Construction Management 2011

Construction Management Appointment 2011

Amendment 1 Issued March 2015 (Effective from 6 April 2015)

CDM Regulations

Clause number and heading	Action		
Article 3 heading	Delete 'CDM Co-ordinator' and insert 'Principal Designer'		
Article 3	Delete 'CDM Co-ordinator' and insert 'Principal Designer'; Delete 'or, if he ceases to be the CDM Co-ordinator, such other person as the Employer sh appoint pursuant to regulation 14(3) of those regulations' and insert 'or such replacement as t Employer at any time appoints to fulfil that role'		
Article 4	Delete 'and the SWMP Regulations'; Delete 'or, if he ceases to be the Principal Contractor, such other contractor as the Employer shal appoint pursuant to regulation 14(3) of the CDM Regulations and/or regulation 4 of the SWMF Regulations' and insert 'or such replacement as the Employer at any time appoints to fulfil that role'		
Footnote [3]	Delete the existing text and insert the following: 'Under the CDM Regulations 2015, regardless of whether or not a project is notifiable, there is a requirement to appoint a principal designer and a principal contractor in all cases 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. For these purposes, the term 'contractor' is broadly defined by the regulations and treats the Contractor's sub-contractors as separate contractors.'		
Clause 1·1	Delete the definition of 'CDM Co-ordinator'; 'CDM Regulations': delete '2007' and insert '2015'; 'Construction Phase Plan': delete the existing text and insert 'the plan referred to in regulation 2 of the CDM Regulations, including any updates and revisions.'; After the definition of 'Principal Contractor', insert the following new definition:		
	'Principal Designer: the person named in Article 3 or any successor appointed by the Employer.'		
	Delete the definition of 'SWMP Regulations'		
Clause 3.5 heading	Delete 'Undertakings to comply'		
Clause 3-5	Delete the existing text and insert the following:		
	'Each Party undertakes to the other that in relation to the Project and site he will duly comply with applicable CDM Regulations. In particular but without limitation:		
	·1 where the Construction Manager is not the Principal Designer, the Employer shall ensure that		

those regulations;

the health and safety file;

the Principal Designer carries out his duties and, where the Construction Manager is not the Principal Contractor, shall ensure that the Principal Contractor carries out his duties under

where the Construction Manager is and while he remains the Principal Designer, he shall comply with the duties of a Principal Designer and shall prepare, and deliver to the Employer,

the Construction Manager shall comply with regulations 8 and 15 and, where he is the Principal Contractor, with regulations 12 to 14; $^{[29]}$

Clause	number	and
heading	נ	

Action

- •4 whether or not the Construction Manager is the Principal Contractor, compliance by the Construction Manager with his duties under the regulations, including any such directions as are referred to in regulation 15(3), shall be at no cost to the Employer;
- •5 if the Employer appoints a replacement for the Principal Designer or Principal Contractor, the Employer shall immediately upon that appointment notify the Construction Manager with details of the new appointee.'

Footnote [29]

Delete the existing text and **insert** the following:

Where the Employer is a domestic client, as defined in regulation 2, the Principal Contractor may also be responsible for carrying out certain of the client's duties under regulations 4, 6 and 8.'

Clause 3.6

Delete the clause heading, number and text

Schedule 1, Part 3, 3.13

Delete 'CDM Co-ordinator' and insert 'Principal Designer'

Incorporation of the modifications

The modifications may readily be incorporated in one of two ways:

either

by amending the contract document itself in accordance with this Amendment and executing it in its amended form, with each amendment initialled by or on behalf of each party

or

by attaching this Amendment to the Contract; and, prior to execution, inserting the following further provision in the Articles with the next available number (i.e. normally as Article 8):

"Article [___]: Amendment 1: CDM Regulations – incorporation

This Agreement and the Conditions shall have effect as modified by the amendments set out in the attached Amendment 1: CDM Regulations."

(that Article in similar fashion being initialled on execution.)