

## Notification at the time of appointment (assuming the project is NOT a "domestic" project)

Project: Alterations and possible repairs, Garden Flat, 23 King Henrys Road, London NW3  
Project No: 0505  
Client: Mr and Mrs Simon and Simone GLass  
Date: 5 February 2007

As designers approached by you in relation to this project, we are required to notify you of your obligations under the *Construction (Design and Management) Regulations 1994*, which place certain obligations on clients in relation to health and safety matters. We attach below our standard notification in relation to this. The primary obligation is for you to appoint a health and safety "Planning Supervisor", who oversees the health and safety aspects of the initial stages of the project, if the project turns out to be over a certain size. We can carry out this role for you on this project if necessary.

### Your Obligations Under the Construction (Design and Management) Regulations 1994

As designers approached by you in relation to the above project, we are required under regulation 13(1) of the above legislation to ensure that you, as client, are "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".

If the construction works look as though they will take more than thirty days, or if they will involve more than 4 persons on site (including supervisory staff) at any one time (which is likely in this case), or if they involve demolition, your duties are as follows:

- 1 you should appoint a Planning Supervisor for the project, as soon as practicable. [regulation 6(1)(a) & (3)]
- 2 you should appoint a Principal Contractor for the project, who must be a contractor. [regulation 6(1)(b) & (2)]
- 3 you should be reasonably satisfied that both the planning supervisor and principal contractor are competent and have adequate resources to carry out the role. [regulation 8 & 9]
- 4 you should ensure that no construction work proceeds unless a health and safety plan has been prepared in relation to that work. This health and safety plan is initially prepared for inclusion in tender documents, and then updated by the contractor prior to start of work on site. [regulation 10]
- 5 you should provide the Planning Supervisor with all necessary information relating to the existing building. (This may involve, amongst other things, commissioning surveys of the existing building and services.) [regulation 11]
- 6 you should keep the Health and Safety File available for future use. (The Planning Supervisor oversees the production of this file, and hands it to you on completion of the project.) [regulation 12]

The practical guidance available from the HSE includes:

- 1 The regulations themselves: *The Construction (Design and Management) Regulations 1994* (Statutory Instrument No 3140 (1994))
- 2 *HSC Managing construction for health and safety* Construction (Design and Management) Regulations Approved Code of Practice L54. HSE Books 1995. ISBN 0 7176 0792 5
- 3 *A Guide to Managing Health and Safety in Construction* HSE Books 1995 ISBN 0 7176 0755 0 (This has a bibliography indicating other publications available from the HSE)
- 4 HSE Construction Information Sheet No 39 *The Role of the Client*
- 5 HSE Construction Information Sheet No 40 *The Role of the Planning Supervisor*

These publications are available from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS, tel 01787 881165 fax 01787 313995.

In relation to the duties, an important one is for a planning supervisor to be appointed, who can then organise for the rest of the duties. We can offer these services if appropriate.

Tim Gough, Director  
Austin Winkley & Associates

