

Clause number and heading	Action
	<p>(i) the Construction Phase Plan is prepared and received by the Client before construction work under the Project is commenced, and that any subsequent amendment to it by the Construction Manager is notified to the Client who shall, where the Construction Manager is not the CDM Co-ordinator, thereupon notify the CDM Co-ordinator and the Consultant Team Leader; and</p> <p>(ii) welfare facilities complying with Schedule 2 of the CDM Regulations are provided from the commencement of construction work until the end of the construction phase¹;</p> <p>Insert new footnote text for ¹ 1: 'There is a duty on contractors to ensure compliance with Schedule 2 of the CDM Regulations so far as is reasonably practicable, whether or not the contractor is the Principal Contractor.'</p>
Clause 2-8(b)	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator' (four times); Delete ', pursuant to regulations 14(d), 14(e) and 14(f) of the CDM Regulations,'; Delete 'required by the CDM Regulations'
Clause 2-9	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator'; Delete 'planning supervisor' and insert 'CDM co-ordinator as'; Delete 'and in particular those set out in regulations 14 and 15(1) to (3)'
Clause 2-10	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator'
Clause 2-11	Delete '6(5)' and insert '14(2)'
Clause 3-9, first indent	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator' (twice); Delete 'planning supervisor' and insert 'CDM co-ordinator'
Clause 3-10	Delete '6(5)' and insert '14(1)'; Delete 'Planning Supervisor' and insert 'CDM Co-ordinator'
Third Schedule, Section 3 (paragraph 13)	Delete 'development of the health and safety plan' and insert 'preparation of the Construction Phase Plan'; Delete 'Planning Supervisor' and insert 'CDM Co-ordinator' (twice)
Fourth Schedule, Part A (paragraph 2-1-1)	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator'
Fourth Schedule, Part A (paragraph 2-1-3)	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator'; Delete 'Planning Supervisor's health and safety plan' and insert 'CDM Co-ordinator's Construction Phase Plan'; Delete 'development of the health and safety plan' and insert 'revisions and updates of the Construction Phase Plan'
Fourth Schedule, Part B (paragraph 8-7)	Delete 'Health and Safety' and insert 'Construction Phase'
Fourth Schedule, Part B (paragraph 13-2)	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator' (three times)
Eighth Schedule, Part C (C/CM Agreement – clause 2-1)	Delete 'Health and Safety' and insert 'Construction Phase'
Eighth Schedule, Part C (Fourth Schedule – paragraph 13-2)	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator' (three times)

Clause number and heading	Action
TC/T	
Part 1 Invitation to Tender, [f] Project	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator'; Delete '1994' and insert '2007'
Part 1 Invitation to Tender, [g] Name and Address of	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator'
Part 2 Tender, Programme (item 3)	Renumber existing item (ii) as (iii); Insert the following entry as new item (ii): 'the Trade Contractor's CDM Planning Period ¹ is _____ weeks'; Insert new side note text for ¹ : 'The minimum amount of time for CDM planning and preparation, as referred to in regulation 13(3) of the CDM Regulations, to be allowed to the Trade Contractor before he begins his construction work.'; After 'the period required for notice to commence work on site ' insert '(inclusive of the Trade Contractor's CDM Planning Period)'
Side note [r]	After 'The period of notice must' insert 'also'
TC/C	
Eighth Recital	Delete 'Health and Safety' and insert 'Construction Phase'
Article 3 heading	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator'
Article 3	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator' (four times); Delete '6(5)' and insert '14(1)'
Documents to be annexed to the Articles of Agreement (Eighth Recital)	Delete 'Health and Safety' and insert 'Construction Phase'
Clause 1-3	'CDM Regulations': Delete '1994' and insert '2007'; 'Principal Contractor': Delete '6(5)' and insert '14(2)'; Delete the definitions of 'Health and Safety Plan' and 'Planning Supervisor'; Insert the following new definitions: 'CDM Co-ordinator: the person referred to in Article 3 and named in the Invitation to Tender TC/T Part 1 or any successor appointed by the Client. Construction Phase Plan: those parts of the construction phase plan for the Project applicable to the Works and annexed to the Articles, together with any updates and revisions of it by the Principal Contractor notified to the Trade Contractor before or during the progress of the Works. Trade Contractor's CDM Planning Period: the minimum amount of time referred to in regulation 13(3) of the CDM Regulations, as specified in the Tender TC/T Part 2, item 3(ii) .'
Clause 1-27 heading	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator'
Clause 1-27	Delete '6(5)' and insert '14(1)'; Delete 'Planning Supervisor' and insert 'CDM Co-ordinator' (twice)
Clause 3-8-3	Delete 'Health and Safety' and insert 'Construction Phase'

Clause number and heading	Action
Clause 5-11 heading	Delete existing heading and insert 'CDM Regulations'
Clause 5-11-1 heading	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator'
Clause 5-11-1, first indent	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator'; Delete 'planning supervisor' and insert 'CDM co-ordinator'
Clause 5-11-2 heading	Delete existing heading and insert 'Updates of Construction Phase Plan'
Clause 5-11-2	Delete 'Health and Safety' and insert 'Construction Phase'; Delete 'have the features required by regulation 15(4)' and insert 'fulfil the requirements of regulation 23(b)'
Clause 5-11-3	Delete '6(5)' and insert '14(2)'
Clause 5-11-4	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator' (three times); Delete ', pursuant to regulations 14(d), 14(e) and 14(f) of the CDM Regulations,'; Delete 'required by the CDM Regulations'
Clause 11-2	Delete 'Planning Supervisor' and insert 'CDM Co-ordinator' (twice)

Guidance Notes to Amendment 2 to C/CMA, TC/T and TC/C 2002 Edition

CDM Regulations

General

The Construction (Design and Management) Regulations 2007 replace the 1994 Regulations with effect from 6 April 2007. They also incorporate the provisions of the Construction (Health, Safety and Welfare) Regulations 1996 not incorporated in the Work at Height Regulations 2005, i.e. health and safety duties on site, welfare facilities and inspection report particulars. The latter provisions are contained in Part 4 and Schedules 2 and 3 respectively.

As a result, the 2007 Regulations impose on clients, designers, contractors (including sub-contractors at all levels), and on others controlling the way in which any construction work is carried out (e.g. construction or project managers and contract administrators), a wider and more coherent set of health, safety and welfare duties.

As part of the greater emphasis placed on the need to plan and on communication and co-ordination, the functions of the Planning Supervisor are replaced by those of a CDM co-ordinator, and a 'construction phase plan' replaces the Health and Safety Plan; the Health and Safety file provisions remain. Amendment 2 incorporates the changed terms. The 2007 Regulations also eliminate the distinction in the 1994 Regulations between the notification requirements and applicability provisions for particular regulations. While the Regulations maintain the basic 1994 criteria as to notifiability, i.e. 30 days or 500 person days of construction work, there are now only two types of project – notifiable and non-notifiable. The 'five or more workers' requirements of the 1994 Regulations have been omitted. The C/CMA agreement assumes that the project is notifiable.

Part 2 – General duties

Part 2 of the 2007 Regulations (regulations 4 to 13) sets out the duties that apply to all projects, commencing with duties that apply to clients, designers and contractors alike. These include the requirement of competence and the duty to check appointees, a general duty to co-operate and seek co-operation with others concerned (now expressly extended to adjoining construction sites) and duties for all, so far as reasonably practicable, both to co-ordinate their activities with others and to ensure the application of general principles of prevention (specified in the Management of Health and Safety at Work Regulations 1998).

Part 2 then sets out specific duties for clients, designers and contractors respectively. In the case of clients, these include a duty to ensure that suitable arrangements are in place for the management of health, safety and welfare aspects of the project, including the allocation of sufficient time for construction phase planning and preparation for health and safety purposes. This is coupled with obligations to supply information on the site and its proposed use and to specify the minimum period to be allowed to contractors for planning and preparation before construction starts (referred to in the Amendment as the 'Trade Contractor's CDM Planning Period').

Trade contractors are under similar obligations with respect to their sub-contractors and so on down the chain. Part 2 also sets out in detail contractors' information and training obligations with respect to their workers and an obligation, so far as is practicable, to make Schedule 2 welfare provision. The commencement of work by any contractor is conditional (inter alia) upon reasonable steps having been taken to prevent unauthorised site access.

Part 3 – Notifiable Project duties

Part 3 (regulations 14 to 24) relates to notifiable projects. The client is required to appoint the CDM co-ordinator as soon as is practicable after initial design work or other preparation has begun – further design work is conditional on that appointment, as is construction, which (in addition to access restrictions) is also conditional on the appointment of the principal contractor, production of the construction phase plan and notification to the Health and Safety Executive.

The duties of the CDM co-ordinator and principal contractor are slightly more widely drawn than in the 1994 Regulations and the principal contractor's responsibilities now include ensuring the provision of Schedule 2 welfare facilities. Part 3 imposes certain additional duties on each participant both with respect to these appointees and generally. These in general follow naturally from the Part 2 obligations and the functions and duties of the two appointees but there is now a duty on all contractors promptly to supply to the principal contractor any information relevant to health and safety, as well as that identified for inclusion in the Health and Safety file.