

Construction Regulations 2014

Duties of the Designer

Definition of a Designer:

"designer" means—

- (a) a competent person who—
 - (i) prepares a design;
 - (ii) checks and approves a design; or
 - (iii) arranges for any person at work under his or her control to prepare a design (including an employee of that person where he or she is the employer); or
 - (iv) designs temporary work, including its components,
- (b) an architect or engineer contributing to, or having overall responsibility for a design;
- (c) a building services engineer designing details for fixed plant;
- (d) a surveyor specifying articles or drawing up specifications;
- (e) a contractor carrying out design work as part of a design and building project; or
- (f) an interior designer, shop-fitter or landscape architect;

1)The designer of a structure must—

- (a) ensure that the applicable safety standards incorporated into these Regulations under section 44 of the Act are complied with in the design;
- (b) take into consideration the health and safety specification submitted by the client;
- (c) before the contract is put out to tender, make available in a report to the client—
 - (i) all relevant health and safety information about the design of the relevant structure that may affect the pricing of the construction work;
 - (ii) the geotechnical-science aspects, where appropriate; and
 - (iii) the loading that the structure is designed to withstand;
- (d) inform the client in writing of any known or anticipated dangers or hazards relating to the construction work, and make available all relevant information required for the safe execution of the work upon being designed or when the design is subsequently altered;
- (e) refrain from including anything in the design of the structure necessitating the use of dangerous procedures or materials hazardous to the health and safety of persons, which can be avoided by modifying the design or by substituting materials;
- (f) take into account the hazards relating to any subsequent maintenance of the relevant structure and must make provision in the design for that work to be performed to minimize the risk;
- (g) when mandated by the client to do so, carry out the necessary inspections at appropriate stages to verify that the construction of the relevant structure is carried out in accordance with his design: Provided that if the designer is not so mandated, the client's appointed agent in this regard is responsible to carry out such inspections;

- (h) when mandated as contemplated in paragraph (g), stop any contractor from executing any construction work which is not in accordance with the relevant design's health and safety aspects: Provided that if the designer is not so mandated, the client's appointed agent in that regard must stop that contractor from executing that construction work;
- (i) when mandated as contemplated in paragraph (g), in his or her final inspection of the completed structure in accordance with the National Building Regulations, include the health and safety aspects of the structure as far as reasonably practicable, declare the structure safe for use, and issue a completion certificate to the client and a copy thereof to the contractor; and
- (j) during the design stage, take cognisance of ergonomic design principles in order to minimize ergonomic related hazards in all phases of the life cycle of a structure.

(2) The designer of temporary works must ensure that—

- a) all temporary works are adequately designed so that it will be capable of supporting all anticipated vertical and lateral loads that may be applied;
- b) the designs of temporary works are done with close reference to the structural design drawings issued by the contractor, and in the event of any uncertainty consult the contractor;
- c) all drawings and calculations pertaining to the design of temporary works are kept at the office of the temporary works designer and are made available on request by an inspector; and
- d) the loads caused by the temporary works and any imposed loads are clearly indicated in the design.

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2014.03.18