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STATUTORY INSTRUMENTS

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**2023 No. 906**

**The Building (Approved Inspectors etc. and  
Review of Decisions) (England) Regulations 2023**

**PART 4**

Transitional, supplementary and savings provisions

**Cases where initial notice was given before October 2023**

**20.**—(1) Subject to the other provisions of this Part, the amendments made to the Approved Inspectors Regulations by the regulations listed in paragraph (2) do not apply in relation to building work for which an initial notice has been given to a local authority, and which was accepted or treated as accepted under section 47 of the Act, before 1st October 2023.

(2) The regulations referred to in paragraph (1) are—

- (a) regulation 8 (amendment to regulation 8);
- (b) regulation 11 (new regulations 16A to 16E);
- (c) regulation 12(2) and (3) (amendments to regulation 18);
- (d) regulation 13 (amendments in relation to fire safety information);
- (e) regulation 16 (substitution of regulation 31).

(3) The disapplication of—

- (a) regulation 8 (amendment of regulation 8);
- (b) the insertion of regulation 16B into the Approved Inspectors Regulations in regulation 11 (new regulations 16A to 16E);
- (c) regulation 12(2) and (3) (amendments to regulation 18);
- (d) regulation 13 (amendments in relation to fire safety information); and
- (e) regulation 16 (substitution of regulation 31),

ceases on 6th April 2024 in relation to an initial notice where the building work described in the initial notice was not started before that date.

**Appeals**

**21.** The amendments made by regulation 15 (amendments as to appeals under Part 2 of the Act) do not apply in relation to any appeal under Part 2 of the Act which was made before 1st October 2023.

**Forms**

**22.**—(1) The amendments to form 2 (amendment notice) of Schedule 1 to the Approved Inspectors Regulations made by regulation 18(1)(b) (amendments as to Schedule 1) do not apply

to any amendment notice<sup>(1)</sup> given on or after 1st October 2023 where the building work to which the initial notice relates includes higher-risk building work, provided the work described in the amendment notice does not vary any of the work to which the initial notice relates to become higher-risk building work.

(2) The amendments to form 3 (plans certificates) of Schedule 1 to the Approved Inspectors Regulations made by regulation 18(1)(c) (amendments as to Schedule 1) do not apply to any plans certificate given on or after 1st October 2023 in respect of higher-risk building work in relation to which an initial notice was given before 1st October 2023.

(3) The amendments to form 5 (final certificates) of Schedule 1 to the Approved Inspectors Regulations made by regulation 18(1)(e) (amendments as to Schedule 1) do not apply to any final certificate given on or after 1st October 2023 in respect of higher-risk building work in relation to which an initial notice was given before 1st October 2023.

### **Approved inspector's initial notices to be treated as notices of registered building control approver on 6th April 2024**

**23.**—(1) This regulation applies where an approved inspector who gave an initial notice before 6th April 2024 has become a suitably qualified registered building control approver before that date.

(2) Where this regulation applies then with effect from 6th April 2024 the initial notice given by the approved inspector is treated as if it were given instead by that person in their capacity as a registered building control approver.

(3) For the purposes of this regulation, a registered building control approver is suitably qualified if the building work to which the initial notice relates is within the scope of the registration of the registered building control approver.

### **Cases where building work supervised by approved inspector is not completed before October 2024**

**24.**—(1) This regulation applies where an initial notice has been given by an approved inspector before 6th April 2024 and any of the building work described in the initial notice given has not been given a final certificate before 1st October 2024.

(2) Where this regulation applies then, for the purposes of section 47(4)(b)(ii) of the Act, the initial notice ceases to be in force with effect from 1st October 2024.

(3) This regulation does not apply to any initial notice which is treated as given by a registered building control approver by virtue of regulation 23 (approved inspector's initial notices to be treated as notices of registered building control approver on 6th April 2024).

### **Transitional, supplementary and saving provisions: HRBs**

**25.** Except to the extent provided for in Schedule 3 (transitional, supplementary and saving provisions) to the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, regulations 20 to 24 do not apply to the higher-risk buildings.

### **Interpretation of this Part**

**26.** For the purposes of this Part, “building work” has the meaning given in the Building Regulations 2010<sup>(2)</sup>.

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(1) Section 51A of the Act defines “amendment notice”.

(2) [S.I. 2010/2214](#).

