
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Building (Approved Inspectors etc.) Regulations 2000 (S.I. 2000/2532) (“the 2000 Regulations”) and consolidate all subsequent amendments to those Regulations with minor amendments.

Section 47 of the Building Act 1984 (c.55) (“the Act”) provides that the responsibility for inspecting plans and building work for compliance with building regulations may, at the option of the person intending to carry out the work, be given to an approved inspector instead of to the local authority. Part 2 of these Regulations specifies the procedures for approving inspectors. Part 3 contains provisions about the supervision of building work by approved inspectors. In particular, regulation 8 specifies the functions of approved inspectors; regulation 9 requires that approved inspectors have no professional or financial interest in the work that they supervise unless it is minor work; regulations 10 to 18 contain procedural and consultation requirements including in particular the prescribed forms of, and grounds for the local authority to reject, an initial notice, an amendment notice, a plans certificate and a final certificate; and regulation 19 provides for the position where an initial notice ceases to be in force and the local authority's powers to supervise the building work are consequently revived.

Part 4 applies the requirements of the Building Regulations 2010 (S.I. 2010/2214) relating to self-certification schemes, CO₂ emission rate calculations, energy performance certificates, wholesome water consumption calculations, sound insulation testing, mechanical ventilation air flow rate testing, pressure testing and commissioning to building work which is the subject of an initial notice and so is supervised by an approved inspector.

Section 54 of the Act permits approved public bodies to supervise their own building work. Part 5 covers the approval of public bodies, and procedural and consultation requirements where public bodies supervise their own work including in particular the prescribed forms of, and grounds for the local authority to reject, a public body's notice, a plans certificate and a final certificate.

Part 6 is concerned with the approval of persons to certify under section 16(9) of the Act plans deposited with the local authority.

Part 7 contains miscellaneous provisions.

Regulation 38 and Schedules 8 and 9 revoke the 2000 Regulations and amending Regulations and make consequential amendments. Regulations amending both the 2000 Regulations and the Building Regulations 2000 (S.I. 2000/2531) are revoked by the Building Regulations 2010 (S.I. 2010/2214). No transitional provision is made in respect of the minor changes made in these Regulations. Regulations 33 to 36 contains transitional provisions in respect of the amendments made to the 2000 Regulations by the Building and Approved Inspectors (Amendment) Regulations 2010 (S.I. 2010/719). Regulation 37 secures that transitional provisions in the 2000 Regulations and later amending Regulations continue to have effect.

A table showing how these Regulations correspond to the 2000 Regulations is attached to the Explanatory Memorandum.

An impact assessment of the effects that the consolidation of these Regulations will have on the costs of business and the public and voluntary sectors is annexed to the explanatory memorandum for these Regulations. It will be placed on the OPSI website at www.opsi.gov.uk and the www.legislation.gov.uk website and copies have also been placed in the Library of each House of Parliament. Impact assessments of the effect that some provisions of the Building and Approved Inspectors (Amendment) Regulations 2010 (which are revoked on the day on which they come into force but the amendments are consolidated in these Regulations) will have on the costs of business and the public and voluntary sectors were annexed to the explanatory memorandum for those Regulations which is available on the OPSI website and the www.legislation.gov.uk.

Changes to legislation:

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