

Construction (Design and Management) Regulations 2015

The purpose of this Guidance is to clarify the status of the LDBS under the CDM Regulations (<http://www.hse.gov.uk/construction/cdm/legal.htm>) in relation to its involvement in building projects.

Contracts are entered into by the Governing Body of the School with the Contractor.

The LDBS plays an active role in the formation of building projects for schools and the Regulations also considers the LDBS as a “**client**” as it “*seeks or accepts the services of another which may be used in the carrying out of a project for him*”.

This has led to some debate on the subject of (a) the identity of the client for an individual project and (b) who, in the case of a notifiable project, should sign the Form F10. The planning co-ordinator will advise the client as to whether or not a project is notifiable.

Regulation 8 acknowledges the potential for there to be more than one client in relation to a project and provides for one such client to elect, with the consent of the other(s), to be treated as the only client for the purposes of the Regulations.

Therefore, **for a project carried out under the Board's Maintenance Scheme Agreement**, the LDBS will elect to be treated as the only client and seek the consent of the Governing Body. With the Governing Body's consent, the LDBS will appoint the CDM co-ordinator.

For all other projects, the LDBS will agree with the Governing Body who is to be the only client for the purposes of the Regulations.

Regulation 21. relates to the notification of a project to the HSE by the CDM co-ordinator and, under **21.-(3)**, provides that “*Any notice..... shall be signed by or on behalf of the client or, if sent by electronic means, shall otherwise show that he has approved it*”

Therefore, **where the LDBS is to be treated as the only client for the purposes of the Regulations**, the CDM co-ordinator will (a) be empowered to sign the Form F10 on behalf of the client and, (b) be instructed that the Form should not be submitted to the HSE by electronic means.

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