

**SCHEDULE 4**

This is Schedule 4 comprising CDM Matters referred to in  
the Agreement for the STEPS Project

between

The Board of Inland Revenue (1)

and

The Commissioners of Customs and Excise (2)

and

The Secretary of State for the Environment, Transport and the Regions (3)

and

Mapeley STEPS Contractor Limited (4)

dated

[            ] 2001

**CDM Matters**

1. In this Schedule 4:
  - (a) "the CDM Regulations" means the Construction (Design and Management) Regulations 1994 (and "CDM Regulation" shall be construed accordingly); and
  - (b) "the client" has the same meaning as in the CDM Regulations and "the Executive" has the same meaning as in the Explanatory Note to the CDM Regulations.
2. Within 5 Business Days after the Commencement Date the STEPS Contractor shall make and serve on the Executive a declaration pursuant to and in the form (if any) required by CDM Regulation 4 that the STEPS Contractor will act as the client in relation to the Operations for all the purposes of the CDM Regulations. The STEPS Contractor shall forthwith send a copy of the declaration to the Departments' Representative and upon receipt of notice from the Executive that it has received the declaration the STEPS Contractor shall send a copy of such notice to the Departments' Representative. During the Operating Period the STEPS Contractor 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 for all the purposes of the CDM Regulations. During the Operating Period the STEPS Contractor will forthwith 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 all works carried out under the Operations (or otherwise pursuant to the Agreement) the STEPS Contractor will act as the client for all the purposes of the CDM Regulations.
3. The STEPS Contractor warrants that it has the competence, resources and capacity to, and shall, observe, perform and discharge and 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 Operations and any other works performed pursuant to the Agreement; and
  - (b) any obligation of the client referred to in any Code of Practice for the time being approved by the Health and Safety Commission pursuant to the Health and Safety at Work Act 1974, and related laws, in connection with the CDM Regulations.
4. The STEPS Contractor shall issue to the Departments' Representative within 10 Business Days of the preparation thereof one copy of each and every health and safety file to be prepared pursuant to the CDM Regulations and of every amendment or update made to such file during the Operating Period.