
STATUTORY INSTRUMENTS

1994 No. 3140

The Construction (Design and Management) Regulations 1994

Requirements on designer

13.—(1) Except where a design is prepared in-house, no employer shall cause or permit any employee of his to prepare, and no self-employed person shall prepare, a design in respect of any project unless he has taken reasonable steps to ensure that the client for that project is aware of the duties to which the client is subject by virtue of these Regulations and of any practical guidance issued from time to time by the Commission with respect to the requirements of these Regulations.

(2) Every designer shall—

- (a) ensure that any design he prepares and which he is aware will be used for the purposes of construction work includes among the design considerations adequate regard to the need—
 - (i) to avoid foreseeable risks to the health and safety of any person at work carrying out construction work or cleaning work in or on the structure at any time, or of any person who may be affected by the work of such a person at work,
 - (ii) to combat at source risks to the health and safety of any person at work carrying out construction work or cleaning work in or on the structure at any time, or of any person who may be affected by the work of such a person at work, and
 - (iii) to give priority to measures which will protect all persons at work who may carry out construction work or cleaning work at any time and all persons who may be affected by the work of such persons at work over measures which only protect each person carrying out such work;
- (b) ensure that the design includes adequate information about any aspect of the project or structure or materials (including articles or substances) which might affect the health or safety of any person at work carrying out construction work or cleaning work in or on the structure at any time or of any person who may be affected by the work of such a person at work; and
- (c) co-operate with the planning supervisor and with any other designer who is preparing any design in connection with the same project or structure so far as is necessary to enable each of them to comply with the requirements and prohibitions placed on him in relation to the project by or under the relevant statutory provisions.

(3) Sub-paragraphs (a) and (b) of paragraph (2) shall require the design to include only the matters referred to therein to the extent that it is reasonable to expect the designer to address them at the time the design is prepared and to the extent that it is otherwise reasonably practicable to do so.