
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations (“the Regulations”) impose requirements and prohibitions with respect to design and management aspects of “construction work”, defined in regulation 2(1).
2. The Regulations give effect as respects Great Britain (except to the extent specified below) to Council Directive [92/57/EEC](#) on the implementation of minimum safety and health requirements at temporary or mobile construction sites (OJNo. L245, 26.8.92, p.6) (“the Directive”).
3. The Regulations do not give effect to the Directive in the following particulars—
 - (a) sub-paragraphs (a) to (h) and (j) of Article 8 insofar as these particulars are not required by regulation 15 to be included in the health and safety plan; or
 - (b) sub-paragraph (a) of Article 9; or
 - (c) paragraphs 1(a) and 2(a) of Article 10; or
 - (d) insofar as they do not apply to—
 - (i) projects (other than for demolition or dismantling of a structure) in respect of which no more than 4 persons are carrying out construction work at anyone time; and
 - (ii) minor construction work in respect of which the Health and Safety Executive (“the Executive”) is not the enforcing authority; and
 - (iii) construction work forming part of a project carried out for a domestic client except where regulation 5 applies.
4. The Regulations—
 - (a) permit an agent of a client or another client to declare that he should be treated as the only client in respect of a project (regulation 4);
 - (b) require a developer carrying out a project for a domestic client in specified circumstances to comply with certain requirements specified in regulations 6 and 8 to 12 as if he were the client (regulation 5);
 - (c) require a client to appoint a planning supervisor and a principal contractor in respect of each project (regulation 6);
 - (d) require a planning supervisor to ensure that specified particulars of a notifiable project are notified to the Executive (regulation 7 and Schedule 1);
 - (e) prohibit a person who appoints a planning supervisor or who arranges for a designer to prepare a design or a contractor to carry out or manage construction work from so doing unless he is reasonably satisfied—
 - (i) as to the competence of those so appointed or arranged (regulation 8); and
 - (ii) as to the adequacy of the resources allocated or to be allocated for the purposes of performing their respective functions by those so appointed or arranged (regulation 9);
 - (f) prohibit the commencement of the construction phase of a project unless a health and safety plan has been prepared in respect of the project (regulation 10);
 - (g) require a client to ensure that the planning supervisor has been provided with information about the state or condition of specified premises (regulation 11);

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- (h) require a client to ensure that information in a health and safety file is available for the inspection of specified persons (regulation 12);
- (i)
 - (a) prohibit a designer from preparing a design unless the client for the project is aware of his duties under the Regulations and of the requirements of any practical guidance issued by the Commission (regulation 13(1));
 - (b) require a designer to ensure that the design he prepares and which is to be used for the purposes of construction work or cleaning work takes into account among design considerations certain specified matters (regulation 13(2));
- (j) impose upon a planning supervisor specified duties in respect of—
 - (i) the design of any structure comprised in the project;
 - (ii) the co-operation between designers;
 - (iii) the giving of adequate advice to specified persons;
 - (iv) the preparation, review and necessary amendment of a health and safety file; and
 - (v) the delivery of the health and safety file to the client (regulation 14);
- (k) impose requirements on planning supervisors and principal contractors relating to the health and safety plan (regulation 15);
- (l)
 - (a) impose upon a principal contractor specified duties in respect of—
 - (i) co-operation between contractors;
 - (ii) compliance with the health and safety plan;
 - (iii) the exclusion of unauthorised persons;
 - (iv) the display of notices; and
 - (v) the provision of information to the planning supervisor (regulation 16(1));
 - (b) empower the principal contractor, for certain purposes, to give directions to contractors and to include rules in the health and safety plan (regulation 16(2));
- (m) impose requirements on principal contractors with respect to the provision of certain health and safety information to contractors and to the provision of specified information and training to the employees of those contractors (regulation 17);
- (n) require the principal contractor to ensure that the views and advice of persons at work on the project or their representatives concerning matters relating to their health and safety are received, discussed and co-ordinated (regulation 18);
- (o) impose requirements on a contractor to co-operate with the principal contractor to enable him to comply with duties imposed upon him by specified legislation (regulation 19(1));
- (p) prohibit any person from working on construction work unless he has been provided with specified information (regulation 19(2) to (4));
- (q) extend the application of the Regulations to and in relation to certain premises and activities outside Great Britain (regulation 20);
- (r) provide that the breach of a duty imposed by the Regulations (other than a duty imposed by regulations 10 and 16(1)(c)) does not confer a right of action in civil proceedings (regulation 21);
- (s) provide that the Executive shall be the enforcing authority for the Regulations (regulation 22);
- (t) contain transitional provisions in respect of projects in existence when the Regulations come into force (regulation 23 and Schedule 2);
- (u) provide for—

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- (i) the repeal of certain provisions of the Factories Act 1961;
- (ii) the revocation of certain provisions of the Construction (General Provisions) Regulations 1961 and the whole of the Construction (Notice of Operations and Works) Order 1965;
- (iii) the modification of the Health and Safety (Enforcing Authority) Regulations 1989 (regulation 24).