

## STATUTORY INSTRUMENTS

# 2010 No. 2215

## The Building (Approved Inspectors etc.) Regulations 2010

### [<sup>F1</sup>][<sup>F2</sup>PART 3A

#### Transfer of projects to another approver

##### Textual Amendments

- F1** Regulations revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(i)** (with regs. 44-47)
- F2** Pt. 3A inserted (6.4.2024) by The Building (Approved Inspectors etc.) (Amendment) (Wales) Regulations 2024 (S.I. 2024/244), regs. 1(1), **9**

##### Section 53(7): prescribed provision

**19B.** For the purposes of section 53(7)(a)(iii) of the Act, section 52(1)(a) of the Act is prescribed.

##### Information to be included in transfer certificates

**19C.** For the purposes of section 53B(5)(b) of the Act, a transfer certificate must contain the following information—

- (a) statement describing the original work and the unfinished work;
- (b) statement describing all the steps the approver has taken to determine, in accordance with section 53B(2) of the Act, whether the unfinished work contravenes any provision of the building regulations, in particular listing—
  - (i) each inspection or laying open of the work undertaken;
  - (ii) each report of any inspection or laying open of work produced;
  - (iii) any other assessment of the work which was considered;
- (c) statement setting out the name and address of the registered building inspector from whom advice was obtained under section 54B(3) of the Act before giving the transfer certificate;
- (d) declaration, signed and dated by the approver, confirming—
  - (i) the approver has inspected the unfinished work,
  - (ii) the approver has determined that, as at the date of the transfer certificate, the unfinished work does not contravene any provision of the building regulations,
  - (iii) each report or assessment referred to in the statement under paragraph (b) has been included in the transfer report given under section 53B of the Act,
  - (iv) the approver has obtained advice from a registered building inspector under section 54B(3) of the Act before giving the transfer certificate, and
  - (v) the approver has received the agreement of the person carrying out or intending to carry out the work to submit the transfer certificate and transfer report.

### **Period for consideration of transfer certificate and report by local authority**

**19D.** For the purposes of section 53C(6)(a) of the Act, the prescribed period is 28 days.

### **Grounds for rejection of a transfer certificate and transfer report**

**19E.** The grounds on which a local authority may reject a transfer certificate and transfer report are those prescribed in Schedule 3A.

### **Cases where a further initial notice may be given after cancellation of an initial notice under section 53D**

**19F.—**(1) For the purposes of section 53D(5) of the Act, the following circumstances are prescribed—

- (a) the business of the approver to which the initial notice relates has ceased for any reason, including in the case of insolvency;
- (b) the person carrying out or intending to carry out the work has cancelled the initial notice under section 53D(3) of the Act because they were satisfied the approver was unable to carry out (or continue to carry out) their functions with respect to any of the work to which the initial notice relates;
- (c) the approver is given a specified disciplinary order during the relevant period (as defined in section 53B(7) of the Act).

(2) In this regulation a “specified disciplinary order” means—

- (a) any disciplinary order under section 58U(2)(b) of the Act (variation of registration) such that the approver is no longer able to carry out their functions with respect to any of the work to which the initial notice relates;
- (b) any disciplinary order under section 58U(2)(c) of the Act (suspension of registration) excluding any suspension which is as a consequence of functions in relation to the unfinished work or work for the person carrying out the work;
- (c) an order under section 58V of the Act (interim suspension for suspected serious contravention) excluding any interim suspension which is as a consequence of functions in relation to the unfinished work or work for the person carrying out the work;
- (d) any disciplinary order under section 58U(2)(d) of the Act (cancellation of registration) excluding any cancellation which is as a consequence of functions in relation to the unfinished work or work for the person carrying out the work.]]

**Changes to legislation:**

There are currently no known outstanding effects for the The Building (Approved Inspectors etc. ) Regulations 2010, PART 3A.