



Construction Regulations 2014

Duties of the Client

Definition of a Client:

"client" means any person for whom construction work is being performed;

- (1) A client must—
- prepare a baseline risk assessment for an intended construction work project;
 - prepare a suitable, sufficiently documented and coherent site specific health and safety specification for the intended construction work based on the baseline risk assessment contemplated in paragraph (a);
 - provide the designer with the health and safety specification contemplated in paragraph (b);
 - ensure that the designer takes the prepared health and safety specification into consideration during the design stage;
 - ensure that the designer carries out all responsibilities contemplated in regulation 6;
 - include the health and safety specification in the tender documents;
 - ensure that potential principal contractors submitting tenders have made adequate provision for the cost of health and safety measures;
 - ensure that the principal contractor to be appointed has the necessary competencies and resources to carry out the construction work safely;
 - take reasonable steps to ensure co-operation between all contractors appointed by the client to enable each of those contractors to comply with these Regulations;
 - ensure before any work commences on a site that every principal contractor is registered and in good standing with the compensation fund or with a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);
 - appoint every principal contractor in writing for the project or part thereof on the construction site;
 - discuss and negotiate with the principal contractor the contents of the principal contractor's health and safety plan contemplated in regulation 7(1), and must thereafter finally approve that plan for implementation;
 - ensure that a copy of the principal contractor's health and safety plan is available on request to an employee, inspector or contractor;
 - take reasonable steps to ensure that each contractor's health and safety plan contemplated in regulation 7(1)(a) is implemented and maintained;
 - ensure that periodic health and safety audits and document verification are conducted at intervals mutually agreed upon between the principal contractor and any contractor, but at least once every 30 days;
 - ensure that a copy of the health and safety audit report contemplated in paragraph (o) is provided to the principal contractor within seven days after the audit;
 - stop any contractor from executing a construction activity which poses a threat to the health and safety of persons which is not in accordance with the client's health and safety

- specifications and the principal contractor's health and safety plan for the site;
- r) where changes are brought about to the design or construction work, make sufficient health and safety information and appropriate resources available to the principal contractor to execute the work safely; and
 - s) ensure that the health and safety file contemplated in regulation 7(1)(b) is kept and maintained by the principal contractor.
- (2) Where a client requires additional work to be performed as a result of a design change or an error in construction due to the actions of the client, the client must ensure that sufficient safety information and appropriate additional resources are available to execute the required work safely.
- (3) Where a fatality or permanent disabling injury occurs on a construction site, the client must ensure that the contractor provides the provincial director with a report contemplated in section 24 of the Act, in accordance with regulations 8 and 9 of the General Administrative Regulations, 2013, and that the report includes the measures that the contractor intends to implement to ensure a safe construction site as far as is reasonably practicable.
- (4) Where more than one principal contractor is appointed as contemplated in subregulation (1)(k), the client must take reasonable steps to ensure co-operation between all principal contractors and contractors in order to ensure compliance with these Regulations.
- (5) Where a construction work permit is required as contemplated in regulation 3(1), the client must, without derogating from his or her health and safety responsibilities or liabilities, appoint a competent person in writing as an agent to act as his or her representative, and where such an appointment is made the duties that are imposed by these Regulations upon a client, apply as far as reasonably practicable to the agent so appointed.
- (6) Where notification of construction work is required as contemplated in regulation 4(1), the client may, without derogating from his or her health and safety responsibilities or liabilities, appoint a competent person in writing as an agent to act as his or her representative, and where such an appointment is made the duties that are imposed by these Regulations upon a client, apply as far as reasonably practicable to the agent so appointed: Provided that, where the question arises as to whether an agent is necessary, the decision of an inspector is decisive.
- (7) An agent contemplated in subregulations (5) and (6) must—
 - a) manage the health and safety on a construction project for the client; and
 - b) be registered with a statutory body approved by the Chief Inspector as qualified to perform the required functions;
- (8) When the chief inspector has approved a statutory body as contemplated in subregulation (7)(b), he or she must give notice of that approval in the Gazette. **(This is now SACPCMP)**