
STATUTORY INSTRUMENTS

2023 No. 753

**The Building Safety (Responsible Actors
Scheme and Prohibitions) Regulations 2023**

PART 3

Planning and Building Control Prohibitions

CHAPTER 3

Building Control Prohibitions

Building control prohibitions

33.—(1) An applicable person is subject to each of the building control prohibitions in section 129(4) of the Act.

(2) This regulation is subject to regulations 34, [^{F1}34A,] 35, 36, 37 and 38.

(3) An applicable person may not give any document listed in paragraph (4) and accordingly those documents are prescribed for the purposes of section 129(4)(g) of the Act.

(4) The documents referred to in paragraph (3) are—

- (a) an initial notice within the meaning of section 47 of the Building Act 1984 (giving and acceptance of initial notice);
- (b) a building notice within the meaning of regulation 2 of the Building Regulations 2010 (interpretation);
- (c) a request for plans certificate under section 50(1) (plans certificate) of the Building Act 1984;
- (d) an amendment notice within the meaning of section 51A of the Building Act 1984 (variation of work to which initial notice relates);
- (e) an application for a certificate under regulation 17 (completion certificates) or 17A (certificate for building occupied before work is completed) of the Building Regulations 2010;
- [^{F2}(ea) an application for a certificate under regulation 40 (completion certificate applications) or regulation 45 (partial completion certificates) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;]
- (f) an application for a certificate under regulation 18 of the Building Regulations 2010 (unauthorised building work);
- [^{F3}(fa) an application for a certificate under regulation 47 (regularisation of unauthorised building work) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023].

(5) No person may give any document listed in paragraph (6) to an applicable person or to any other person in respect of works carried out or to be carried out by an applicable person and accordingly those documents are prescribed for the purposes of section 129(4)(h) of the Act.

- (6) The documents referred to in paragraph (5) are—
- (a) a notice of passing or rejection of plans within the meaning of section 16(6) of the Building Act 1984;
 - (b) a certificate under regulation 17 of the Building Regulations 2010 (completion certificates);
 - [^{F4}(ba) a certificate under regulation 44 (completion certificate applications: decisions) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;]
 - (c) a certificate under regulation 17A of the Building Regulations 2010 (certificate for building occupied before work is completed);
 - [^{F5}(ca) a certificate under regulation 45 (partial completion certificates) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;]
 - (d) a plans certificate within the meaning of section 50 (plans certificate) of the Building Act 1984;
 - (e) a final certificate within the meaning of section 51 (final certificate) of the Building Act 1984;
 - (f) a regularisation certificate within the meaning of regulation 18(5) of the Building Regulations 2010 (unauthorised building work);
 - [^{F6}(g) a certificate under regulation 47 (regularisation of unauthorised building work) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023].
- (7) No person may accept any document listed in paragraph (8) where it is given by an applicable person and accordingly those documents are prescribed for the purposes of section 129(4)(i) of the Act.
- (8) The documents referred to in paragraph (7) are—
- (a) plans deposited under section 16 of the Building Act 1984;
 - (b) an initial notice within the meaning of section 47 of the Building Act 1984 (giving and acceptance of initial notice);
 - (c) an amendment notice within the meaning of section 51A of the Building Act 1984 (variation of work to which initial notice relates);
 - (d) a plans certificate within the meaning of section 50 (plans certificate) of the Building Act 1984;
 - (e) a final certificate within the meaning of section 51 (final certificate) of the Building Act 1984;
 - (f) an application for a certificate under regulation 17 (completion certificates) or 17A (certificate for building occupied before work is completed) of the Building Regulations 2010;
 - [^{F7}(fa) an application for a certificate under regulation 40 (completion certificate applications) or regulation 45 (partial completion certificates) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;]
 - (g) an application for a certificate under regulation 18 of the Building Regulations 2010 (unauthorised building work);
 - [^{F8}(h) an application for a certificate under regulation 47 (regularisation of unauthorised building work) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023].
- (9) An applicable person may not take any action prohibited by this regulation through any agent or contractor or any other person acting for or on their behalf.

Textual Amendments

- F1** Word in reg. 33(2) inserted (1.10.2023) by The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **65(2)(a)** (with Sch. 3 Pt. 1)
- F2** Reg. 33(4)(ea) inserted (1.10.2023) by The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **65(2)(b)(i)** (with Sch. 3 Pt. 1)
- F3** Reg. 33(4)(fa) inserted (1.10.2023) by The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **65(2)(b)(ii)** (with Sch. 3 Pt. 1)
- F4** Reg. 33(6)(ba) inserted (1.10.2023) by The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **65(2)(c)(i)** (with Sch. 3 Pt. 1)
- F5** Reg. 33(6)(ca) inserted (1.10.2023) by The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **65(2)(c)(ii)** (with Sch. 3 Pt. 1)
- F6** Reg. 33(6)(g) inserted (1.10.2023) by The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **65(2)(c)(iii)** (with Sch. 3 Pt. 1)
- F7** Reg. 33(8)(fa) inserted (1.10.2023) by The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **65(2)(d)(i)** (with Sch. 3 Pt. 1)
- F8** Reg. 33(8)(h) inserted (1.10.2023) by The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **65(2)(d)(ii)** (with Sch. 3 Pt. 1)

Commencement Information

- I1** Reg. 33 in force at 4.7.2023, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023, Section 33.