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STATUTORY INSTRUMENTS

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**2010 No. 2215**

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

**PART 1**

**General**

**Citation and commencement**

1. These Regulations may be cited as the Building (Approved Inspectors etc.) Regulations 2010 and shall come into force on 1st October 2010.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Building Act 1984;

“building” means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building;

“building work” has the meaning given in regulation 3(1) of the Principal Regulations;

“controlled service or fitting” means a service or fitting in relation to which Part G, H, J or L of Schedule 1 to the Principal Regulations imposes a requirement;

“day” means any period of 24 hours commencing at midnight and excludes any Saturday, Sunday, Bank holiday or public holiday;

“designated body” has the meaning given in regulation 4;

“dwelling-house” does not include a flat or a building containing a flat;

“flat” means separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally;

“material alteration” has the meaning given in regulation 3(2) of the Principal Regulations;

“material change of use” has the meaning given in regulation 5 of the Principal Regulations;

“the Principal Regulations” means the Building Regulations 2010(1).

(2) Where any regulation requires the use of a numbered form in Schedule 1, a form substantially to the like effect may be used.

(3) Any reference in these Regulations to the carrying out of work includes a reference to the making of a material change of use.

(4) Any reference in these Regulations to an initial notice (whether or not combined with a plans certificate) shall in an appropriate case be construed as a reference to that initial notice as amended by an amendment notice which has been accepted by a local authority.

## PART 2

### Grant and Withdrawal of Approval

#### **Designation of bodies to approve inspectors**

3. If it appears to the Secretary of State that a body might properly be designated as a body to approve inspectors the Secretary of State may, if the body consents, designate it for that purpose.

#### **Approval of inspectors**

4.—(1) Where the Secretary of State has designated a body in accordance with regulation 3 (referred to in these Regulations as a “designated body”), a person seeking to be an approved inspector shall apply to a designated body giving particulars of—

- (a) in the case of a person other than a body corporate, the person’s qualifications and experience; and
- (b) in the case of a body corporate, the number, qualifications and experience of the people to be employed in the discharge of its functions under these Regulations,

and the person shall answer any inquiries which that designated body makes about those matters.

(2) Where there is no designated body, a person seeking to be an approved inspector shall apply to the Secretary of State giving particulars of—

- (a) in the case of a person other than a body corporate, the person’s qualifications and experience; and
- (b) in the case of a body corporate, the number, qualifications and experience of the people to be employed in the discharge of its functions under these Regulations,

and the person shall answer any inquiries which the Secretary of State makes about those matters.

#### **Manner of approval or designation**

5. The approval of an inspector or the designation of a body to approve inspectors shall be given to that person or body by a notice in writing specifying any limitation on the approval or designation.

#### **Termination of approval or designation**

6.—(1) The approval of an inspector given by a designated body or by the Secretary of State shall cease to have effect at the end of a period of five years from the date on which it was given.

(2) The approval of an inspector may be withdrawn by a notice in writing given to the inspector by the person who approved that inspector.

(3) The Secretary of State may withdraw the designation of a designated body by giving the body notice in writing, but—

- (a) such withdrawal shall not affect the operation of any subsisting approval given by the body, and
- (b) a subsisting approval may be withdrawn by the Secretary of State as if it had been given by the Secretary of State.

(4) Where an approved inspector is convicted of an offence under section 57 of the Act<sup>(2)</sup> (false or misleading notices and certificates etc.), the person by whom the approval was given may on receipt of a certificate of the conviction forthwith withdraw the approval and no further approval

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(2) Section 57 was amended by section 8 of the Sustainable and Secure Buildings Act 2004 (c. 22).

shall be given to an approved inspector whose approval has been withdrawn for a period of five years beginning with the date of the conviction.

### **Lists of approvals and designations**

- 7.—(1) The Secretary of State shall maintain—
- (a) a list of bodies which are for the time being designated in accordance with regulation 3 for the purpose of approving inspectors, and
  - (b) a list of inspectors for the time being approved by the Secretary of State.
- (2) The Secretary of State shall—
- (a) supply to every local authority in whose area these Regulations apply a copy of the first lists of approved inspectors and designated bodies prepared under paragraph (1); and
  - (b) notify every such local authority as soon as practicable of the withdrawal of any approval or designation and of any addition to the lists.
- (3) A designated body shall—
- (a) maintain a list of inspectors for the time being approved by it; and
  - (b) notify every local authority in whose area these Regulations apply as soon as practicable after withdrawing approval from any inspector.
- (4) Lists maintained under this regulation shall set out any limitation placed on the approval or designation of the persons or bodies listed and shall indicate the date on which each approval will expire.

## **PART 3**

### **Supervision of Work by Approved Inspectors**

#### **Functions of approved inspectors**

- 8.—(1) Subject to paragraph (2), an approved inspector by whom an initial notice has been given shall, so long as the notice continues in force, take such steps (which may include the making of tests of building work and the taking of samples of material) as are reasonable to enable the approved inspector to be satisfied within the limits of professional skill and care that—
- (a) regulations 4 (requirements relating to building work), 6 (requirements relating to material change of use), 7 (materials and workmanship), 22 (requirements relating to a change to energy status), 23 (requirements relating to thermal elements), 26 (CO<sub>2</sub> emission rates for new buildings), 28 (consequential improvements to energy performance), 36 (water efficiency of new dwellings), 38 (Fire safety information), 39 (information about ventilation) and 40 (information about use of fuel and power) of the Principal Regulations are complied with, and
  - (b) the requirements of regulation 20 of these Regulations (which applies regulations 20, 27, 29, 37, 41, 42, 43 and 44 of the Principal Regulations) are complied with.
- (2) In a case where any requirement of Part L of Schedule 1 to the Principal Regulations is to be complied with by the insertion of insulating material into the cavity in a wall after that wall has been constructed, the approved inspector need not supervise the insertion of the insulating material but shall state in the final certificate whether or not at the date of that certificate the material has been inserted.

**Independence of approved inspectors**

9.—(1) Approved inspectors shall have no professional or financial interest in the work they supervise unless it is minor work.

(2) A person (“P”) shall be regarded as having a professional or financial interest in the work described in any notice or certificate given under these Regulations if—

- (a) P is or has been responsible for the design or construction of any of the work in any capacity, or
  - (b) P or any nominee of P’s is a member, officer or employee of a company or other body which has a professional or financial interest in the work, or
  - (c) P is a partner or is in the employment of a person who has a professional or financial interest in the work.
- (3) For the purposes of this regulation—
- (a) P shall be treated as having a professional or financial interest in the work even if P has that interest only as trustee for the benefit of some other person,
  - (b) in the case of married people or civil partners living together, the interest of one spouse or partner shall, if known to the other, be deemed to be also an interest of the other.
- (4) For the purposes of this regulation—
- (a) involvement in the work as an approved inspector,
  - (b) entitlement to any fee paid for P’s function as an approved inspector, and
  - (c) potential liability to pay any sum if a claim is made under the insurance cover provided for the purposes of the Act,

shall not be regarded as constituting a professional or financial interest.

- (5) For the purposes of this regulation “minor work” means—
- (a) the material alteration or extension of a dwelling-house which before the work is carried out has two storeys or fewer and which afterwards has no more than three storeys;
  - (b) the provision, extension or material alteration of a controlled service or fitting in or in connection with any building; or
  - (c) work consisting of the underpinning of a building;

and for the purposes of this paragraph a basement is not to be regarded as a storey.

**Form, grounds and period for rejecting initial notice**

10.—(1) The prescribed form of an initial notice<sup>(3)</sup>—

- (a) which is not combined with a plans certificate, shall be form 1 in Schedule 1; or
- (b) which is combined with a plans certificate, shall be form 4 in Schedule 1.

(2) An initial notice shall be accompanied by the plans and documents described in the relevant form prescribed by paragraph (1).

(3) The grounds on which a local authority shall reject an initial notice are those prescribed in Schedule 2.

(4) The period within which a local authority may give notice of rejection of an initial notice is five days beginning with the day on which the notice is given.

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(3) See section 47 of the Building Act 1984.

### **Form, grounds and period for rejecting amendment notice**

11.—(1) The prescribed form of an amendment notice<sup>(4)</sup> shall be form 2 in Schedule 1.

(2) An amendment notice shall be accompanied by the plans and documents described in the form prescribed by paragraph (1).

(3) The grounds on which a local authority shall reject an amendment notice are those prescribed in paragraphs 1 to 11 of Schedule 2.

(4) The period within which a local authority may give notice of rejection of an amendment notice is five days beginning with the day on which the notice is given.

### **Approved inspector's consultation with the fire and rescue authority**

12.—(1) This regulation applies where an initial notice is to be given or has been given in relation to the erection, extension or material alteration of a relevant building or in relation to building work in connection with a relevant change of use of a building and Part B of Schedule 1 to the Principal Regulations imposes requirements in relation to the work.

(2) Where this regulation applies, the approved inspector shall consult the fire and rescue authority—

- (a) before or as soon as practicable after giving an initial notice in relation to the work;
- (b) before or as soon as practicable after giving a relevant amendment notice in relation to the work;
- (c) before giving a plans certificate (whether or not combined with an initial notice); and
- (d) before giving a final certificate.

(3) An approved inspector who is required by paragraph (2) to consult the fire and rescue authority shall give to the fire and rescue authority—

- (a) in a case where the approved inspector is consulting them in connection with an initial notice or an amendment notice, sufficient plans to show whether the work would, if carried out in accordance with those plans, comply with the applicable requirements of Part B of Schedule 1 to the Principal Regulations; and
- (b) in a case where the approved inspector is consulting them in connection with the giving of a plans certificate, a copy of the plans in relation to which the approved inspector intends to give the certificate.

(4) An approved inspector who is required by paragraph (2) to consult the fire and rescue authority—

- (a) shall have regard to any views they express; and
- (b) shall not give a plans certificate or a final certificate until 15 days have elapsed from the date on which the approved inspector consulted them, unless they have expressed their views to the approved inspector before the expiry of that period.

(5) Where a local enactment would, if plans were deposited in accordance with building regulations, require the local authority to consult the fire and rescue authority before or during the carrying out of any work, the approved inspector shall consult the fire and rescue authority in a manner similar to that required by the enactment.

(6) In this regulation—

- (a) a “relevant building” is a building or any part of it to which the Regulatory Reform (Fire Safety) Order 2005<sup>(5)</sup> applies, or will apply after the completion of building work;

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(4) See section 51A of the Building Act 1984.

(5) [S.I. 2005/1541](#).

- (b) a “relevant change of use” is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building or any part of it;
- (c) a “relevant amendment notice” is an amendment notice where any of the work specified in the initial notice, as varied by the amendment notice, being work which could not have been carried out under the original notice (“additional work”), concerns the erection, extension or material alteration of a relevant building or is building work in connection with a relevant change of use of a building and Part B of Schedule 1 to the Principal Regulations imposes requirements in relation to the additional work.

### **Approved inspector’s consultation with the sewerage undertaker**

**13.**—(1) This regulation applies where an initial notice or amendment notice is to be given or has been given in respect of work in relation to which paragraph H4 of Schedule 1 to the Principal Regulations imposes requirements.

- (2) Where this regulation applies, the approved inspector shall consult the sewerage undertaker—
  - (a) before or as soon as practicable after giving an initial notice in relation to the work;
  - (b) before or as soon as practicable after giving an amendment notice in relation to the work;
  - (c) before giving a plans certificate (whether or not combined with an initial notice); and
  - (d) before giving a final certificate.

(3) An approved inspector who is required by paragraph (2) to consult the sewerage undertaker shall give to the sewerage undertaker—

- (a) in a case where the approved inspector is consulting them in connection with an initial notice or an amendment notice, 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 to the Principal Regulations; and
- (b) in a case where the approved inspector is consulting them in connection with the giving of a plans certificate, a copy of the plans in relation to which the approved inspector intends to give the certificate.

- (4) An approved inspector who is required by paragraph (2) to consult the sewerage undertaker—
  - (a) shall have regard to any views they express; and
  - (b) shall not give a plans certificate or a final certificate until 15 days have elapsed from the date on which the approved inspector consulted them, unless they have expressed their views to the approved inspector before the expiry of that period.

### **Form, grounds and period for rejecting plans certificate**

**14.**—(1) The prescribed form of a plans certificate<sup>(6)</sup>—

- (a) which is not combined with an initial notice, shall be form 3 in Schedule 1; or
- (b) which is combined with an initial notice, shall be form 4 in Schedule 1.

(2) The grounds on which a local authority shall reject a plans certificate which is not combined with an initial notice are those prescribed in Schedule 3.

(3) The grounds on which a local authority shall reject a plans certificate combined with an initial notice are those prescribed in Schedule 2 and Schedule 3.

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<sup>(6)</sup> See section 50 of the Building Act 1984.

(4) The period within which a local authority may give notice of rejection of a plans certificate (whether or not combined with an initial notice) is five days beginning on the day on which the certificate is given.

#### **Effect of plans certificate**

**15.** If an initial notice ceases to be in force as described in section 47(4)(b) of the Act (cancellation etc. of initial notice) and the conditions in section 53(2) of the Act (plans certificate given, accepted and not rescinded) are satisfied, the local authority may not—

- (a) give a notice under section 36(1) of the Act (removal or alteration of work which contravenes building regulations); or
- (b) institute proceedings under section 35 of the Act for a contravention of building regulations;

in relation to any work described in the certificate which has been carried out in accordance with the plans to which the certificate relates.

#### **Form, grounds and period for rejecting final certificate**

**16.—**(1) The prescribed form of a final certificate(7) shall be form 5 in Schedule 1 and the grounds on which a local authority shall reject a final certificate are those prescribed in Schedule 4.

(2) The period within which a local authority may give notice of rejection of a final certificate is ten days beginning with the day on which the certificate is given.

#### **Events causing initial notice to cease to be in force**

**17.—**(1) Where a final certificate given in respect of work described in an initial notice is rejected, the initial notice shall cease to be in force in relation to the work described in the final certificate on the expiry of a period of four weeks beginning with the date on which notice of rejection is given.

(2) Paragraph (3) applies where work described in an initial notice includes the erection, extension or material alteration of a building, and—

- (a) the building or, as the case may be, the extension or any part of the building which has been materially altered is occupied, and
- (b) no final certificate is given.

(3) The initial notice shall cease to be in force in relation to the building, extension or part of a building which is occupied—

- (a) if the building is a relevant building as defined by regulation 12(6)(a), except where it contains only flats and common parts for those flats, on the expiry of a period of four weeks beginning with the date of occupation; and
- (b) in any other case, on the expiry of a period of eight weeks beginning with the date of occupation.

(4) Where work described in an initial notice involves a material change of use of a building, and—

- (a) no final certificate is given, and
- (b) that change of use takes place,

the initial notice shall cease to be in force in relation to that change of use on the expiry of a period of eight weeks beginning with the date on which the change of use takes place.

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(7) See section 51 of the Building Act 1984.

(5) In any other case where no final certificate is given, an initial notice ceases to be in force on the expiry of a period of eight weeks beginning with the date on which the work described in the initial notice is substantially completed.

(6) An initial notice shall not cease to be in force by virtue of paragraphs (2) and (3) because part of a building or extension is occupied if a final certificate has been accepted in respect of that part.

(7) A local authority may extend any period referred to in this regulation either before or after its expiry.

### **Cancellation of initial notice**

**18.**—(1) An approved inspector who is of the opinion that any of the work described in an initial notice which has been carried out contravenes any provision of building regulations may give notice in writing to the person carrying out the work specifying—

- (a) the requirement of building regulations which in the approved inspector's opinion has not been complied with, and
- (b) the location of the work which contravenes that requirement.

(2) A notice of contravention given in accordance with paragraph (1) shall inform the person carrying out the work that if within the prescribed period that person has neither pulled down nor removed the work nor effected such alterations in it as may be necessary to make it comply with building regulations, the approved inspector will cancel the initial notice.

(3) The period within which the person carrying out the work is to remedy the contravention as described in paragraph (2) is three months beginning with the day on which the notice is given.

(4) Form 6 in Schedule 1 is the form of notice to be given by an approved inspector to cancel an initial notice in accordance with section 52(1) of the Act in circumstances referred to in section 52(2) of the Act; where notice of a contravention has been given under that subsection and no further initial notice relating to the work has been accepted, that notice shall specify the contravention.

(5) Form 7 in Schedule 1 is the form of notice to be given by a person carrying out or intending to carry out work to cancel an initial notice in accordance with section 52(3) of the Act.

(6) Form 8 in Schedule 1 is the form of notice to be given by the local authority to cancel an initial notice in accordance with section 52(5) of the Act.

### **Local authority powers in relation to partly completed work**

**19.**—(1) This paragraph applies where—

- (a) any part of the work described in an initial notice has been carried out,
- (b) the initial notice has ceased to be in force, by reason of regulation 17 or has been cancelled by notice under section 52 of the Act, and
- (c) no other initial notice relating to that part of the work has been accepted.

(2) Where paragraph (1) applies, the owner shall—

- (a) on being given reasonable notice by the local authority, provide them with—
  - (i) sufficient plans of the work carried out, in respect of which no final certificate has been given, to show whether any part of that work would, if carried out in accordance with the plans, contravene any provision of the Principal Regulations, and
  - (ii) where a plans certificate was given and not rejected in respect of any such part of the work, a copy of the plans to which it relates; and
- (b) comply with any notice in writing from the local authority requiring the owner within a reasonable time to cut into, lay open or pull down so much of the work as prevents the

local authority from ascertaining whether any work in relation to which there is no final certificate contravenes any requirement in the Principal Regulations.

(3) Where paragraph (1) applies and work in relation to a building has been begun but not completed, a person who intends to carry out further work in relation to the partly completed work shall give the local authority sufficient plans to show that the intended work will not contravene any requirement in the Principal Regulations, including such plans of any part of the work already carried out as may be necessary to show that the intended work can be carried out without contravening any such requirement.

(4) Plans given to a local authority in accordance with paragraph (3) are not to be regarded as plans deposited in accordance with building regulations.

## PART 4

### Application of Provisions of the Principal Regulations

#### **Application of regulations 20, 27, 29, 37, 41, 42, 43 and 44 of the Principal Regulations**

**20.**—(1) Regulations 20 (provisions applicable to self-certification schemes), 27 (CO<sub>2</sub> emission rate calculations), 29 (energy performance certificates), 37 (wholesome water consumption calculation), 41 (sound insulation testing), 42 (mechanical ventilation air flow rate testing), 43 (pressure testing) and 44 (commissioning) of the Principal Regulations apply in relation to building work which is the subject of an initial notice as if references to the local authority were references to the approved inspector.

(2) Regulation 27(3) of the Principal Regulations applies in relation to building work which is the subject of an initial notice as if after “work has been completed,” there were inserted “or, if earlier, the date on which in accordance with regulation 17 of the Building (Approved Inspectors etc.) Regulations 2010 the initial notice ceases to be in force”.

(3) Regulation 29(3) of the Principal Regulations applies in relation to building work which is the subject of an initial notice as if after “work has been completed” there were inserted “, or, if earlier, the date on which in accordance with regulation 17 of the Building (Approved Inspectors etc.) Regulations 2010 the initial notice ceases to be in force”.

(4) Regulation 37(2) of the Principal Regulations applies in relation to building work which is the subject of an initial notice as if after “work has been completed” there were inserted “, or, if earlier, the date on which in accordance with regulation 17 of the Building (Approved Inspectors etc.) Regulations 2010 the initial notice ceases to be in force”.

(5) Regulation 41 of the Principal Regulations applies in relation to building work which is the subject of an initial notice as if—

(a) for paragraph (3)(b) there were substituted—

“(b) given to the approved inspector in accordance with paragraph (2)(b) not later than five days after completion of the work to which the initial notice relates.”;

(b) for the words in paragraph (4) “not later than the date on which notice of commencement of the work is given under regulation 16(1)” there were substituted the words “prior to commencement of the building work on site”.

(6) Regulation 44 of the Principal Regulations applies in relation to building work which is the subject of an initial notice as if for paragraph (4) there were substituted—

“(4) The notice shall be given to the approved inspector—

(a) subject to sub-paragraphs (b) and (c), not later than five days after completion of the work to which the initial notice relates;

- (b) where regulation 17 of the Building (Approved Inspectors etc.) Regulations 2010 applies, not later than the date on which the initial notice ceases to be in force or, if earlier, the end of the period referred to in sub-paragraph (a);
- (c) where regulation 20 applies by virtue of regulation 20 of the Building (Approved Inspectors etc.) Regulations 2010, not later than the date on which the notice or certificate required by that regulation must be given.”.

## PART 5

### Public Bodies

#### Approval of public bodies

**21.**—(1) In England if it appears to the Secretary of State, or in Wales, if it appears to the Welsh Ministers, that—

- (a) public bodies of a certain description should be enabled to supervise their own work under section 54 of the Act, or
- (b) that a public body should be approved for the purpose of so supervising its own work,

the Secretary of State or, as the case may be, the Welsh Ministers, shall approve that description of body or, as the case may be, that body in writing and take such steps as appear to them appropriate to inform those local authorities and public bodies which will be affected by the giving of the approval.

(2) In England the Secretary of State, and in Wales, the Welsh Ministers, may withdraw the approval by a notice in writing given to any public body affected, and shall take such steps as appears to them appropriate to inform local authorities of such withdrawal.

#### Form, grounds and period for rejecting public body’s notice

**22.**—(1) The prescribed form of a public body’s notice<sup>(8)</sup>—

- (a) which is not combined with a public body’s plans certificate, shall be form 9 in Schedule 1; or
- (b) which is combined with a public body’s plans certificate<sup>(9)</sup>, shall be form 11 in Schedule 1.

(2) A public body’s notice shall be accompanied by the plans and documents described in the relevant form prescribed by paragraph (1).

(3) The grounds on which a local authority shall reject a public body’s notice are those prescribed in Schedule 5.

(4) The period within which a local authority may give notice of rejection of a public body’s notice is ten days beginning with the day on which the notice is given.

#### Public body’s consultation with the fire and rescue authority

**23.** Regulation 12 applies where a public body’s notice is given as it does where an initial notice is given; and for that purpose there shall be substituted for references in that regulation to an initial notice, a plans certificate and a final certificate respectively references to a public body’s notice, a public body’s plans certificate and a public body’s final certificate.

<sup>(8)</sup> See section 54 of the Building Act 1984.

<sup>(9)</sup> See paragraph 2(2) of Schedule 4 to the Building Act 1984.

### **Public body's consultation with the sewerage undertaker**

24. Regulation 13 applies where a public body's notice is given as it does where an initial notice is given; and for that purpose there shall be substituted for references in that regulation to an initial notice, a plans certificate and a final certificate respectively references to a public body's notice, a public body's plans certificate and a public body's final certificate.

### **Form, grounds and period for rejecting public body's plans certificate**

25.—(1) The prescribed form of a public body's plans certificate<sup>(10)</sup>—

- (a) which is not combined with a public body's notice, shall be form 10 in Schedule 1; or
- (b) which is combined with a public body's notice, shall be form 11 in Schedule 1.

(2) The grounds on which a local authority shall reject a public body's plans certificate are those prescribed in Schedule 6.

(3) The grounds on which a local authority shall reject a public body's plans certificate combined with a public body's notice are those prescribed in Schedule 5 and Schedule 6.

(4) The period within which a local authority may give notice of rejection of a public body's plans certificate or combined notice and certificate is ten days beginning on the day on which the certificate is given.

### **Effect of public body's plans certificate**

26. If a public body's notice ceases to be in force and the conditions in paragraph 4(2) of Schedule 4 to the Act (public body's plans certificate accepted and not rescinded) are satisfied, the local authority may not—

- (a) give a notice under section 36(1) of the Act (removal or alteration of work which contravenes building regulations); or
- (b) institute proceedings under section 35 of the Act for a contravention of building regulations;

in relation to any work which is described in the certificate and is carried out in accordance with the plans to which the certificate relates.

### **Form, grounds and period for rejecting public body's final certificate**

27.—(1) The prescribed form of a public body's final certificate<sup>(11)</sup> shall be form 12 in Schedule 1 and the grounds on which a local authority shall reject a final certificate are those prescribed in Schedule 7.

(2) The period within which a local authority may give notice of rejection of a public body's final certificate is ten days beginning with the day on which the certificate is given.

### **Events causing public body's notice to cease to be in force**

28. Regulation 17 applies where a public body's notice is given as it does where an initial notice is given; and for that purpose there shall be substituted for references in that regulation to an initial notice and a final certificate respectively references to a public body's notice and a public body's final certificate.

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<sup>(10)</sup> See paragraph 2 of Schedule 4 to the Building Act 1984.

<sup>(11)</sup> See paragraph 3 of Schedule 4 to the Building Act 1984.

## PART 6

### Certificates Relating to Deposited Plans

#### Certificates given under section 16(9) of the Act

**29.**—(1) Regulations 3 to 7 shall apply in relation to—

- (a) the approval and the termination of approval of persons to certify plans in accordance with section 16(9) of the Act, and
- (b) the designation and the termination of designation of bodies to approve such persons,

as they do in relation to the approval of inspectors and the designation of bodies to approve inspectors respectively.

(2) Regulations 4 and 6 of the Principal Regulations are prescribed for the purposes of section 16(9) of the Act insofar as either requires compliance with—

- (a) Part A (structure) of Schedule 1 to the Principal Regulations, and
- (b) Part L (conservation of fuel and power) of Schedule 1 to the Principal Regulations.

(3) Where deposited plans are accompanied by a certificate as mentioned in section 16(9) of the Act, the evidence of insurance required by that provision is a declaration signed by the insurer that a named scheme of insurance approved by the Secretary of State applies in relation to the certificate which accompanies the plans.

(4) For the purposes of section 16(9) of the Act, the circumstances in which the local authority may reject deposited plans on the grounds referred to in section 16(9)(i) or (ii) are where—

- (a) the certificate states that the work shown in the plans complies with the requirements of Part A (structure) of Schedule 1 to the Principal Regulations;
- (b) paragraph A3 of that Schedule applies to the work shown in the plans; and
- (c) the certificate does not contain a declaration that the person giving the certificate does not, and will not until the work is complete, have a professional or financial interest in the work.

(5) The provisions of regulation 9(1) to (4) shall have effect for the purpose of determining whether a person has a professional or financial interest in the work shown in the plans as if references in those provisions to approved inspectors were references to persons approved for the purposes of section 16(9) of the Act.

## PART 7

### Miscellaneous Provisions

#### Register of notices and certificates

**30.**—(1) The register which local authorities shall keep under section 56 of the Act<sup>(12)</sup> shall contain the information set out in paragraph (2) with respect to—

- (a) initial notices, amendment notices, notices under section 51C of the Act<sup>(13)</sup> or public body's notices currently in force, and
- (b) certificates described in paragraph (3) which have been accepted or are presumed to have been accepted.

<sup>(12)</sup> Section 56(1) to (4) is prospectively repealed by the Schedule to the Sustainable and Secure Buildings Act 2004, and section 56(1), (2) and (5) was amended by S.I. 1996/1905.

<sup>(13)</sup> Section 51C was inserted by S.I. 1996/1905.

(2) The information to be registered is—

- (a) the description of the work to which the notice or certificate relates and of the location of the work;
- (b) the name and address of any person who signed the notice or certificate;
- (c) the name and address of the insurer who signed any declaration which accompanied the notice or certificate; and
- (d) the date on which the notice or certificate was accepted or was presumed to have been accepted.

(3) The certificates referred to in paragraph (1) are plans certificates, final certificates, public body's plans certificates, public body's final certificates and certificates given under section 16(9) of the Act.

(4) A register shall include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice or certificate relates.

(5) The information prescribed in paragraph (2) shall be entered in the register as soon as practicable and in any event within 14 days of the occurrence to which it relates.

#### **Contravention of certain regulations not to be an offence**

**31.** Each of these Regulations, other than regulation 19, is designated as a provision to which section 35 of the Act (penalty for contravening building regulations) does not apply.

#### **Electronic service of documents**

**32.** Section 94A of the Act(**14**) (electronic service of documents) shall have effect as if the following documents were documents mentioned in subsection (7) of that section—

- (a) a notice under regulation 18(1);
- (b) a notice under regulation 19(2)(b);
- (c) a certificate or notice under regulation 20 of the Principal Regulations as applied by regulation 20 of these Regulations;
- (d) a notice under regulation 27(2) or (3) of the Principal Regulations as applied by regulation 20;
- (e) an energy performance certificate under regulation 29(2)(a) of the Principal Regulations as applied by regulation 20;
- (f) a notice under regulation 29(2)(b) of the Principal Regulations as applied by regulation 20;
- (g) a notice under regulation 37(1) of the Principal Regulations as applied by regulation 20;
- (h) results of sound insulation testing under regulation 41(2)(b) of the Principal Regulations as applied by regulation 20;
- (i) a notice under regulation 42(2)(b) of the Principal Regulations as applied by regulation 20;
- (j) a notice of the results of pressure testing under regulation 43(2)(b) of the Principal Regulations as applied by regulation 20;
- (k) a notice under regulation 44(3) of the Principal Regulations as applied by regulation 20;

#### **Transitional provisions: interpretation**

**33.** In regulations 34 to 37—

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(14) Section 94A was inserted by [S.I. 2008/2334](#).

“the Approved Inspectors Regulations 2000” means the Building (Approved Inspectors etc.) Regulations 2000<sup>(15)</sup>;

“the 2009 Regulations” means the Building and Approved Inspectors (Amendment) Regulations 2009<sup>(16)</sup>;

“the 2010 Regulations” means the Building and Approved Inspectors (Amendment) Regulations 2010<sup>(17)</sup>.

### **Transitional provisions: work already started before 1st October 2010**

**34.**—(1) Subject to paragraph (2), where before 1st October 2010 building work is started in accordance with—

- (a) a building notice given to, or full plans deposited with, a local authority under regulation 12(2A) of the Building Regulations 2000<sup>(18)</sup> (giving of a building notice or deposit of plans) and a notice given to the local authority under regulation 15(1) of those Regulations<sup>(19)</sup> (notice of commencement and completion of certain stages of work);
- (b) an initial notice or an amendment notice given in accordance with section 47(1) (giving and acceptance of initial notice) or 51A(2) of the Act<sup>(20)</sup> (variation of work to which initial notice relates);
- (c) a public body’s notice given in accordance with section 54 (giving, acceptance and effect of public body’s notice) of the Act,

the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that building work.

(2) Where before 1st October 2010 building work is started in accordance with an initial notice which is varied by an amendment notice given on or after that date, the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given.

(3) Where before 1st October 2010 building work is started to which regulation 12(5)(a) or (b)<sup>(21)</sup> of the Building Regulations 2000 applies, the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that building work.

### **Transitional provisions: work for which notification is not required**

**35.** Where before 1st October 2010 a contract is entered into for the provision of building work to which regulation 12(5)(a) or (b) of the Building Regulations 2000 applies, the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that work, provided that the work is started before 6th April 2011.

### **Transitional provisions: notice given or plans deposited before 1st October 2010**

**36.**—(1) Subject to paragraph (2), the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply in relation to building work where—

<sup>(15)</sup> S.I. 2000/2532.

<sup>(16)</sup> S.I. 2009/1219 amended by S.I. 2009/2465 and 2010/719.

<sup>(17)</sup> S.I. 2010/719.

<sup>(18)</sup> Regulation 12(2A) was inserted by S.I. 2006/652.

<sup>(19)</sup> Regulation 15(1) was amended by S.I. 2002/440 and 2006/652.

<sup>(20)</sup> Section 47(1) was amended by section 8 of the Sustainable and Secure Buildings Act 2004 and S.I. 1996/1905. Section 51A(2) was inserted by S.I. 1996/1905.

<sup>(21)</sup> Regulation 12(5) was substituted by S.I. 2004/3210 and amended by S.I. 2008/671.

- (a) before 1st October 2010 a building notice, an initial notice, a plans certificate, an amendment notice or a public body's notice has been given to, or full plans deposited with, a local authority; and
- (b) the work is carried out or is to be carried out in accordance with any such notice or plans, whether with or without any departure from such plans,

provided that the work is started before 1st October 2011.

(2) Where an initial notice given before 1st October 2010 is varied by an amendment notice given on or after that date, the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given, provided that the work is started before 1st October 2011.

### **Transitional and saving provisions: earlier Building Regulations**

**37.**—(1) If immediately before 1st October 2010 any of the transitional provisions listed in paragraph (2) applied in relation to building work, the Regulations specified in Schedule 8 shall continue to apply in relation to that building work in accordance with that provision as if these Regulations had not been made.

(2) The provisions are:

- regulation 9 of the Building (Approved Inspectors etc.) (Amendment) Regulations 2001**(22)**;
- regulations 3 and 4 of the Building (Approved Inspectors etc.) (Amendment) Regulations 2002**(23)**;
- regulations 29, 30 and 33 of the Building and Approved Inspectors (Amendment) Regulations 2006**(24)** in so far as they relate to the Approved Inspectors Regulations 2000;
- regulation 4 of the Building and Approved Inspectors (Amendment) (No.2) Regulations 2006 **(25)** in so far as it relates to the Approved Inspectors Regulations 2000;
- regulation 4 of the Building and Approved Inspectors (Amendment) Regulations 2007**(26)** in so far as it relates to the Approved Inspectors Regulations 2000;
- regulations 4 to 6 and 8 of the 2009 Regulations in so far as they relate to the Approved Inspectors Regulations 2000.

(3) If immediately before 1st October 2010 regulation 32 of the Approved Inspectors Regulations 2000 applied in relation to building work, the Regulations specified in Schedule 1 to those Regulations shall continue to apply in relation to that building work in accordance with that transitional provision as if these Regulations had not been made.

### **Revocations and consequential amendments**

**38.**—(1) The Regulations specified in the first column of the table in Schedule 8 are revoked to the extent specified in relation to each in the third column of that table.

(2) Schedule 9, which contains consequential amendments to the Building (Local Authority Charges) Regulations 2010**(27)** and the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007**(28)**, has effect.

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**(22)** [S.I. 2001/3336](#).

**(23)** [S.I. 2002/2872](#) amended by [S.I. 2003/3133](#).

**(24)** [S.I. 2006/652](#).

**(25)** [S.I. 2006/3318](#).

**(26)** [S.I. 2007/3384](#).

**(27)** [S.I. 2010/404](#).

**(28)** [S.I. 2007/991](#).

Signed by authority of the Secretary of State

6th September 2010

*Andrew Stunell*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government