

RIBA Agreements 2010 (2012 revisions)

Addendum

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This addendum addresses the requirements of the Construction (Design and Management) Regulations 2015. It applies to the RIBA Services Schedules (both 2012 revisions and RIBA Plan of Work 2013 compatible versions) for:

- Domestic Project Agreement (Architect and Consultant versions)
- Concise Agreement (Architect and Consultant versions)
- Standard Agreement (Architect and Consultant versions)

The CDM Regulations 2015 place responsibility for the management and co-ordination of health and safety issues at the heart of the design team, and the architect or lead designer would appear to be the natural choice for the role of 'principal designer' on most building projects.

The 'principal designer' is:

- appointed by the client in writing on projects with more than one contractor;
- a member of the design team;
- a designer or designers (a person or organisation that prepares designs and/or specifies products for use in construction) with control over the pre-construction phase of the project as well as the necessary skills, knowledge and experience that individual designers must have;
- an individual or organisation with sufficient knowledge and experience to carry out the role.

If you are going to undertake services as 'principal designer', you should inform your professional indemnity insurer that you are providing such services.

Make amends to the Schedules as follows:

Small Project Services Schedule

If you are going to provide services as 'principal designer', add the following text into one of the blank spaces under 'Other Services' (page 3 of the Schedule):

Undertake duties as 'principal designer' as set out in the Construction (Design and Management) Regulations 2015 during the pre-construction phase.

OR

Undertake duties as 'principal designer' as set out in the Construction (Design and Management) Regulations 2015 throughout the project duration.

RIBA Standard Agreement Schedules

1. Under 'Health and Safety Advisor' on page 7 ('CDM Co-ordinator' in the 2012 version), delete the wording '*The Client, if defined as 'domestic client' in the CDM Regulations, will be exempt from statutory duties arising including the requirement to appoint a Co-ordinator.'*

Note: Client duties under the CDM Regulations 2015 now apply to domestic clients.

2. If you are going to provide services as 'principal designer', add 'Principal Designer' into one of the blank spaces at the end of the list of 'Role Specifications' on page 7, and specify which work stages the services will be provided for (this should always be for the whole of the pre-construction work phases, and will normally also include the construction and handover stages).

Note: On larger and more complex projects an additional expert Health and Safety Advisor may still also be appointed to advise the 'principal designer' on health and safety matters.

3. On page 10, under the heading 'Health and Safety Advisor' ('CDM Co-ordinator' in the 2012 revision), delete the first paragraph '*Exercising the powers and duties of and associated with the statutory function of Co-ordinator under the Construction (Design and Management) Regulations 2007*', the third paragraph '*Facilitating communications on health and safety issues between the Client and such Other Persons*' and the text in footnotes 18 and 19.

Change the wording of the second paragraph from '*Providing, as and when requested, information on health and safety issues to the Project Lead, Lead Designer...*' to '*Providing, as and when requested, advice and information on health and safety issues to the Project Lead, Principal Designer, Lead Designer...*'

4. On page 12, add the following as an additional role specification:
'Principal Designer: Undertake duties as 'principal designer' as set out in the *Construction (Design and Management) Regulations 2015*'.
5. On page 15, under the heading 'Stage 5' ('Construction' in 2012 version) delete the words '*(CDM 2007)*'.
6. **For 2012 version only:** Replace the words 'CDM Co-ordinator' with 'Health & Safety Advisor' on the following pages:
 - Page 6 (under 'Project Appointments')
 - Page 7 (under 'Role Specifications')
 - Page 10 (x4 under 'Lead Consultant' and also the second heading on that page)
 - Page 11 (x2 under 'Contract Administrator/Employer's Agent')
 - Page 12 (under 'Lead Designer').