

 Regulatory Policy Committee	Opinion	
Impact Assessment (IA)	Construction (Design and Management) Regulations 2015 (CDM 2015)	
Lead Department/Agency	Health and Safety Executive	
Stage	Consultation	
IA Number	Not provided	
Origin	European	
Expected date of implementation (and SNR number)	-	
Date submitted to RPC	20/12/2013	
RPC Opinion date and reference	28/01/2014	RPC13-HSE-1824(3)
Overall Assessment	GREEN	
RPC comments <p>The IA is fit for purpose. Following a meeting with the HSE and the provision of additional information, the issues raised in our previous Opinion (26/09/2013) have now been addressed to enable confirmation of an 'OUT'.</p>		
Background (extracts from IA) <p>What is the problem under consideration? Why is government intervention necessary?</p> <p><i>CDM 2015 will replace an existing set of Regulations (CDM 2007) while maintaining or improving implementation of a European Directive. An evaluation of the existing Regulations revealed a number of shortcomings, including some which disproportionately affect smaller businesses. Small sites are currently responsible for an increasingly large proportion of serious and fatal incidents, and the regulatory framework needs to be made substantially simpler and more accessible to be effective in addressing this. Additionally, HSE has become aware that transposition of the Directive in Great Britain is insufficient in certain respects.</i></p> <p>What are the policy objectives and the intended effects?</p> <p><i>The majority of the proposals in this package are intended to:</i></p> <ul style="list-style-type: none"> - address the shortcomings of the current Regulations identified in the evaluation; - provide a regulatory framework that is better suited to the needs of small businesses in the sector, thus increasing compliance and improving health and safety outcomes; - align the Regulations more closely with the Directive, in the most appropriate way, removing measures which go beyond Directive requirements, thus reflecting better regulation principles. <p><i>Other proposals aim to address areas where current transposition is insufficient.</i></p>		
Identification of costs and benefits, and the impacts on business, civil society		

organisations, the public sector and individuals, and reflection of these in the choice of options

The IA proposes to align existing regulations with the European Directive on minimum safety and health requirements at temporary or mobile construction sites. The IA also takes the opportunity to simplify the regulations and provide a simpler regulatory framework for business.

The IA explains how the proposals will have a beneficial impact on business through the simplification of the regulatory framework, which will better suit small businesses.

The issues raised in our previous Opinion (26/09/2013) have now been addressed. We note that following a meeting with the HSE, additional information has been provided within the revised IA.

Specifically, the IA now clearly presents the full set of compliance options to enable consultees to comment in responses to the consultation (paragraphs 160 to 169). The IA also explains how significant efficiencies will be realised through businesses discharging duties that would otherwise be undertaken by householders (paragraphs 141 to 144).

Comments on the robustness of the Small & Micro Business Assessment (SaMBA)

We note that there are two elements to the proposal, one of which is of European origin, and the other has a deregulatory impact on business. The SaMBA is therefore not applicable.

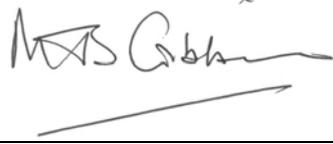
Comments on the robustness of the OITO assessment.

The IA proposes to cover two specific elements. First the IA covers the simplification of the regulatory framework and says that this is a deregulatory proposal that is in scope of OITO and will have a direct net benefit to business (an 'OUT'). This assessment appears reasonable and is consistent with paragraph 1.9.11 of the Better Regulation Framework Manual.

The IA also aims to improve the implementation of the EU Directive. In doing this, the Department has taken advantage of an option within the EU Directive that places additional burdens on business but reduces the overall burden to the UK. While we initially assessed this as in scope of OITO, the rules regarding EU measures have since been clarified. As the regulation would not go beyond minimum requirements in terms of its impact on the UK economy, it is out of scope of One-in, Two-out (Better Regulation Framework Manual - paragraph 1.9.8. ii).

However, to support balanced reporting of overall EU burdens in the Statement of New Regulation, an estimated EANCB figure, with supporting evidence, needs to be submitted for RPC validation at the final stage.

Signed

A handwritten signature in black ink, appearing to read "Michael Gibbons". The signature is written in a cursive style with a long horizontal stroke at the end. There is a small mark above the letter 'i' in "Gibbons".

Michael Gibbons, Chairman