

Clause number and heading	Action
Clause 3-23 heading	Delete 'Undertakings to comply' ^[43] and footnote [43]
Clause 3-23	<p>Delete the existing text and insert the following:</p> <p>'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:</p> <ul style="list-style-type: none"> ·1 the Employer shall ensure that the Principal Designer carries out his duties and, where the Management Contractor is not the Principal Contractor, shall ensure that the Principal Contractor carries out his duties under those regulations; ·2 the Management Contractor shall comply with regulations 8 and 15 and, where he is the Principal Contractor, with regulations 12 to 14;^[44] ·3 whether or not the Management Contractor is the Principal Contractor, compliance by the Management Contractor 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 and shall not entitle the Management Contractor to an extension of time; ·4 if the Employer appoints a replacement for the Principal Designer or Principal Contractor, the Employer shall immediately upon that appointment notify the Management Contractor with details of the new appointee.'
Footnote [44]	<p>Delete the existing text and insert the following:</p> <p>'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 3-24	Delete the clause heading, number and text

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 13):

"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.)