

## STATUTORY INSTRUMENTS

# 2010 No. 2214

## The Building Regulations 2010

### PART 3

#### Notices, Plans and Certificates

#### **Giving of a building notice or [<sup>F1</sup>an application for building control approval] E**

12.—(1) This regulation applies to a person who intends to—

- (a) carry out building work;
- (b) replace or renovate a thermal element in a building to which the energy efficiency requirements apply;
- (c) make a change to a building's energy status; or
- (d) make a material change of use.

(2) Subject to the following provisions of this regulation, a person to whom this regulation applies shall—

- (a) give to the [<sup>F2</sup>relevant authority] a building notice in accordance with regulation 13; or
- (b) [<sup>F3</sup>give an application for building control approval with full plans to the relevant authority] in accordance with regulation 14.

(3) A person intending to carry out building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005 <sup>M1</sup> applies, or will apply after the completion of the building work, shall [<sup>F4</sup>give an application for building control approval with full plans].

(4) A person intending to carry out building work which includes the erection of a building fronting onto a private street shall [<sup>F5</sup>give an application for building control approval with full plans].

(5) A person intending to carry out building work in relation to which paragraph H4 of Schedule 1 imposes a requirement shall [<sup>F6</sup>give an application for building control approval with full plans].

(6) A person intending to carry out building work is not required to give a building notice or [<sup>F7</sup>an application for building control approval with full plans] where the work consists only of work—

- (a) described in column 1 of the Table in Schedule 3 if the work is to be carried out by a person described in the corresponding entry in column 2 of that Table;
- (b) described in Schedule 4 <sup>F8</sup>[<sup>F9</sup>]; or
- (c) described in column 1 of the Table in Schedule 3A if the work is to be inspected by a person described in the corresponding entry in column 2 of that Table (a “third party certifier”) who has been appointed by the person intending to carry out the building work before the commencement of that work].

[<sup>F10</sup>(6A) A person intending to carry out building work in relation to which Part P of Schedule 1 imposes a requirement is required to give a building notice or [<sup>F11</sup>an application for building control approval with full plans] where the work consists of—

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- (a) the installation of a new circuit;
- (b) the replacement of a consumer unit; or
- (c) any addition or alteration to existing circuits in a special location.]

(7) Where regulation 19 of the Building (Approved Inspectors etc) Regulations 2010 <sup>M2</sup> (local authority powers in relation to partly completed work) applies, the owner shall comply with the requirements of that regulation instead of with this regulation.

(8) Where—

- (a) a person proposes to carry out building work which consists of emergency repairs;
- (b) it is not practicable to comply with paragraph (2) before commencing the work; and
- (c) paragraph (6) does not apply,

the person shall give a building notice to the [<sup>F12</sup>relevant authority] as soon as reasonably practicable after commencement of the work.

(9) In this regulation—

“fronting” has the meaning given in section 203(3) of the Highways Act 1980<sup>M3, F13</sup> ...

“private street” has the meaning given in section 203(2) of the Highways Act 1980<sup>M4F14</sup> ... [<sup>F15</sup>;

and

“special location” means—

- (a) within a room containing a bath or shower, the space surrounding a bath tap or shower head, where the space extends—
  - (i) vertically from the finished floor level to—
    - (aa) a height of 2.25 metres; or
    - (bb) the position of the shower head where it is attached to a wall or ceiling at a point higher than 2.25 metres from that level; and
  - (ii) horizontally—
    - (aa) where there is a bath tub or shower tray, from the edge of the bath tub or shower tray to a distance of 0.6 metres; or
    - (bb) where there is no bath tub or shower tray, from the centre point of the shower head where it is attached to the wall or ceiling to a distance of 1.2 metres; or
- (b) a room containing a swimming pool or sauna heater.]

#### Extent Information

- E1** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

- F1** Words in [reg. 12 heading](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(2\)\(a\)](#) (with [regs. 22-24](#))
- F2** Words in [reg. 12\(2\)\(a\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(2\)\(b\)\(i\)](#) (with [regs. 22-24](#))
- F3** Words in [reg. 12\(2\)\(b\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(2\)\(b\)\(ii\)](#) (with [regs. 22-24](#))
- F4** Words in [reg. 12\(3\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(2\)\(c\)](#) (with [regs. 22-24](#))

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- F5** Words in reg. 12(4) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(c)** (with regs. 22-24)
- F6** Words in reg. 12(5) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(c)** (with regs. 22-24)
- F7** Words in reg. 12(6) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(d)** (with regs. 22-24)
- F8** Reg. 12(6)(c) and word "; or" omitted (W.) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **5(1)(a)(ii)(iii)** (with reg. 29)
- F9** Reg. 12(6)(c) and word inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) Regulations 2014 \(S.I. 2014/579\)](#), regs. 1(4), **2(3)(a)(ii)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F10** Reg. 12(6A) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 6(a)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F11** Words in reg. 12(6A) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(d)** (with regs. 22-24)
- F12** Words in reg. 12(8) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(e)** (with regs. 22-24)
- F13** Word in reg. 12(9) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 6(b)(i)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F14** Reg. 12(9): full stop omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 6(b)(ii)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.)
- F15** Words in reg. 12(9) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 6(b)(ii)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

#### Marginal Citations

- M1** [S.I. 2005/1541](#).
- M2** [S.I. 2010/2215](#).
- M3** [1980 c. 66](#).
- M4** Section 203(2) was amended by paragraph 45(11) of Schedule 2 to the [Planning \(Consequential Provisions\) Act 1990 \(c.11\)](#) and Part 5 of Schedule 19 to the [Planning and Compensation Act 1991 \(c.34\)](#).

## Giving of a building notice or deposit of plans **W**

12.—(1) This regulation applies to a person who intends to—

- (a) carry out building work;
- (b) replace or renovate a thermal element in a building to which the energy efficiency requirements apply;
- (c) make a change to a building's energy status; or
- (d) make a material change of use.

(2) Subject to the following provisions of this regulation, a person to whom this regulation applies shall—

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- (a) give to the local authority a building notice in accordance with regulation 13; or
  - (b) deposit full plans with the local authority in accordance with regulation 14.
- (3) A person intending to carry out building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the building work, shall deposit full plans.
- (4) A person intending to carry out building work which includes the erection of a building fronting onto a private street shall deposit full plans.
- (5) A person intending to carry out building work in relation to which paragraph H4 of Schedule 1 imposes a requirement shall deposit full plans.
- (6) A person intending to carry out building work is not required to give a building notice or deposit full plans where the work consists only of work—
- (a) described in column 1 of the Table in Schedule 3 if the work is to be carried out by a person described in the corresponding entry in column 2 of that Table; [<sup>F88</sup>or]
  - (b) described in Schedule 4; ...
  - (c) .....
- (6A) .....
- (7) Where regulation 19 of the Building (Approved Inspectors etc) Regulations 2010 (local authority powers in relation to partly completed work) applies, the owner shall comply with the requirements of that regulation instead of with this regulation.
- (8) Where—
- (a) a person proposes to carry out building work which consists of emergency repairs;
  - (b) it is not practicable to comply with paragraph (2) before commencing the work; and
  - (c) paragraph (6) does not apply,
- the person shall give a building notice to the local authority as soon as reasonably practicable after commencement of the work.
- (9) In this regulation—
- “fronting” has the meaning given in section 203(3) of the Highways Act 1980; ...
- “private street” has the meaning given in section 203(2) of the Highways Act 1980 ... [<sup>F89</sup>; and  
.....]

**Textual Amendments**

**F88** Word "or" in [reg. 12\(6\)\(a\)](#) inserted (W.) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\), 5\(1\)\(a\)\(i\)](#) (with [reg. 29](#))

**F89** Words in [reg. 12\(9\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 6\(b\)\(ii\)](#), [Sch. 1](#) (with [regs. 1\(3\), 45-47](#)) (as amended by [S.I. 2013/181](#), [reg. 5](#), [Sch.](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**Particulars and plans where a building notice is given**

**13.—**(1) A building notice shall state the name and address of the person intending to carry out the work and shall be signed by that person or on that person's behalf, and shall contain or be accompanied by—

- (a) a statement that it is given for the purpose of regulation 12(2)(a);
- (b) a description of the proposed building work, renovation or replacement of a thermal element, change to the building's energy status or material change of use; <sup>F16</sup>[<sup>F17</sup>and]
- (c) particulars of the location of the building to which the proposal relates and the use or intended use of that building <sup>F18</sup>[<sup>F19</sup>; and
- (d) in the case of a new dwelling—
  - (i) a statement whether or not any optional requirement applies to the building work, and if so which, or
  - (ii) a statement that planning permission has not yet been granted for the work, and that the information required by subparagraph (i) will be supplied before the end of a period of twenty eight days beginning on the day after that permission is granted].

<sup>F20</sup>[<sup>F21</sup>(1A) In the case of a new dwelling, where a statement under paragraph (1)(d)(ii) has accompanied the building notice, a statement in the terms required by paragraph (1)(d)(i) must be provided to the [<sup>F22</sup>local authority][<sup>F22</sup>relevant authority] before the end of a period of twenty eight days beginning on the day after planning permission is granted for the building work, and the statement must state that it is supplementary to the information given in respect of the work pursuant to paragraph (1)(d).]

(2) In the case of the erection or extension of a building, a building notice shall be accompanied by—

- (a) a plan to a scale of not less than 1:1250 showing—
  - (i) the size and position of the building, or the building as extended, and its relationship to adjoining boundaries;
  - (ii) the boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilage;
  - (iii) the width and position of any street on or within the boundaries of the curtilage of the building or the building as extended;
- (b) a statement specifying the number of storeys (each basement level being counted as one storey), in the building to which the proposal relates; and
- (c) particulars of—
  - (i) the provision to be made for the drainage of the building or extension; and
  - (ii) the steps to be taken to comply with any local enactment which applies.

<sup>F23</sup>(2A) In the case of the erection of a dwelling, or a building that is to contain one or more dwellings, a building notice shall be accompanied by—

- (a) particulars of any public electronic communications network in relation to which a connection is to be provided,
- (b) if an exemption in regulation 44ZB is proposed to be relied on, evidence in support of the exemption, and
- (c) if regulation 44ZC is proposed to be relied on—
  - (i) evidence of the matters mentioned in regulation 44ZC(6)(a) and (b), and
  - (ii) if paragraph RA1(1)(c)(i) or (ii) of Schedule 1 is also proposed to be relied on, evidence of the steps taken to establish whether, and if so where, a distribution point for a gigabit-capable public electronic communications network (as defined by regulation 44C) is likely to be installed, in a location relevant for the purposes of

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paragraph RA(1)(c), within the period of 2 years beginning with the day on which the notice is given.]

(3) Where a building notice has been given, a person carrying out building work, renovation or replacement of a thermal element, change to the building's energy status or making a material change of use shall give the <sup>F24</sup>local authority<sup>F24</sup> [relevant authority], within such time as they specify, such plans as are, in the particular case, necessary for the discharge of their functions in relation to building regulations and are specified by them in writing.

(4) Neither a building notice nor plans which accompany it or are given under paragraph (3) are to be treated <sup>F25</sup>for the purposes of section 16 of the Act as having been deposited<sup>F25</sup> as an application for building control approval with full plans] in accordance with building regulations.

(5) A building notice shall cease to have effect on the expiry of three years from the date on which that notice was given to the <sup>F26</sup>local authority<sup>F26</sup> [relevant authority], unless before the expiry of that period—

- (a) the building work to which the notice related was commenced; or
- (b) the change to the building's energy status or the material change of use described in the notice was made.

#### Textual Amendments

- F16** Word in [reg. 13\(1\)](#) omitted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\), 2\(5\)\(a\)\(i\)](#) (with [regs. 1\(3\), 4](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F17** Word in [reg. 13\(1\)\(b\)](#) inserted (W. in relation to excepted energy buildings) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\), 5\(2\)\(a\)\(i\)](#) (with [reg. 29](#))
- F18** [Reg. 13\(1\)\(d\)](#) and word "; or" omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\), 5\(2\)\(a\)\(ii\)\(iii\)](#) (with [reg. 29](#))
- F19** [Reg. 13\(1\)\(d\)](#) and word inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\), 2\(5\)\(a\)\(ii\)](#) (with [regs. 1\(3\), 4](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F20** [Reg. 13\(1A\)](#) omitted (W. in relation to excepted energy buildings ) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\), 5\(2\)\(b\)](#) (with [reg. 29](#))
- F21** [Reg. 13\(1A\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\), 2\(5\)\(b\)](#) (with [regs. 1\(3\), 4](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F22** Words in [reg. 13\(1A\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(3\)\(a\)](#) (with [regs. 22-24](#))
- F23** [Reg. 13\(2A\)](#) inserted (E.) (26.12.2022) by [The Building etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2022 \(S.I. 2022/984\)](#), [reg. 1\(4\), Sch. para. 2](#) (with [reg. 3](#))
- F24** Words in [reg. 13\(3\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(3\)\(a\)](#) (with [regs. 22-24](#))
- F25** Words in [reg. 13\(4\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(3\)\(b\)](#) (with [regs. 22-24](#))
- F26** Words in [reg. 13\(5\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(3\)\(a\)](#) (with [regs. 22-24](#))

## [<sup>F27</sup>Applications for building control approval with full plans **E**

**14.**—(1) An application for building control approval with full plans must be made in writing, signed by the person making the application (“the applicant”), and must include—

- (a) the name, address, telephone number and (if available) email address of the applicant;
  - (b) where the applicant is not the client, the name, address, telephone number and (if available) email address of the client;
  - (c) where known at the date of the application, the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
  - (d) a statement—
    - (i) that the application is an application for building control approval with full plans given under regulation 12(2)(b);
    - (ii) as to whether the building is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies or will apply after completion of the building work;
  - (e) where the work consists of work to an existing building, a description of the existing building including—
    - (i) details of the current use of the building, including the current use of each storey;
    - (ii) the height of the building;
    - (iii) the number of storeys in the building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (f) a description of the proposed work, including—
    - (i) details of the intended use of the building, including the intended use of each storey;
    - (ii) the height of the building after the proposed work;
    - (iii) the number of storeys in the building after the proposed work as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
    - (iv) the provision to be made for the drainage of the building;
    - (v) where paragraph H4 of Schedule 1 imposes a requirement, the precautions to be taken in the building over a drain, sewer or disposal main to comply with the requirements of that paragraph;
    - (vi) the steps to be taken to comply with any local enactment that applies; and
    - (vii) a statement setting out—
      - (aa) the date when it is proposed the work will reach the point when it is to be regarded as commenced in accordance with regulation 46A (lapse of building control approval: commencement of work); and
      - (bb) where the work does not consist of work to which paragraph (2) or (3) of regulation 46A applies, details of the work which the client considers amounts to 15% of the proposed work.
- (2) An application for building control approval with full plans must be accompanied by—
- (a) (i) two copies of the full plans, or
  - (ii) where Part B of Schedule 1 (fire safety) imposes a requirement in relation to proposed building work, four copies of the full plans;

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- (b) where the application is made by someone on behalf of the client, a statement signed by the client confirming they agree to the application being made and that the information contained in the application is correct.
- (3) Plans are only full plans if they consist of—
  - (a) a description of the proposed building work, renovation or replacement of a thermal element, change to the building’s energy status or material change of use;
  - (b) the plans, particulars and statements required by paragraphs (1), (1A) and (2) of regulation 13;
  - (c) where paragraph H4 of Schedule 1 imposes a requirement, particulars of the precautions to be taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph; and
  - (d) any other plans which are necessary to show that the work would comply with these Regulations.
- (4) Paragraph (2)(a)(ii) does not apply where the proposed building work relates only to the erection, extension or material alteration of a dwelling-house or flat.]

**Extent Information**

**E2** This version of this provision applies to England only; a separate version has been created for Wales only

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**Textual Amendments**

**F27** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), 8 (with regs. 22-24)

**Full plans** **W**

- 14.—**(1) Full plans shall be accompanied by a statement that they are deposited for the purpose of regulation 12(2)(b).
- (a) (2) (a) Full plans shall be deposited in duplicate, of which the local authority may retain one copy; and
  - (b) where Part B of Schedule 1 (fire safety) imposes a requirement in relation to proposed building work, an additional two copies of any such plans as demonstrate compliance with that requirement shall be deposited, both of which may be retained by the local authority.
- (3) Full plans shall consist of—
- (a) a description of the proposed building work, renovation or replacement of a thermal element, change to the building's energy status or material change of use, and the plans, particulars and statements required by paragraphs (1) [<sup>F90</sup>, (1A)] and (2) of regulation 13;
  - (b) where paragraph H4 of Schedule 1 imposes a requirement, particulars of the precautions to be taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph; and
  - (c) any other plans which are necessary to show that the work would comply with these Regulations.
- (4) Full plans shall be accompanied by a statement as to whether the building is a building in relation to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the building work.
- (5) .....



(6) Paragraph (2)(b) shall not require the deposit of additional copies of plans where the proposed building work relates to the erection, extension or material alteration of a dwelling-house or flat.

#### Textual Amendments

**F90** Word in [reg. 14\(3\)\(a\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\), 2\(6\)](#) (with [regs. 1\(3\), 4](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

#### [<sup>F27</sup>Determination of applications for building control approval with full plans

**14A.**—(1) Subject to paragraph (5), where an application for building control approval with full plans is made in accordance with regulations 12(2)(b) and 14, the relevant authority must grant the application for building control approval unless the application (including the plans or other documents which accompany it)—

- (a) does not comply with the requirements of regulation 14 (applications for building control approval with full plans);
- (b) is not sufficiently detailed in any respect to allow the relevant authority to determine whether the proposed work would contravene any applicable requirement of the building regulations;
- (c) shows that—
  - (i) the proposed work would contravene any applicable requirement of these Regulations; or
  - (ii) in a case where details are provided under regulation 14(1)(f)(vii), the work set out in the details would not in the relevant authority’s opinion amount to 15% of the work.

(2) If the application for building control approval with full plans (or any plans or other documents which accompany it) is defective or shows that the proposed work would contravene any requirement of these Regulations, the relevant authority may—

- (a) reject the application; or
- (b) subject to paragraph (4), grant the application for building control approval subject to either or both of the requirements set out in paragraph (3).

(3) The requirements mentioned in paragraph (2) are—

- (a) that such modifications as the relevant authority may specify must be made in the full plans, and
- (b) that such further plans as the authority may specify must be provided before work to which those plans relate starts.

(4) A relevant authority may only grant an application for building control approval with full plans subject to a requirement in paragraph (3) if the person making the application (“the applicant”)—

- (a) has requested in writing the authority does so, or
- (b) has consented in writing to the authority doing so.

(5) The duty in paragraph (1) is subject to any provision in sections 19 to 25 of the Act which expressly requires or authorises the authority to reject an application for building control approval.

(6) The relevant authority must notify the applicant of the outcome of the application within five weeks beginning with the date the application is received by the relevant authority, or within such longer period as at any time the authority and the applicant agree in writing.

**Status:** Point in time view as at 01/10/2023.

**Changes to legislation:** The Building Regulations 2010, PART 3 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(7) A failure by the relevant authority to notify the applicant in accordance with paragraph (6) is not to be treated as a grant of the application or a rejection of the application.

(8) A notice that the application under paragraph (1) is rejected must give the reasons for the rejection.

(9) A notice that the application is granted subject to a requirement must specify the requirement imposed.

(10) Where the application for building control approval with full plans is successful the effect is that the building control approval is granted.

#### Textual Amendments

**F27** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **8** (with regs. 22-24)

### Appeal against a local authority's rejection of an application for building control approval

**14B.**—(1) A person (“the appellant”) who has made an application for building control approval with full plans to a local authority may appeal to the regulator against the decision of the local authority to reject the application provided the appeal is made within 21 relevant days beginning with the day after the day on which the local authority notifies the person under regulation 14A(6) (determination of applications for building control approval with full plans).

(2) The regulator may allow an appeal under paragraph (1) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under the Act.

(3) If the regulator allows an appeal it may quash or vary the decision.

(4) A person aggrieved with the decision of the regulator on an appeal under this regulation may appeal that decision to the First-tier Tribunal within 21 relevant days beginning with the day after the day on which the regulator notifies the person of its decision.

(5) The First-tier Tribunal may allow an appeal referred to in paragraph (4) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under the Act.

(6) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

#### Textual Amendments

**F27** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **8** (with regs. 22-24)

## Appeal against the regulator’s rejection of an application for building control approval for work that is not higher-risk building work

**14C.**—(1) In relation to work for which the regulator is the building control authority pursuant to a regulator’s notice, a person (“the appellant”) who has made an application for building control approval with full plans to the regulator may appeal to the First-tier Tribunal against the decision of the regulator to reject the application provided the appeal is made within 21 relevant days beginning with the day after the day on which the regulator notifies the person under regulation 14A(6) (determination of applications for building control approval with full plans).

(2) The First-tier Tribunal may allow an appeal referred to in paragraph (1) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable;
- (d) that the decision was made without following the procedures set out in the Act or regulations made under the Act.

(3) If the First-tier Tribunal allows an appeal it may quash or vary the decision.]

### Textual Amendments

**F27** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **8** (with regs. 22-24)

## Consultation with sewerage undertaker **E**

**15.**—(1) This regulation applies where [<sup>F28</sup>an application for building control approval with full plans has been given to the relevant authority] and paragraph H4 of Schedule 1 imposes requirements in relation to the building work which is the subject of those plans.

(2) Where this regulation applies the [<sup>F29</sup>relevant authority] shall consult the sewerage undertaker—

- (a) as soon as practicable after [<sup>F30</sup>the application for building control approval with full plans has been given]; and
- (b) before issuing any completion certificate in relation to the building work in accordance with regulation 17 <sup>F31</sup>[<sup>F32</sup>or 17A].

(3) Where a [<sup>F33</sup>relevant authority] are required by paragraph (2) to consult the sewerage undertaker they shall—

- (a) give to the sewerage undertaker, in a case where the authority are consulting them following [<sup>F34</sup>the giving of an application for building control approval with full plans], sufficient plans to show whether the work would, if carried out in accordance with those plans, comply with the applicable requirements of paragraph H4 of Schedule 1;
- (b) have regard to any views expressed by the sewerage undertaker; and
- (c) not [<sup>F35</sup>grant the application for building control approval] or issue a completion certificate until 15 days have elapsed from the date on which they consulted the sewerage undertaker, unless the sewerage undertaker has expressed its views to them before the expiry of that period.

**Status:** Point in time view as at 01/10/2023.

**Changes to legislation:** The Building Regulations 2010, PART 3 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Extent Information

- E3** This version of this provision applies to England only; a separate version has been created for Wales only

### Textual Amendments

- F28** Words in [reg. 15\(1\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), [7\(4\)\(a\)](#) (with regs. 22-24)
- F29** Words in [reg. 15\(2\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), [7\(4\)\(b\)\(i\)](#) (with regs. 22-24)
- F30** Words in [reg. 15\(2\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), [7\(4\)\(b\)\(ii\)](#) (with regs. 22-24)
- F31** Words in [reg. 15\(2\)\(b\)](#) substituted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), [6](#) (with [reg. 1\(2\)\(3\)](#))
- F32** Words in [reg. 15\(2\)\(b\)](#) substituted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 8](#), [Sch. 1](#) (with regs. 1(3), 45-47)
- F33** Words in [reg. 15\(3\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), [7\(4\)\(c\)\(i\)](#) (with regs. 22-24)
- F34** Words in [reg. 15\(3\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), [7\(4\)\(c\)\(ii\)](#) (with regs. 22-24)
- F35** Words in [reg. 15\(3\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), [7\(4\)\(c\)\(iii\)](#) (with regs. 22-24)

### Consultation with sewerage undertaker **W**

**15.—(1)** This regulation applies where full plans have been deposited with the local authority and paragraph H4 of Schedule 1 imposes requirements in relation to the building work which is the subject of those plans.

(2) Where this regulation applies the local authority shall consult the sewerage undertaker—

- (a) as soon as practicable after the plans have been deposited; and
- (b) before issuing any completion certificate in relation to the building work in accordance with regulation 17 [<sup>F91</sup>or 17A].

(3) Where a local authority are required by paragraph (2) to consult the sewerage undertaker they shall—

- (a) give to the sewerage undertaker, in a case where the authority are consulting them following the deposit of full plans, sufficient plans to show whether the work would, if carried out in accordance with those plans, comply with the applicable requirements of paragraph H4 of Schedule 1;
- (b) have regard to any views expressed by the sewerage undertaker; and
- (c) not pass plans or issue a completion certificate until 15 days have elapsed from the date on which they consulted the sewerage undertaker, unless the sewerage undertaker has expressed its views to them before the expiry of that period.

### Extent Information

- E8** This version of this provision applies to Wales only; a separate version has been created for England only

### Textual Amendments

- F91** Words in reg. 15(2)(b) substituted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 8**, Sch. 1 (with [regs. 1\(3\), 45-47](#))

### [<sup>F36</sup>Consultation in relation to fire safety

**15A.**—(1) This regulation applies where it is proposed—

- (a) to erect, extend or make any structural alteration to a building to which the Regulatory Reform (Fire Safety) Order 2005 applies or will apply after completion of the work, or
- (b) to change the use of a building to which the Regulatory Reform (Fire Safety) Order 2005 applies or will apply after the change of use,

and, in connection with that proposal, an application for building control approval with full plans is given to a relevant authority.

(2) Subject to paragraph (3), where this regulation applies the relevant authority must consult the enforcing authority before determining the application for building control approval with full plans given to the relevant authority.

(3) The duty to consult imposed by paragraph (2) does not apply where the relevant authority is the enforcing authority.

(4) In this regulation “enforcing authority” has the same meaning as in article 25 of the Regulatory Reform (Fire Safety) Order 2005.]

### Textual Amendments

- F36** [Reg. 15A](#) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), **regs. 1(2), 9** (with [regs. 22-24](#))

### [<sup>F37</sup>Notices in relation to building work] **E**

**16.**—(1) Subject to paragraphs (8) and (9), a person who proposes to carry out building work shall not [<sup>F38</sup>start that work] unless—

- (a) that person has given the [<sup>F39</sup>relevant authority] notice of intention to [<sup>F40</sup>start work]; and
- (b) at least two days have elapsed since the end of the day on which the notice was given.

[<sup>F41</sup>(2) Subject to paragraph (8), a person carrying out building work must notify the [<sup>F42</sup>relevant authority] as required by the authority in accordance with paragraph (3).

(3) Subject to the conditions in paragraphs (3A) and (3B), where a [<sup>F43</sup>relevant authority] receives notice of intention to [<sup>F44</sup>start work] under paragraph (1) they may give the person carrying out the work a notice in writing which—

- (a) requires that person to notify the authority that a specified stage of the work (other than a stage specified in paragraphs (4) and (5)) has been reached; and
- (b) may specify one or more periods of time, applying to each such required notification, which may be either or both of the following—
  - (i) a period before or after the work has been carried out within which the notification must be made; and
  - (ii) a period during which the work concerned must not be covered up.

**Status:** Point in time view as at 01/10/2023.

**Changes to legislation:** The Building Regulations 2010, PART 3 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3A) A [<sup>F45</sup>relevant authority] may only specify a stage of the building work in accordance with paragraph (3)(a) if at the time they do so they intend to carry out an inspection of that stage.

(3B) For the purposes of paragraph (3A) the [<sup>F46</sup>relevant authority]'s intention to carry out an inspection of a stage of building work must be based on their assessment of the risk of breach of these Regulations if they do not inspect the work.]

[<sup>F47</sup>(3C) Not more than five days after the day on which work is to be regarded as commenced the person carrying out the work must give a notice to that effect to the relevant authority.

(3D) The relevant authority may take such steps, including—

- (a) requiring information;
- (b) laying open of work for inspection,

as the authority thinks appropriate to check whether the work is to be regarded as commenced.

(3E) If the relevant authority are not satisfied the work is to be regarded as commenced they must give the person carrying out the work a notice to that effect (“rejection notice”) within four weeks of the date the notice under paragraph (3C) is given, and the rejection notice must give the reasons for rejection.

(3F) Where a notice is given under paragraph (3C) and the period referred to in paragraph (3E) expires without a rejection notice being given, then the work is to be regarded as commenced.

(3G) If the person carrying out the work accepts the rejection notice they may not give a further notice under paragraph (3C) unless, having regard to the reasons given by the relevant authority, they are satisfied the work is to be regarded as commenced.

(3H) A person who gave the notice under paragraph (3C) may appeal to the First-tier Tribunal against the decision of the relevant authority to reject the notice provided the appeal is made within 21 relevant days beginning with the day after the day on which the relevant authority gives the rejection notice.

(3I) The First-tier Tribunal may allow an appeal under paragraph (3H) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.

(3J) For the purposes of paragraphs (3C) to (3I) the provisions of regulation 46A (lapse of building control approval: commencement of work) apply to determine whether work is to be regarded as commenced.]

(4) Subject to paragraph (8), a person carrying out building work shall, not more than five days after that work has been completed, give the [<sup>F48</sup>relevant authority][<sup>F49</sup>a notice which complies with paragraph (4A)].

[<sup>F50</sup>(4A) The notice under paragraph (4) must include—

- (a) the name, address, telephone number and (if available) email address of the client;
- (b) the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
- (c) a statement that the building work is complete;
- (d) a statement, signed by the client, confirming that to the best of the client’s knowledge the work complies with all applicable requirements of the building regulations;

- (e) a statement given by each principal contractor (or sole contractor) for the work and each principal designer (or sole or lead designer) for the work, signed by the person to which the declaration relates, which includes—
    - (i) the name, address, telephone number and (if available) email address of that person;
    - (ii) the dates of their appointment, and
    - (iii) confirmation—
      - (aa) in the case of a principal contractor (or sole contractor), that they fulfilled their duties as a principal contractor under Part 2A (dutyholders and competence) of these Regulations;
      - (bb) in the case of a principal designer (or sole or lead designer), that they fulfilled their duties as a principal designer under Part 2A (dutyholders and competence) of these Regulations.]
- (5) Where a building is being erected <sup>F51</sup> [<sup>F52</sup>to which the Regulatory Reform (Fire Safety) Order 2005 <sup>M5</sup> applies, or will apply after the completion of the work ], and that building (or any part of it) is to be occupied before completion, the person carrying out that work shall give the [<sup>F53</sup>relevant authority] [<sup>F54</sup>a notice which complies with paragraph (5A) at least 5 days] before the building or any part of it is occupied.
- <sup>F55</sup>(5A) The notice under paragraph (5) must include—
- (a) the name, address, telephone number and (if available) email address of the client;
  - (b) the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
  - (c) the date when the building or any part of it is to be occupied;
  - (d) a statement, signed by the client, confirming that to the best of the client’s knowledge, regardless of the completion of the current building work, regulation 38 and Part B of Schedule 1 are currently complied with in relation to those parts of the building which are to be occupied before completion of the work;
  - (e) a statement given by each principal contractor (or sole contractor) for the work and each principal designer (or sole or lead designer) for the work, signed by the person to which the declaration relates, which includes—
    - (i) the name, address, telephone number and (if available) email address of that person;
    - (ii) the dates of their appointment, and
    - (iii) confirmation—
      - (aa) in the case of a principal contractor (or sole contractor), that they fulfilled their duties as a principal contractor under Part 2A (dutyholders and competence) of these Regulations;
      - (bb) in the case of a principal designer (or sole or lead designer), that they fulfilled their duties as a principal designer under Part 2A (dutyholders and competence) of these Regulations.]
- (6) A person who fails to comply with paragraphs (1) [<sup>F56</sup>or (2)] shall comply within a reasonable time with any notice given by the [<sup>F57</sup>relevant authority] requiring that person to cut into, lay open or pull down so much of the work as prevents them from ascertaining whether these Regulations have been complied with.
- (7) If the [<sup>F58</sup>relevant authority] have given notice specifying the manner in which any work contravenes the requirements in these Regulations, a person who has carried out any further work

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to secure compliance with these Regulations shall within a reasonable time after the completion of such further work give notice to the [<sup>F58</sup>relevant authority] of its completion.

(8) Paragraphs (1) to (4) apply only to a person who is required by regulation 12 to give a building notice or [<sup>F59</sup>an application for building control approval with full plans].

(9) Paragraph (1) does not apply where regulation 12(8) applies.

### Extent Information

**E4** This version of this provision applies to England only; a separate version has been created for Wales only

### Textual Amendments

- F37** Reg. 16 heading substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **15(1)(a)** (with regs. 22-24)
- F38** Words in reg. 16(1) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **15(1)(b)(i)** (with regs. 22-24)
- F39** Words in reg. 16(1) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F40** Words in reg. 16(1) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **15(1)(b)(ii)** (with regs. 22-24)
- F41** Reg. 16(2)-(3B) substituted for reg. 16(2)(3) (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), reg. 9(a), Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, **Sch.**)
- F42** Words in reg. 16(2) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F43** Words in reg. 16(3) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F44** Words in reg. 16(3) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **15(1)(c)** (with regs. 22-24)
- F45** Words in reg. 16(3A) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F46** Words in reg. 16(3B) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F47** Reg. 16(3C)-(3J) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **15(1)(d)** (with regs. 22-24)
- F48** Words in reg. 16(4) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F49** Words in reg. 16(4) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **6(2)(a)** (with regs. 22-24)
- F50** Reg. 16(4A) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **6(2)(b)** (with regs. 22-24)
- F51** Words in reg. 16(5) added (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **7** (with regs. 1(2)(3), 35, 36)
- F52** Words in reg. 16(5) added (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 9(b)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.)
- F53** Words in reg. 16(5) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F54** Words in reg. 16(5) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **6(2)(c)** (with regs. 22-24)
- F55** Reg. 16(5A) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **6(2)(d)** (with regs. 22-24)



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- F56** Words in reg. 16(6) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 9(c)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.)
- F57** Words in reg. 16(6) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F58** Words in reg. 16(7) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F59** Words in reg. 16(8) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(5)(b)** (with regs. 22-24)

**Marginal Citations**

- M5** S.I 2005/1541.

**Notice of commencement and completion of certain stages of work** W

16.—(1) Subject to paragraphs (8) and (9), a person who proposes to carry out building work shall not commence that work unless—

- (a) that person has given the local authority notice of intention to commence work; and
- (b) at least two days have elapsed since the end of the day on which the notice was given.

[<sup>F92</sup>(2) Subject to paragraph (8), a person carrying out building work shall not—

- (a) cover up any excavation for a foundation, any foundation, any damp-proof course or any concrete or other material laid over a site; or
- (b) cover up in any way any drain or sewer to which these Regulations apply, unless that person has given the local authority notice of intention to commence that work, and at least one day has elapsed since the end of the day on which the notice was given.

(3) Subject to paragraph (8), a person who has laid, haunched or covered any drain or sewer in respect of which Part H of Schedule 1 (drainage and waste disposal) imposes a requirement shall give notice to that effect to the local authority not more than five days after the completion of the work.]

(3A) .....

(3B) .....

(4) Subject to paragraph (8), a person carrying out building work shall, not more than five days after that work has been completed, give the local authority notice to that effect.

(5) Where a building is being erected [<sup>F93</sup>to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the work ], and that building (or any part of it) is to be occupied before completion, the person carrying out that work shall give the local authority at least five days notice before the building or any part of it is occupied.

(6) A person who fails to comply with paragraphs (1) [<sup>F94</sup>to (3)] shall comply within a reasonable time with any notice given by the local authority requiring that person to cut into, lay open or pull down so much of the work as prevents them from ascertaining whether these Regulations have been complied with.

(7) If the local authority have given notice specifying the manner in which any work contravenes the requirements in these Regulations, a person who has carried out any further work to secure compliance with these Regulations shall within a reasonable time after the completion of such further work give notice to the local authority of its completion.

(8) Paragraphs (1) to (4) apply only to a person who is required by regulation 12 to give a building notice or deposit full plans.

(9) Paragraph (1) does not apply where regulation 12(8) applies.

**Status:** Point in time view as at 01/10/2023.

**Changes to legislation:** The Building Regulations 2010, PART 3 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Extent Information

- E9** This version of this provision applies to Wales only; a separate version has been created for England only

### Textual Amendments

- F92** Reg. 16(2)(3) substituted (W. in relation to excepted energy buildings to match the form in which those sub-provisions apply in relation to W. otherwise) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), 5(4)(a) (with reg. 29)
- F93** Words in reg. 16(5) added (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), reg. 9(b), Sch. 1 (with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.)
- F94** Words in reg. 16(6) substituted (W. in relation to excepted energy buildings to match the form in which the text applies in relation to W. otherwise) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), 5(4)(c) (with reg. 29)

### Completion certificates **E**

17.—<sup>F60</sup>[<sup>F61</sup>(1) A [<sup>F62</sup>relevant authority] shall within the specified period give a completion certificate in all cases (including a case where a certificate has already been given under regulation 17A) where they are satisfied, after taking all reasonable steps, that, following completion of building work carried out on [<sup>F63</sup>a building, the relevant provisions have been complied with in relation to the building].

[<sup>F64</sup>(2) The specified period referred to in paragraph (1) is eight weeks starting from the date that notice is received by the relevant authority in accordance with regulation 16(4).]

(2A) The relevant provisions referred to in paragraph (1) are any applicable requirements of the following provisions—

- (a) regulation 25A (high-efficiency alternative systems for new buildings);
- (b) regulation 26 (target CO<sup>2</sup> emission rates for new buildings);
- [<sup>F65</sup>(c) regulation 26A (target fabric energy efficiency requirements for new dwellings);]
- [<sup>F66</sup>(cc) regulation 26C (target primary energy rates for new buildings);]
- (d) regulation 36 (water efficiency of new dwellings);
- (e) regulation 38 (fire safety information); <sup>F67F68</sup>...
- (f) Schedule 1]<sup>F69</sup>[<sup>F70</sup>,
- (g) regulation 7A (energy performance certificates on construction) of the Energy Performance of Buildings (England and Wales) Regulations 2012.]

(4) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.

<sup>F71</sup>[<sup>F72</sup>(5) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (4).]

[<sup>F73</sup>(6) Where the relevant authority is the regulator, it must send a copy of each certificate it gives under this regulation in relation to a building to the local authority for the area in which the building is situated.]

**Changes to legislation:** The Building Regulations 2010, PART 3 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Extent Information

- E5** This version of this provision applies to England only; a separate version has been created for Wales only

### Textual Amendments

- F60** Reg. 17(1)-(2A) substituted for reg. 17(1)-(3) (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **8(a)** (with reg. 1(2)(3))
- F61** Reg. 17(1)-(2A) substituted for reg. 17(1)-(3) (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 10(a)**, Sch. 1 (with regs. 1(3), 45-47)
- F62** Words in reg. 17(1) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(6)(a)** (with regs. 22-24)
- F63** Words in reg. 17(1) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **13(2)** (with regs. 22-24)
- F64** Reg. 17(2) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **6(3)** (with regs. 22-24)
- F65** Reg. 17(2A)(c) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(5)(a)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F66** Reg. 17(2A)(cc) inserted (E.) (5.6.2023) by [The Building etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/520\)](#), regs. 1(2), **2(3)**
- F67** Word in reg. 17(2A)(e) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(5)(b)** (with reg. 1(3))
- F68** Word in reg. 17(2A)(e) omitted (W. for remaining purposes) (17.6.2016) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(5)(b)** (with reg. 1(3))
- F69** Reg. 17(2A)(g) added (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(5)(c)** (with reg. 1(3))
- F70** Reg. 17(2A)(g) and comma substituted for full stop (W. for remaining purposes) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(5)(c)** (with reg. 1(3))
- F71** Reg. 17(5) inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **8(b)** (with reg. 1(2)(3))
- F72** Reg. 17(5) inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 10(b)**, Sch. 1 (with regs. 1(3), 45-47)
- F73** Reg. 17(6) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(6)(b)** (with regs. 22-24)

### Completion certificates **W**

17.—<sup>[F95]</sup>(1) A local authority shall within the specified period give a completion certificate in all cases (including a case where a certificate has already been given under regulation 17A) where they are satisfied, after taking all reasonable steps, that, following completion of building work carried out on it, a building complies with the relevant provisions.

**Status:** Point in time view as at 01/10/2023.

**Changes to legislation:** The Building Regulations 2010, PART 3 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) The specified period referred to in paragraph (1) is eight weeks starting from the date on which the person carrying out the building work notifies the local authority that the work has been completed.

(2A) The relevant provisions referred to in paragraph (1) are any applicable requirements of the following provisions—

- (a) regulation 25A (high-efficiency alternative systems for new buildings);
- (b) regulation 26 (target CO<sup>2</sup> emission rates for new buildings);
- [<sup>F96</sup>(c) regulation 26A (primary energy ... rates for new buildings),
- (ca) regulation 26B (fabric performance values for new dwellings),]
- [<sup>F97</sup>(cb) regulation 26C (target primary energy rates for new buildings),]
- (d) regulation 36 (water efficiency of new dwellings);
- (e) regulation 38 (fire safety information); ...
- (f) Schedule 1][<sup>F98</sup>,
- (g) regulation 7A (energy performance certificates on construction) of the Energy Performance of Buildings (England and Wales) Regulations 2012.]

(4) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.

[<sup>F99</sup>(5) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (4).]

#### Extent Information

**E10** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

- F95** Reg. 17(1)-(2A) substituted for reg. 17(1)-(3) (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 10\(a\)](#), Sch. 1 (with [regs. 1\(3\)](#), 45-47)
- F96** Reg. 17(2A)(c)(ca) substituted for [reg. 17\(2A\)\(c\)](#) (W. but not in relation to excepted energy buildings) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), [regs. 1\(4\)](#), [2\(5\)\(a\)](#) (with [reg. 1\(3\)](#))
- F97** Reg. 17(2A)(cb) inserted (W.) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), [regs. 1\(3\)](#), [5\(b\)](#) (with [reg. 21](#))
- F98** Reg. 17(2A)(g) and comma substituted for full stop (W. for remaining purposes) (17.6.2016) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), [regs. 1\(4\)](#), [2\(5\)\(c\)](#) (with [reg. 1\(3\)](#))
- F99** Reg. 17(5) inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 10\(b\)](#), Sch. 1 (with [regs. 1\(3\)](#), 45-47)

#### [<sup>F74</sup>Certificate for building occupied before work is completed **E**

17A.—(1) A [<sup>F75</sup>relevant authority] shall within the specified period give a completion certificate in respect of part or all of a building where building work is being carried out and where all of the following circumstances apply—

- (a) part or all of the building is to be occupied before the work is completed;

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- (b) the building is subject to the Regulatory Reform (Fire Safety) Order 2005; and
- (c) the authority is satisfied, after taking all reasonable steps, that, regardless of completion of the current building work, [<sup>F76</sup>regulation 38 and Part B of Schedule 1 are currently complied with in relation to those parts of the building which are to be occupied before completion of the work].
- (2) The specified period referred to in paragraph (1) is four weeks starting from the date that notice is received by the [<sup>F77</sup>relevant authority] in accordance with regulation 16(5).
- (3) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with, and the certificate shall contain this wording.
- (4) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (3).
- [
- <sup>F78</sup>(5) Where the relevant authority is the regulator, it must send a copy of each certificate it gives under this regulation in relation to a building to the local authority for the area in which the building is situated.]]

#### Extent Information

- E6** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

- F74** Reg. 17A inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), **reg. 11**, Sch. 1 (with regs. 1(3), 45-47)
- Reg. 17A inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), **9** (with reg. 1(2)(3))
- F75** Words in [reg. 17A\(1\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(7)(a)** (with regs. 22-24)
- F76** Words in [reg. 17A\(1\)\(c\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **13(3)** (with regs. 22-24)
- F77** Words in [reg. 17A\(2\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(7)(a)** (with regs. 22-24)
- F78** [Reg. 17A\(5\)](#) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(7)(b)** (with regs. 22-24)

#### <sup>F100</sup>Certificate for building occupied before work is completed **W**

**17A.—(1)** A local authority shall within the specified period give a completion certificate in respect of part or all of a building where building work is being carried out and where all of the following circumstances apply—

- (a) part or all of the building is to be occupied before the work is completed;
- (b) the building is subject to the Regulatory Reform (Fire Safety) Order 2005; and
- (c) the authority is satisfied, after taking all reasonable steps, that, regardless of completion of the current building work, those parts of the building which are to be occupied before completion of the work currently comply with regulation 38 and Part B of Schedule 1.

**Status:** Point in time view as at 01/10/2023.

**Changes to legislation:** The Building Regulations 2010, PART 3 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) The specified period referred to in paragraph (1) is four weeks starting from the date that notice is received by the local authority in accordance with regulation 16(5).

(3) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with, and the certificate shall contain this wording.

(4) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (3).]

#### Extent Information

**E11** This version of this provision applies to Wales only; a separate version has been created for England only

#### Textual Amendments

**F100** Reg. 17A inserted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 11](#), Sch. 1 (with [regs. 1\(3\)](#), 45-47)

Reg. 17A inserted (W. for remaining purposes) (19.4.2013) by [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), [regs. 1\(4\)](#), [9](#) (with [reg. 1\(2\)\(3\)](#))

### Unauthorised building work **E**

**18.**—(1) This regulation applies where it appears to a [<sup>F79</sup>relevant authority] that unauthorised building work has been carried out on or after 11th November 1985.

(2) Where this regulation applies, the owner (in this regulation referred to as “the applicant”) may apply in writing to the [<sup>F80</sup>relevant authority] for a regularisation certificate in accordance with this regulation, and shall send with the application—

- (a) a statement that the application is made in accordance with this regulation,
- (b) a description of the unauthorised work,
- (c) so far as is reasonably practicable, a plan of the unauthorised work, and
- (d) so far as is reasonably practicable, a plan showing any additional work required to be carried out to secure that the unauthorised work complies with the requirements relating to building work in the building regulations which were applicable to that work when it was carried out (in this regulation referred to as “the relevant requirements”).

(3) Where a [<sup>F81</sup>relevant authority] receive an application in accordance with this regulation, they may require the applicant to take such reasonable steps, including laying open the unauthorised work for inspection by the authority, making tests and taking samples, as the authority think appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met.

(4) When the applicant has taken any such steps required by the [<sup>F82</sup>relevant authority] as are described in paragraph (3), and having had regard to any direction given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act dispensing with or relaxing a requirement in building regulations which applies to the unauthorised work, the [<sup>F82</sup>relevant authority] shall notify the applicant—

- (a) of the work which in their opinion is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
- (b) that they cannot determine what work is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or

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- (c) that no work is required to secure compliance with the relevant requirements or those requirements as dispensed with or relaxed.
- (5) Where the [<sup>F83</sup>relevant authority] have been able to satisfy themselves, after taking all reasonable steps for that purpose that—
- (a) the relevant requirements have been satisfied (taking account of any work carried out and any dispensation or relaxation given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act), or
  - (b) no work is required to secure that the unauthorised work satisfies the relevant requirements (taking account of any such dispensation or relaxation),
- they may give a certificate to that effect (in this regulation referred to as “a regularisation certificate”).
- (6) A regularisation certificate shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.
- [<sup>F84</sup>(6A) Where the relevant authority is the regulator, it must send a copy of each certificate it gives under this regulation in relation to a building to the local authority for the area in which the building is situated.]
- (7) Where this regulation applies, regulations 12 and 14 shall not apply, and neither the supply of plans nor the taking of any other action in accordance with this regulation is to be treated [<sup>F85</sup>as an application for building control approval with full plans] in accordance with building regulations.
- [<sup>F86</sup>(8) In this regulation “unauthorised building work”—
- (a) where the relevant authority is the local authority, means building work, other than work in relation to which an initial notice, an amendment notice, a public body’s notice or a regulator’s notice has effect, which is done without—
    - (i) a building notice being given to the local authority;
    - (ii) an application for building control approval with full plans of the work being given to the local authority; or
    - (iii) a notice of intention to start work being given to the local authority, in accordance with regulation 16(1), where a building notice has been given or an application for building control approval with full plans of the work has been given;
  - (b) where the relevant authority is the regulator, means building work which is work in relation to which a regulator’s notice has effect but which is done without—
    - (i) a building notice being given to the regulator;
    - (ii) an application for building control approval with full plans of the work being given to the regulator; or
    - (iii) a notice of intention to start work being given to the regulator, in accordance with regulation 16(1), where a building notice has been given or an application for building control approval with full plans of the work has been given.]

#### Extent Information

- E7** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

- F79** Words in [reg. 18\(1\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(8\)\(a\)](#) (with [regs. 22-24](#))
- F80** Words in [reg. 18\(2\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(8\)\(a\)](#) (with [regs. 22-24](#))

**Status:** Point in time view as at 01/10/2023.

**Changes to legislation:** The Building Regulations 2010, PART 3 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F81** Words in reg. 18(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(a)** (with regs. 22-24)
- F82** Words in reg. 18(4) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(a)** (with regs. 22-24)
- F83** Words in reg. 18(5) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(a)** (with regs. 22-24)
- F84** Reg. 18(6A) inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(b)** (with regs. 22-24)
- F85** Words in reg. 18(7) substituted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(c)** (with regs. 22-24)
- F86** Reg. 18(8) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(8)(d)** (with regs. 22-24)

#### **Modifications etc. (not altering text)**

- C1** [Reg. 18](#) modified (4.7.2023) by [The Building Safety \(Responsible Actors Scheme and Prohibitions\) Regulations 2023 \(S.I. 2023/753\)](#), regs. 1(1), **37(3)**

### **Unauthorised building work** **W**

**18.**—(1) This regulation applies where it appears to a local authority that unauthorised building work has been carried out on or after 11th November 1985.

(2) Where this regulation applies, the owner (in this regulation referred to as “the applicant”) may apply in writing to the local authority for a regularisation certificate in accordance with this regulation, and shall send with the application—

- (a) a statement that the application is made in accordance with this regulation,
- (b) a description of the unauthorised work,
- (c) so far as is reasonably practicable, a plan of the unauthorised work, and
- (d) so far as is reasonably practicable, a plan showing any additional work required to be carried out to secure that the unauthorised work complies with the requirements relating to building work in the building regulations which were applicable to that work when it was carried out (in this regulation referred to as “the relevant requirements”).

(3) Where a local authority receive an application in accordance with this regulation, they may require the applicant to take such reasonable steps, including laying open the unauthorised work for inspection by the authority, making tests and taking samples, as the authority think appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met.

(4) When the applicant has taken any such steps required by the local authority as are described in paragraph (3), and having had regard to any direction given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act dispensing with or relaxing a requirement in building regulations which applies to the unauthorised work, the local authority shall notify the applicant—

- (a) of the work which in their opinion is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
- (b) that they cannot determine what work is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
- (c) that no work is required to secure compliance with the relevant requirements or those requirements as dispensed with or relaxed.

(5) Where the local authority have been able to satisfy themselves, after taking all reasonable steps for that purpose that—



- (a) the relevant requirements have been satisfied (taking account of any work carried out and any dispensation or relaxation given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act), or
- (b) no work is required to secure that the unauthorised work satisfies the relevant requirements (taking account of any such dispensation or relaxation),

they may give a certificate to that effect (in this regulation referred to as “a regularisation certificate”).

(6) A regularisation certificate shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.

(7) Where this regulation applies, regulations 12 and 14 shall not apply, and neither the supply of plans nor the taking of any other action in accordance with this regulation is to be treated for the purposes of section 16 of the Act as the deposit of plans in accordance with building regulations.

(8) In this regulation, “unauthorised building work” means building work other than work in relation to which an initial notice, an amendment notice or a public body's notice has effect, which is done without—

- (a) a building notice being given to the local authority;
- (b) full plans of the work being deposited with the local authority; or
- (c) a notice of commencement of work being given, in accordance with regulation 16(1), where a building notice has been given or full plans have been deposited.

#### Extent Information

**E12** This version of this provision applies to Wales only; a separate version has been created for England only

### <sup>F87</sup> Appeal against refusal to grant certain certificates

**18A.**—(1) A person (“the appellant”) who has—

- (a) notified a local authority under regulation 16(4) and the authority has refused to give a certificate under regulation 17 (completion certificates);
- (b) notified a local authority under regulation 16(5) and the authority has refused to give a certificate under regulation 17A (certificate for building occupied before work is completed); or
- (c) applied to a local authority under regulation 18(2) (unauthorised building work) for a certificate and the authority has refused to give the certificate,

may appeal to the regulator against the decision of the local authority to refuse to provide the certificate provided the appeal is made within 21 relevant days beginning with the day after the day on which the local authority notifies the appellant of the refusal.

(2) The regulator may allow an appeal under paragraph (1) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.

(3) If the regulator allows an appeal it may quash or vary the decision.

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(4) An appellant aggrieved with the decision of the regulator on an appeal under this regulation may appeal that decision to the First-tier Tribunal within 21 relevant days beginning with the day after the day on which the regulator notifies the appellant of its decision.

(5) The First-tier Tribunal may allow an appeal referred to in paragraph (4) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
  - (b) that the decision was wrong in law;
  - (c) that the decision was unreasonable; or
  - (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.
- (6) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

#### Textual Amendments

**F87** Regs. 18A-18E inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **10** (with regs. 22-24)

#### Appeal in relation to sections 20(5) or 39 of the Act

**18B.**—(1) An appeal to the regulator under section 20(5) of the Act must be made within 21 relevant days beginning with the day after the day on which the local authority notifies the person of its decision.

(2) Where a person who is aggrieved with the decision of the regulator given on an appeal under section 20(5) or 39 of the Act wishes to appeal that decision by virtue of section 43A(3) of the Act they may appeal to the First-tier Tribunal provided the appeal is made within 21 relevant days beginning with the day after the day on which the regulator notifies them of its decision.

(3) The First-tier Tribunal may allow an appeal referred to in paragraph (2) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.

(4) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

#### Textual Amendments

**F87** Regs. 18A-18E inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **10** (with regs. 22-24)

#### Appeal to the First-tier Tribunal in relation to certain decisions

**18C.**—(1) Where, in relation to work which is not higher-risk building work, a person (“the appellant”) has—

- (a) notified the regulator under regulation 16(4) and the regulator has refused to give a certificate under regulation 17 (completion certificates);

- (b) notified the regulator under regulation 16(5) and the regulator has refused to give a certificate under regulation 17A (certificate for building occupied before work is completed); or
- (c) applied to the regulator under regulation 18(2) (unauthorised building work) for a certificate and the regulator has refused to give the certificate,

they may appeal to the First-tier Tribunal against the decision of the regulator provided the appeal is made within 21 relevant days beginning with the day after the day on which the regulator notifies the appellants of the refusal.

(2) An appeal to the First-tier Tribunal under section 19(4), 20(5), 21(4), 22(4) or 39 of the Act must be made within 21 relevant days beginning with the day after the day on which the building control authority notifies the person of its decision.

(3) The First-tier Tribunal may allow an appeal referred to in paragraph (1) or (2) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.

(4) If the First-tier Tribunal allows an appeal referred to in paragraph (1) or (2) it may quash or vary the decision.

#### Textual Amendments

**F87** Regs. 18A-18E inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **10** (with regs. 22-24)

### Application to the First-tier Tribunal in relation to certain decisions

**18D.**—(1) At least five days before making an application to the First-tier Tribunal under section 21(3) or (6), 24(2), 25(2) or (5), 33(6) or 36(3) of the Act the person proposing to make an application (“the applicant”) must notify the building control authority of their intention to make the application.

(2) An application to the First-tier Tribunal under section 21(3) or (6), 24(2), 25(2) or (5), 33(6) or 36(3) of the Act must be made within 21 relevant days beginning with the day after the day on which the applicant notifies the building control authority under paragraph (1).

(3) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

#### Textual Amendments

**F87** Regs. 18A-18E inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **10** (with regs. 22-24)

### Appeals under section 101A of the Act

**18E.**—(1) A person aggrieved with the refusal of a local authority to consider an application for building control approval, an initial notice or an amendment notice on the grounds that all or part of the work to which the application or notice relates is higher-risk building work may appeal to the

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Secretary of State provided the appeal is made within 28 relevant days beginning with the day after the day on which the local authority refuses to consider the application.

(2) An appeal to the Secretary of State under section 101A of the Act must be made in writing, signed by the person who made the original application or one of the persons who gave the original initial notice or amendment notice (in this regulation “the appellant”) and must include the following information—

- (a) the name, address, telephone number and (if available) email address of the appellant;
- (b) a statement explaining why the appellant considers the work proposed in the original application or notice does not include higher-risk building work;
- (c) where the appellant is an approved inspector, a statement confirming the client agrees to the appeal being made.

(3) In addition to the information provided for in paragraph (2) the appeal must be accompanied by—

- (a) a copy of the original application or notice given to the local authority (including all documentation that accompanied the application or notice);
- (b) all the information provided to the local authority in relation to the application or notice;
- (c) all the correspondence with the local authority in relation to that application or notice;
- (d) a copy of the notice sent to the regulator under paragraph (4).

(4) At least two working days before submitting an appeal under section 101A(2) of the Act the appellant must give notice to the regulator of their intention to do so.

(5) Where the appellant submits an appeal under section 101A of the Act through electronic facilities provided by the Secretary of State for that purpose, they are taken to have consented to the use of electronic communications for all purposes relating to the appeal that are capable of being carried out electronically.

(6) The deemed consent in paragraph (5) may be revoked by the appellant giving the Secretary of State two weeks’ notice in writing specifying that the notice is given under this regulation.

(7) An appeal under section 101A of the Act is to be determined by consideration of written representations.

(8) The Secretary of State must give the local authority which refused to consider the original application or notice the opportunity to make written representations in relation to the appeal.

(9) The Secretary of State may give any other person an opportunity to make written representations in relation to the appeal.

(10) The Secretary of State may, by notice in writing, require the local authority in question to provide specified information, or provide copies of specified documents, by the date specified in the notice (that date must be no fewer than 7 days after the date the notice is given).

(11) Before determining the appeal the Secretary of State may—

- (a) hold any meeting with the appellant, the local authority or any other person,
- (b) undertake any site visit,

as the Secretary of State considers appropriate.

(12) The Secretary of State must determine the appeal within 8 weeks of the date on which the appeal is received and the decision in relation to the appeal must be given in writing to the appellant.

(13) For the purposes of section 101A(6) of the Act, an appeal to the High Court under section 101A(6) of the Act may be made within 28 relevant days beginning with the day after the day on which the Secretary of State gives the decision to the appellant under paragraph (12).

(14) The Secretary of State may appoint a person to determine the appeal instead of the Secretary of State.

(15) At any time before a person appointed under this regulation has determined the appeal the Secretary of State may—

(a) revoke that person's appointment;

(b) appoint another person to determine the appeal instead.

(16) A person appointed under paragraph (14) has the same powers and duties in relation to determination of an appeal under section 101A of the Act as the Secretary of State and, in particular, where the appeal is determined by a person appointed under this regulation their decision is to be treated as the decision of the Secretary of State.]

#### **Textual Amendments**

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