



Guide for Clients involved in Construction Projects

This guidance explains in practical terms what you must do if you are a Client commissioning construction work in order to fulfil your legal duties.

What is a Client?

A **Client** is any person engaged in trade, business or other undertaking who commissions or procures the carrying out of a construction project for the purpose of such trade, business or undertaking. **Construction** is broadly defined and includes; maintenance, repair, redecoration, fitting out, alteration, structural cleaning as well as civil engineering and engineering construction work. A **Project** includes the preparation, design, planning and construction activities.

Am I a Client?

You are a Client if you:

- ▲ are a pub owner and carry out repair or maintenance work to your premises;
- ▲ build a cattle shed or a milking parlour;
- ▲ build a house for sale, letting or guest keeping;
- ▲ extend on to your private dwelling for the purposes of carrying out business trade or other undertaking;
- ▲ extend a supermarket or
- ▲ commission, decommission, dismantle or repair building services (mechanical, electrical etc) which are normally fixed to a structure.

You are not considered to be a Client if you build or extend your private dwelling for family use only.

What Regulations apply to me?

You as a Client have duties under the Safety Health and Welfare at Work Construction Regulations 2006, which apply to most construction projects. They apply whether you are doing the work yourself or having somebody do it for you. They apply to small and large projects. Where the project is for the purpose of trade, business or other undertaking, the Client duties apply.

What must I do as a Client?

1. Appoint, in writing, a competent Project Supervisor for the Design Process (PSDP) before design work starts.
2. Appoint, in writing, a competent Project Supervisor for the Construction Stage (PSCS) before construction begins.
3. Be satisfied that each designer and contractor appointed has adequate training, knowledge, experience and resources for the work to be performed.
4. Co-operate with the Project Supervisor and supply necessary information.
5. Retain and make available the Safety File for the completed structure.
6. Provide a copy of the safety and health plan prepared by the PSDP to every person tendering for the PSCS.
7. Notify the Authority of the appointment of the PSDP where construction is likely to take more than 500 person days or 30 working days on the approved form AF1 available at www.hsa.ie.
8. Allow a reasonable amount of time for project completion.

When must I appoint Project Supervisors?

You must appoint in writing a competent Project Supervisor for the Design Process (PSDP) before design work starts and a competent Project Supervisor for the Construction Stage (PSCS) before construction work starts, in order to co-ordinate the design and construction. They must acknowledge in writing that they accept the appointment. There can only be one (PSCS) for one project at a given time.

You do not have to appoint Project Supervisors if the work is routine maintenance work such as cleaning, decorating and repair and:

- ▲ there is only one contractor involved;
- ▲ the project does not last longer than 30 days or 500 person days;
- ▲ the work does not involve a *particular risk* e.g. Working in deep trenches and excavations, falling from a height where there is an aggravated risk of injury, use of chemical or biological substances, including work involving asbestos, work with ionising radiation – usually x-ray examination of structural joints etc., work near high voltage power lines, work over or near water – drowning, work in confined, unventilated spaces, work carried out by drivers using an air supply system, work in a compressed air atmosphere, work involving the assembly or dismantling of heavy prefabricated components.

Who can act as a Project Supervisor and how do I know if they are Competent?

When making the appointments of Project Supervisors, you must satisfy yourself that those appointed are competent to carry out the duties under the Regulations.

You as a Client will need to make reasonable enquires to check that the person or company to be appointed as the PSDP or PSCS is able to fulfil the responsibilities of the position. A designer or a contractor may be appointed so long as they are competent. The extent of these enquiries will depend on the scale, complexity, the hazards of the project and any particular risks and may include, but not limited to, enquiring about the following:

- ▲ membership of professional bodies;
- ▲ knowledge of design and construction, particularly in relation to the nature of the project;
- ▲ safety and health qualifications, training (e.g. degree, diploma, certificate, continual professional development);
- ▲ safety and health experience on similar projects;
- ▲ knowledge of preparing a Safety File;
- ▲ sufficient staff with qualifications, training and experience, both within the company and from other sources, relevant to the project;
- ▲ evidence of a functioning safety management system;
- ▲ evidence of Regulatory Compliance.

What is a Safety and Health Plan?

The safety and health plan is initiated by the PSDP. It contains information in relation to the project including:

- ▲ a general description of the project;
- ▲ any other work activities taking place on site;
- ▲ work involving particular risks;
- ▲ the timescale for the project and the basis on which the time frame was established;
- ▲ conclusions drawn by designers and the PSDP having carried out design risk assessments and any existing Safety and Health Plan or Safety File;
- ▲ the location of electricity water and sewage connections so as to facilitate early establishment of welfare facilities.

The purpose of this is to “flag-up”, at a relatively early stage, any residual safety and health issues specific to that project that the PSCS will have to take account of during construction.

What must I do as a Client with the Safety and Health Plan?

The client must make sure that every person being considered or tendering for the role of Project Supervisor for the Construction Stage gets a copy of the safety and health plan.

What is the Safety File?

The Safety File is a key document intended for the safety of end users of the structure or those who will extend or maintain the structure in future. The PSDP must prepare and pass the Safety File to the Client at completion, you as the Client must make the Safety File available, if necessary, e.g. to subsequent designers or contractors engaged in maintenance or renovation of the structure.

If you as a client sell or otherwise disposes of your interest in the structure, then you must pass on the Safety File to the new owner. Where you dispose of his or her interest in part of a structure or development then you must pass on the relevant section of the Safety File for the relevant part. This might happen in the case of the selling of an office floor of a building, or the selling of a house or a number of houses in a new estate. The person receiving the Safety File must keep it available for inspection.

Where can I get further information?

Further information including the Guidelines on the Procurement, Design and Management Requirements of the Safety Health and Welfare at Work (Construction) Regulations are available at www.hsa.ie