

SCHEDULE PART 8

Part 2: Safety During Construction

1. In this Part 2 of the Schedule Part 8 and wherever used elsewhere in this Agreement:
 - (a) "CDM Regulations" means the Construction (Design and Management) Regulations 1994 (and "CDM Regulation" shall be construed accordingly); and
 - (b) "the client", and "the Executive" shall have the same meanings as are ascribed to them in the CDM Regulations.
2. In so far as not already done, within twenty (20) Business Days of the date of execution of this Agreement, Project Co shall make and serve on the Executive a declaration pursuant to and in the form (if any) required by CDM Regulation 4 that Project Co will act as the client in relation to the Works for all the purposes of the CDM Regulations. Project Co shall forthwith send a copy of the declaration to the Board's Representative and upon receipt of notice from the Executive that it has received the declaration Project Co shall send a copy of such notice to the Board's Representative. During the Project Term, Project Co shall not, and shall not seek to, withdraw, terminate or in any manner derogate from its declaration that it will act as, and its acceptance of its responsibilities as, the client in relation to the Works for all the purposes of the CDM Regulations. During the Project Term Project Co will, as and when required, serve upon the Executive such further declarations under CDM Regulation 4 as may be necessary in order to procure that in respect of the Works and the provision of the Services Project Co will act as the client for all the purposes of the CDM Regulations.
3. Project Co warrants that it has the competence, resources and capacity to, and shall, observe, perform and discharge or shall procure the observance, performance and discharge of:
 - (a) all the obligations, requirements and duties of the client arising under the CDM Regulations in connection with the Works and, where necessary, the provision of the Services; and
 - (b) any obligations incumbent on the client under any Code of Practice for the time being approved by the Health and Safety Commission pursuant to the Health and Safety at Work etc. Act 1974 issued in connection with the CDM Regulations.
4. Project Co shall issue to the Board's Representative within ten (10) Business Days of its delivery to Project Co, one electronic copy (on computer disk, tape or other format) of each and every health and safety file to be prepared by it pursuant to the CDM Regulations in relation to the Works and the Services and electronic or paper copies of every amendment or update made to such file during the Project Term.