

PPC2000 (AMENDED 2013) & TPC2005 (AMENDED 2008) SPECIAL TERMS DEALING WITH CDM 2015

These special terms should be inserted in the special term section of either the Project Partnering Agreement or the Term Partnering Agreement (as the case may be) to deal with the transition from CDM 2007 to CDM 2015.

FOR USE WITH PPC2000

29 SPECIAL TERMS - CDM REGULATIONS

By reference to clause 28 the following Special Term shall apply:

29.1 The reference to "CDM Co-Ordinator" in the note to clauses 1.3 and 1.5 in the Project Partnering Agreement shall be deleted and replaced with "Principal Designer"

29.2 Delete Clause 7.1 of the Partnering Terms and replace with the following:

"7.1 For the purposes of the CDM Regulations, the term "principal designer" shall mean the Principal Designer and the term "principal contractor" shall mean the Constructor. All Partnering Team members shall fulfil their respective responsibilities under the CDM Regulations, including without limitation the preparation, collation and circulation of the Pre-Construction Information by the Client or the Principal Designer as appropriate and the preparation of the Construction Phase Plan by the Constructor in compliance with the CDM Regulations as pre-conditions to implementation of the Project on Site. Where the Constructor is not the Principal Designer, but is the "principal contractor" and the Principal Designer's appointment concludes before Project Completion, the Constructor shall review, update and revise the health and safety file in accordance with regulations 12 (8) to (10) of the CDM Regulations."

29.3 Add new clause 7.7 as follows:

"7.7 Each member of the Partnering Team warrants that it has the skills, knowledge, experience and organisational ability to fulfil the role or roles they are appointed to fulfil under this Partnering Contract with regard to the CDM Regulations."

29.4 Clause 8.9 of the Partnering Terms shall be amended as follows:

Delete "Regulation 11(6)" and replace with "Regulation 9(4)".

Delete all references to "CDM Co-ordinator" and replace with "Principal Designer".

29.5 Clause 14.1(ii) shall be amended as follows:

Delete "Regulation 22(1)(c)" and replace with "Regulation 13(4)(c)".

29.6 In Appendix 1, the definitions of **Construction Phase Plan**, **CDM Regulations**, **CDM Co-ordinator** and **Pre-Construction Information** shall be deleted and the following

definitions shall be inserted:

CDM Regulations - the Construction (Design and Management) Regulations 2015 and any re-enactments and amendments;

Construction Phase Plan - the construction phase plan in accordance with Regulation 12 of the CDM Regulations;

Pre-Construction Information – the information to be provided in accordance with Regulation 4 of the CDM Regulations.

Principal Designer - the party named in the Project Partnering Agreement to fulfil the role of Principal Designer, as defined in the CDM Regulations, subject only to replacement in accordance with the Partnering Terms.

- 29.7 The definition of **Consultant** in Appendix 1 shall be amended by deleting "CDM-Co-ordinator" in line 1 and inserting "Principal Designer"

FOR USE WITH TPC2005

16 SPECIAL TERM – CDM REGULATIONS

By reference to clause 15 the following Special Term shall apply:

- 16.1 Clause 4.1 of the Term Partnering Agreement shall be deleted and replaced with:

"The Principal Designer shall be:-"

- 16.2 Delete clause 4.1 of the Partnering Terms and replace with:

"If any Task(s) are within the scope of the CDM Regulations, then in respect of such Task(s) the Service Provider shall act as "principal contractor" and the Client shall appoint a Principal Designer as stated in the Term Partnering Agreement and all Partnering Team members shall carry out their duties and obligations under the CDM Regulations. Where the Service Provider is not the Principal Designer, but is the "principal contractor" and the Principal Designer's appointment concludes before Task Completion, the Service Provider shall review, update and revise the health and safety file in accordance with regulations 12(8) to (10) of the CDM Regulations."

- 16.3 Add new clause 4.3 as follows:

"4.3 Each member of the Partnering Team warrants that it has the skills, knowledge, experience and organisational ability to fulfil the role or roles they are appointed to fulfil under this Partnering Contract with regard to the CDM Regulations."

- 16.4 In Appendix 1 the definitions of **CDM Regulations** and **CDM Co-ordinator** shall be deleted and the following definitions shall be inserted:

CDM Regulations – the Construction (Design and Management) Regulations 2015 and

any re-enactments and amendments;

Principal Designer – any party named in the Term Partnering Agreement to fulfil the role of Principal Designer, as defined in the CDM Regulations, subject only to replacement in accordance with the Partnering Terms;