## CDM 2015 - Letter - Client Election and Acceptance

The Construction (Design and Management) Regulations 2015 define a client as anyone for whom a construction project is carried out. This definition includes both non-domestic (or commercial) clients and domestic clients (clients for who construction work is carried out which is not done in connection with a business.

The Regulations apply in full to commercial clients but the duties of domestic clients are passed onto other duty holders.

This sample letter concerns commercial clients.

Projects may have more than one client. Where this is the case Regulation 4(8) may be used to elect one or more of these clients as responsible for carrying out the client duties under the Regulations.

In some circumstances it may not be clear who the client or clients are. This must be resolved as early as possible by considering who:

* Ultimately decides what is to be constructed, where, when and by whom;
* Commissions the design and construction work (the employer in contract terminology);
* Initiates the work;
* Is at the head of the procurement chain; and
* Appoints contractors (including the principal contractor), and designers (including the principal designer).

If there is still doubt about who the client or clients are, all the possible clients should agree that one or more of them is treated as the client for the purposes of Regulations. It is in the interests of all those involved to identify and agree who the client or clients are. If not, they may all be considered to have client duties under the Regulations.

Note: Those clients who have not been identified as the client for the purposes of the Regulations will still have duties. These are to:

* Provide any information in their possession that may be relevant to help pull together the pre-construction information; and
* Cooperate with anyone involved in the project.

The sample letter follows. The text may be altered to suit the circumstances and may be sent as an e-mail if preferred.

<Insert date>

<Insert name>

<Insert address>

Dear <Insert name>

**<Insert Project>**

**The Construction (Design and Management) Regulations 2015**

**Election / Acceptance of CDM Client(s) - <Insert Company Name>**

I write to confirm that <Compass Group UK & Ireland – (delete as appropriate)> accept the election as client under the Construction (Design and Management) Regulations 2015 for the above named project.

This appointment requires that < Compass Group UK & Ireland – (delete as appropriate)> fulfils the duties of client under the Regulations.

**Or**

I write to confirm that < Compass Group UK & Ireland – (delete as appropriate)> accept the joint election as client under the Construction (Design and Management) Regulations 2015 for the above named project. This election is shared with <insert company name(s)>.

This election requires that < Compass Group UK & Ireland – (delete as appropriate)> and <insert company name(s)> jointly fulfil the duties of client under the Regulations.

**Or**

I write to confirm that <insert company name> is elected as client under the Construction (Design and Management) Regulations 2015 for the above named project.

This election requires that <insert company name> fulfils the duties of client under the Regulations.

**Or**

I write to confirm that <insert company name> is jointly elected as client under the Construction (Design and Management) Regulations 2015 for the above named project. This election is shared with <insert company name(s)>.

This election requires that <insert company name(s)> jointly fulfil the duties of client under the Regulations.

Enclosed is a copy of this letter, which you should sign to indicate your agreement to fulfil the client duties under the Regulations and send back to this office by return.

Yours faithfully

<Signature and printed name required. The letter must be on headed paper and include the date. If sent by e-mail the e-mail must include the appropriate Company e-mail signature>

On behalf of < Compass Group UK & Ireland (delete as appropriate)>the Company

**I agree to be the client under the Construction (Design and Management) Regulations 2015**

Company Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_