

Construction Management 2011

Construction Management Trade Contract 2011

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

CDM Regulations

Clause number and heading	Action
Article 4 heading	Delete 'CDM Co-ordinator' and insert 'Principal Designer'
Article 4	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 shall appoint pursuant to regulation 14(3) of those regulations' and insert 'or such replacement as the Employer at any time appoints to fulfil that role'
Article 5	Delete the existing text and insert the following: 'The Principal Contractor for the purposes of the CDM Regulations is the Construction Manager (or) ^[10] _____ of _____ _____
	or such replacement as the Employer at any time appoints to fulfil that role.'
Footnote [10]	Delete the existing text and insert the following: 'Insert the name of the Principal Contractor in Article 5 if that is to be a person other than the Construction Manager. 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.'
Trade Contract Particulars, Part 3, 4	Delete the existing entry and footnote [30]
Trade Contract Particulars, Part 3, 5	Re-number as '4'; Delete '(inclusive of the Trade Contractor's CDM Planning Period)'
Trade Contract Particulars, Part 3, 6	Re-number as '5' Delete 'item 5' and insert 'item 4'
Trade Contract Particulars, Part 3, 7	Re-number as '6'
Trade Contract Particulars, Part 3, 8	Re-number as '7'
Trade Contract Particulars, Part 3, 9	Re-number as '8'
Trade Contract Particulars, Part 3, 10	Re-number as '9' Delete 'item 9' and insert 'item 8'

Clause number and heading	Action
	<p>·4 if the Employer appoints a replacement for the Principal Designer or Principal Contractor, the Employer shall immediately upon that appointment notify the Trade Contractor with details of the new appointee.'</p> <p>Insert the following text for new footnote []: '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.'</p>
Clause 3-23	Delete the clause heading, number and text
Clause 3-24	Renumber as '3-23'
Clause 3-24-2	Delete '3-24' and insert '3-23'
Clause 3-25	Renumber as '3-24'

Incorporation of the modifications

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

either by amending the trade 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 Trade Contract; and, prior to execution, inserting the following further provision in the Articles with the next available number (i.e. normally as Article 10):

“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.)