

FAME advice on archaeological organisations acting in the role of Principle Contractor (PC)

While it is not illegal for archaeological organisations to take on the role of PC, those organisations will need to demonstrate the skills, knowledge and capability to adequately discharge a role for which they may be held liable.

Both FAME and the HSE discourage archaeologists from undertaking a role automatically, or by default, for which they may not be qualified, and which may result in significant health and safety and commercial risk.

The law, policy and guidance with regards to archaeology and CDM has not changed since the publication of the HSE statement in 2015. Stand-alone archaeology, where this is separate from construction activity or part of pre-construction ground investigation, is not subject to CDM and the role of PC is not required.

Where archaeology is integrated into the construction process, archaeologists, being specialist sub-contractors, should not normally take on the co-ordinating function of a Principle Contractor (PC).

A principal contractor is the organisation or person that coordinates the work of the construction phase of a project involving more than one contractor, so it is carried out in a way that secures health and safety. They are appointed by the client and must possess the skills, knowledge, and experience, and (if an organisation) the organisational capability to carry out their role effectively given the scale and complexity of the project and the nature of the health and safety risks involved. (CDM regulations 2015)

As specialist sub-contractors, involved in only one small part of the construction phase, it is unlikely that archaeologists would have the skills, knowledge and experience/capability to discharge the functions of the PC, co-ordinating activities across the whole construction phase. Taking on the role, would therefore, expose an individual or organisation to considerable risk.

If there is no PC at an early stage of a construction project, then the client must either become the PC or appoint another suitably qualified and skilled contractor who should be able to discharge the role more effectively than a short-term specialist (archaeological) contractor.

The client has a legal responsibility to appoint a PC who has the skills etc. to discharge the role. A contractor taking on the role of PC has equivalent legal responsibility to have the skills etc., and to discharge the role according to the regulations. These responsibilities and obligations on the PC leave them open to prosecution if in breach.

**FAME in consultation with the HSE
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