

Construction (Design and Management) Regulations 2015 (CDM 2015)

Who is a commercial client?

A commercial client is anyone (individual, partnership or organisation) who has construction work carried out for them that **is** done in connection with a business, whether the business operates for profit or not. A client who has construction work carried out for them that is **not** done in connection with a business (usually on their own home or the home of a family member) is a **domestic client**. Commercial clients include local authorities, housing associations or other landlords who own domestic properties.

Why is a commercial client important in ensuring construction is carried out in a way that avoids harm?

The commercial client has a major influence over the way their project is procured and managed. Regardless of the size of the project, the client has contractual control, appoints **designers** and **contractors**, and determines the money, time and other resources available. Because of this, CDM 2015 makes a commercial client accountable for the impact their decisions and approach have on health, safety and welfare on their project.

When do a commercial client's duties start and finish?

A commercial client's duties begin from the very start of a project, ie as soon as there has been a decision to go ahead with the project and early planning and design work begins. A client's duties continue to the end of a project and beyond. The commercial client will continue to have responsibility for health and safety issues that arise from the maintenance and use of the building after construction work is finished. This responsibility continues until the client disposes of their interest in the building.

What skills, knowledge and experience does a commercial client need to carry out their duties in a way that ensures health and safety?

Most clients, particularly those who only occasionally commission construction work, will not be experts and do not need to have detailed skills, knowledge or experience of the construction process. However, they must make suitable arrangements for their project so that it can be managed in a way that secures health and safety. This includes appointing people with the necessary skills, knowledge, experience and (where an organisation), the organisational ability to carry out the work.

CDM 2015 makes a distinction between commercial clients and **domestic clients**. Client duties apply **in full** to commercial clients (for domestic clients the duties normally pass to other duty holders).

A commercial client is any individual or organisation that carries out a construction project as part of a business.

Commercial clients have a crucial influence over how projects are run, including the management of health and safety risks. Whatever the project size, the commercial client has contractual control, appoints designers and contractors, and determines the money, time and other resources for the project.

For all projects, commercial clients must:

- make suitable arrangements for managing their project, enabling those carrying it out to manage health and safety risks in a proportionate way. These arrangements include:

- appointing the **contractors** and **designers** to the project (including the **principal designer** and **principal contractor** on projects involving more than one contractor) while making sure they have the skills, knowledge, experience and organisational capability allowing sufficient time and resources for each stage of the project making sure that any principal designer and principal contractor appointed carry out their duties in managing the project making sure suitable welfare facilities are provided for the duration of the construction work

- maintain and review the management arrangements for the duration of the project provide pre-construction information to every designer and contractor either bidding for the work or already appointed to the project ensure that the principal contractor or contractor (for single contractor projects) prepares a construction phase plan before that phase begins ensure that the principal designer prepares a health and safety file for the project and that it is revised as necessary and made available to anyone who needs it for subsequent work at the site

- For notifiable projects (where planned construction work will last longer than 30 working days and involves more than 20 workers at any one time; or where the work exceeds 500 individual worker days), commercial clients must:

- notify HSE in writing with details of the project

- ensure a copy of the notification is displayed in the construction site office