

# Guide to Dutyholders: Client

A client is defined as, any person for whom a project is carried out (there is a separate definition for a domestic client). Part 2A sets out the requirements that every client must adhere to. Part 2A comes into force as of 1<sup>st</sup> October 2023, subject to transitional provisions.

“A client must make suitable arrangements for planning, managing and monitoring a project (including allocation of sufficient time and other resources) so as to ensure compliance with all relevant requirements.”

- Suitable arrangements are set out in full in the Regulations. The key points as a client:
- They must ensure that the building will comply with all relevant regulations, at both the design and construction stage.
- They must enable efficient communication between the designers and contractors to ensure compliance, and the client must also cooperate with any other person working on or in relation to the project.
- Clients must undertake periodic reviews of the building work (at the design and construction stage) included or to be included in the project to identify whether it is higher-risk building work. These arrangements should be maintained and reviewed throughout the project.
- The client must also provide building information as soon as is practicable to every designer and contractor on the project.

All these elements emphasise the need for planning, monitoring and management of the project, from inception to completion.

Where there is more than one client on a project, there must be a written agreement as to which of them is to be treated for the purposes of the Regulations as the sole ‘client’. The sole ‘client’ will be subject to all the duties set out in the Regulations. All clients must:

- Enable efficient communication between the designers and contractors to ensure compliance.
- Cooperate with any other person working on or in relation to the project.
- Provide building information as soon as is practicable to every designer and contractor on the project.
- Adhere to the specific arrangements for information where the project is considered as higher-risk building work.

The client is responsible for appointing both the principal designer and principal contractor. Where there are multiple designers and contractors working on the project, the client must appoint in writing a designer with control over the design work as the principal designer and also a contractor with control over the building work as the principal contractor. A client may comply with this Regulation if they certify in writing that the person who is appointed as the CDM (Construction (Design and Management) Regulations 2015) principal designer, and/or the CDM principal contractor, is also treated as such for the purposes of The Building Regulations.

Appointment of the principal designer and principal contractor must be made in relation to all projects. Where it is a higher-risk building, the appointments must be made prior to the application submission, and for any other projects before the construction phase begins. Key points are:

- Where an appointment of a principal designer or principal contractor ends before the end of the project, as soon as reasonably practicable the client must make a new appointment.
- Where the client fails to appoint a principal designer or principal contractor, the client must fulfil the duties of the principal designer or the principal contractor.
- Where there is only one designer or contractor working on a project, they are treated as the appointed principal designer or principal contractor and must fulfil the duties of the principal designer or principal contractor.
- Appointments in relation to higher-risk building work require the client to keep a written record of the steps taken when making any appointments in relation to the project.

A person making an appointment must take “reasonable steps” to satisfy themselves that any person they are appointing is sufficiently competent to carry out the role they are being appointed to. Where any person fails to meet the required competency required to act in the role they are being appointed for, they must not act in that role.

Where the work relates to a higher-risk building, the person appointing must ask the appointee whether a serious sanction<sup>1</sup> has occurred, in relation to them, within the 5

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<sup>1</sup> A serious sanction means -

- The issue to A of a compliance notice which referred to contravention or likely contravention of a requirement of Part A (structure) or Part B (fire safety) of Schedule 1.
- The issue to A of a stop notice.
- The conviction of A for any offence under:
  - i. The Act.
  - ii. The Health and Safety at Work etc. Act 1974.
  - iii. The Building Safety Act 2022.

The Regulatory Reform (Fire Safety) Order 2005.

- A report published by an inquiry under the Inquiries Act 2005 finds that A's action or inaction resulted in one or more deaths or was likely to have been a contravention of any requirement of:
  - i. The Act.
  - ii. Part A (structure) or Part B (fire safety) of Schedule 1.
  - iii. The Health and Safety at Work etc. Act 1974.
  - iv. The Building Safety Act 2022.
  - v. The Regulatory Reform (Fire Safety) Order 2005.

years ending on the date of the appointment and consider any information available relating to any misconduct (including any serious sanction).

The Regulations set out duties for all duty holders (broken down into general duties and specific duties for designers, contractors, principal designers, and principal contractors) which include sharing information and communicating effectively, with all other parties on the project. Where a client, principal designer or principal contractor is appointed or changes, the following must be provided to the relevant authority:

- The location of the building work.
- The name, address, telephone number and (if available) email address of the new appointee and the date of they became the appointee.
- The name, address, telephone number and (if available) email address of the previous appointee and the date they ceased to be the appointee.
- Where the notice is given by someone on behalf of the client, a statement signed by the new client confirming they agree to the notice being made and that the information contained in the notice is correct.

This does not relate to higher-risk building work.

The above does not relate to non-notifiable work. It is essential that all duty holders exhibit “necessary behaviours”, which the Regulations specify as the following:

- Compliance with relevant requirements, including refusing to carry out:
  - (i) any building work which is not in compliance with any relevant requirement.
  - (ii) any design work if the building work to which the design relates cannot be carried out in compliance with all relevant requirements.
- Cooperation with other persons in relation to the work.
- Refusing to carry out work which is beyond their skills, knowledge or experience, and asking for the assistance of other persons where necessary.

- i. The Health and Safety at Work etc. Act 1974.
- ii. The Building Safety Act 2022.

The Regulatory Reform (Fire Safety) Order 2005.

- A report published by an inquiry under the Inquiries Act 2005 finds that A's action or inaction resulted in one or more deaths or was likely to have been a contravention of any requirement of:
  - i. The Act.
  - ii. Part A (structure) or Part B (fire safety) of Schedule 1.
  - iii. The Health and Safety at Work etc. Act 1974.
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