative estimates for the time familiarisation would take varied widely, so we explored the issue in the interviews we did during and after the consultation period. For this we spoke with contractors and designers, as well as with an experienced training provider specialised in health and safety in the construction industry.
55. From this feedback we conclude that an estimate of 3 hours would be more appropriate. This overall figure would be an average for the whole industry that would cover a wide variety of situations: from the great majority of very small contractors, who would only read through the guidance and spend a lot less than 3 hours, to the more professional end of the market, where individuals would attend a course of an estimated 2-3 hours (and costs would therefore include both opportunity cost and the cost of the training course).
56. Not all existing businesses would spend time on familiarisation. A recent consultation for the revocation of a construction-specific regulation¹⁴ sought views from stakeholders (both through formal consultation and qualitative research) on issues relating to familiarisation and compliance. Those views are summarised in the final impact assessment (IA) for that proposal¹⁵. There was a consensus that familiarisation in the industry, especially for contractors, operates through trickle-down. Respondents agreed that only the largest contractors actively seek to keep up-to-date with regulatory changes. Smaller contractors would generally become aware with requirements through working as subcontractors in sites operated by those larger contractors. Based on this, we used low rates of compliance in that IA (5% for self-employed contractors and 25% for employers).

¹³ See: <http://www.hse.gov.uk/ria/construction/cdm07.pdf>

¹⁴ Consultation on the revocation of the Construction (Head Protection) Regulations. See: <http://www.hse.gov.uk/consult/condocs/cd239.htm>

¹⁵ See: <http://www.legislation.gov.uk/ukxi/2013/448/impacts>

57. However, that regulatory change was a much more minor one than the amendment of CDM 2007, which would be expected to attract more attention. We expect that even some of the smaller contractors would spend some time understanding what has changed, even if that is through interactions with principal contractors, rather than through reading the new Regulations. We therefore used a compliance rate of 50% for contractors in the IA. Feedback from the consultation was that this figure was too high, and after considering the wide variety of alternative estimates provided in the consultation, an estimate of 33% is felt to be more appropriate.
58. We would expect a higher proportion of design professionals to spend time in understanding what has changed, due to the nature of their work and training, the existence of professional organisations, and the nature of the changes (which have a direct impact on their role). In the consultation-stage IA we assumed a compliance rate of 100% for them, but again, feedback from stakeholders was firm that this figure was too high. Based on that feedback, we will lower our assumption to 75%.
59. In the consultation-stage IA we assumed an average full economic cost per hour of approximately £15¹⁶ per contractor¹⁷, and of £25¹⁸ per design professional. Feedback from stakeholders was that these figures were too low, especially for designers, who, when employed by a company, would have their services charged out at a rate higher than their wages. We have reconsidered these figures.
60. For contractors, we have decided that the full economic cost per hour used in the consultation-stage IA is the most appropriate estimate. We do not doubt that for large contractors, the time of their employees might be charged out at a higher rate, but this is a sector dominated by very small contractors and the self-employed, and most will be working on small projects, where profit margins will be slim. Our estimate will be equivalent to an average salary / cost of employing an individual of approximately £30 thousand a year, which we feel is reasonable.
61. From discussions with stakeholders, the situation is different for designers. They are less likely to be self-employed, and projects likely to involve specialised designers will be on the larger side. We will assume that on average, designers' time will be charged out rate at 2 times their

¹⁶ Source: Annual Survey of Hours and Earnings (ASHE) 2012, Office for National Statistics. Salary for SOC category 814 (Construction operatives), uprated by 30% to account for non-wage costs. The figure is also approximately £15 per hour in ASHE 2013.

¹⁷ We assume one manager in each of those businesses would undertake familiarisation. We recognise that for larger companies, more than one manager would engage in this activity. However, the vast majority of businesses in this sector are very small. According to the Inter-Departmental Business Register, for instance, 81% of businesses in the construction sector have fewer than 5 employees, and the IDBR estimates do not even include the majority of the self-employed in the sector.

¹⁸ Source: Annual Survey of Hours and Earnings (ASHE) 2012, Office for National Statistics. Weighted average of the salary for SOC categories 2121 (Civil engineers), 2431 (Architects), 2433 (Quantity surveyors) and 2434 (Chartered surveyors, not quantity surveyors), uprated by 30% to account for non-wage costs.

wage. This results in a full economic cost of £40 per hour¹⁹ for designers' time.

62. Applying these assumptions, we estimate a **one-off familiarisation cost of £17.3 million.**
63. New businesses entering the construction industry, which previously would have had to familiarise themselves with CDM 2007 Regulations and ACOP would now familiarise themselves with their health and safety obligations through much shorter and simpler Regulations, designed to be more easily understandable by small businesses, as well as targeted guidance, rather than a long and complex ACOP. We would therefore expect them to spend less time on this activity than they would have without the proposed amendments. This would generate savings to these businesses.
64. As mentioned above, we would not expect all new businesses to spend time on familiarisation. We will use the same compliance rate for contractors and designers as in the previous section (see paragraphs 57 and 58): 33% for contractors and 75% for designers.
65. The CDM 2007 IA assumed that it would take 8 hours per contractor and 6 hours per designer to familiarise themselves with the regulations and ACOP. Based on the evaluation, where it was highlighted that the ACOP, especially, was confusing and difficult to understand, these estimates sound reasonable. We will use the same estimates as in the previous section (see paragraphs 54 and 55) for how long it would take contractors and designers to understand the new Regulations and guidance: 3 hours. The time savings would therefore be of 5 hours for contractors and 3 for designers.
66. Based on the same assumptions as above on full economic cost of contractors' and designers' time, this results in **annual savings of £500, 000 with a 10-year present value of £4.3 million.**
67. Both the familiarisation costs to existing businesses and familiarisation savings to new businesses are in scope for One-In, Two-Out (OITO)²⁰.

B) Removal of CDM co-ordinator role and its replacement with a new role

¹⁹ Source: Annual Survey of Hours and Earnings (ASHE) 2013, Office for National Statistics. Weighted average of the salary for SOC categories 2121 (Civil engineers), 2431 (Architects), 2433 (Quantity surveyors) and 2434 (Chartered surveyors, not quantity surveyors),

²⁰ Savings to new businesses, such as those considered here, have previously caused issues regarding whether they are 'direct' or 'indirect'. The latest OITO guidance is explicit about how they should be considered: "1.9.36 - Categorisation of direct and indirect impacts should be the same for existing business and new entrants. Direct and indirect impacts should be determined with reference to the existing business. Subsequently, the same categories of impacts (e.g. familiarisation costs) should be applied to new entrants"

68. The role of the CDM co-ordinator under CDM 2007 is to provide the client with a key project advisor in respect of the management of construction health and safety risks. The role was intended to assist the client in advising on the selection of competent contractors and the adequacy of management arrangements, to ensure proper co-ordination of the design process, facilitate good communication and co-operation between project team members and to prepare the health and safety file. The focus of the CDM co-ordinator should be on the 'project preparation' phase (as described by the Directive) or, in more common construction language, the 'pre-construction phase'. Their existence is a recognition that the experience of clients in procuring construction work varies enormously. Some clients - for example a national supermarket chain - will have a wealth of experience in procurement of construction work, but at the same time may fail to appreciate how their design choices may affect the safety of those carrying out the construction work. Most though will be inexperienced in procuring construction work, and in a majority of cases will be a first-time client. The CDM co-ordinator role would emphasise advising the client on the operation of their relationship with the designer and contractor.
69. In addition to advising on legal duties and the appointment of competent contractors, a key part of the CDM co-ordinator role is to facilitate the effective flow of information between the client, designer and principal contractor. This information should include so-called 'pre-construction information' which the client is obliged to provide where it relates to matters which may have a bearing on the control of health and safety risks later in the project. For example, this might include details known only to the client about the location of buried services. Administratively, the CDM co-ordinator is responsible, where necessary, for notifying the project to HSE, and for collating information into a health and safety file for presentation to the end user of the project.
70. In short, the CDM co-ordinator should be a pivotal role in the preconstruction phase of a construction project. However, the experience of CDM 2007 has been that in many cases the CDM co-ordinator has been claimed to add significant cost but no value. This was one of the conclusions of the CDM 2007 evaluation. Often co-ordinators are appointed so late in the project that there is little role for them. They have often not become integrated well into the project team of designer, client and principal contractor and are perceived as creating paperwork and bureaucracy. Often their role has been more focused on influencing the ultimate design of the building (to improve its 'buildability') at the expense of the valuable role of co-ordinating activities and information. Their role has tended to become more technical and less managerial in nature.
71. The proposed revision removes the pre-construction co-ordination role of the CDM co-ordinator and passes the responsibility to a 'principal designer'. This is expected to deliver a number of positive effects. Firstly, it will mean that the co-ordination will be delivered through a pre-existing

part of a project team, for example, the lead designer, the project management company acting on behalf of the client or the client themselves - rather than it being seen as an 'add-on' who is often only appointed to satisfy legal requirements. Secondly, co-ordination of information and liaison between the different parties to a construction contract is a natural part of a designer's role. It is intended that co-ordination will become accepted as a core business function of the pre-existing project team rather than an externalised role, where the default position is to appoint an outside co-ordinator to deliver this.

72. In addition to this, having one party delivering both functions is expected to generate significant savings, as co-ordination and information exchange is simplified. This is explored in the following paragraphs.

Number of projects affected

73. According to the Directive, where a construction site has more than one contractor present, this triggers a number of additional duties. These duties include formal appointments and documents, and are described in more detail in Section E, which analyses the impact of changing the current trigger in CDM 2007 to align it with that in the Directive (in summary, this has the effect of imposing these duties on projects which would have been out of scope under CDM 2007).
74. The projects affected by the removal of the CDM co-ordinator role and its replacement with a new role would be those which are above the threshold for formal appointments and documents (as described in Section E), as that is when the requirement to formally appoint someone to perform a co-ordination role would apply. Both non-domestic and (after the changes analysed in Section F, removing the exemption for domestic clients) domestic projects would be affected.
75. As Section E sets out in more detail, a third of the approximately 180,000 projects under £200,000 and all the 70,000 projects over £200,000 would be above this threshold. Section F shows that approximately 1 million domestic projects would also be above the threshold. All of these would be, in theory, affected by the removal of the CDM co-ordinator role.
76. In practice, however, it would only be commercial projects of over £200,000 that would experience actual savings from this change. For all domestic projects and the 60,000 non-domestic projects under £200,000 any savings arising from this change would be notional, and would not actually be felt as real savings by business. This is because they would relate to duties that are new to them, and that would be more costly if the EU-related amendments proposed in CDM 2015 were to be made without the current deregulatory proposals also included (such as this one, the removal of the CDM co-ordinator role).

77. Because of this, in sections E and F of this IA, we have calculated the costs of the EU-related amendments with the underlying assumption that the co-ordination function has *already* been amended as proposed in this section. Therefore, in the next paragraphs, we will only calculate costs savings to the approximately 70,000 non-domestic projects over £200,000.

Cost implications of the removal of CDM co-ordinator role and its replacement with a new role

78. Since the change analysed in this section leads to the largest impact on business out of all the proposed changes in CDM 2015, we undertook additional, focused work to sense-check and quality-assure our assumptions during and after the consultation period. A number of respondents to the public consultation made comments about the savings from the removal of the CDM co-ordinator role. Most were general comments, but a few had specific feedback about our assumptions. We also sought out feedback from organisations representing the parties who would be involved in the most relevant kind of projects (projects of around and over £200,000), and who might have different perspectives and interests in the change. This feedback took the form of individual discussions, which allowed us to dig deeper into the different assumptions. We have incorporated that feedback below.
79. The intent of the regulatory change is that the co-ordination function would be taken over by those who currently have a design function. In general, the function would remain as it is at the moment, albeit with less prescriptiveness. The costs of performing the duties required would be transferred from the co-ordinator to the designer. However, we expect having those two functions performed by the same party would generate efficiencies which would lead to significant savings, as described in the following paragraphs.
80. The CDM 2007 evaluation presents data on the additional costs to CDM co-ordinators and designers resulting from complying with CDM 2007 (tables 28 and 29). As the report explains: “Respondents were asked for information on the additional costs incurred in implementing CDM 2007 on a specific project. Respondents were asked to identify the additional costs incurred due to CDM 2007, either in terms of hours, days, or Pounds Sterling for each of the key duties that each group of duty holders had to undertake.” There were some 140 responses regarding the costs associated with the CDM co-ordinator role, and just over 50 regarding those associated with the designer role.
81. We analysed these different types of costs and identified a number that would be either reduced or eliminated if both functions were performed together, by the same party.

82. The evaluation reports a total median²¹ cost to CDM co-ordinators of £3,150. Feedback from the stakeholders consulted was that they recognised this figure as the kind of fee that would be charged for CDM co-ordinator services in projects of the size we were discussing. Of those total costs, we identified the following categories as types of costs that would be reduced:
- ***Demonstrating competency and the adequacy of resources as part of the pre-qualification and bidding process: £205.*** Designers are already incurring a cost to do this (one of the categories of costs identified for designers relates to demonstrating competency, as well), and we would not expect they would have to do this twice. This cost would be eliminated, which stakeholders agreed is a reasonable assumption.
 - ***Cost of identifying, collecting and passing on pre-construction information - £610.*** A proportion of these costs is related to *interactions* of the CDM co-ordinator with the designer. In the consultation-stage IA we assumed they would be reduced by about a third, to £410. Stakeholders suggested that, though they agreed there would be a saving in this item, the presence of more than one designer in larger projects would mean that the principal designer would still have to interact with other designers. We have therefore reduced the total cost by a fifth instead, to £490.
 - ***Co-ordinating the health and safety aspects of the design work - £350.*** This aspect of the role would be easier for lead designers to perform, as it would involve information they hold themselves. In the consultation-stage IA we assumed that these costs would be reduced by half, to £175. Like in the previous item, however, stakeholders raised the possibility that in larger projects there would be more than one designer. Based on that feedback, a more realistic reduction is by a third, to £236.
 - Additionally, stakeholders identified a category of costs to CDM co-ordinators that they felt might be reduced, which we had not considered at pre-consultation stage. It is the item ***Liaising with the principal contractor regarding ongoing design - £408.*** The logic was that this activity would be easier for the principal designer to carry out, as they would be closer to the design team than a CDM co-ordinator. Being part of the team earlier than a CDM co-ordinator, they would tend to also be closer to the principal contractor as well. Based on that feedback, we have assumed that these costs would be reduced by a third, to £272.
83. We would therefore expect £578 in savings per average project for performing the co-ordination function, a saving of approximately 20%.

²¹ We also considered using the mean cost. Since we were taking into account all projects over £200k and tables 28 and 29 include information for all projects (including those under £200k), the mean cost might have been seen as an underestimate of the actual cost. However, the mean seemed to be highly affected by outliers who'd reported particularly high costs. Our analysis would have resulted in savings of £2,700 per project, which did not feel reasonable to experts in the sector. We therefore opted for the median as a better and more conservative representation of reality.

84. As mentioned, the evaluation also has a table detailing additional costs to designers: We identified several types of cost-generating activities that would not have to be undertaken any longer. However, the median reported cost for these activities was £0, so it appears that for the majority of designers, the cost of undertaking them is negligible. We will therefore not assume any cost savings for the designer function.
85. In total, therefore, the efficiencies described above would lead to average savings of £578 per project.
86. These savings would be felt in those projects which are compliant with the regulations. We have assumed 75% compliance, which stakeholders felt was reasonable. Projects of this size (over £200k) tend to be undertaken by relatively large companies, which tend to be broadly compliant with the regulations. 75% does not necessarily mean that the remaining 25% do not comply with requirements at all. Rather, it describes a situation where almost all companies broadly comply, but possibly not with all requirements. This assumption results in approximately 52 thousand projects experiencing savings.
87. As mentioned in paragraph 79, the intent of this change is that the co-ordination function would be taken over by a party (who would be a designer) who is already part of the project team. As this would generate savings, we assumed in the consultation-stage IA that all compliant projects would implement the new regime in such a way. The logic was that since clients would no longer have the obligation to hire an external party to discharge the co-ordination role and it would be more efficient to have a party already in the team discharge that role, this is what they would do. Given the conclusions of the CDM 2007 evaluation (see paragraph 70), we felt this was a reasonable assumption. However, our consultation with stakeholders revealed a widespread understanding that some projects would continue to contract out the co-ordination role to an external party, especially at first. The reasons given for this included lack of confidence or lack of interest of some designers in fulfilling the principal designer role.
88. Projects which continue to hire an external party to carry out the co-ordination role would not experience the savings calculated above. We have therefore reflected the feedback received by making assumptions about, for each year, what proportions of compliant projects would have the co-ordination function discharged by someone already in the team, and then applying those proportions to the savings figures. Based on our discussions with stakeholders, we have assumed that this proportion would be 60% for the first year, 70% for the second, and 80% after that. Part of the increase is expected to happen as designers become more comfortable with the new role, but also as HSE works with the industry in the next years to help them transition to the new regime and deliver the co-ordination function as was intended by this proposal.

89. We will assume that compliant projects which do not continue to hire external parties to deliver the co-ordination function would experience savings of £578 each. As mentioned in footnote 21, this is an average value for all sizes of projects, so for the largest projects (such as those in this segment), it could be even higher. However, to keep our estimates conservative, and because we have no basis for how much to increase the per-project value, we will use the £578 estimate. Additionally, to account for projects taking advantage of transitional provisions (see paragraph 39), we will subtract 5% of savings from the first year.
90. This results in **savings of £17 million in the first year, £21 million in the second and £23.9 million a year thereafter** for non-domestic projects of over £200,000. . The equivalent annual saving to businesses would be £23 million, with a 10-year present value of £196 million,
91. The savings calculated above would fall on the principal designer, the client, or a combination of the two, depending on what proportion of them the principal designer chooses to pass through as lower fees. These being non-domestic projects, all these parties would be considered business. Therefore, these savings are in scope of OITO.
92. In addition to its direct impacts, the removal of the CDM co-ordinator role would result in a loss of business to some of those individuals who specialise in that role (many will be qualified to take on the role of principal designer), and potentially increased business for designers. According to the OITO methodology²², these would be indirect impacts and therefore not in scope of OITO.

C) Removal of the explicit competence requirements

93. Promoting competence within the construction industry remains a key priority and developing individual competence is crucial to reducing accidents and ill health. However, the requirements of Regulation 4 of CDM 2007 and the detailed framework of competence assessment supporting it at Appendix 4 of the ACOP has elicited an industry response which, in general, is costly and bureaucratic. This is supported by the conclusions of the CDM 2007 evaluation. The proliferation of commercial corporate health and safety assessment schemes and individual card schemes has diverted attention from the delivery of competent businesses and workers to the processes involved, rather than the outcomes. These schemes often provide a real barrier to small contractors and individuals competing for work, as large contractors often require their potential subcontractors to be assessed through a particular scheme of their liking, and the administrative requirements and costs imposed for accreditation can be both confusing and prohibitive.

²² Better Regulation Framework Manual: <https://www.gov.uk/government/publications/better-regulation-framework-manual>

94. HSE now believes that regulation 4 should be removed because competence is most effectively promoted by industry on a non regulatory basis and focused on adding value and not bureaucracy. The Regulation introduced the concepts of 'individual' and 'corporate' competence, the latter being a misleading term. Experience has shown that extending the language of competence to organisations has caused widespread confusion, and that competence as a concept has no legal minimum of compliance.
95. Regulation 4 has also allowed the proliferation of commercially-driven third party assessment schemes. Although these assessment schemes aim to comply with the core criteria in Appendix 4 of the ACOP, differences between the assessment requirements and the frequency of re-assessments between different schemes have resulted in the process becoming both bureaucratic and costly to construction organisations - particularly the smaller organisations - and thus partially discredited.
96. Furthermore, regulation 4 has not encouraged the correct balance of responsibilities between the employer, the employee, the self-employed, and third party competency card schemes, such as the Construction Skills Certification Scheme (CSCS) and others. An effective framework of card schemes and common standards needs to be industry-led in conjunction with various Sector Skills Councils, Awarding Bodies, colleges and nationally-recognised training providers. The removal of regulation 4 will facilitate these parties taking greater responsibility for working together, agreeing standards of assessment and co-ordinating training and achievement of competence in health and safety
97. The removal of regulation 4 would be significantly deregulatory because it removes the requirement for establishing competence at both organisational and individual level and shifts the balance of thought back to training and supervision, a requirement commensurate with similar health and safety legislation. In doing this, the implicit requirement for organisations to follow a protracted, costly and bureaucratic competence assessment process is removed.
98. In terms of cost implications, the removal of the explicit requirements for competence is unlikely to result in immediate changes of behaviour. Rather, we would expect it to be the initiator for change over the coming years. Initial contacts with industry indicate that the larger clients and contractors will maintain their requirements for their supply chains and workforce to undergo health and safety competence assessment. However, we expect that the health and safety competence assessment industry will rationalise and reduce over time as the clients and contractors increasingly rely on PAS 91 accreditation (a publicly available standard published by British Standards which sets standards for procurement of construction work) and the training and experience of their supply chain as demonstration of their ability and capability to undertake work for which they compete. A significant cost saving to the industry (especially small contractors) would be realised as suppliers will

no longer need to submit to a multitude of competence assessment schemes at both the individual and corporate level.

99. We intend to work with industry to achieve this objective, and we would expect at least a portion of such savings would materialise in the period over which this IA is appraising impacts (the first 10 years). However, the level of uncertainty inherent in predicting how and when behaviour would change in this area prevents us from being able to quantify these savings.
100. It may be seen by some sections of the industry that HSE is stepping away from its support for a competent industry workforce after several years of explicit support. CDM 2015 will, however, retain a general requirement that those appointed have appropriate training and knowledge to carry out their work safely. The material which is developed to support CDM 2015 following the removal of the detailed ACOP requirements will be explicit about what it sees as an appropriate and proportionate industry response to the challenge of ensuring a competent workforce. Based on this, we would not expect this change would result in adverse health and safety impacts.

D) Tightening of the condition used to trigger notification of the construction project to the competent authority

101. The Directive provides that for any construction site on which (1) work is scheduled to last for more than 30 working days with more than 20 workers occupied simultaneously, or (2) on which the volume of work is scheduled to exceed 500 person-days, specified particulars of the site must be notified to the national competent authority.
102. CDM 2007 transposed the specified particulars but it adopted a slightly different criterion for notification in that it omitted the requirement for more than 20 workers. The effect of weakening the condition in this way is that CDM 2007 requires notification of more projects than the Directive does, going somewhat beyond the strict requirement of the Directive. The notifications are usually made to HSE using an online form and provide a source of intelligence for HSE on construction activity and where larger construction sites are to be found. The value of this intelligence is lessened, however, by HSE increasing its regulatory effort on smaller sites many of which do not meet the criterion for notification, and by virtue of the fact that no projects for domestic clients are currently notifiable.
103. CDM 2015 will adopt the tighter criterion for notification given in the Directive.

Number of projects affected

104. Approximately 115,000 notifications are made to HSE every year. We have analysed a sample of those notifications to determine what

proportion of them would still require formal notification under the proposed changes. The conclusion of that analysis is that notifications would approximately halve, and that we would expect 60,000 fewer notifications every year.

Cost implications of the tightening of the condition used to trigger notification of the construction project to the competent authority

105. The nature of the current notification requirements is that the projects involved are large ones, i.e. those in which we would expect clients to keep up-to-date with the requirements. We will therefore assume that annual notifications would, indeed, be reduced by 60,000 a year.
106. Table 28 of the CDM 2007 evaluation, which provides estimates of different costs experienced by CDM co-ordinators, has a specific estimate of the cost of “Notifying this project to HSE as required in CDM 2007”. The median of the costs reported is £51. Very few comments were received from stakeholders on this, and the views were mixed. Some argued that when notifying projects electronically the costs were lower than that, whereas others said that £51 felt low, as notifying the project required more than just filling in a form (e.g. gathering the necessary information, getting it cleared). We believe the estimate in the evaluation is the most robust number that we can use for this cost, and we will therefore not change it.
107. Applying that cost, assuming 60,000 fewer notifications a year and accounting for transitional provisions in the first year, savings due to not having to notify projects to HSE would be of **£2.9 million in the first year and £3 million a year after that**, with a 10-year present value of £26 million. These savings are in scope for OITO.
108. The principal concern regarding this proposed change raised by industry in the consultation, particularly by those representing small contractors, is that the change of threshold will result in a loss of intelligence to HSE. HSE makes use of a wide variety of intelligence in targeting its work in the construction industry, of which notification data is a part. We have considered internally the significance of the reduction in the number of notifications, and we do not think this would have an impact on our enforcement.

*_*_*

109. The following two proposed changes arise from different policy considerations than those presented earlier. HSE has become aware that the current transposition of the Directive is insufficient in two areas; the changes analysed below address these two areas and align the Regulations with the Directive, ensuring the latter is transposed correctly.

E) Changes in thresholds for additional duties

110. The Directive imposes a number of additional duties where a construction site has more than one contractor present. The main additional duties are for the client (or a person acting on their behalf) to appoint safety and health co-ordinators for the pre-construction and construction stages of the project, and for the co-ordinators to co-ordinate health and safety and collate a health and safety file of information likely to be useful to those carrying out subsequent works after the completion of the project, such as cleaning, decommissioning or demolition. Additionally, whatever the size of the project, the principal contractor or contractor is required draw up a health and safety plan for the construction phase.
111. CDM 2007 transposed the additional duties but it adopted a different trigger. It used a measure of the duration of the project expressed as more than 30 days or more than 500 person-days of construction work instead of plurality of contractors (or, in the case of health and safety plans, instead of not requiring a trigger). This was done to simplify the Regulations by using the same condition for triggering the additional duties as for triggering notification of the project to the competent authority. However, the approach under CDM 2007 differs from the Directive and CDM 2015 seeks to align them.
112. CDM 2015 will change the additional duties triggers in line with the Directive. The threshold will change from project duration to contractor plurality for most of the duties, and construction-phase health and safety plans, proportionate to the risks involved, will be required for all projects. The impact of the change will be to increase the number of projects that attract the additional duties, but with the benefit of significantly simplifying the structure of the Regulations. The great majority of such projects brought within scope of this requirement will be small projects, and the planned supporting guidance to the Regulations will demonstrate how the additional duties arising on such projects can be discharged in a practical and proportionate way, with minimal extra cost.
113. The change in threshold will affect both non-domestic projects and, due to the proposed removal of the exemption from client duties for domestic clients, domestic projects as well. The impact on non-domestic projects is analysed in this section, while the impact on domestic projects will be analysed and the new duties arising will be considered in the subsequent one.

Number of non-domestic projects affected:

114. Projects over 30 days or 500 person days are likely to already involve more than one contractor and so would not be affected by the change in threshold. However, there will be a number of shorter-duration projects which would also require more than one contractor and so would become subject to formal appointments and documents if the threshold is amended.

115. It is not straightforward to obtain an estimate for the total number of non-domestic construction projects undertaken each year. In the latest Construction Statistics that includes data by value of project²³ the Office for National Statistics (ONS) publishes an estimate of approximately 37 thousand projects of value greater than £100,000, based on their quarterly survey. The ONS has also provided us with their estimate (based on the same source) for projects of value below £100,000, and that is approximately 120,000 projects. In total, therefore, the ONS estimate some 160,000 non-domestic construction projects a year.
116. However, this number does not sit well with information held by HSE, or with HSE sector experts' knowledge of the construction industry. As mentioned in paragraph 69, CDM 2007 contains a duty to notify HSE of any non-domestic projects with a duration of more than 30 days or more than 500 person-days of construction work. Currently, some 115 thousand notifications are made to HSE every year. If we subtracted this from the ONS estimate, it would mean that there would be only 45 thousand projects of under 30 days or 500 person-days of construction work (or even fewer if we assumed that HSE is not receiving 100% of the notifications that should be made).
117. It seems doubtful to HSE sector experts that the number of projects below that threshold would be only about a third of the number of projects above it. It seemed more likely that there would be at least as many. **We will use an estimate of a total of 250,000 non-domestic projects a year.** We explored the possibility of finding a different source since the consultation-stage IA was published, but found no better estimate. Feedback from stakeholders was that this sounded reasonable.
118. ONS data for proportions of new orders by value range do not include the smallest projects, and group data differently in different years. Using data from the last 3 available years, as well as using our own assumptions about the distribution at the lowest end of the market, we have arrived at the following distribution:

Table 1. Distribution of non-domestic construction projects, by value

Value of project	Number	Proportion
£0 - £50k	81,000	32%
£50k - £100k	54,000	22%
£100k - £200k	46,000	18%
£200k - £500k	34,500	14%
£500k - £750k	11,500	5%
£750k - £1,000k	6,000	2%
Over £1,000k	17,000	7%

²³ See: ONS, Construction Statistics No. 13 – 2012 - <http://www.ons.gov.uk/ons/rel/construction/construction-statistics/no--13--2012-edition/art-construction-statistics-annual--2012.html>

119. Based on HSE's knowledge of the sector, we estimate that the great majority of those projects under £200,000 would not meet the notification criteria for CDM 2007, as they would most likely not be of sufficient length. However, some of these approximately 180,000 under £200,000 would require more than one contractor on site, even if they require fewer than 30 days or 500 person days. Therefore, following amendment of the Regulations, they would become subject to formal appointments and documents, which they would not have been before.
120. Based on the experience of HSE's Construction Division it has been estimated that, for non-domestic projects, there are two single contractor jobs for every multi-contractor job. So, we estimate that of the 180,000 potential additional non-domestic projects, one-third or approximately 60,000 projects will require more than one contractor and so require formal appointments and documents (including a proportionate health and safety plan) when they would not have before the change in threshold.
121. The remaining 120,000 projects under £200,000 (those which require a single contractor) would only require a health and safety plan out of all the new requirements.
122. HSE considers it unlikely that many projects of over 30 days or 500 person days would have fewer than two contractors on site, so we will assume that no projects currently subject to formal appointments and documents would become free of those requirements due to the change in threshold.

Additional costs for non-domestic projects²⁴ due to the changes in threshold:

123. The estimated 60,000 that were under the threshold for formal appointments and documents in CDM 2007, but would be over the threshold in CDM 2015, would now have new duties placed on them by the Regulations. The client should then appoint the principal contractor and ensure they draw up the health and safety plan. The remaining 120,000 that are still under the threshold for formal appointments will require a health and safety plan.
124. HSE guidance will make it very clear that all these duties should be discharged in a proportionate, common sense way, especially for small projects (which we will define, for the purposes of this IA, as those under £50 thousand). Such projects might include, for example, minor shopfitting, a small extension or minor commercial repairs or refurbishment.

²⁴ As mentioned, the change in threshold affects all projects, but costs to domestic projects will be calculated in the next section.

125. HSE plans to provide template health and safety plans for the most common types of small projects and make clear what exactly they need to do. In effect, for these small projects of value under £50,000, complying with the new duties would mean downloading the relevant sample plan from the HSE website and, for multi-contractor projects, having a discussion about appointments (regarding who will be considered the principal contractor, etc). We originally estimated appointments and documents would take 1 hour at most, counting the time of everyone involved (which will, most times, be 2 contractors).
126. However, before finalising the consultation-stage IA, we discussed a number of assumptions with the Federation of Master Builders (FMB)²⁵, a trade association which has a high representation of members amongst the smallest building firms (which would be those who would undertake the type of work under discussion here). A number of FMB members were consulted and asked to provide a “sense-check” for relevant assumptions. We asked them specifically about how long it might take to carry out the activities described in the previous paragraph, and there was general agreement that our original assumption was on the low side. We will therefore assume it will take twice as long to discharge the duties regarding appointments and documents for multicontractor projects: 2 hours, which is consistent with the feedback received. For single contractor projects, we will assume that the health and safety plan will take half that time: 1 hour.
127. Out of the 180,000 projects attracting new duties, we estimate that just under half (81,000) would be of value below £50,000. These types of projects will generally be small and be undertaken by very small contractors including the self employed, and will not involve separate designers, all factors which would lead us to expect lower compliance with the new duties, approximately half of what we estimated for contractors as a whole in section A: 25%. We consulted FMB members about this estimate, and reaction was split. However, those who disagreed with our estimate and provided comments thought it might be even lower. We will be conservative and continue to use the 25% estimate.
128. Assuming, as earlier, a full economic cost of £15 per hour for a contractor’s time, this would result in **annual costs of approximately £400,000 a year**. To account for projects taking advantage of transitional provisions (see paragraph 39), we will subtract 5% of savings from the first year. Over 10 years, this would represent a present value of £3.5 million.
129. Larger projects (value over £50,000) will tend to be projects with more complexity. We have considered that, if contractors undertaking such projects are seeking to comply with the changed regulations, this implies that theirs are responsibly-run projects. Responsibly-run projects of that

²⁵ See: <http://www.fmb.org.uk/about/>

size would, inevitably, already be doing all the additional things required by the regulations. To comply with already existing health and safety duties, they would already require someone being, in effect, in charge, and a plan of some sort to ensure the site is safe. We therefore do not expect the new requirements to place any costs on business for these types of projects. We sought opinions on this assumption from FMB members, and most of those who answered the question agreed that it was a reasonable assumption.

130. The costs to business from the change in threshold are not in scope for OITO, as the change arises directly from an EU measure, and the implementation does not go beyond what is strictly required and there are no available derogations that would reduce costs to business²⁶.

F) Removal of the exemption for domestic clients

131. CDM 2007 places duties on construction clients. A client is person or body corporate who procures construction work. These duties are largely administrative and, in summary, are to ensure that management arrangements for the project are sufficient, to provide relevant information to other duty holders, appoint co-ordinators for health and safety (in those projects where the trigger condition for such appointments is met), and ensure that the principal contractor has drawn up a health and safety plan before work commences on site.
132. Both CDM 2007 and its predecessor 1994 Regulations ensured that “domestic clients” (persons having construction work done on their own homes) were protected from the client duties described above. This was on the basis that, in view of the nature of domestic construction projects, it was reasonable to shelter such clients from the criminal liability inherent in these duties. In practical terms, in the vast majority of small projects for domestic clients, the householder is not in a position to exercise control over how the work is managed or sequenced in the way that a more informed commercial client would be. Furthermore, the informal arrangements in place in such projects do not lend themselves easily to the structured approach to client duties which the Directive would indicate.
133. It is important to note, however, that regardless of whether a project is carried out for a domestic or commercial client, the same legal responsibilities fall on the contractor to ensure that appropriate precautions are in place to ensure the safety of workers. This approach is consistent with HSE’s primary legal locus being those engaged in work activities, not private individuals. The Regulations similarly did not exempt other dutyholders such as designers from their duties in domestic projects.

²⁶ See: OIOO guidance (OITO guidance is still not published, but this element is not expected to change): https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31616/11-671-one-in-one-out-methodology.pdf

134. The Directive's definition of client is very broad and cannot be regarded as excluding domestic clients. It imposes client duties on all clients as defined with no derogations.
135. CDM 2015 therefore seeks to align the Regulations with the requirements in the Directive, while providing a level of relief to domestic clients. It does this by amending the definition of client to include all clients but then, in the case of domestic clients only, providing that the contractor(s) for the project shall by default carry out the client's duties without further client intervention (the Directive allows for the principle that the client's duties can be carried out by another person). We will refer to this as the 'deeming' approach.
136. The effect of the change will be to greatly increase the number of clients who come within the scope of the Regulations, but to simultaneously ensure that, in most cases, these new clients are not significantly affected by the change. Where small domestic clients come within scope of CDM 2015, HSE will stress the need for a proportionate approach, and will seek to offer every assistance to such clients in discharging these limited responsibilities through the use of, for example, template health and safety plans for small domestic projects.
137. The requirements on contractors for the physical control of health and safety risks will remain essentially unchanged from the existing Regulations. The proposed changes to the client definition will have the effect of formalising the management arrangements for domestic construction projects, but through the deeming approach will do so in a pragmatic way which minimises costs and retains existing standards of worker protection.
138. Few respondents to the consultation commented on the specifics of our assumptions regarding the impact on domestic clients, but we have incorporated the feedback received below.

Number of domestic projects affected

139. We considered using the ONS Construction Statistics Annual as a source of data. However, this source focuses on the overall competitiveness of the industry, tending to discount some of the small contractors and not considering any projects of less than £25,000 in value. Given that the majority of domestic clients are likely to fall into the less than £25,000 value category, significant adjustments would be required to the Construction Statistics Annual data before it could be used, which would only serve to increase the uncertainty within these estimations. Thus, an alternative method of estimating project numbers has been derived as follows:

140. According to the latest census figures²⁷, there are 23.4 million households in England and Wales and 2.4 million households in Scotland. Non-owner occupied property should be excluded from this total figure as any construction work will be the responsibility of the landlords, who are not classed as domestic clients and are already clients as defined. Census data indicate that 64% of households in England and Wales and 62% in Scotland are owner occupied premises, i.e. 16.4 million in total for Great Britain as a whole.
141. In 2012, HSE commissioned a project to improve its knowledge of domestic construction activity. The first stage of it involved conducting a telephone survey of a nationally representative sample of 800 homeowners to gather information on the types of improvements and renovations that they had undertaken in their homes, as well as to gain information on their perceptions on what they considered as 'construction' work.
142. Approximately 20% of respondents reported having construction work²⁸ done in the previous year²⁹. Based on this, it is estimated that there will be **3.3 million domestic construction projects per annum**.
143. As explained in the previous section, different duties will apply to projects which have only one contractor on site from those which have more than one contractor on site. The survey inquired of respondents how many different businesses / contractors had worked on site during the latest project they had reported. 30% of them reported having more than one contractor on site³⁰.
144. This results in estimates of **1 million multi-contractor and 2.3 million single contractor projects a year**³¹.

Costs of the removal of the exemption for domestic clients

145. We discussed several of the assumptions in this section with representatives from the HomeOwners Alliance (HOA)³², a group set up to represent the interests of homeowners and homebuyers, as well as with FMB members. We also received some comments during the public consultation. This feedback is presented throughout the analysis.

i) FAMILIARISATION COSTS

²⁷ Figures from the 2011 Census.

²⁸ According to the definition we provided, which, as explained later in this section, is wider than many respondents' own definition.

²⁹ This is in line with the results obtained through its own survey by another member state, with similar housing and construction markets as the UK.

³⁰ The survey asked respondents to report on projects undertaken in the previous 5 years. The 30% proportion was the same for those who reported construction work in the previous year, and those who had not had work done in the previous year, but had 2 to 5 years earlier, which adds to the robustness of the estimate.

³¹ Numbers do not add up exactly due to rounding up.

³² See: <http://hoa.org.uk/>

146. Familiarisation costs for domestic clients would be a multiple of (a) the number of clients ; (b) the length of time taken for familiarisation; (c) the opportunity cost of the client's time; and (d) the expected level of compliance.
147. The number of domestic clients (a) has been estimated as approximately equal to the number of projects: 3.3 million per year. We will assume that clients will have to understand what their duties are every time they require a construction project, even if they have done so some years previously. This would make familiarisation costs annual ones, in this case. We consider this to be a plausible assumption, given that these are domestic clients, for whom construction projects are sporadic, with an average interval between projects of 5 years (see paragraph 142).
148. The length of time taken for familiarisation (b) would be very low, as the only information domestic clients will have to understand is that they do not need to do anything at all in response to the amendment of the Regulations, and that they can proceed as usual. Information on the HSE website will be written in very clear language, to ensure there is no confusion. We will assume that accessing and understanding this information would take approximately 15 minutes, which was felt to be reasonable by HOA representatives when we discussed it.
149. The opportunity cost for clients (c) of familiarisation depends on the value of the next best alternative to which they could put their time. Although this will vary between individuals, for those who are in paid employment it can be assumed that the next best alternative to familiarisation would be to work³³. The average wage rate has therefore been used to calculate the utility foregone for clients as a result of familiarisation³⁴.
150. We expect a low level of compliance (d) for domestic clients, for a number of reasons. Not being involved in construction circles, it is likely many of them may not be aware of any changes in the law, and so would simply behave as they do now (although this might depend on how much press coverage of the change there is). In the survey referred to earlier in this section, one of the questions was whether the respondent had sought information at any point in the project regarding a number of issues. These included health and safety amongst a number of others, such as building control and planning permissions. Fewer than

³³ The majority of domestic clients who are able to afford construction work to their properties are likely to be in paid employment. While there will be a smaller proportion of retired domestic clients, there will still be an opportunity cost of familiarisation time including worry and stress, and the average wage rate is assumed to be a reasonable proxy for this time also.

³⁴ We have also looked into using a methodology proposed by HMT's Green Book team for valuing time spent by private citizens on state activities. This uses the average wage rate, uprated by 30% to account for non-wage costs, to estimate the value of their own time to the proportion of individuals who are in work, and the Effective Return to Labour of Household Activities, from the ONS's Household Satellite Account to estimate the value of their own time to the proportion of individuals who are not in work. However, the results of applying both methodologies end up being very similar.

10% reported having considered the issue of health and safety at all, even though they had been told the survey was being carried out on behalf of a government department, which might have led them to report having considered it even if, in reality, they had not.

151. Even for those who would be aware of the changes, and who would know they are subject to new duties if they hire someone to carry out construction work on their property, many may not even realise that the work they have commissioned would be classed as construction work. In the survey, respondents were given a list of activities done in the home and asked whether they thought they qualified as “construction”. There was a large variability in the responses. Over three quarters of respondents recognised that having someone repairing their roof or do a loft conversion was construction work, while 60% and 40% respectively thought installing new windows and plastering was construction. For some maintenance tasks, such as painting a front door, only 20% recognised this as construction. All of these would technically fall within the definition under the Directive and Regulations.
152. The survey found that about 30% of the projects carried out were Construction (such as construction of a home from scratch, home renovation and building a conservatory or other extension work), 15% were improvements (which include the installation of new central heating systems, plumbing or electrical systems, loft conversions, interiors or garages and replacing windows) and the majority, 55%, were repairs, maintenance and redecoration (which includes cosmetic redecoration, repairs to windows and central heating, plumbing or electrical systems, as well as structural repairs). Based on the responses reported in paragraphs 150 and 151, it is likely that for many of the projects in the latter (and largest) group, domestic clients would not realise they are commissioning construction work.
153. Taking into consideration the evidence presented in the previous paragraphs, we will assume that 10% of domestic clients would spend time understanding their obligations. This assumption was discussed both with HOA and FMB, who felt that it was reasonable, and that the real figure might even be lower. Comments in the public consultation also supported an assumption of low compliance around domestic client duties.
154. Based on these assumptions, the **annual familiarisation cost to domestic clients would be £1.2 million**, which would result in costs with a 10-year present value of £10.5 million.

ii) COSTS OF NEW DUTIES

155. Domestic clients would not have to do anything different from what they are doing at the moment, so they would incur no additional costs.

156. The new duties would fall on contractors and designers working on domestic projects. Based on data from our homeowners' survey, we estimate that 85% of all domestic projects would be under £10,000, and the majority of these would be under £5,000.
157. For these types and sizes of projects, we would expect that the majority of contractors would be very small, with many works being carried out by the self-employed. We know from evidence presented by stakeholders in previous consultations (see paragraph 56) that it is mainly large contractors who keep themselves up-to-date with regulatory requirements, with smaller contractors mainly learning about requirements through working on larger sites, by example. This would be relatively straightforward for learning what health and safety standards should be on a well-run site, but less straightforward for learning about discharging client duties, which are to do with administrative arrangements. Furthermore, many small contractors may specialise in small domestic projects, and not work on larger sites very often. Additionally, even if contractors knew about client duties, the feedback we have received is that many would find them disproportionate and excessively bureaucratic for the smallest projects, which are the majority of those which take place.
158. It is for this reason that we would expect that compliance with these new, additional requirements would be low. Based on estimates made in previous construction-related IAs³⁵ we have estimated a compliance rate of 10% for single-contractor projects and for multi-contractor projects under £10,000. For larger projects multi-contractor projects, which, as mentioned, are more likely to include a designer, we would expect higher compliance, and will assume a rate of 20%. We discussed these assumptions with the FMB, and responses were mixed, leaning more towards agreement (although there was some confusion amongst some who disagreed about which obligations we were talking about here). Compliance was expected to be low, possibly even lower than our 10% and 20% assumptions, which were still felt to be reasonable. Comments in the formal consultation also supported our assumption of very low compliance.
159. For projects with a single contractor, the only additional duty would be to have a health and safety plan, as the contractor would already have a duty under the current Regulations to protect their own health and safety, and co-ordination and appointments would not be necessary.
160. As explained in the previous section (see paragraphs 125 and 126), HSE will be providing sample health and safety plans for the most common types of projects, and we estimate it will take an average of approximately 1 hour to discharge this duty.

³⁵ See the IAs for the revocations of the Construction (Head Protection) 1989 and Notification of Conventional Tower Cranes 2010 Regulations - <http://www.legislation.gov.uk/uksi/2013/448/impacts>

161. These assumptions result in **annual costs to business of £3.5 million** for single-contractor projects. Over the first 10 years, this would represent costs with a present value of £29.9 million.
162. In multi-contractor projects, contractors would now have the same duties of formal appointments and documents described in the previous section in paragraph 110 (drawing up the health and safety plan, making the formal appointments, co-ordinating who will do what and in what order).
163. We have taken a pragmatic approach to assigning which contractor assumes these responsibilities in lieu of the domestic client, in that the first contractor engaged by the householder will have to discharge the duties. This is in line with the natural position of authority which will be adopted by a contractor who wishes to sub-contract work to a second party. By way of an example, if a householder engages a plumber to re-fit a bathroom, the plumber will usually sub-contract some elements of the work – for example, electrical or joinery work – to other persons. The plumber, as the first-appointed contractor would be responsible for the ‘deemed’ client duties.
164. For the smallest projects, which we will define for the purpose of this IA as those under £10,000 (this would include projects such as the refitting of a typical bathroom), we would expect it would take contractors 2 hours to carry out these duties (template plans for the most common domestic projects would be provided by HSE, as explained in paragraph 125).
165. For projects of over £10,000 (projects such as the construction of a typical domestic extension), we would expect it would take 4 hours, with 3 of those hours being spent by contractors, and 1 of them by a designer. These projects will be more complex than those under £10,000, and more co-ordination will be required as they proceed.
166. Based on these estimates and the hourly rates described in paragraph 59 for contractors and designers, the new duties would generate **annual costs of £5.1 million** for multicontractor projects. Over the first 10 years, this would represent costs with a present value of £40 million.
167. These costs would fall on contractors and designers, in the first instance. What proportion of them will be passed on will depend on something called in economics the “price elasticity of demand” of the different subsectors of domestic projects. That is, how demand for a particular product or service (e.g. construction, or improvements) reacts to changes in its price.
168. We would expect that the demand for urgent, necessary jobs (such as, for instance, repair of a heating system that has failed during winter) would be relatively inelastic. That is, the domestic client would undertake the project even if the price increased. For that type of project, then, contractors and designers would probably be able to pass on most of the extra costs to clients, by increasing their prices.

169. On the other hand, demand for minor and merely aesthetic projects, would probably be quite elastic. If the price goes up, clients might just decide they do not need to undertake the project, or that they can do it themselves. In such cases, contractors and designers would probably have to absorb the majority of the extra costs if they wanted the work, and would not be able to pass them on to clients.
170. Without significant expense to research this issue, however, we are not able to provide estimates of the potential rate of cost pass-through.
171. In total, familiarisation and discharging the new requirements would result in a maximum total annual cost of £9.4 million to society (homeowners and contractors), with a cost of £83.8 million over the first 10 years. We have assumed a negligible number of domestic projects would take advantage of the transitional provisions (as they tend to be much smaller and last for shorter periods than commercial projects), and in any case, would not have an existing CDM co-ordinator, so we have not subtracted 5% from the first-year costs.

REGULATION AND HEALTH AND SAFETY OUTCOMES

172. The removal of the exemption for domestic clients in Option 2 is analysed with the underlying assumption that HSE would continue to apply its current enforcement policy³⁶. Two principles of the enforcement policy are that regulation should be both proportionate and targeted based on risk. Legal duties already exist under other health and safety legislation for health and safety standards on domestic construction projects (e.g. for working at height) and those would continue to be enforced as they are currently.
173. Regulation on domestic construction projects will continue in line with HSE's Enforcement Policy Statement 35 and the focus of this will be where workers and members of the public are put at risk. Typically this will result in both a proactive and reactive approach to regulation of the existing legal requirements for the provision of physical safeguards and less emphasis on the new, largely administrative requirements, but the two would be considered together. It is in this context that we expect compliance with the new duties to be low.
174. In the great majority of domestic construction projects (most of which are very small in cost and scale³⁷) we would expect that discharging the new client duties, which relate only to the management of the project would not lead to improved health and safety outcomes, i.e. result in fewer deaths, injuries or cases of ill health over and above those that would

³⁶ HSE's Enforcement Policy Statement can be found here: <http://www.hse.gov.uk/pubns/hse41.pdf>

³⁷ A third of domestic projects are under £1k. 70% are under £5k and 85% under £10k.

occur by achieving compliance with the extant health and safety standards. In projects that are already well-run, it would merely be a formalisation of processes that would already be taking place – the day-to-day interaction between contractors which is required to deliver a project - and therefore not bring about any additional benefits. We would expect most projects in which client duties were discharged to be in this category, as clients who seek to comply with these new regulatory requirements are probably those who comply with requirements regarding health and safety standards. In projects that are not already well-run, discharging the new client duties in isolation is not expected to lead to much improvement, as such sites would probably display other health and safety breaches.

175. We would expect any improvements to health and safety outcomes due to the discharging of the new client duties to take place in the very small minority of large, complex domestic projects where a greater degree of formalisation of roles and of co-ordination of health and safety information may have benefits. This could include, for example, major architectural remodelling involving significant structural works, or projects involving civil engineering works such as basement excavation. It is reasonable to assume that for the majority of those projects where those responsible would familiarise themselves with the new duties and discharge them, the projects would be well-enough run that the processes underlying these duties would already be taking place in some form. However, it is conceivable that adding a degree of formality to them might lead to improvements in areas such as co-ordination and planning, and potentially to improved health and safety outcomes.
176. Additionally, a very small number of those projects would be large enough that they would have to be notified to HSE³⁸ (currently no projects for domestic clients are notifiable, regardless of their size or duration), and the potential for inspections could lead to improvements in health and safety outcomes.
177. We are not able to quantify these potential improvements, or even predict with any level of certainty that they will happen, so we are only raising this as a possibility. We do know that the number of domestic projects which fulfil the conditions described in paragraphs 175 and 176 will be very small, so any benefits from this change would be limited.

Enforcement approach

178. We have considered what would happen if we took the previous option as a starting point but focused more HSE resources on improving compliance with the new duties which arise in construction projects for domestic clients

³⁸ See Section D. these are projects on which (1) work is scheduled to last for more than 30 working days with more than 20 workers occupied simultaneously, or (2) on which the volume of work is scheduled to exceed 500 person-days.

179. We have explored in earlier sections the factors which we believe would result in low compliance levels with the new duties (see paragraphs 150 - 152 and 157 - 158). Overcoming them would require actions in two areas: communications and enforcement.
180. Improving compliance as much as possible would require ensuring that householders and contractors respectively are aware of the new duties. Each group would present slightly different challenges. Owner-residents who might have construction work done in their own homes are a large and diverse group: as mentioned in paragraphs 140 to 143, there are over 16 million owner-occupied households in the UK, all of which could potentially have construction work done in their homes. Reaching a significant proportion of them would require an extensive, expensive communications campaign. Additionally, for most households there would be an interval of years between projects, so a successful campaign would have to be an ongoing one, which would increase its cost significantly. As for contractors, as stated earlier, those who would carry out the bulk of domestic construction projects will tend to be small businesses, often self-employed individuals. Many of them will not work in larger sites, belong to business associations, or voluntarily engage with HSE. We know from current activities that reaching them is difficult.
181. But even for householders and contractors who have been made aware of the new duties, we would not expect this to be enough to change behaviour in a large number of cases. While we consider the client duties in the Directive to be appropriate and proportionate for commercial projects and some of the largest, more complex domestic projects, they will in the main be perceived as disproportionate for the types of projects which will comprise the majority of domestic projects (for example the installation of a conservatory or the re-fitting of a kitchen or bathroom). As we explained in the previous section (see paragraphs 174 to 177), for the majority of projects we would not expect fulfilling the new client duties to result in improvements in health and safety outcomes, and this will probably be evident to contractors and householders.
182. Because of this, we would expect that achieving a high level of compliance with the new client duties would require substantial proactive regulatory activity on the part of HSE. At the time of preparation of this Impact Assessment, HSE employed some 130 full time-equivalent operational construction inspectors of the grades that would normally undertake inspections, who undertake some 11,000 inspections a year. Even if HSE were to divert all of their resource from their current duties to enforce the new domestic client duties, they would only be able to visit around 1% of the approximately 1 million multi-contractor domestic projects which take place every year. Additionally, while contractors working in the commercial sector will often subcontract on larger sites and be influenced through the contracting supply chain in that way, this happens to a much lesser extent in the domestic sector. Because of this,

we could not expect the sort of “multiplier effect” on behaviours which can occur in the commercial sector through local inspection initiatives.

183. There would also be significant practical difficulties in identifying domestic construction projects for HSE inspectors to visit. HSE would be required to be notified of the details of some of the larger, more complex projects (see paragraph 176), but those where a notification is submitted would inherently demonstrate a degree of compliance with new and existing duties. A great majority of such projects would not require planning permission or formal intervention by Building Control officers, so there would be little scope to work through other regulatory regimes to identify projects. As stated before in this IA, the bulk of the projects we are discussing are small-scale (costing under £5,000) and of short-duration (many lasting only a day or two). It would be difficult, if not impossible, for HSE inspectors to know when and where they are taking place, and clients and contractors would know this. Acquiring information about such projects would require the development of an intelligence-gathering infrastructure that would almost certainly infringe domestic privacy in ways that would not be acceptable. It would also conceivably require further regulatory change that would go beyond what is set out in the Directive, thereby constituting gold-plating.
184. Thus if HSE were to focus all of its construction inspectors on enforcing the new domestic client duties, we could not expect compliance rates to rise to very high levels. They would rise to a certain extent, however, and this could have some effects on health and safety in the Construction sector.
185. The hypothesised change of focus of HSE’s Construction inspectors would mean that they would concentrate more on the domestic construction sector, and less on the commercial sector. We would therefore expect a lowering of standards in commercial projects and improvements in domestic projects. The latter, however, would mainly not be due to the new client duties being discharged (see paragraphs 174 to 176), but due to inspections leading to improved compliance with the (already existing) health and safety standards required.
186. We are not able to provide estimates of the exact extent of these health and safety effects, but have a good idea of what the net effect would be. As we have mentioned, HSE’s current enforcement strategy is risk-based. It is informed by evidence and focused where our activities are expected to lead to the most benefit. HSE Construction resource is therefore focused on high-risk activities which typically include small to medium-sized commercial construction work, asbestos removal, refurbishment, roof work and work at height generally. Enforcing the proposed domestic client duties more vigorously on small domestic maintenance and minor construction projects would represent a significant net diversion of resource from high to low-risk activities. Any benefits arising from inspecting lower-risk projects would largely be based on improved compliance with already-existing requirements, not

the new client duties. HSE could already choose to target such sites but does not, on the basis of targeting risk effectively and proportionately.

187. For these reasons, we would expect the net effect of focusing on domestic client duties would be a lowering of health and safety standards overall in the construction industry. Therefore, we do not intend to make changes to HSE's current enforcement strategy as a result of removing the exemption from client duties for domestic clients.

G) Summary of costs and savings and position under OITO

188. Option 1 is the "do nothing" option, and would lead to no additional costs to society.
189. Under option 2 (amendments to the Regulations, using the 'deeming' approach for removing the exemption on domestic clients) there would be average annual net savings to society (including business) of £14 million, with a 10-year net present value of £121 million (also a saving).
190. The costs and savings analysed in sections A to D are in scope of OITO, but those in sections E and F are not, as they arise directly from EU requirements.
191. The approach taken for the removal of the exemption of domestic clients from client duties (section F) provides for a slight elaboration of copy-out in order to provide relief to homeowners and limit the total additional costs of the measure (as shown in the consultation-stage IA, total costs to society as a whole, which includes costs on business, from applying straight copy-out were much larger than those incurred by using the "deeming" approach). HSE has considered whether this approach could constitute 'gold-plating' of the Directive. Having assessed the Directive requirements and guidance on gold plating it is clear to us that it does not constitute gold-plating. The Directive itself provides that either a client or another person, defined as the "project supervisor" can discharge the relevant duties. By 'deeming' the duties on another party, we are taking advantage of the flexibility in the Directive to avoid placing duties (and disproportionate costs) on inexperienced domestic clients. The scope of the duties under the Directive has not been extended and the duties will be carried out in a way which was envisaged by the Directive and recognised by the Commission's non-binding guidance. On this basis, we are content that this option does not constitute gold plating and that Option 2 is also out of scope of OITO.
192. We have consulted the Better Regulation Executive, BIS Ministers (BRE) and the Regulatory Framework Group on this issue, and they have confirmed that they agree with our interpretation. This position is also consistent with legal advice on gold plating from Treasury Solicitor's Office.

193. Option 2 is the preferred option, as, in summary, it results in significant savings to business and society as a whole, and brings the regulations in line with the Directive.
194. Option 2 results in an Equivalent Annual Net Cost to Business (EANCB) of -£19.6 million under OITO (an 'Out') expressed, as required, in 2009 prices.
195. To support balanced reporting of overall EU burdens in the Statement of New Regulation, we also provide an EANCB (also in 2009 prices) for the proposal as a whole. This figure is -£12.4 million.

Summary costs and benefits for Option 2

'DEEMING' APPROACH FOR DOMESTIC CLIENTS	1st-year cost	Average annual cost	Present value over 10 years	In scope of OITO?	Figure for OITO
A - Familiarisation for existing businesses	17	2	17	Yes	1.6
A - Familiarisation savings for new businesses	-0.5	-0.5	-4	Yes	-0.4
B - Removal of CDM-C role	-17	-23	-196	Yes	-18.4
C - Removal of competence requirement	-	-	-	Yes	-
D - Change in notification requirements	-3	-3	-26	Yes	-2.5
E - Change in thresholds for commercial projects	0.4	0.4	3	No	
F - Domestic projects - familiarisation	1	1	11	No	
F - Domestic projects - compliance	9	9	73	No	
Total COSTS	7	-14	-121	Out' of	-19.6

H) Effects on health and safety

196. A detailed assessment of the health and safety impacts of the removal of the domestic client exemption is presented in section F above. This section summarises the situation for the remaining changes proposed.
197. The impacts of the proposed measures on health and safety are difficult to quantify. As explained in each of the previous sections, we do not expect any of the changes to requirements to have a negative effect on the standards of health and safety that will be required by CDM 2015. There will be no amendment to Part 4 of CDM 2007, which provides duties relating to physical health and safety precautions on construction sites (the changes proposed in CDM 2015 all relate to the management of health and safety, not the standards required). In fact, through the significant simplification proposed, and the production of sector-specific guidance aimed at small contractors, we expect the measures would lead to improved health and safety in the sector.

198. Implications for larger projects will be limited, as behaviours on such projects are typically compliant with the existing regulations. It is among small contractors that the greatest benefits are likely to be seen. Small construction projects are disproportionately represented in serious and fatal accident statistics, with around two thirds of fatal injuries in construction arising on sites with fewer than 15 workers. HSE's experience is that non-compliance with regulatory requirements is commonplace. Whilst some businesses undoubtedly avoid complying with requirements for commercial benefit, many are simply unaware of their responsibilities. We expect that by a significant refocusing of the regulations and supporting guidance to support small contractors, a proportion of them will be able to improve compliance with the new requirements.

Small and micro business assessment (SMBA)³⁹

199. Because CDM 2015 implements an EU Directive, full or partial exemptions for small and micro businesses are not a possibility, and we have very little flexibility regarding what requirements are imposed on them.
200. However, many of the changes proposed are intended to provide a regulatory framework that is substantially simpler and more accessible for the smallest businesses in the sector, and some of these changes could generate substantial savings to them.
201. The evaluation found that CDM 2007 remains a difficult text, with a complicated structure, and that for small businesses that want to comply this might lead to unnecessary bureaucracy. Additionally, the current ACOP is seen as too long and not well-suited to the characteristics and needs of small and micro businesses, who perceive it as inaccessible and irrelevant.
202. In CDM 2015, the Regulations have been restructured significantly, to make them simpler and more easily understandable, especially to small businesses. The ACOP will be withdrawn, to be substituted by a suite of guidance, which will be specifically designed to be clear to small businesses and to focus on what proportionate compliance with the regulations looks like in practice.
203. This guidance will be key in ameliorating the impacts on small and micro businesses of the two changes required to bring the regulations in line with the Directive. The change in threshold for formal appointments analysed in Section E will have costs to small and micro businesses, as many small-scale projects will require more than one contractor. We would expect smaller businesses to be involved in smaller and often less complex projects, and our guidance and informational materials will seek to help them comply with the new (and existing) requirements

³⁹ An SMBA is not formally required, but we feel it provides valuable analysis.

proportionately. HSE will, for instance, provide sample health and safety plans for the most common types of projects that will be undertaken.

204. The removal of the exemption for domestic clients analysed in Section F will bring into scope of the regulations projects which will almost exclusively be undertaken by small and micro businesses. The new guidance and information materials described in the previous paragraph will be relevant for these as well...
205. We would expect the remaining key changes to be either beneficial or neutral to small and micro businesses.
206. The CDM 2007 evaluation showed that the explicit competence requirements in the regulation (the removal of which is analysed in Section C) disproportionately affect smaller contractors. The administrative requirements for accreditation are confusing to them and the costs proportionately higher, as small contractors will often subcontract with a number of larger contractors, and these may require them to be assessed through particular schemes of their liking. As mentioned in Section C, we have been unable to quantify the potential benefits, but this change will enable HSE to work with the industry to simplify the situation.
207. The removal of the CDM co-ordinator role and its replacement with a new role (Section B) will generate significant savings to business. However, we have estimated that this will affect projects of over £200,000. Therefore, these savings will mainly accrue to larger businesses.
208. Finally, the tightening of the condition used to trigger notification of construction projects to the competent authority (Section D) is expected to affect mainly large projects, so we would not expect many small and micro businesses to benefit from the ensuing savings.

DETI EQUALITY SCREENING FORM

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Consultation on the replacement of the Construction (Design and Management) Regulations (Northern Ireland) 2007 (CDMNI 2007).

Is this an existing, revised or a new policy?

Revised

What is it trying to achieve? (intended aims/outcomes)

The main proposed changes are to: make the Regulations easier to understand; replace the CDM co-ordinator role with the principal designer; replace the ACoP with targeted guidance; replace the detailed and prescriptive requirements for individual and corporate competence with a more generic requirement; align notification requirements with Directive 92/57/EEC and apply the Regulations to domestic clients but in a proportionate way.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No. There is no evidence to support that there will be a benefit on any particular category.

Who initiated or wrote the policy?

The proposals are to be submitted to DETI for the making of Health and Safety Regulations under the Health and Safety at Work (Northern Ireland) Order 1978. HSENI is responsible for devising and delivering the proposals to DETI. If DETI accepts the proposals, it is responsible for enacting the legislation.

Who owns and who implements the policy?

HSENI owns and enforces the policy.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they

- financial
- legislative
- other, please specify _____

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

- staff
- service users

- other public sector organisations
- voluntary/community/trade unions
- other, please specify – clients of construction work (including householders as clients), designers, principal contractors, contractors, sub-contractors including the self-employed, CDM co-ordinators, safety representatives and anyone else with an interest in construction projects.

Other policies with a bearing on this policy

- what are they?

None

- who owns them?

N/A

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Details of evidence/information
Religious belief	HSENI has considered a broad range of evidence including Research Report (RR920) - Evaluation of the Construction (Design and Management) Regulations 2007, the views of a cross-industry working group established under the Construction Industry Advisory Committee (CONIAC) in GB and a substantial body of evidence through HSENI's and HSEGB's engagement with the construction industry.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	The revision of CDMNI 2007 is designed to deliver a substantially simpler set of Regulations that are easier to understand and comply with, but which retain vital safety protection.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 detailed below.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;

- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions detailed below and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	The intended impact is to improve the health and safety of those working in the construction sector and make the law simpler and clearer for employers, particularly small businesses.	None
Political opinion	As above.	None
Racial group	As above.	None
Age	As above.	None
Marital status	As above.	None
Sexual orientation	As above.	None
Men and women generally	As above.	None
Disability	As above.	None
Dependants	As above.	None

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		The policy applies equally to all Section 75 groups. There is no evidence to suggest a disproportionate impact on any group. Consequently there is no opportunity to promote equality of opportunity.
Political opinion		As above.
Racial group		As above.
Age		As above.
Marital status		As above.
Sexual orientation		As above.
Men and women generally		As above.
Disability		As above.
Dependants		As above.

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?		
Section 75 category	Details of policy impact	Level of impact minor/major/none
Religious belief	The intended impact is to improve the health and safety of those working in the construction sector and make the law simpler and clearer for employers, particularly small businesses	None
Political opinion	As above.	None
Racial group	As above.	None

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes , provide details	If No , provide reasons
		The proposals are intended to improve the health and safety of those working in the construction sector and make the law simpler and clearer for employers, particularly small businesses. The changes will not contribute to or detract from the promotion of good relations.
Religious belief		As above.
Political opinion		As above.
Racial group		As above.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? *(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

The policy has been designed to maintain existing safety standards and will apply equally to all of the Section 75 Groups and there is no evidence to suggest that people with multiple identities will be affected.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The proposals will simplify the regulatory package whilst maintaining or improving the existing standards of health and safety on small construction sites.

There is no evidence to suggest that any Section 75 group will be adversely affected by the proposals.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

There is no evidence to support that there is a negative impact on any particular Section 75 group. There are therefore no grounds for mitigation or alternative policies.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

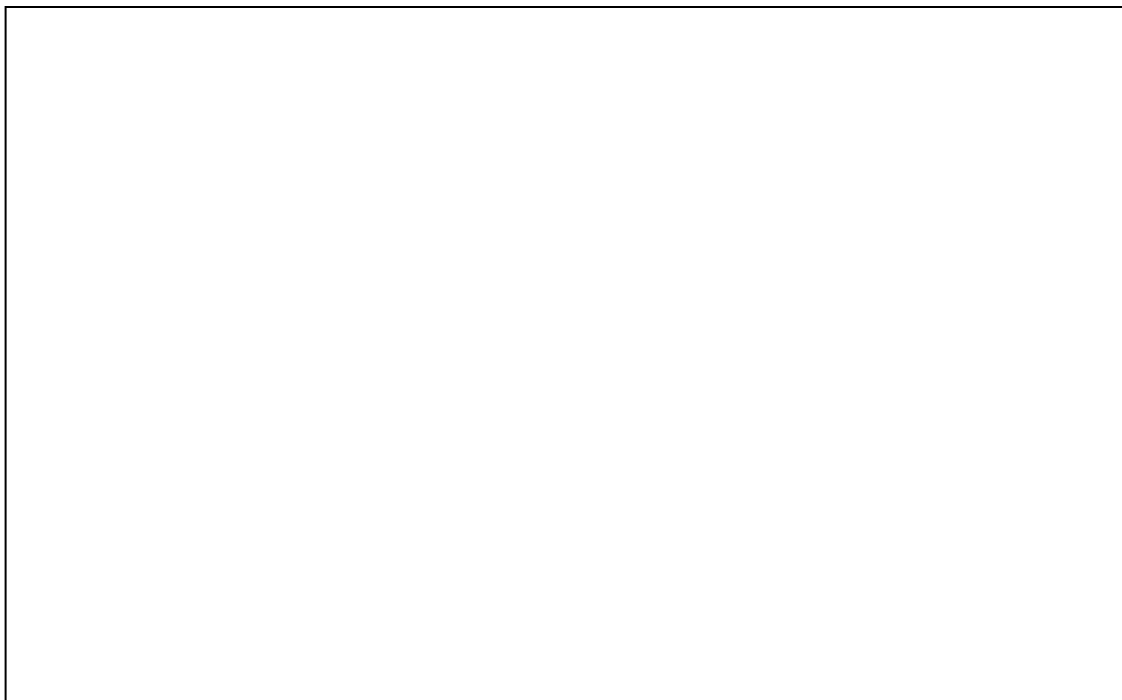
All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.



Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5. Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006), public authorities, when exercising their functions, are required to have due regard to the need:

- **to promote positive attitudes towards disabled people; and**
- **to encourage participation by disabled people in public life.**

5. Does this policy/legislation have any potential to contribute towards promoting positive attitudes towards disabled people or towards encouraging participation by disabled people in public life? If yes, please give brief details.

List of Consultees

Action on Hearing Loss
Advice NI
AES
Age NI
Age Sector Platform
Agency for the Legal Deposit Libraries
Alliance Party
Allpipe Engineering Ltd.
An Munia Tober
Archbishop of Armagh and Primate of all Ireland
Ards Business Centre Ltd.
Argyle Business Centre Ltd.
Armagh Business Centre Ltd.
Aspergers Network
Association of Project Safety
Attorney General (NI)
Autism Northern Ireland
Ballymena Business Centre Ltd.
Banbridge Enterprise Centre
Bar Council
Belfast Centre for the Unemployed
Belfast City Centre Management
Belfast Harbour Commissioners
Belfast Health and Social Care Trust
Belfast Hebrew Congregation
Belfast Islamic Centre
Belfast Solicitors Association
Bishop of Down and Connor
Board of Deputies of British Jews
BOC
Bombardier
British Deaf Association
British Library – Legal Deposit Office
Bryson House
BSC and Electric Ireland
Buildhealth NI
Business in the Community
Calor Gas (NI) Ltd.
Cancer Focus Northern Ireland
Cara-Friend
Carers NI
Carrickfergus Enterprise Agency Ltd.
Catholic Bishops of Northern Ireland
Causeway Enterprise Agency Ltd.
Cedar Foundation
Central Services Agency
Chartered Institute of Environmental Health NI
Chemical Business Association

Chief Constable Police Service of Northern Ireland
Children in Northern Ireland
Children's Law Centre
Chinese Chamber of Commerce
Chinese Welfare Association
Civil Law Reform Division
Civil Service Occupational Health Service
Commission for Victims and Survivors
Commissioner for Children and Young People for NI
Commissioner for Older People for Northern Ireland
Committee on the Administration of Justice
Communication Access
Community Foundation for Northern Ireland
Community Relations Council
Construction Employers' Federation
Construction Industry Training Board NI
Cookstown Enterprise Centre Ltd.
Co-Operation Ireland
Council for Catholic Maintained Schools
Countryside Services Ltd.
Courts and Tribunal Service
Craigavon Borough Council
Creggan Enterprises Ltd.
Democratic Unionist Party
Disability Action
Driver and Vehicle Testing Agency
Du Pont (UK) Industrial Ltd.
Dungannon Enterprise Centre Ltd.
East Belfast Community Development Agency
East Belfast Enterprise Park Ltd.
East Belfast Partnership Board
Eastern Group Environmental Health Committee
Employers For Disability NI
Engineering Employers' Federation NI (EEF)
Equality Coalition
Equality Commission
Executive Council of the Inn of Court of NI
Falls Community Council
Federation of Small Businesses
Fermanagh Enterprise Ltd.
Fire Brigades Union
Food Standards Agency Northern Ireland
Forensic Science Agency of Northern Ireland
Foyle Women's Information Network
Freight Transport Association
General Consumer Council for Northern Ireland
Gingerbread Northern Ireland
GMB
Gray & Adams (Ireland) Ltd
Greater Shankill Partnership

Green Party
Harland and Wolff Heavy Industries Ltd.
Health and Safety Executive
Health and Social Care Board HQ
Heron Brothers Ltd.
HM Council of County Court Judges
HM Revenue and Customers
Home Retail Group
Inclusive Mobility and Transport Advisory Committee (IMTAC)
INCORE Conflict Resolutions Ltd.
Indian Community Centre
Independent Political Parties
Information Commissioner's Office
Institute of Directors
Institute of Directors (NI Division)
Invest NI
Judge G Conner
Justice for Asbestos Victims
Kesh Development Association Charitable Trust
Labour Party
Labour Relations Agency
Larne Development Forum
Law Centre (NI)
Law Society of Northern Ireland
Lisburn City Council
Lonmin (NI) Ltd
Lord Chief Justice Office
Mallusk Enterprise Park
Maritime and Coastguard Agency
McAlorum Construction Ltd.
McClay Library, QUB
MENCAP
Methodist Church in Ireland
Mindwise
Ministry of Defence
MPs & MEPs (NI)
Mr Sam McKane
Musicians Union
National Collection of NI Publications
National Library of Ireland
Newry and Mourne Enterprise Agency
Newtownabbey Borough Council
NI21
North Belfast Partnership
North City Business Centre Ltd.
North Down Development Organisation Ltd.
North / South Ministerial Council
North West Community Network
Northern Group
Northern Health and Social Care Trust

Northern Ireland Assembly Library
Northern Ireland Assembly Members
Northern Ireland Assembly – The Speaker
Northern Ireland Association for Mental Health
Northern Ireland Association for the Care and Resettlement of Offenders
Northern Ireland Audit Office
Northern Ireland Authority for Utility Regulation
Northern Ireland Association of Citizens Advice Bureaux
Northern Ireland Centre for Competitiveness
Northern Ireland Chamber of Commerce
Northern Ireland Chamber of Trade
Northern Ireland Committee/Irish Congress of Trade Unions
Northern Ireland Commissioner for Children and Young People
Northern Ireland Conservative Association
Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Voluntary Action
Northern Ireland Court Service
Northern Ireland Electricity
Northern Ireland Environment Link
Northern Ireland Fire and Rescue Service
Northern Ireland Gay Rights Association
Northern Ireland Housing Executive
Northern Ireland Human Rights Commission
Northern Ireland Judicial Appointments Commission
Northern Ireland Law Commission
Northern Ireland Local Government Association (NILGA)
Northern Ireland Prison Service
Northern Ireland Public Service Alliance (NIPSA)
Northern Ireland Statistics and Research Agency (NISRA)
Northern Ireland Tourist Board
Northern Ireland Women's European Platform
NSPCC, Northern Ireland Regional Office
NUS/USI
NW Community Network
Occupational Health Service
Office of Industrial Tribunals
Omagh Enterprise Co. Ltd.
Ormeau Enterprises Ltd.
Participation the Practice of Rights Project
Pharmaceutical Society of Northern Ireland
POBAL
Police Federation for Northern Ireland
Police Service of Northern Ireland
Presbyterian Church in Ireland
Prince's Trust
Progressive Unionist Party
Prospect
Quarry Products Association NI
Queen's University
Roads Service

Roman Catholic Church
 Roy Coulter Consulting Ltd.
 Royal College of Midwives
 Royal Institution of Chartered Surveyors (RICS)
 Royal National Institute for the Blind (NI)
 Royal Society of Ulster Architects
 Rural Community Network
 Rural Development Council
 Scotia Gas Networks (SGN)
 SDLP
 Seagate Technology (Ireland)
 Sense NI
 Services Industrial Professional Technical Union (SIPTU)
 Sinn Fein
 Social Security Agency
 Society of Local Authority Chief Executives
 Society of London Theatre
 South Belfast Partnership Board
 South Eastern Health and Social Care Trust
 South West Fermanagh Development Organisation Ltd.
 Southern Education and Library Board
 Southern Group Environmental Health Committee
 Southern Health and Social Care Trust
 SSE Airtricity Energy Supply (NI) Ltd
 Strabane Industrial Properties Ltd.
 Tennants Textile Colours Ltd.
 Townsend Enterprise Park Ltd.
 Traditional Unionist Voice
 Training for Women Network Ltd.
 Translink
 Transport Salaried Staff Association
 UK Independence Party
 UK National Committee of UN Women
 Ulster Farmers' Union
 Ulster Scots Community Network
 Ulster Teachers' Union
 Ulster Unionist Party
 Union of Construction, Allied Trades and Technicians (UCATT)
 Union of Shop, Distributive and Allied Workers (USDAW)
 UNISON (Northern Ireland)
 Unite the Union
 University of Ulster
 Volunteer Centre
 Volunteer Now
 Visual Access NI (Braille, Audio and DAISY)
 Water Service
 West Belfast Development Trust Ltd.
 West Belfast Partnership Board
 Western Group Environmental Service
 Western Health and Social Care Trust

Westlink Enterprise Ltd.
William Keown Trust
Women's Forum NI
Women's Information NI
Women's Resource and Development Agency
Women's Support Network
Women's Training, Enterprise and Childcare
Workers' Party
Workspace