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STATUTORY INSTRUMENTS

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**2023 No. 909**

**BUILDING AND BUILDINGS, ENGLAND**

**The Building (Higher-Risk Buildings  
Procedures) (England) Regulations 2023**

*Made - - - - 9th August 2023*  
*Laid before Parliament 17th August 2023*  
*Coming into force - - - - 1st October 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1, 2B, 3, 30A(1), (3), (5), (6) and (9), 34, 35(2), 35B(7), 35C(1) and 47(4)(b)(ii) of, and paragraphs 1A to 1I, 5B, 5C and 10 of Schedule 1 to, the Building Act 1984(1) and sections 19(2), 25(1) to (3) and (7), 76(5) and 166(1) of, and paragraph 2(5) of Schedule 3 to, the Building Safety Act 2022(2).

The Secretary of State has consulted the Building Regulations Advisory Committee for England and such other bodies as appear to be representative of the interests concerned in accordance with section 14(3) of the Building Act 1984(3) and has consulted the regulator and such other persons as the Secretary of State considers appropriate in accordance with section 7 of the Building Safety Act 2022.

**PART 1** **E+W**

**Preliminary**

**Citation, commencement, extent and application** **E+W**

**1.—(1)** These Regulations may be cited as the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 and come into force on 1st October 2023.

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- (1) [1984 c. 55](#). Section 1 was amended by section 1(1) to (3) of the Sustainable and Secure Buildings Act [2004 \(c. 22\)](#), section 37(2) of the Infrastructure Act [2015 \(c. 7\)](#) and paragraph 2 of Schedule 5 to the Building Safety Act 2022 (the 2022 Act<sup>1</sup>). Section 2B was inserted by section 42 of the Deregulation Act [2015 \(c. 20\)](#). Section 30A was inserted by section 37 of the 2022 Act. Section 35 was amended by section 39 of the 2022 Act. Sections 35B and 35C were inserted by section 38 of the 2022 Act. Section 47(4) was amended by sections 36(3) and 46(4) of the 2022 Act. Paragraphs 1A to 1I, 5B and 5C of Schedule 1 were inserted by sections 33 to 35 of the 2022 Act. Paragraph 10 of Schedule 1 was substituted by paragraph 83(8) of Schedule 5 to the 2022 Act.
- (2) [2022 c. 30](#).
- (3) Under the transitional provisions in regulation 5(1) of [S.I. 2023/362](#) the requirement to consult under section 120B of the Building Act 1984 does not apply to proposals consulted on under section 14(3) of the Building Act 1984 before it was repealed by paragraph 17 of Schedule 5 to the Building Safety Act 2022.

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

- (2) These Regulations extend to England and Wales.
- (3) These Regulations apply in relation to England only.

#### Commencement Information

**II** [Reg. 1](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Interpretation **E+W**

2.—(1) In these Regulations—

“the 1984 Act” means the Building Act 1984;

“the 2022 Act” means the Building Safety Act 2022;

“the 2010 Regulations” means the Building Regulations 2010(4);

“active fire safety measures” includes sprinkler systems (including isolating valves and control equipment for that system), smoke control systems (including heating or ventilation and air conditioning systems with a smoke control function), fire or smoke dampers, fire alarm systems, lifts and lift shafts (including evacuation or fire-fighting lifts), and fire main and hydrants;

“agreed document” means—

- (a) a description, plan or document in relation to HRB work, stage of HRB work or work to existing HRB that was approved by virtue of regulation 7(8) or (10) (building control approval applications for HRB work or stage of HRB work: decisions) or regulation 15(8) or (10) (building control approval applications for work to existing HRB: decisions), or
- (b) where such a description, plan or document is revised—
  - (i) in relation to a major change, the plan or document that was approved in accordance with regulation 24(8) or (10) (change control applications: decisions);
  - (ii) in relation to a notifiable change, the version of the plan or document that accompanied the notice to the regulator(5) given under regulation 20(1) (change control: notification requirements);
  - (iii) in relation to a recordable change, the version of the plan or document that was revised in accordance with regulation 18(2)(b) (change control) and in respect of which a record was made in accordance with regulation 18(2)(a);

“building”—

- (a) in the application of any provision of these Regulations to the construction of a higher-risk building, has the meaning given in regulation 4 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023(6);
- (b) in any other case, has the same meaning as under the 2010 Regulations;

“building control approval application for HRB work” has the meaning given in regulation 3 (building control approval for HRB work or stage of HRB work);

“building control approval application for a stage of HRB work” has the meaning given in regulation 3 (building control approval for HRB work or stage of HRB work);

(4) [S.I. 2010/2214](#) as amended by [S.I. 2012/3119](#), [2013/1959](#), [2014/110](#), [2015/767](#), [2016/285](#), [2016/1274](#), [2018/1230](#), [2021/1391](#), [2022/608](#) and [2023/520](#). There are other amending instruments, but none is relevant to this instrument.

(5) See section 126 of the Building Act 1984 for the definition of “the regulator”, which was inserted by paragraph 81 of Schedule 5 to the Building Safety Act 2022.

(6) [S.I. 2023/275](#).

“building control approval application for work to existing HRB” has the meaning given in regulation 11 (building control approval for work to existing HRB);

“Building Regulations compliance statement” means a document in accordance with paragraph 4 of Schedule 1;

“change control application” has the meaning given in regulation 18(5) (change control);

“change control log” has the meaning given in regulation 19(1) (change control: record-keeping);

“change control plan” means a document in accordance with paragraph 3 of Schedule 1;

“commercial unit” means a part of a building in separate occupation which does not contain a flat or a residential room;

“completion certificate application” has the meaning given in regulation 40 (completion certificate applications);

“competence declaration” means a statement in accordance with paragraph 1 of Schedule 1;

“compliance declaration” means—

- (a) where any appointment of a principal contractor (or sole contractor) or principal designer (or sole or lead designer) ends before a completion certificate application is submitted to the regulator, a statement provided in accordance with regulation 29(3) (new principal contractor or principal designer etc: notification);
- (b) in any other case, has the meaning given in regulation 40 (completion certificate applications);

“compliance explanation” has the meaning given in regulation 19(2)(g) (change control: record-keeping);

“construction control plan” means a document in accordance with paragraph 2 of Schedule 1;

“controlled change” has the meaning given in regulation 18 (change control);

“exempt work” has the meaning in regulation 57 (exempt work);

“fire and emergency file” means a document in accordance with paragraph 5 of Schedule 1;

“fire safety compliance information” has the meaning given in regulation 12(3) (building control approval applications for work to existing HRB);

“fire safety information” has the meaning in regulation 39 (information to be provided where work is scheme work);

“golden thread information” has the meaning given in regulation 31 (golden thread);

“HRB work” means—

- (a) the construction of a higher-risk building<sup>(7)</sup>;
- (b) work to an existing building that causes it to become a higher-risk building together with any work to the building carried out at the same time as that work;
- (c) such work, if any, which is necessary to ensure a building that undergoes a material change of use to become a higher-risk building complies with the applicable requirements listed in regulation 6 of the 2010 Regulations (requirements relating to material change of use) together with any work to the building carried out at the same time as that work;

“major change” has the meaning given in regulation 26 (change control: major changes and notifiable changes);

(7) See the definition of “higher-risk building” in section 120D of the Building Act 1984, which was inserted by 31 of the Building Safety Act 2022.

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*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

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“mandatory occurrence reporting plan” is a plan describing the mandatory occurrence reporting system;

“mandatory occurrence reporting system” means a system required under regulation 32 (mandatory occurrence reporting system);

“notifiable change” has the meaning given in regulation 26 (change control: major changes and notifiable changes);

“passive fire safety measures” includes the cavity barriers, fire door sets, duct dampers, fire shutters and other fire separating elements;

“partial completion certificate application” has the meaning given in regulation 45 (partial completion certificates);

“partial completion strategy” means a document in accordance with paragraph 6 of Schedule 1;

“recordable change” means a controlled change which is neither a major change nor a notifiable change;

“regularisation certificate application” has the meaning given in regulation 47 (regularisation of unauthorised building work);

“relevant day” means any day excluding Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971<sup>(8)</sup>;

“relevant person” has the meaning given in regulation 38 (handover of information on completion etc);

“residential room” means a room, or a suite of rooms, which is not a flat and which is used solely by one or more persons to live and sleep and includes a room in a hall of residence or a residential home, but does not include a room in a hospital, or similar establishment, which is used for patient accommodation;

“scheme work” means work to which—

- (a) regulation 20 (provisions applicable to self-certification schemes) of the 2010 Regulations applies, or
- (b) regulation 20A (provisions applicable to third party certification schemes) of the 2010 Regulations applies.

“work to existing HRB” means any higher-risk building work<sup>(9)</sup> which is not HRB work;

“working day” means any day excluding Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971.

(2) In these Regulations—

- (a) “building work”, “client”, “contractor”, “designer”, “domestic client”, “flat”, “material change of use”, “principal contractor”, “principal designer”, “project”, “sole contractor” and “sole or lead designer” have the meanings given in 2010 Regulations<sup>(10)</sup>;
- (b) a reference to appointment as a principal contractor or principal designer is to appointment under regulation 11D (principal designer and principal contractor) of the 2010 Regulations, and that reference includes an appointment which is certified under regulation 11D(2) of those Regulations.

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<sup>(8)</sup> 1971 c. 80.

<sup>(9)</sup> See the definition of “higher-risk building work” in section 91ZA of the Building Act 1984 (c. 55), which was inserted by section 32 of the Building Safety Act 2022.

<sup>(10)</sup> The definitions of client, contractor, designer, domestic client, principal contractor, principal designer, project, sole contractor and sole or lead designer, and regulation 11D were inserted into the 2010 Regulations by the Building Regulations etc. (Amendment) (England) Regulations 2023.

**Commencement Information**

**I2** Reg. 2 in force at 1.10.2023, see reg. 1(1)

**PART 2 E+W**

**Building control approval**

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

**C1** Pts. 2-6 excluded (temp.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), 46(2)(c)

**CHAPTER 1 E+W**

**New HRBs**

**Building control approval for HRB work or stage of HRB work E+W**

3. Before any person starts HRB work or starts a stage of HRB work, the client in relation to that work (in this Chapter “the applicant”) must—

- (a) submit an application for building control approval in relation to the work to the regulator (a “building control approval application for HRB work” or, where the work is done in stages, a “building control approval application for a stage of HRB work”) in accordance with regulation 4 (building control approval applications for HRB work or stage of HRB work),
- (b) be granted building control approval for the work,
- (c) fulfil those requirements, if any, which in accordance with the building control approval must be fulfilled before the work or, as the case maybe, the stage of the work is started, and
- (d) notify the regulator of the date on which the work or the stage of the work is to start in accordance with regulation 9(2) (notice before starting on site and further notice when work is “commenced”).

**Commencement Information**

**I3** Reg. 3 in force at 1.10.2023, see reg. 1(1)

**Building control approval applications for HRB work or stage of HRB work E+W**

4.—(1) A building control approval application for HRB work must be made in writing, signed by the applicant, and 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 application is made under this regulation;
- (d) where HRB work consists of work to an existing building, a description of the existing building including—

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*Status: Point in time view as at 06/04/2024.*

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- (i) details of its current use, including the current use of each storey;
  - (ii) its height as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023<sup>(11)</sup>;
  - (iii) the number of storeys it has as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
- (e) a description of the proposed HRB work, including—
- (i) details of the intended use of the higher-risk building, including the intended use of each storey;
  - (ii) the height of the higher-risk building as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (iii) the number of storeys in the higher-risk building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (iv) the number of flats, the number of residential rooms and the number of commercial units it is proposed the higher-risk building will contain;
  - (v) the provision to be made for the drainage of the higher-risk building;
  - (vi) where paragraph H4 of Schedule 1 to the 2010 Regulations 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;
  - (vii) the steps to be taken to comply with any local enactment that applies;
  - (viii) a statement as to when it is proposed the work is to be regarded as commenced in accordance with regulation 46A (lapse of building control approval: commencement of work) of the 2010 Regulations<sup>(12)</sup>.
- (2) A building control approval application for HRB work must be accompanied by—
- (a) a plan to a scale of not less than 1:1250 showing—
    - (i) the size and position of the building and its relationship to adjoining boundaries;
    - (ii) the boundaries of the curtilage of the building, and the size, position and use of every other building or proposed building within the curtilage;
    - (iii) the width and position of any street on or within the boundaries of the curtilage of the building;
  - (b)
    - (i) such other plans as necessary to show that the HRB work would comply with all applicable requirements of the building regulations<sup>(13)</sup>;
    - (ii) a competence declaration;
    - (iii) a construction control plan;
    - (iv) a change control plan;
    - (v) a mandatory occurrence reporting plan;
    - (vi) a Building Regulations compliance statement;
    - (vii) a fire and emergency file;

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<sup>(11)</sup> [S.I. 2023/275](#).

<sup>(12)</sup> Regulation 46A was inserted into the 2010 Regulations by the Building Regulations etc. (Amendment) (England) Regulations 2023.

<sup>(13)</sup> See the definition in section 122 of the Building Act 1984.

- (viii) where the applicant proposes occupation of part of the building before completion of the HRB work, a partial completion strategy;
  - (c) 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) A building control approval application for a stage of HRB work must be made in writing, signed by the applicant, and must—
- (a) include the information required by paragraph (1);
  - (b) where the application relates to the first stage of the work—
    - (i) be accompanied by a statement (“staged work statement”) setting out a detailed description of the first stage and of the subsequent stages of the project (including an estimate of the time when each stage will start);
    - (ii) be accompanied by the documents referred to in paragraph (2) with the following modifications—
      - (aa) the plans referred to in paragraph (2)(b)(i) are such plans as necessary to show that the work for the first stage would comply with all applicable requirements of the building regulations and a summary of plans for the work beyond that stage;
      - (bb) the Building Regulations compliance statement referred to in paragraph (2)(b)(vi) must set out the design principles and building standards to be applied to the work for the first stage and a summary of the design principles and building standards to be applied beyond that stage;
  - (c) where the application relates to a stage after the first stage—
    - (i) be accompanied by a statement (“subsequent stages statement”) setting out a detailed description of the stage to which the application relates and of the other stages of the project (including an estimate of the time when each remaining stage will start);
    - (ii) be accompanied by the documents referred to in paragraph (2) with the following modifications—
      - (aa) the plans referred to in paragraph (2)(b)(i) are such plans as necessary to show that the work comprised in the stage to which the application relates would comply with all applicable requirements of the building regulations and a summary of plans for work beyond that stage;
      - (bb) the Building Regulations compliance statement referred to in paragraph (2)(b)(vi) must set out the design principles and building standards to be applied to the work comprised in the stage to which the application relates and a summary of the design principles and building standards to be applied beyond that stage.

**Commencement Information**

14 Reg. 4 in force at 1.10.2023, see [reg. 1\(1\)](#)

**Building control approval applications for HRB work or stage of HRB work: validity and time limit** **E+W**

5.—(1) Where the regulator receives a building control approval application for HRB work or a building control approval application for a stage of HRB work which is valid the regulator must—

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

- (a) notify the applicant to that effect, and
  - (b) determine it within 12 weeks beginning with the date the application is received by the regulator or within such longer period as at any time the regulator and the applicant agree in writing.
- (2) Where the regulator receives a building control approval application for HRB work or a building control approval application for a stage of HRB work which is not valid the regulator must notify the applicant to that effect giving reasons (and where the applicant is not the client, also give a copy of the notification to the client).
- (3) A building control approval application for HRB work or a building control approval application for a stage of HRB work is valid if it complies with regulation 4 (building control approval applications for HRB work or stage of HRB work).

#### Commencement Information

**I5** [Reg. 5](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

#### **Building control approval applications for HRB work or stage of HRB work: consultation** **E+W**

- 6.—(1) Subject to paragraph (5), before determining a building control approval application for HRB work or a building control approval application for a stage of HRB work the regulator must consult—
- (a) the enforcing authority (within the meaning of article 25 of the Regulatory Reform (Fire Safety) Order 2005<sup>(14)</sup>) for the proposed higher-risk building, and
  - (b) where paragraph H4 of Schedule 1 to the 2010 Regulations imposes requirements in relation to the work, the sewerage undertaker for the proposed higher-risk building.
- (2) Where the regulator is required to consult a person under this regulation the regulator—
- (a) must give the person sufficient plans to show whether the HRB work or the stage of HRB work would, if carried out in accordance with those plans, comply with—
    - (i) in the case of the enforcing authority, the applicable requirements of Part B (fire safety) of Schedule 1 to the 2010 Regulations, and
    - (ii) in the case of the sewerage undertaker, the requirements of paragraph H4 of Schedule 1 to the 2010 Regulations;
  - (b) must not determine the application until the expiry of a period of 15 working days beginning with the date the consultation starts or such longer period as the regulator and the person consulted agree in writing.
- (3) In relation to the consultation under paragraph (1)(a) the plans given must include the fire and emergency file.
- (4) If all persons consulted express their views before the end of the period referred to in paragraph (2)(b) then the prohibition against determining the application ceases to apply on the day after the date on which their views are received by the regulator.
- (5) The regulator is not required to consult under this regulation where it is satisfied following consideration of the application there are sufficient grounds to reject the application.

<sup>(14)</sup> [S.I. 2005/1541](#) to which there are amendments not relevant to this provision.



### Commencement Information

**16** Reg. 6 in force at 1.10.2023, see **reg. 1(1)**

## Building control approval applications for HRB work or stage of HRB work: decisions **E**

**+W**

7.—(1) The regulator must grant the building control approval sought in a building control approval application for HRB work or a building control approval application for a stage of HRB work unless the application or any document that accompanied the application—

- (a) does not comply with the requirements of regulation 4 (building control approval applications for HRB work or stage of HRB work) or any direction relating to the application or the document given by the regulator under regulation 59 (electronic submission and directions);
- (b) is not sufficiently detailed in any respect to allow the regulator to determine whether the HRB work or the stage of HRB work would contravene any applicable requirement of the building regulations;
- (c) shows the HRB work or the stage of HRB work would contravene any applicable requirement of the building regulations;
- (d) shows the strategies, policies or procedures in relation to the HRB work or the stage of HRB work (including in relation to controlled changes, mandatory occurrence reporting, competence of persons or sharing of information and co-operation) would contravene, or would be likely to contravene, the requirements of—
  - (i) regulations 18 to 21 and 26 to 29 (changes to documents or persons);
  - (ii) regulations 31, 38 and 39 (golden thread etc);
  - (iii) regulations 32 to 37 (mandatory occurrence reporting);
  - (iv) Part 2A (dutyholders and competence) of the 2010 Regulations.

(2) If one or more of the reasons in paragraph (1) applies, the regulator may—

- (a) reject the building control approval application for HRB work or the building control approval application for a stage of HRB work, or
- (b) with the written consent of the applicant, grant the building control approval sought in the application subject to one or more requirements.

(3) The types of requirement that may be imposed under paragraph (2)(b) include—

- (a) a requirement to provide a specified plan or document, or a revised version of a specified plan or document, within a specified period;
- (b) a requirement that work does not proceed beyond a specified point until a specified plan or other document, or a revised version of a specified plan or other document, has been given to, and approved by, the regulator.

(4) The regulator must notify the applicant of the outcome of the application (and where the applicant is not the client, also give a copy of the notification to the client) within the period referred to in regulation 5 (building control approval applications for HRB work or stage of HRB work: validity and time limit).

(5) A notice that the application has been rejected must give the reasons for rejection.

(6) A notice that the building control approval sought in the application has been granted subject to a requirement must specify the requirement imposed.

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

(7) If requested by the applicant, the regulator must provide a paper copy of the notice of building control approval.

(8) Where a building control approval application for HRB work or a building control approval application for a stage of HRB work is successful the effect is that from the date of the notice under paragraph (4)—

- (a) building control approval for the HRB work or, as the case may be, building control approval for the stage of HRB work is granted;
- (b) subject to paragraphs (9) and (10)—
  - (i) the description of the proposed HRB work or, as the case may be, the description of the proposed stage of HRB work,
  - (ii) the plans of the HRB work or, as the case may be, the plans of the stage of HRB work that accompanied the application, and
  - (iii) each of the other documents that accompanied the application, are approved.

(9) Where building control approval has been granted subject to a requirement that a plan or document must be revised, the unrevised plan or document is not approved by paragraph (8)(b).

(10) Where—

- (a) building control approval has been granted subject to a requirement that any plan or document must be revised, and
- (b) the plan or document is subsequently revised in accordance with the requirement,

then that revised plan or document is approved from the date specified in the approval given by the regulator for the revision.

(11) Where building control approval has been granted subject to a requirement of a type described in paragraph (3)(a), the client must ensure that work does not start before the plan or document is provided.

(12) Where building control approval has been granted subject to a requirement of a type described in paragraph (3)(b)—

- (a) the requirement must set out the points specified in relation to the work and the plans or documents which must be approved for each point;
- (b) the client must ensure work to which the requirement relates does not proceed beyond the point specified in the requirement until the approval by the regulator in relation to that plan or document has been received.

(13) If requested by the client, the regulator must provide a paper copy of the approval referred to in paragraph (12)(b).

(14) Where the regulator decides not to approve a plan or document under paragraph (12) if requested the regulator must give the reasons for the decision.

#### Commencement Information

**I7** [Reg. 7](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

### Regulator's power to require notifications etc for HRB work or stage of HRB work **E+W**

**8.—(1)** The regulator may, by notice in writing, require a client—

- (a) to notify the regulator, within a specified period, when a specified point of the HRB work or a specified point of the stage of HRB work has been reached;

(b) not to cover up specified work for a specified period.

(2) In this regulation “specified” means specified by the regulator in the notice referred to in paragraph (1).

#### Commencement Information

**18** Reg. 8 in force at 1.10.2023, see reg. 1(1)

### Notice before starting on site and further notice when work is “commenced” **E+W**

**9.—**(1) This regulation applies where building control approval for HRB work or building control approval for a stage of HRB work is granted under regulation 7 (building control approval applications for HRB work or stage of HRB work: decisions).

(2) At least five working days before the day on which the HRB work or the stage of HRB work starts, the client must give a notice to the regulator setting out their intention to start the work and the date that work is to start.

(3) Not more than five working days after the day on which the HRB work is to be regarded as commenced the client must give a notice to that effect to the regulator.

(4) If the regulator is not satisfied the work is to be regarded as commenced it must give the client a notice to that effect (“rejection notice”) within four weeks of the date the notice under paragraph (3) is given, and the rejection notice must give the reasons for rejection.

(5) Where a notice is given under paragraph (3) and the period referred to in paragraph (4) expires without a rejection notice being given, then the work is to be regarded as commenced.

(6) If the client accepts the rejection notice they may not give a further notice under paragraph (3) unless, having regard to the reasons given by the regulator, they are satisfied the work is to be regarded as commenced.

(7) The client may appeal to the First-tier Tribunal against the decision of the regulator to reject the notice provided the appeal is made within 21 relevant days beginning with the day after the day on which the regulator gives the rejection notice.

(8) The First-tier Tribunal may allow an appeal under paragraph (7) 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 1984 Act or regulations made under that Act.

(9) Where a notice under paragraph (2) or (3) is given by someone on behalf of the client, the notice must include a statement signed by the client confirming they agree to the notice being given and that the information contained in it is correct.

(10) The regulator may take such steps, including—

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

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

(11) For the purposes of paragraphs (3) to (10) the provisions of regulation 46A (lapse of building control approval: commencement of work) of the 2010 Regulations apply to determine whether work is to be regarded as commenced.

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

#### Commencement Information

**19** Reg. 9 in force at 1.10.2023, see **reg. 1(1)**

## CHAPTER 2 **E+W**

### Existing HRBs

#### Notification of emergency repairs to existing HRB **E+W**

**10.**—(1) Where work to existing HRB consists only of emergency repairs and it is not practicable to comply with regulation 11(1) (building control approval for work to existing HRB) before starting the work, the client must—

- (a) give a notice to that effect to the regulator, describing the work and the reasons for the urgency as soon as reasonably practicable after the work has started,
- (b) send a copy of that notice to the responsible person as soon as reasonably practicable after the work has started, and
- (c) submit a regularisation certificate application to the regulator in relation to the work as soon as reasonably practicable after the work is carried out.

(2) In this regulation—

“emergency repairs” means repairs to a building which are necessary to be carried out as a matter of urgency due to the risk to health, safety or welfare of persons in or about the building;  
“responsible person” has the meaning given in article 3 of the Regulatory Reform (Fire Safety) Order 2005.

#### Commencement Information

**110** Reg. 10 in force at 1.10.2023, see **reg. 1(1)**

#### Building control approval for work to existing HRB **E+W**

**11.**—(1) Subject to paragraph (2), before any person starts any work to existing HRB the client in relation to that work (in this Chapter “the applicant”) must—

- (a) submit an application for building control approval in relation to the work to the regulator (a “building control approval application for work to existing HRB”) in accordance with regulation 12 (building control approval applications for work to existing HRB);
- (b) be granted building control approval for the work;
- (c) fulfil those requirements, if any, which in accordance with the building control approval must be fulfilled before the work is started, and
- (d) notify the regulator of the date on which the work is to start in accordance with regulation 17(2) (notice before starting on site and further notice when work is “commenced”).

(2) The requirements of this regulation do not apply to work to existing HRB which consists only of—

- (a) scheme work;
- (b) exempt work, or
- (c) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

### Commencement Information

III Reg. 11 in force at 1.10.2023, see [reg. 1\(1\)](#)

## Building control approval applications for work to existing HRB **E+W**

**12.**—(1) Subject to paragraphs (3) and (4), where a building control approval application for work to existing HRB is required by regulation 11 (building control approval for work to existing HRB), it must be made in writing, signed by the applicant, and 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 application is made under this regulation;
- (d) a description of the existing higher-risk building including—
  - (i) details of its current use, including the current use of each storey;
  - (ii) its height as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023(15);
  - (iii) the number of storeys it has as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (iv) the number of flats, the number of residential rooms and the number of commercial units contained in the higher-risk building;
- (e) a description of the proposed work, including—
  - (i) where the use of any part of the higher-risk building is changing, details of the intended use of each storey;
  - (ii) where the height of any part of the higher-risk building is changing, the height of the building after the proposed work as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (iii) where the number of storeys in the higher-risk building is changing, the number of storeys as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (iv) where the number of flats or residential rooms in the higher-risk building is changing, the number of flats or residential rooms to be contained in the higher-risk building;
  - (v) the provision to be made for the drainage of the building or extension;
  - (vi) where paragraph H4 of Schedule 1 to the 2010 Regulations 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;
  - (vii) the steps to be taken to comply with any local enactment that applies;
  - (viii) 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) of the 2010 Regulations; and

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

- (bb) except in cases where paragraph (2) or (3) of regulation 46A of the 2010 Regulations applies, details of the work which the client considers amounts to 15% of the proposed work.
- (2) A building control approval application for work to existing HRB must be accompanied by—
- (a) a plan to a scale of not less than 1:1250 showing—
    - (i) the size and position of the building 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 the 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) such other plans as necessary to show that the work would comply with all applicable requirements of the building regulations;
  - (c) additionally, where work to existing HRB is category A work—
    - (i) a competence declaration;
    - (ii) a construction control plan;
    - (iii) a change control plan;
    - (iv) a mandatory occurrence reporting plan;
    - (v) a Building Regulations compliance statement;
    - (vi) a fire and emergency file;
    - (vii) where the applicant proposes occupation of part of the building before completion of the work, a partial completion strategy;
  - (d) 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) For a building control approval application for work to existing HRB where the work consists of category B work, the application must—
- (a) be made in writing, signed by the applicant,
  - (b) subject to paragraph (4), include the matters mentioned in paragraph (1)(a) to (e),
  - (c) be accompanied by the plans referred to in paragraphs (2)(a) and (2)(b),
  - (d) where Part B of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the work, include information setting out the fire safety design principles, concepts and standards applied to the development including sufficient plans to show how the work would comply with Part B (fire safety) of Schedule 1 to the 2010 Regulations (“fire safety compliance information”), and
  - (e) such of the documents listed in paragraph (2)(c) as the applicant considers appropriate.
- (4) Where the work consists only of category B work within a flat, the application does not need to include the matters mentioned in paragraph (1)(d).
- (5) In relation to an application for work to existing HRB where the work consists of category B work, the regulator may at any time before determining the application, by notice in writing, additionally require the applicant to provide any of the following documents—
- (a) a competence declaration;
  - (b) a construction control plan;
  - (c) a change control plan;

- (d) a mandatory occurrence reporting plan;
  - (e) a Building Regulations compliance statement;
  - (f) a fire and emergency file;
  - (g) a partial completion strategy.
- (6) In this regulation—
- “category A work” means work falling within any one or more of the following descriptions—
- (a) work which increases or decreases the external height or width of the higher-risk building;
  - (b) work which changes the number of storeys the higher-risk building has (including adding or removing a mezzanine or gallery floor);
  - (c) work which changes the number of flats or residential rooms contained in the higher-risk building;
  - (d) work which changes the number of, or width of, the staircases in a higher-risk building or which changes the number of, or width of, any other escape route within the building;
  - (e) work to the external wall of a higher-risk building excluding work or materials of a description specified in regulation 7(3) of the 2010 Regulations;
  - (f) work which changes the internal layout of a higher-risk building;
  - (g) work which affects the passive fire safety measures in the higher-risk building;
  - (h) work which affects the active fire safety measures in a higher-risk building;
  - (i) work which affects the common parts of a higher-risk building (including the external wall) not otherwise falling within category A;
- “category B work” means work which does not fall within category A.
- (7) The requirements of this regulation do not apply to work to existing HRB which consists only of—
- (a) scheme work;
  - (b) exempt work, or
  - (c) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

#### Commencement Information

I12 Reg. 12 in force at 1.10.2023, see [reg. 1\(1\)](#)

### Building control approval applications for work to existing HRB: validity and time limit **E** **+W**

13.—(1) Where the regulator receives a building control approval application for work to existing HRB which is valid the regulator must—

- (a) notify the applicant to that effect, and
- (b) determine it within 8 weeks beginning with the date the application is received by the regulator or within such longer period as at any time the regulator and the applicant agree in writing.

(2) Where the regulator receives a building control approval application for work to existing HRB which is not valid the regulator must notify the applicant to that effect giving reasons (and where the applicant is not the client, also give a copy of the notification to the client).

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

(3) A building control approval application for work to existing HRB is valid if it complies with regulation 12 (building control approval applications for work to existing HRB).

#### Commencement Information

**I13** Reg. 13 in force at 1.10.2023, see [reg. 1\(1\)](#)

### Building control approval applications for work to existing HRB: consultation **E+W**

**14.**—(1) Before determining a building control approval application for work to existing HRB the regulator must consult—

- (a) where the work is—
  - (i) category A work, or
  - (ii) category B work and Part B of Schedule 1 to the 2010 Regulations imposes requirements in relation to the work,
 the enforcing authority (within the meaning of article 25 of the Regulatory Reform (Fire Safety) Order 2005<sup>(16)</sup>) for the building, and
- (b) where paragraph H4 of Schedule 1 to the 2010 Regulations imposes requirements in relation to the work, the sewerage undertaker for the building.

(2) Where the regulator is required to consult a person under this regulation the regulator—

- (a) must give the person sufficient plans to show whether the work to existing HRB would, if carried out in accordance with those plans, comply with—
  - (i) in the case of the enforcing authority, the applicable requirements of Part B (fire safety) of Schedule 1 to the 2010 Regulations, and
  - (ii) in the case of the sewerage undertaker, the requirements of paragraph H4 of Schedule 1 to the 2010 Regulations;
- (b) must not determine the application until the expiry of a period of 15 working days beginning with the date the consultation starts or such longer period as the regulator and the person consulted agree in writing.

(3) In relation to the consultation under paragraph (1)(a) the plans given must include—

- (a) for category A work, the fire and emergency file;
- (b) for category B work, the fire safety compliance information.

(4) If all persons consulted express their views before the end of the period referred to in paragraph (2)(b) then the prohibition against determining the application ceases to apply on the day after the date on which their views are received by the regulator.

(5) The regulator is not required to consult under this regulation where it is satisfied following consideration of the application there are sufficient grounds to reject the application.

(6) In this regulation “category A work” and “category B work” have the meanings given in regulation 12 (building control approval applications for work to existing HRB).

#### Commencement Information

**I14** Reg. 14 in force at 1.10.2023, see [reg. 1\(1\)](#)

<sup>(16)</sup> S.I. 2005/1541 to which there are amendments not relevant to this provision.



## Building control approval applications for work to existing HRB: decisions **E+W**

15.—(1) The regulator must grant the building control approval sought in a building control approval application for work to existing HRB unless—

(a) the application or any document that accompanied the application (or is provided under regulation 12(5) (building control approval applications for work to existing HRB))—

(i) does not comply with the requirements of regulation 12 (building control approval applications for work to existing HRB) or any direction relating to the application or the document given by the regulator under regulation 59 (electronic submission and directions);

(ii) is not sufficiently detailed in any respect to allow the regulator to determine whether the work would contravene any applicable requirement of the building regulations;

(iii) shows that—

(aa) the proposed work would contravene any applicable requirement of the building regulations;

(bb) in a case where details are provided under regulation 12(1)(e)(viii)(bb), the work set out in the details would not in the regulator’s opinion amount to 15% of the work;

(iv) shows the strategies, policies or procedures in relation to the work (including in relation to controlled changes, mandatory occurrence reporting, competence of persons or sharing of information and co-operation) would contravene, or would be likely to contravene, the requirements of—

(aa) regulations 18 to 21 and 26 to 29 (changes to documents or persons);

(bb) regulations 31, 38 and 39 (golden thread etc);

(cc) regulations 32 to 37 (mandatory occurrence reporting);

(dd) Part 2A (dutyholders and competence) of the 2010 Regulations;

(b) when requested pursuant to regulation 12(5) (building control approval applications for work to existing HRB), the applicant failed to provide the document requested.

(2) If one or more of the reasons in paragraph (1) applies, the regulator may—

(a) reject the building control approval application for work to existing HRB, or

(b) with the written consent of the applicant, grant the building control approval sought in the application subject to one or more requirements.

(3) The types of requirement that may be imposed under paragraph (2)(b) include—

(a) a requirement to provide a specified plan or document, or a revised version of a specified plan or document, within a specified period;

(b) a requirement that work does not proceed beyond a specified point until a specified plan or other document, or a revised version of a specified plan or other document, has been given to, and approved by, the regulator.

(4) The regulator must notify the applicant of the outcome of the application (and where the applicant is not the client, also give a copy of the notification to the client) within the period referred to in regulation 13 (building control approval applications for work to existing HRB: validity and time limit).

(5) A notice that the application has been rejected must give the reasons for rejection.

(6) A notice that the building control approval sought in the application has been granted subject to a requirement must specify the requirement imposed.

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

(7) If requested by the applicant, the regulator must provide a paper copy of the notice of building control approval.

(8) Where a building control approval application for work to existing HRB is successful the effect is that from the date of the notice under paragraph (4)—

- (a) building control approval for the work to existing HRB is granted;
- (b) subject to paragraphs (9) and (10)—
  - (i) the description of the proposed work under regulation 12(1)(e) (building control approval applications for work to existing HRB);
  - (ii) the plans of the work that accompanied the application, and
  - (iii) each of the other documents that accompanied the application and, in accordance with regulation 12(5) (building control approval applications for work to existing HRB), the regulator required to be provided,are approved.

(9) Where building control approval has been granted subject to a requirement that a plan or document must be revised, the unrevised plan or document is not approved by paragraph (8)(b).

(10) Where—

- (a) building control approval has been granted subject to a requirement that any plan or document must be revised, and
- (b) the plan or document is revised in accordance with the requirement,

paragraph (8)(b) applies in relation to the revised plan or document.

(11) Where building control approval has been granted subject to a requirement of a type described in paragraph (3)(a), the client must ensure that work does not start before the plan or document is provided.

(12) Where building control approval has been granted subject to a requirement of a type described in paragraph (3)(b)—

- (a) the requirement must set out the points specified in relation to the work and the plans or documents which must be approved for each point;
- (b) the client must ensure work does not proceed beyond the point specified in a requirement until the approval by the regulator in relation to that plan or document has been received.

(13) If requested by the client, the regulator must provide a paper copy of the approval referred to in paragraph (12)(b).

(14) Where the regulator decides not to approve a plan or document under paragraph (12) if requested the regulator must give the reasons for the decision.

#### **Commencement Information**

**I15** [Reg. 15](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

### **Regulator's power to require notifications etc for work to existing HRB** E+W

**16.**—(1) The regulator may, by notice in writing, require a client—

- (a) to notify the regulator, within a specified period, when a specified point of the work to existing HRB has been reached;
- (b) not to cover up specified work for a specified period.

(2) In this regulation “specified” means specified by the regulator in the notice referred to in paragraph (1).

#### Commencement Information

**I16** Reg. 16 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Notice before starting on site and further notice when work is “commenced” **E+W**

**17.**—(1) This regulation applies where building control approval for work to existing HRB is granted under regulation 15 (building control approval applications for work to existing HRB: decisions).

(2) At least five working days before the day on which the work to existing HRB starts, the client must give a notice to the regulator setting out their intention to start the work and the date that work is to start.

(3) Not more than five working days after the day on which the work to existing HRB is to be regarded as commenced the client must give a notice to that effect to the regulator.

(4) If the regulator is not satisfied the work is to be regarded as commenced it must give the client a notice to that effect (“rejection notice”) within four weeks of the date the notice under paragraph (3) is given, and the rejection notice must give the reasons for rejection.

(5) Where a notice is given under paragraph (3) and the period referred to in paragraph (4) expires without a rejection notice being given, then the work is to be regarded as commenced.

(6) If the client accepts the rejection notice they may not give a further notice under paragraph (3) unless, having regard to the reasons given by the regulator, they are satisfied the work is to be regarded as commenced.

(7) The client may appeal to the First-tier Tribunal against the decision of the regulator to reject the notice provided the appeal is made within 21 relevant days beginning with the day after the day on which the regulator gives the rejection notice.

(8) The First-tier Tribunal may allow an appeal under paragraph (7) 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 1984 Act or regulations made under that Act.

(9) Where a notice under paragraph (2) or (3) is given by someone on behalf of the client, the notice must include a statement signed by the client confirming they agree to the notice being given and that the information contained in it is correct.

(10) The regulator may take such steps, including—

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

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

(11) For the purposes of paragraphs (3) to (10) the provisions of regulation 46A (lapse of building control approval: commencement of work) of the 2010 Regulations apply to determine whether work is to be regarded as commenced.

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

### Commencement Information

**I17** Reg. 17 in force at 1.10.2023, see [reg. 1\(1\)](#)

## PART 3 **E+W**

### Changes before or during construction

#### Change control **E+W**

**18.**—(1) This regulation applies where one or more of the following changes (“controlled change”) is proposed—

- (a) a change to any current plans of any work or proposed work or the carrying out of work otherwise than in accordance with the current plans;
- (b) a change to any stage of HRB work, including adding or removing a stage;
- (c) a change to any strategies, policies or procedures described in any current agreed document.

(2) Before any controlled change can be carried out, the client must ensure—

- (a) a record is made of the controlled change in accordance with regulation 19 (change control: record-keeping), and
- (b) a revised version of any agreed document affected by the controlled change is produced.

(3) Where the controlled change is a notifiable change, the client must notify the regulator in accordance with regulation 20 (change control: notification requirements).

(4) A notifiable change must not be carried out, and the work to which it relates must not start, until the notification referred to in paragraph (3) has occurred.

(5) Where the controlled change is a major change, the client must make an application for building control approval in respect of the change (a “change control application”) to the regulator in accordance with regulation 21 (change control applications).

(6) A major change must not be carried out, and the work to which it relates must not start, until the change control application is granted.

(7) Paragraph (8) applies where two or more controlled changes are related to the same change to the building work (“related changes”) and at least one of those controlled changes is a major change and at least one is a notifiable change.

(8) Where this paragraph applies—

- (a) all the major changes which are related changes may be included in the same change control application,
- (b) any notifiable changes which are related changes may also be included in that change control application, and
- (c) in relation to any change which is a notifiable change, the requirements of regulation 20 (change control: notification requirements) are satisfied by providing details of the change as part of that application.

(9) Where two or more controlled changes are not related to the same change to the building work they must not be included in the same change control application.

(10) Paragraph (11) applies where a change control application has been submitted in relation to a proposed change (“the main change”) and it is proposed another controlled change (excluding a

change which is only a recordable change) is to be carried out which is consequential on the main change (“a consequential change”) but was not included in an application of the type referred to in paragraph (8).

(11) Where this paragraph applies—

- (a) a consequential change which is a notifiable change must not be notified in accordance with regulation 20 (change control: notification requirements);
- (b) a change control application in relation to a consequential change which is a major change must not be made in accordance with regulation 21 (change control applications),

until the regulator has notified the client of the outcome of the change control application in relation to the main change.

(12) In this regulation—

“current agreed document” means the document that is an agreed document at the time the controlled change is proposed;

“current plans” means the plans that are an agreed document at the time the controlled change is proposed.

#### Commencement Information

**118** Reg. 18 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Change control: record-keeping **E+W**

**19.**—(1) The principal contractor (or sole contractor) must create and maintain a document for the purposes of recording information in respect of changes to the project (“change control log”).

(2) A controlled change must be recorded by entering the following information in the change control log—

- (a) the name of the individual recording the change,
- (b) a description of the proposed change,
- (c) an explanation of the reasons why the change has been proposed,
- (d) whether the change is a recordable change, a notifiable change or a major change,
- (e) a list of the name and occupation of each person, if any, whose advice was sought in relation to the proposed change and a summary of any advice provided,
- (f) an assessment of which agreed document is affected by the proposed change and confirmation that a revised version has been produced in accordance with regulation 18(2) (b) (change control), and
- (g) an explanation, in relation to the proposed change, of how—
  - (i) the HRB work, the stage of HRB work or work to existing HRB will, after the proposed change is carried out, comply with all applicable building regulations, and
  - (ii) the strategies, policies and procedures in any agreed document (including in relation to controlled changes, mandatory occurrence reporting, competence of persons or sharing of information and co-operation) will, after the proposed change is carried out, comply with the requirements of—
    - (aa) this regulation and regulations 18, 20, 21 and 26 to 29 (changes to documents or persons);
    - (bb) regulations 31, 38 and 39 (golden thread etc);

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

- (cc) regulations 32 to 37 (mandatory occurrence reporting);
- (dd) Part 2A (dutyholders and competence) of the 2010 Regulations, (a “compliance explanation”).

#### Commencement Information

**I19** Reg. 19 in force at 1.10.2023, see [reg. 1\(1\)](#)

### Change control: notification requirements **E+W**

**20.**—(1) A notice under regulation 18(3) (change control) must be in writing, signed by the client, and must include—

- (a) a description of the proposed controlled change,
- (b) an explanation of the reasons why the change has been proposed,
- (c) a list of the name and occupation of each person, if any, whose advice was sought in relation to the proposed change and a summary of any advice provided,
- (d) an assessment of the agreed documents affected by the proposed change,
- (e) a compliance explanation in relation to the proposed change, and
- (f) where the notification is made by someone on behalf of the client, a statement signed by the client confirming they agree to the notification being given and that the information contained in the application is correct,

and the notice must be accompanied by the revised version of the agreed document produced in accordance with regulation 18(2)(b) (change control).

(2) The regulator may, by notice in writing, require the person giving the notification to provide further information in relation to the proposed controlled change.

(3) Where a notice under paragraph (2) is given to the person giving the notification, the person must provide the information within 10 working days of receipt of the notice.

#### Commencement Information

**I20** Reg. 20 in force at 1.10.2023, see [reg. 1\(1\)](#)

### Change control applications **E+W**

**21.**—(1) A change control application must be made by the client (“the applicant”) in writing, signed by the applicant, and 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 application is made under this regulation, and
- (d) a description of the proposed controlled change.

(2) The application must be accompanied by—

- (a) an explanation of the reasons why the change has been proposed,
- (b) a list of the name and occupation of each person, if any, whose advice was sought in relation to the proposed change and a summary of any advice provided,

- (c) where the change is to the number of flats or residential rooms, plans showing the number of flats or residential rooms it is proposed the higher-risk building will contain,
- (d) an assessment of the agreed documents affected by the proposed change,
- (e) a compliance explanation in relation to the proposed change, and
- (f) 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,

and the application must be accompanied by the revised version of the agreed document produced in accordance with regulation 18(2)(b) (change control).

**Commencement Information**

**I21** Reg. 21 in force at 1.10.2023, see [reg. 1\(1\)](#)

**Change control applications: validity and time limit** **E+W**

**22.**—(1) Where the regulator receives a change control application which is valid the regulator must—

- (a) notify the applicant to that effect, and
- (b) determine it within 6 weeks beginning with the date the application is received by the regulator or within such longer period as at any time the regulator and the applicant agree in writing.

(2) Where the regulator receives a change control application which is not valid the regulator must notify the applicant to that effect giving reasons (and where the applicant is not the client, also give a copy of the notification to the client).

(3) A change control application is valid if it complies with regulation 21 (change control applications).

**Commencement Information**

**I22** Reg. 22 in force at 1.10.2023, see [reg. 1\(1\)](#)

**Change control applications: consultation** **E+W**

**23.**—(1) Before determining a change control application relating to a controlled change of a kind described in regulation 18(1)(a) (change control), the regulator must consult—

- (a) the enforcing authority (within the meaning of article 25 of the Regulatory Reform (Fire Safety) Order 2005<sup>(17)</sup>) for the building or proposed building where Part B of Schedule 1 to the 2010 Regulations imposes requirements in relation to the work to which the controlled change relates, and
- (b) the sewerage undertaker for the building or proposed building where paragraph H4 of Schedule 1 to the 2010 Regulations imposes requirements in relation to the work to which the controlled change relates.

(2) Where the regulator is required to consult a person under this regulation the regulator—

<sup>(17)</sup> S.I. 2005/1541 to which there are amendments not relevant to this provision.

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

- (a) must give the person sufficient plans to show whether the work would, if carried out in accordance with those plans, comply with—
    - (i) in the case of the enforcing authority, the applicable requirements of Part B (fire safety) of Schedule 1 to the 2010 Regulations, and
    - (ii) in the case of the sewerage undertaker, the requirements of paragraph H4 of Schedule 1 to the 2010 Regulations;
  - (b) must not determine the application until the expiry of a period of 10 working days beginning with the date the consultation starts or such longer period as the regulator and the person consulted agree in writing.
- (3) In relation to the consultation under paragraph (1)(a) the plans given must include the fire and emergency file or, where the work to which the application relates is category B work, the fire safety compliance information.
- (4) If all persons consulted express their views before the end of the period referred to in paragraph (2)(b) then the prohibition against determining the application ceases to apply on the day after the date on which their views are received by the regulator.
- (5) The regulator is not required to consult under this regulation where it is satisfied following consideration of the application there are sufficient grounds to reject the application.
- (6) In this regulation, “category B work” has the meaning given in regulation 12 (building control approval applications for work to existing HRB).

#### Commencement Information

**I23** Reg. 23 in force at 1.10.2023, see [reg. 1\(1\)](#)

### Change control applications: decisions **E+W**

- 24.**—(1) The regulator must grant the building control approval sought in a change control application unless the application or any document that accompanied the application—
- (a) does not comply with the requirements of regulation 21 (change control applications) or any direction relating to the application or the document given by the regulator under regulation 59 (electronic submission and directions);
  - (b) is not sufficiently detailed in any respect to allow the regulator to determine whether the HRB work, the stage of HRB work or work to existing HRB would contravene any applicable requirement of the building regulations;
  - (c) shows the HRB work, the stage of HRB work or work to existing HRB would contravene any applicable requirement of the building regulations;
  - (d) shows the strategies, policies or procedures in any agreed document (including in relation to controlled changes, mandatory occurrence reporting, competence of persons or sharing of information and co-operation) would contravene, or would be likely to contravene, the requirements of—
    - (i) regulations 18 to 21 and 26 to 29 (changes to documents or persons);
    - (ii) regulations 31, 38 and 39 (golden thread etc);
    - (iii) regulations 32 to 37 (mandatory occurrence reporting);
    - (iv) Part 2A (dutyholders and competence) of the 2010 Regulations.
- (2) If one or more of the reasons in paragraph (1) applies, the regulator may—
- (a) reject the change control application, or



- (b) with the written consent of the applicant, grant the building control approval sought in the application subject to one or more requirements.
- (3) The types of requirement that may be imposed under paragraph (2)(b) include—
  - (a) a requirement to provide a specified plan or document, or a revised version of a specified plan or document, within a specified period;
  - (b) a requirement that work does not proceed beyond a specified point until a specified plan or other document, or a revised version of a specified plan or other document, has been given to, and approved by, the regulator.
- (4) The regulator must notify the applicant of the outcome of the change control application (and where the applicant is not the client, also give a copy of the notification to the client) within the period referred to in regulation 22 (change control applications: validity and time limit).
- (5) A notice that the application has been rejected must give the reasons for rejection.
- (6) A notice that the building control approval sought in the change control application has been granted subject to a requirement must specify the requirement imposed.
- (7) If requested by the applicant, the regulator must provide a paper copy of the notice of building control approval.
- (8) Where a change control application is successful the effect is that from the date of the notice under paragraph (4)—
  - (a) building control approval for the HRB work, the stage of HRB work or work to existing HRB is granted;
  - (b) subject to paragraphs (9) and (10)—
    - (i) the description of the proposed controlled change, and
    - (ii) the revised version of the agreed document that accompanied the application, are approved.
- (9) Where building control approval has been granted subject to a requirement that a plan or document must be revised, the unrevised plan or document is not approved by paragraph (8)(b).
- (10) Where—
  - (a) building control approval has been granted subject to a requirement that a plan or document must be revised, and
  - (b) the plan or document is revised in accordance with the requirement,paragraph (8)(b) applies in relation to the revised plan or document.
- (11) Where building control approval has been granted subject to a requirement of a type described in paragraph (3)(b)—
  - (a) the client must ensure the work does not proceed beyond the point specified in the requirement until approval by the regulator to the plan or document has been received;
  - (b) where a request for approval has been received by the regulator it must notify the client of the outcome of the request within 6 weeks beginning with the date the request is received by the regulator or within such longer period as at any time the regulator and the client agree in writing;
  - (c) a notice that the request has been rejected must give the reasons for rejection, and
  - (d) if requested by the client, the regulator must provide a paper copy of the approval.

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

#### Commencement Information

**I24** Reg. 24 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Change control: regulator power to specify notifiable changes and major changes **E+W**

**25.** The regulator may specify that a particular type of controlled change is a notifiable change or a major change, in relation to specified work, by giving notice in writing to that effect to the client, principal contractor (or sole contractor) and the principal designer (or sole or lead designer) for that work.

#### Commencement Information

**I25** Reg. 25 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Change control: major changes and notifiable changes **E+W**

**26.**—(1) In regulations 18 to 25—

“major change” means—

- (a) in relation to HRB work or a stage of HRB work—
  - (i) a change which is a material change of use to any part of a proposed higher-risk building;
  - (ii) a change of the proposed use of any part of a proposed higher-risk building so that after the change the part of the building is to have a use as a car park or cease to have a use as a car park (whether the car park is for the occupiers of the building or otherwise);
  - (iii) a change which increases or decreases the external height or width of a proposed higher-risk building;
  - (iv) a change to the number of storeys in a proposed higher-risk building (including adding or removing a mezzanine or gallery floor);
  - (v) a change to the structural design or structural loading of the building;
  - (vi) a change to the number or width of the staircases in a proposed higher-risk building or a change to the length of any other escape route or the number or width of any escape route (including evacuation lift) within the proposed building;
  - (vii) a change to the external wall of a proposed higher-risk building including a wall tie, wall restraint fixing or support system in the wall;
  - (viii) a change to any part of the active fire safety measures or passive fire safety measures in a proposed higher-risk building referred to in the fire and emergency file;
  - (ix) a change to the layout or dimensions of the common parts within a proposed higher-risk building;
  - (x) subject to paragraph (2), a change of any construction product or building element to be used in or on a proposed higher-risk building such that its replacement is of a lower classification under the reaction to fire classification (within the meaning in regulation 2(6) of the 2010 Regulations**(18)**);

**(18)** Paragraph (6) was inserted into regulation 2 of the 2010 Regulations by [S.I. 2018/1230](#) and amended by [S.I. 2022/603](#).

- (xi) a change to any assumptions made in the design of a proposed higher-risk building as set out in the Building Regulations compliance statement;
  - (xii) a change proposing occupation of any part of the proposed higher-risk building before all the work is completed;
  - (xiii) a change to the number of flats, residential rooms or commercial units contained in a proposed higher-risk building;
- (b) in relation to work to existing HRB—
- (i) a change which is a material change of use to any part of a higher-risk building;
  - (ii) a change of the use of any part of a higher-risk building so that after the change the part of the building is to have a use as a car park or cease to have a use as a car park (whether the car park is for the occupiers of the building or otherwise);
  - (iii) a change which increases or decreases the external height or width of a higher-risk building;
  - (iv) a change to the number of storeys in a higher-risk building (including adding or removing a mezzanine or gallery floor);
  - (v) a change to the structural design or structural loading of the building;
  - (vi) a change to the number or width of the staircases in a higher-risk building or a change to the length of any other escape route or the number or width of any escape route (including evacuation lift) within the building;
  - (vii) a change to the external wall of a higher-risk building including a wall tie, wall restraint fixing or support system in the wall;
  - (viii) a change to any part of the active fire safety measures or passive fire safety measures in a higher-risk building referred to in the fire and emergency file;
  - (ix) a change to the layout or dimensions of the common parts within a higher-risk building;
  - (x) subject to paragraph (2), a change of any construction product or building element to be used in or on a higher-risk building (or to be used as part of works to a higher-risk building) such that its replacement is of a lower classification under the reaction to fire classification (within the meaning in regulation 2(6) of the 2010 Regulations);
  - (xi) a change to any assumptions made in the design of a higher-risk building or works to a higher-risk building as set out in the Building Regulations compliance statement;
  - (xii) where the building or part of a building is not occupied during the work, a change proposing occupation before all the work is completed;
  - (xiii) a change to the number of flats, residential rooms or commercial units contained in a higher-risk building;
- (c) a change specified by the regulator as a major change by notice given in accordance with regulation 25 (change control: regulator power to specify notifiable changes and major changes);
- “notifiable change” means—
- (a) a change to the construction control plan other than a change to the schedule of appointments contained within it;
  - (b) a change to the change control plan;

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

- (c) a change to the layout of a flat or a residential room in a proposed higher-risk building or in a higher-risk building;
- (d) a change to the number or dimensions of any openings in any wall, ceiling or other building element for any pipe, duct or cable;
- (e) a change to the wall tie, wall restraint fixing or support system in any wall or proposed wall (excluding an external wall);
- (f) subject to paragraph (2), a change of any construction product or building element to be used in or on a proposed higher-risk building (or to be used as part of works to a higher-risk building) where its replacement is of the same or higher classification under the reaction to fire classification (within the meaning in regulation 2(6) of the 2010 Regulations);
- (g) any other change to the fire and emergency file or the fire safety compliance information;
- (h) a change specified by the regulator as a notifiable change by notice given in accordance with regulation 25 (change control: regulator power to specify notifiable changes and major changes);
- (i) a change to the partial completion strategy;
- (j) a change to a staged work statement or a subsequent stages statement (as defined in regulation 4(3)).

(2) Where an agreed document specifies use of a construction product or building element falling within a specified class, the change to another product or element falling within the same design specification is a recordable change.

#### Commencement Information

**I26** Reg. 26 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### New client etc **E+W**

27.—(1) Subject to paragraphs (4) and (5), if, at any time after building control approval for HRB work, a stage of HRB work or work to existing HRB is granted, a person (in this regulation “C”) ceases to be the client in relation to the work they must, not more than 14 days after the date they cease to be the client, provide the new client (in this regulation “N”) with—

- (a) a copy of the golden thread information;
- (b) information (including plans, drawings and other documents) which is sufficient to detail the work comprised in the project;
- (c) a document explaining the arrangements made under regulation 11A (suitable arrangements to ensure compliance with requirements etc) of the 2010 Regulations;
- (d) a statement, signed by C, which—
  - (i) provides the date C ceased to be the client, and
  - (ii) confirms that—
    - (aa) C has fulfilled their duties as the client under Part 2A (dutyholders and competence) of the 2010 Regulations,
    - (bb) C has provided a copy of the golden thread information to N, and
    - (cc) as far as C is aware, on the date they cease to be client, the design work, and the building work (if any has been carried out by that date), complies with all applicable requirements of the building regulations.

(2) Subject to paragraph (3), N must—

- (a) within 28 days of the date when N becomes the client, give a notice to the regulator which—
  - (i) states the date N became the client;
  - (ii) states the date when C ceased to be the client;
  - (iii) confirms N has received the documents referred to in paragraph (1);
  - (iv) confirms N is aware of the requirements imposed on a client by the building regulations;
  - (v) includes a copy of C’s statement under paragraph (1)(d), and
- (b) ensure—
  - (i) a record is made of the change of client in the change control log;
  - (ii) the construction control plan is revised, in accordance with regulation 18 (change control), to reflect the change.

(3) Where N is not able—

- (a) to confirm they have received the documents referred to in paragraph (1), or
- (b) to provide a copy of C’s statement under paragraph (1)(d),

then the notice sent under paragraph (2)(a) must explain the reasons for not providing the confirmation or not including a copy of the statement.

(4) Where—

- (a) a trustee in bankruptcy has been appointed in relation to a client, or
- (b) C’s property (or any part of it that includes the HRB project) vests in a liquidator under section 145 of the Insolvency Act 1986,

that person (IP) is not to be treated as a new client provided no building work has been carried out since their appointment or vesting, and where IP then disposes of C’s property to a new client paragraph (1) applies to IP as if—

- (i) sub-paragraphs (c) and (d) (except paragraph (bb)) were omitted, and
- (ii) where they are not able to confirm they have the documents referred to in paragraph (1)(a) then the notice sent under paragraph (2) by N must explain the reasons for not providing the confirmation.

(5) Where—

- (a) a deputy has been appointed by the Court of Protection in relation to C’s property and financial affairs, or
- (b) a person has power of attorney in relation to C’s property and they intend to act in the capacity of the client,

paragraph (6) applies instead of paragraph (1).

(6) Where paragraph (5) applies, a person who has taken over as the client on behalf of C must, within 28 days of taking any step as a client—

- (a) give a notice to the regulator which—
  - (i) states the date they took over as the client on behalf of C;
  - (ii) confirms they have—
    - (aa) a copy of the golden thread information;
    - (bb) information (including plans, drawings and other documents) which is sufficient to detail the work comprised in the project;

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

- (cc) a document explaining the arrangements made under regulation 11A (suitable arrangements to ensure compliance with requirements etc) of the 2010 Regulations;
  - (iii) confirms they are aware of the requirements imposed on a client by the building regulations;
  - (iv) includes a statement, signed by them, which confirms that as far as they are aware, on the date of the notice, the design work, and the building work (if any has been carried by that date), complies with all applicable requirements of the building regulations, and
- (b) ensure—
- (i) a record is made of them taking over as the client on behalf of C in the change control log;
  - (ii) the construction control plan is revised, in accordance with regulation 18 (change control), to reflect the change.
- (7) Where the person who has taken over as the client on behalf of C is not able to confirm they have the documents referred to in paragraph (6)(a)(ii) or make the statement required by paragraph (6)(a)(iv) then the notice sent under paragraph (6)(a) must explain the reasons for not providing the confirmation or not providing the statement.
- (8) Subject to paragraph (9), where C dies, C's personal representative ("PR") must, within 28 days of issue of grant to administer C's estate give a notice to the regulator which—
- (a) states the date of issue of grant to administer C's estate,
  - (b) states the date when C died,
  - (c) confirms PR has—
    - (i) a copy of the golden thread information,
    - (ii) information (including plans, drawings and other documents) which is sufficient to detail the work comprised in the project,
    - (iii) a document explaining the arrangements made under regulation 11A (suitable arrangements to ensure compliance with requirements etc) of the 2010 Regulations, and
  - (d) states whether or not PR intends to act as the client in relation to the project.
- (9) Where PR is not able to confirm they have the documents referred to in paragraph (8)(c) then the notice sent under paragraph (8) must explain the reasons for not providing the confirmation.
- (10) Where PR intends to act as the client in relation the project, PR must comply with paragraph (2) (except paragraphs (iii), (iv) and (v) of sub-paragraph (a)) and in the notice to be provided under paragraph (2) they must additionally confirm they have—
- (a) a copy of the golden thread information,
  - (b) information (including plans, drawings and other documents) which is sufficient to detail the work comprised in the project; and
  - (c) a document explaining the arrangements made under regulation 11A (suitable arrangements to ensure compliance with requirements etc) of the 2010 Regulations.
- (11) Where PR is not able to confirm they have the documents referred to in paragraph (10) then the notice referred to in paragraph (10) must explain the reasons for not providing the confirmation.
- (12) For purposes of this regulation a person is to be treated as a new client where a project is carried out for them instead of C but a person is not to be regarded as a new client by reason solely of

their purchase of, or their entering into a contract to purchase, a legal interest in a dwelling created or to be created in the higher-risk building.

(13) For the purposes of section 35(2) of the 1984 Act (provisions for which offence does not apply) paragraphs (6) and (8) are prescribed.

[<sup>F1</sup>(13A) For the purposes of section 35B(7)(a) of the 1984 Act (provisions for which compliance notice may not be given) paragraphs (6) and (8) are prescribed.]

(14) The requirements of this regulation do not apply—

- (a) to a domestic client; or
- (b) to work to existing HRB which consists only of—
  - (i) scheme work;
  - (ii) exempt work, or
  - (iii) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

#### Textual Amendments

**F1** Reg. 27(13A) inserted (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), 42(2) (with regs. 44-47)

#### Commencement Information

**I27** Reg. 27 in force at 1.10.2023, see reg. 1(1)

### Insolvency etc of the client: notifications **E+W**

**28.**—(1) Where the client becomes aware that any of the circumstances referred to in paragraph (2) apply in relation to them, the client must, not more than 14 days after that date, give a notice to the regulator which—

- (a) states that they are the client in relation to a project;
- (b) states the name and address of the client, and where the person is a company, also the company registration number;
- (c) gives details which are sufficient to identify every project of the client which relates to a higher-risk building;
- (d) provides so much of the information referred to in the table in rule 1.6 of the Insolvency (England and Wales) Rules 2016 as is known to them (**19**).

(2) The circumstances mentioned in paragraph (1) are—

- (a) a moratorium under Part A1 of the Insolvency Act 1986(**20**) has commenced;
- (b) a voluntary arrangement for the purposes of Part 1 of the Insolvency Act 1986 has been proposed under that Part of the Act;
- (c) a voluntary arrangement for the purposes of Part 8 of the Insolvency Act 1986 has been proposed and has taken effect under that Part of the Act.

(3) Subject to paragraph (5), where a person (“P”) described in paragraph (4) is appointed in relation to the client then not more than 14 days after the date P is appointed P must give a notice to the regulator which—

(19) S.I. 2016/1024.

(20) 1986 c. 45. Part A1 was inserted by section 1(1) of the Corporate Insolvency and Governance Act 2020 (c. 12).

*Status: Point in time view as at 06/04/2024.*

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- (a) states the name and address of the client in relation to which the appointment relates and gives details which are sufficient to identify every project of the client which relates to a higher-risk building;
  - (b) identifies the nature of the appointment held by P in relation to the client;
  - (c) states the name, address, telephone number and email address (if any) of P;
  - (d) provides so much of the information referred to in the table in rule 1.6 of the Insolvency (England and Wales) Rules 2016 as is known to them.
- (4) The persons referred to in paragraph (3) are—
- (a) an administrator;
  - (b) an administrative receiver;
  - (c) a receiver appointed by the courts or by a mortgagee;
  - (d) a liquidator;
  - (e) a trustee in bankruptcy.
- (5) Where under section 178 or 315 of the Insolvency Act 1986 any property in relation to a project is disclaimed, the person disclaiming the property must, within the period of 28 days beginning with the date the disclaimer took effect, give the regulator a copy of the notice of disclaimer under rule 19.2 of the Insolvency (England and Wales) Rules 2016.
- (6) For the purposes of section 35(2) of the 1984 Act (provisions for which offence does not apply) paragraph (3) is prescribed.
- [<sup>F2</sup>(6A) For the purposes of section 35B(7)(a) of the 1984 Act (provisions for which compliance notice may not be given) paragraph (3) is prescribed.]
- (7) The requirements of this regulation do not apply to a domestic client.

#### Textual Amendments

**F2** Reg. 28(6A) inserted (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **42(3)** (with regs. 44-47)

#### Commencement Information

**I28** Reg. 28 in force at 1.10.2023, see [reg. 1\(1\)](#)

### New principal contractor or principal designer etc: notification **E+W**

**29.**—(1) This paragraph applies where, at any time after building control approval for HRB work, a stage of HRB work or work to existing HRB is granted the client appoints a principal contractor (or sole contractor) or principal designer (or sole or lead designer).

(2) Where paragraph (1) applies, the client must give a notice, signed by the client, to the regulator containing—

- (a) the name, address, telephone number and (if available) email address of the person appointed,
- (b) a statement that the client—
  - (i) has complied with regulation 11E(2)(b) (consideration of past misconduct) of the 2010 Regulations,
  - (ii) is satisfied in the case of a principal contractor, that the person fulfils the requirements in regulations 11F(1) and (2) and 11H(1) of the 2010 Regulations,



- (iii) is satisfied in the case of a principal designer, that the person fulfils the requirements in regulations 11F(1) and (2) and 11G(1) of the 2010 Regulations,
  - (iv) is satisfied in the case of a sole contractor, or sole or lead designer, that the person fulfils the requirements in regulations 11F(1) and (2) of the 2010 Regulations,
  - (c) in relation to each principal contractor or principal designer, a copy of the record, in respect of the person, that the client created under regulation 11D(8) or (9) (principal designer and principal contractor) of the 2010 Regulations, and
  - (d) a declaration as to the truth of the statement referred to in sub-paragraph (b) and of the record (if any) referred to in sub-paragraph (c).
- (3) On request from the client, the person who was the principal contractor (or sole contractor) or principal designer (or sole or lead designer), as the case may be, before the appointment referred to in paragraph (1) must give the client a statement in writing, signed and dated by them, which sets out—
- (a) their name, address, telephone number and (if available) email address,
  - (b) the dates of their appointment,
  - (c) subject to paragraph (d), a certificate that—
    - (i) in the case of a person who was a principal contractor (or sole contractor), that they have fulfilled their duties as a principal contractor under Part 2A (dutyholders and competence) of the 2010 Regulations,
    - (ii) in the case of a person who was principal designer (or sole or lead designer), that they have fulfilled their duties as a principal designer under Part 2A (dutyholders and competence) of the 2010 Regulations,
  - (d) where a person is unable to certify that they have fulfilled their duties, a statement explaining what duties they were unable to fulfil and the reasons for not being able to do so.
- (4) The client must ensure the notice under paragraph (2) is accompanied by a copy of a statement provided to them under paragraph (3).
- (5) Where, at the date a client gives the notice under paragraph (2), the client is unable to obtain the statement under paragraph (3), the notice under paragraph (2) must be accompanied by a statement by the client explaining the steps the client has taken to obtain the statement together with any reasons the person referred to in paragraph (3) has given for not providing the statement.
- (6) The client must give the notice under paragraph (2) together with a copy of the statement referred to in paragraph (3) or, if applicable, a statement referred to in paragraph (5), to the regulator within the period of 14 days beginning with the date of the appointment.
- (7) The client must ensure—
- (a) a record is made of the change of principal contractor (or sole contractor) or principal designer (or sole or lead designer) in the change control log, and
  - (b) the construction control plan is revised, in accordance with regulation 18 (change control), to reflect the change.
- (8) Where the client is a domestic client (DC), the following applies instead of paragraphs (2) to (7)—
- (a) except where the person appointed (PA) is the first person appointed to the role, the person who held the role before PA (“outgoing dutyholder”) must, within five days of the date their appointment ends, give the DC a notice which sets out—
    - (i) their name, address, telephone number and (if available) email address;
    - (ii) the date their appointment ended;
    - (iii) subject to paragraph (b), a certificate that—

*Status: Point in time view as at 06/04/2024.*

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- (aa) in the case of a person who was a principal contractor (or sole contractor), that they fulfilled their duties as a principal contractor under Part 2A (dutyholders and competence) of the 2010 Regulations;
- (bb) in the case of a person who was principal designer (or sole or lead designer), that they fulfilled their duties as a principal designer under Part 2A (dutyholders and competence) of the 2010 Regulations;
- (b) where the outgoing dutyholder is unable to certify that they fulfilled their duties, a statement explaining what duties they were unable to fulfil and the reasons for not being able to do so;
- (c) DC must provide the information referred to under sub-paragraph (a) and, as the case may be, (b) to PA on the date of appointment of PA or as soon as practicable after that date;
- (d) subject to paragraph (10), PA must give a notice to the regulator which includes—
  - (i) the location of the building work;
  - (ii) the name, address, telephone number and (if available) email address of PA and the date of appointment;
  - (iii) except where PA is the first person appointed to the role, the name, address, telephone number and (if available) email address of the outgoing dutyholder and the date their appointment ended;
  - (iv) a statement explaining the notice is given on behalf of a domestic client.
- (9) PA must ensure the notice under paragraph (8)(d) is accompanied by a copy of a certificate provided to them under paragraph (8)(a) or a statement provided to them under paragraph (8)(b).
- (10) Where PA has not received the information required to be provided under paragraph (8)(c) by the time the notice under paragraph (8)(d) is to be given, the statement given by PA under paragraph (8)(d)(iv) must also include an explanation to that effect.
- (11) A notice required under paragraph (8)(d) must be given to the regulator within the period of 14 days beginning with the date of the appointment.
- (12) PA must ensure—
  - (a) a record is made of the change of principal contractor (or sole contractor) or principal designer (or sole or lead designer) in the change control log, and
  - (b) the construction control plan is revised, in accordance with regulation 18 (change control), to reflect the change.

#### Commencement Information

**I29** Reg. 29 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Variation of a requirement imposed on a building control approval **E+W**

**30.**—(1) In relation to HRB work, a stage of HRB work or work to existing HRB, a client may request, by notice in writing, that the regulator vary a requirement imposed on a building control approval.

- (2) A notice under paragraph (1) must be made in writing, signed by the client, and must include—
  - (a) the name, address, telephone number and (if available) email address of the client,
  - (b) a statement that the notice is given under this regulation,
  - (c) a description of the proposed variation,

- (d) an explanation of the reasons why the variation is proposed,
  - (e) a list of the name and occupation of each person, if any, whose advice was sought in relation to the proposed variation and a summary of any advice provided.
- (3) Where the notice under paragraph (1) is given by someone on behalf of the client, it must include a statement signed by the client confirming they agree to the notice being given and that the information contained in the application is correct.
- (4) Where the regulator receives a notice under paragraph (1) the regulator must determine whether to grant the variation within 28 days of receipt of the notice or within such longer period as at any time the regulator and the person giving the notice agree in writing.
- (5) Where the regulator has not determined whether to grant the variation before the expiry of the period provided for in paragraph (4) then the variation is treated as refused by the regulator.
- (6) Where a requirement is varied the regulator must give the client a notice setting out the requirement as varied.
- (7) If requested by the client, the regulator must provide a paper copy of the notice.
- (8) Where the regulator does not agree to the variation the regulator must notify the client giving reasons.

**Commencement Information**

**I30** Reg. 30 in force at 1.10.2023, see [reg. 1\(1\)](#)

## PART 4 **E+W**

Golden thread, mandatory occurrence reporting, information handover etc

### Golden thread **E+W**

- 31.—(1)** The arrangements made by a client under regulation 11A (suitable arrangements to ensure compliance with requirements etc) of the 2010 Regulations must include—
- (a) where the work is HRB work or a stage of HRB work—
    - (i) arrangements for an electronic facility to be created and maintained by the client (or someone on their behalf) for the purpose of holding the golden thread information;
    - (ii) procedures for persons involved with designing or carrying out the work to have access to the facility for the purpose of maintaining the golden thread information in the facility;
  - (b) where the work is work to existing HRB—
    - (i) arrangements for an electronic facility which holds the golden thread information to be maintained by the client (or someone on their behalf) for the purpose of updating the golden thread information in relation to the work;
    - (ii) procedures for persons involved with designing or carrying out the work to have access to the facility for the purpose of maintaining the golden thread information in the facility.
- (2) The client must ensure the golden thread information—
- (a) is kept in an electronic format,
  - (b) is capable of being transferred electronically to other persons without the data, information or document in it being lost or corrupted,

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*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

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- (c) is accurate and up to date,
- (d) is available in a readable format which is intelligible to the intended readers of the data, and any key needed to understand the data is provided with the data,
- (e) is made available as soon as reasonably practicable following a request from a principal designer (or sole or lead designer) or principal contractor (or sole contractor) to enable them to comply with their requirements under the building regulations,
- (f) is secure from unauthorised access,
- (g) is only changed in accordance with procedures which record the person who made the change and the date of that change, and
- (h) as far as is reasonably practicable uses language, terminology and definitions which are consistent.

(3) The principal designer (or sole or lead designer) must ensure designs for the building work produced before a building control approval application for HRB work, a stage of HRB work or work to existing HRB is submitted are provided to the client and the client must ensure, before the construction phase begins (or, in the case of a stage of HRB work, that stage begins), the facility referred to in paragraph (1) is updated to include the design.

(4) Where building control approval for HRB work, a stage of HRB work or work to existing HRB is granted the client must ensure, before the construction phase begins (or, in the case of a stage of HRB work, that stage begins), the facility referred to in paragraph (1) includes—

- (a) a copy of the fire statement in relation to the higher-risk building or proposed higher-risk building,
- (b) where the work is HRB work or a stage of HRB work, a copy of the plans and each of the other documents for the proposed higher-risk building which are approved under regulation 7(8)(b) (building control approval applications for HRB work or stage of HRB work: decisions) together with all the evidence recorded to show compliance with the applicable requirements of the building regulations, and
- (c) where the work is work to existing HRB, a copy of the plans and each of the other documents for the work which are approved under regulation 15(8)(b) (building control approval applications for work to existing HRB: decisions) together with all the evidence recorded to show compliance with the applicable requirements of the building regulations.

(5) Where regulation 10 (notification of emergency repairs to existing HRB) applies in relation to the work, the client must ensure a copy of the notice required under regulation 10(1)(a) is included in the facility referred to in paragraph (1).

(6) Where an agreed document is provided or approved under the terms of a requirement imposed on the grant of a building control approval under—

- (a) regulation 7 (building control approval applications for HRB work or stage of HRB work: decisions);
- (b) regulation 15 (building control approval applications for work to existing HRB: decisions);
- (c) regulation 24 (change control applications: decisions),

the client must ensure the facility referred to in paragraph (1) is updated to include a copy of that agreed document as soon as practicable after the document is provided or approved.

(7) Where a controlled change is proposed the client must ensure a copy of the record required to be made under regulation 18(2)(a) (change control) is included in the facility referred to in paragraph (1) as soon as practicable after the change is recorded and where the proposed change is not carried out the facility referred to in paragraph (1) must be updated with a note to that effect.

(8) Where a controlled change is proposed and an agreed document is affected by the change, the client must ensure a copy of the revised version of the document required to be produced under

regulation 18(2)(b) (change control) is included in the facility referred to in paragraph (1) as soon as practicable after the revised version is produced and where the proposed change is not carried out the facility referred to in paragraph (1) must be updated with a note to that effect.

(9) Where a notice is given under regulation 29 (new principal contractor or principal designer etc: notification), the client must ensure the facility referred to in paragraph (1) is updated to include a copy of the notice and any statement which accompanied that notice as soon as practicable after the notice is given.

(10) Where a written report is provided to the regulator under regulation 33 (mandatory occurrence reporting: reporting to the regulator), the client must ensure the facility referred to in paragraph (1) is updated to include a copy of that report as soon as practicable after the report is provided.

(11) Where the client proposes to make a completion certificate application or a partial completion certificate application they must ensure the facility referred to in paragraph (1) is updated to include a copy of the proposed application and a copy of each document which it is proposed will accompany the application.

(12) The requirements of this regulation do not apply to work to existing HRB which consists only of—

- (a) scheme work, or
- (b) exempt work.

(13) In this regulation—

“fire statement” means any statement in relation to the higher-risk building or proposed higher-risk building submitted in accordance with article 9A of the Town and Country Planning (Development Management Procedure) (England) Order 2015<sup>(21)</sup>;

“golden thread information” means the information required by this regulation to be included in the facility referred to in paragraph (1), including previous versions of any document which has been updated.

#### Commencement Information

**I31** Reg. 31 in force at 1.10.2023, see [reg. 1\(1\)](#)

### Mandatory occurrence reporting system **E+W**

**32.**—(1) The principal dutyholders<sup>(22)</sup> must—

- (a) before the construction phase begins, establish a system which enables as far as is reasonably practicable the prompt reporting of every safety occurrence to the principal dutyholders by reporting persons, and
- (b) maintain the system throughout the construction phase.

(2) The principal dutyholders must take reasonable steps to ensure each reporting person is provided with adequate instruction and information on the system established by virtue of paragraph (1) and the incidents or situations that should be reported by the reporting person through the system—

- (a) in the case of a designer or contractor, before beginning any work;
- (b) in the case of any other person, as soon as reasonably practicable after first entering the site of the work.

<sup>(21)</sup> S.I. 2015/595. Article 9A was inserted by S.I. 2021/746.

<sup>(22)</sup> See definition in regulation 35 (mandatory occurrence reporting: definitions).

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

(3) The principal contractor (or sole contractor) must ensure an appropriate frequency of inspections of the work for safety occurrences throughout the construction phase.

(4) The principal designer (or sole or lead designer) must ensure an appropriate frequency of inspections of HRB design work for safety occurrences throughout the construction phase.

(5) The requirements of this regulation do not apply to work to existing HRB which consists only of—

- (a) exempt work, or
- (b) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

#### Commencement Information

**I32** Reg. 32 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Mandatory occurrence reporting: reporting to the regulator **E+W**

**33.**—(1) Where there is a safety occurrence during the construction phase, a principal dutyholder must follow the reporting procedure on becoming aware of the occurrence.

(2) For the purposes of this regulation, “the reporting procedure” means—

- (a) notifying the regulator of the safety occurrence by the quickest practicable means without undue delay, and
- (b) providing a written report of the occurrence containing the required information (as set out in paragraph (3)) to the regulator within the period of 10 days beginning with the date the principal dutyholder becomes aware of the safety occurrence.

(3) The required information referred to in paragraph (2) is—

- (a) the date and time of the safety occurrence;
- (b) the address of the site at which the occurrence happened;
- (c) the name, address, telephone number and (if available) an email address of the principal dutyholder making the report;
- (d) the type and details of the occurrence (including the nature of the risk);
- (e) details of remedial measures or mitigation carried out.

(4) Information provided by a person under the reporting procedure is not admissible in evidence against that person in criminal proceedings except—

- (a) in proceedings for an offence under section 35 of the 1984 Act (offence of contravening building regulations etc) relating to breach of the duty in paragraph (1),
- (b) in proceedings for an offence under section 24 of the 2022 Act (provision of false or misleading information to regulator),
- (c) in proceedings for an offence of perverting the course of justice, or
- (d) if in the proceedings—
  - (i) in giving evidence the person makes a statement inconsistent with the information, and
  - (ii) evidence as to the information that was provided is adduced, or a question relating to it is asked, by or on behalf of the person.

(5) The requirements of this regulation do not apply to work to existing HRB which consists only of—

- (a) exempt work, or

- (b) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

**Commencement Information**

I33 Reg. 33 in force at 1.10.2023, see [reg. 1\(1\)](#)

**Mandatory occurrence reporting: defences** **E+W**

34. Where a principal dutyholder has committed an offence under section 35 of the 1984 Act of contravening these Regulations by failing to follow the reporting procedure in relation to a safety occurrence as required by regulation 33 (mandatory occurrence reporting: reporting to the regulator), it is a defence for the principal dutyholder if it reasonably believed that the other principal dutyholder had—

- (a) already notified the regulator of the safety occurrence under regulation 33, and
- (b) already provided the regulator with a written report of the safety occurrence under regulation 33.

**Commencement Information**

I34 Reg. 34 in force at 1.10.2023, see [reg. 1\(1\)](#)

**Mandatory occurrence reporting: definitions** **E+W**

35. In regulations 32 to 34—

“construction phase” means the period of time beginning when the HRB work, a stage of HRB work or work to existing HRB starts and ending when the work is completed;

“HRB design work” means design of any HRB work, stage of HRB work or work to existing HRB;

“principal dutyholders” means the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);

“reporting person” means—

- (a) any designer (including the principal designer),
- (b) any contractor (including the principal contractor), and
- (c) any other person who is a periodic visitor on the site of work;

“safety occurrence” means—

- (a) in relation to a design, an aspect of the design relating to the structural integrity or fire safety of a higher-risk building that would, if built, meet the risk condition;
- (b) otherwise, an incident or situation relating to the structural integrity or fire safety of a higher-risk building that meets the risk condition.

(2) In the definition of “safety occurrence”, the “risk condition” is that use of the building in question without the incident or situation being remedied would be likely to present a risk of a significant number of deaths, or serious injury to a significant number of people.

**Commencement Information**

I35 Reg. 35 in force at 1.10.2023, see [reg. 1\(1\)](#)

*Status: Point in time view as at 06/04/2024.*

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### **Mandatory occurrence reporting: regulator’s annual report** **E+W**

36. Regulation 33(1) (mandatory occurrence reporting: reporting to the regulator) is prescribed for the purposes of section 19(2)(b) of the 2022 Act.

#### **Commencement Information**

**I36** Reg. 36 in force at 1.10.2023, see **reg. 1(1)**

### **Mandatory occurrence reporting: client duty on appointment of principal contractor or principal designer** **E+W**

37. Where, in relation to HRB work, a stage of HRB work or work to existing HRB, the client appoints a principal contractor (or sole contractor) or principal designer (or sole or lead designer), then the client must take all reasonable steps to satisfy itself that the person appointed is able to fulfil the requirements in regulations 32 (mandatory occurrence reporting system) and 33 (mandatory occurrence reporting: reporting to the regulator).

#### **Commencement Information**

**I37** Reg. 37 in force at 1.10.2023, see **reg. 1(1)**

### **Handover of information on completion etc** **E+W**

38.—(1) The client for HRB work, a stage of HRB work or work to existing HRB must give—

- (a) the BFLO information; and
- (b) the specified golden thread information,

to the relevant person no later than the date the work is completed, or where regulation 45 (partial completion certificates) applies no later than the date the part of the building is to be occupied.

(2) The golden thread information given under paragraph (1) must be provided in such a way as to retain the filing structure in which it was kept, including each index, key or other information logically associated with it and in a format which enables the relevant person to read, keep and update the information.

(3) The relevant person must give the client a notice acknowledging receipt of the specified golden thread information which confirms—

- (a) they are able to access the information, and
- (b) the information provided is sufficient to enable them to understand, operate and maintain the building (and the fire safety systems in it) after the building work.

(4) The requirements of paragraph (1) do not apply to work to existing HRB which consists only of—

- (a) scheme work;
- (b) exempt work, or
- (c) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

(5) In this regulation—

“BFLO information” means—

- (a) where Part B of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the work, the fire safety information;



- (b) where paragraph F1(1) of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the work, sufficient information about the building's ventilation system and its maintenance requirements so that the ventilation system can be operated in such a manner as to provide adequate means of ventilation;
- (c) where paragraph L1 of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the work, sufficient information about the building, the fixed building services and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and power than is reasonable in the circumstances;
- (d) where paragraph L2 of Schedule 1 to the 2010 Regulations applies in relation to the work, sufficient information about the system for on-site electricity generation in respect of its operation and maintenance requirements so that the system may be operated and maintained in such a manner as to produce the maximum electricity that is reasonable in the circumstances and delivers this electricity to the optimal place for use; and
- (e) where Part O of Schedule 1 to the 2010 Regulations applies in relation to the work, sufficient information about the provision made in accordance with Part O so that the systems in place further to Part O can be operated in such a manner as to protect against overheating;

“relevant person” means—

- (a) where, after building work is completed, a building is not a higher-risk building for the purposes of Part 4 of the 2022 Act, the responsible person for the building;
- (b) in any other case, the accountable person for the part of the building to which the work relates<sup>(23)</sup> and the responsible person (if any) for the building;

“responsible person” has the meaning given in article 3 of the Regulatory Reform (Fire Safety) Order 2005<sup>(24)</sup>;

“specified golden thread information” means—

- (a) in relation to cases where regulation 45 applies, a copy of—
  - (i) the partial completion certificate application in relation to the HRB work, the stage of HRB work or, as the case may be, work to existing HRB which the client proposes to make, and
  - (ii) each document which under regulation 45 (partial completion certificate applications) is required to accompany the application;
- (b) in relation to any other case, a copy of—
  - (i) the completion certificate application in relation to the HRB work, the stage of HRB work or, as the case may be, work to existing HRB which the client proposes to make; and
  - (ii) each document which under regulation 40 (completion certificate applications) is required to accompany the application.

### Commencement Information

**I38** Reg. 38 in force at 1.10.2023, see [reg. 1\(1\)](#)

<sup>(23)</sup> Accountable person is defined in section 72 of the Building Safety Act 2022.

<sup>(24)</sup> S.I. 2005/1541 to which there are amendments not relevant to this provision.

**Information to be provided where work is scheme work E+W**

**39.**—(1) Where work to existing HRB consists only of scheme work and Part B of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the work, the certifier must give the fire safety information to the client and the responsible person no later than—

- (a) where the building to which the building work relates is not occupied during the work, the date of completion of the work or the date of occupation of the building, whichever is the earlier;
- (b) in any other case, the date of completion of the work.

(2) The responsible person must give the certifier a notice acknowledging receipt of the fire safety information and confirming the information provided is sufficient to enable them to understand, operate and maintain the building (and the fire safety systems in it) after the building work in question and give a copy of that notice at the same time to the client.

(3) The certifier must notify the client—

- (a) confirming that they have given fire safety information to the responsible person, and
- (b) stating that they have received a notice from the responsible person pursuant to paragraph (2) or where they have not received the notice, stating the steps taken to obtain the notice from the responsible person and the dates they were taken.

(4) The notification under paragraph (3) must be given no later than 7 days after the date referred to in paragraph (1).

(5) Within 30 days of receiving the notification under paragraph (4) the client must notify the regulator confirming receipt of the notification from the certifier.

(6) Where work to existing HRB consists only of scheme work and paragraph F1(1) of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the work, the certifier must, not later than five days after the work has been completed, give sufficient information to the client and the responsible person about the building's ventilation system and its maintenance requirements so that the ventilation system can be operated in such a manner as to provide adequate means of ventilation.

(7) Where work to existing HRB consists only of scheme work and paragraph L1 of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the work, the certifier must, not later than five days after the work has been completed, provide to the client and the responsible person sufficient information about the building, the fixed building services and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and power than is reasonable in the circumstances.

(8) Where work to existing HRB consists only of scheme work and paragraph L2 of Schedule 1 to the 2010 Regulations applies in relation to the work, the certifier must, not later than five days after the work has been completed, provide to the client and the responsible person sufficient information about the system for on-site electricity generation in respect of its operation and maintenance requirements so that the system may be operated and maintained in such a manner as to produce the maximum electricity that is reasonable in the circumstances and delivers this electricity to the optimal place for use.

(9) In this regulation—

“certifier” means—

- (a) where the work is described in column 1 of the Table in Schedule 3 to the 2010 Regulations and the work is to be carried out by a person described in the corresponding entry in column 2 of that Table, the person carrying out the work;
- (b) where the work is described in column 1 of the Table in Schedule 3A to the 2010 Regulations and the work is to be inspected by a person described in the corresponding

entry in column 2 of that Table who has been appointed by the person intending to carry out the work, the person inspecting the work;

“fire safety information” means information relating to—

- (a) the design and construction of the building and the services, fittings and equipment provided in or in connection with the building;
- (b) the design of the material change of use and building work to implement it;
- (c) the composition of materials used,

which will assist the responsible person to operate and maintain the building with reasonable safety;

“responsible person” has the meaning given in article 3 of the Regulatory Reform (Fire Safety) Order 2005.

#### Commencement Information

**I39** Reg. 39 in force at 1.10.2023, see [reg. 1\(1\)](#)

## PART 5 **E+W**

### Completion certificates

#### Completion certificate applications **E+W**

**40.**—(1) An application for a completion certificate in relation to HRB work, a stage of HRB work or work to existing HRB (“a completion certificate application”) must be made in writing to the regulator, signed by the client (in this Part “the applicant”), and 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 application is made under this regulation;
- (d) a description of the work, as built, including—
  - (i) the location of the higher-risk building;
  - (ii) details of the use or intended use of the higher-risk building, including the use or intended use of each storey;
  - (iii) the height of the higher-risk building as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023(**25**);
  - (iv) the number of storeys in the higher-risk building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (v) the number of flats, the number of residential rooms and the number of commercial units contained in the higher-risk building;
  - (vi) the provision made for the drainage of the higher-risk building;

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*Status: Point in time view as at 06/04/2024.*

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- (vii) where paragraph H4 of Schedule 1 to the 2010 Regulations imposes a requirement, the precautions taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph;
  - (viii) the steps taken to comply with any local enactment that applies;
  - (e) a statement, signed by the client, confirming that to the best of the client's knowledge—
    - (i) in the case of HRB work, the higher-risk building, as built, complies with all applicable requirements of the building regulations;
    - (ii) in the case of a stage of HRB work, the stage, as built, complies with all applicable requirements of the building regulations;
    - (iii) in the case of work to existing HRB, the work, as built, complies with all applicable requirements of the building regulations;
  - (f) a statement, signed by both the client and the relevant person, confirming that the information to be provided to the relevant person in accordance with regulation 38 (handover of information on completion etc) has been given and the relevant person has received the information.
- (2) A completion certificate application must be accompanied by—
- (a) a notice stating the date on which the building work was completed,
  - (b) a plan to a scale of not less than 1:1250 showing—
    - (i) the size and position of the higher-risk building and its relationship to adjoining boundaries;
    - (ii) the boundaries of the curtilage of the building, and the size, position and use of every other building within the curtilage;
    - (iii) the width and position of any street on or within the boundaries of the curtilage of the building;
  - (c) such other plans that are necessary to show that the HRB work, a stage of HRB work or work to existing HRB complied with all applicable requirements of the building regulations;
  - (d) the following agreed documents—
    - (i) the construction control plan;
    - (ii) the change control plan;
    - (iii) the mandatory occurrence reporting plan;
    - (iv) the Building Regulations compliance statement;
    - (v) a fire and emergency file,or, where regulation 12(3) (building control approval applications for work to existing HRB) applies, such of the documents referred to in paragraphs (i) to (v) as were approved under regulation 15 (building control approval applications for work to existing HRB: decisions);
  - (e) a copy of the change control log updated to show all the changes for the project required by these Regulations to be included in the log,
  - (f) subject to paragraph (3), a compliance declaration signed by—
    - (i) each principal contractor (or sole contractor) for the HRB work, the stage of HRB work or work to existing HRB, and
    - (ii) each principal designer (or sole or lead designer) for the HRB work, the stage of HRB work or work to existing HRB,

if such a statement was not already provided to the regulator, in relation to that part of the work, under regulation 29 (new principal contractor or principal designer etc: notification);

- (g) 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) Where a client is unable to ensure the person mentioned in paragraph (2)(f) provides a compliance declaration, the completion certificate application must be accompanied by a statement by the client giving the reasons why the declaration has not been provided.

(4) The requirements of this regulation do not apply to work to existing HRB which consists only of—

- (a) scheme work;
- (b) exempt work, or
- (c) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

(5) In this regulation, “compliance declaration” means a document, signed by the principal contractor (or sole contractor) or the principal designer (or sole or lead designer) to which the declaration relates, that includes—

- (a) the name, address, telephone number and (if available) email address of that person;
- (b) the dates of their appointment, and
- (c) a statement confirming—
  - (i) 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 the 2010 Regulations;
  - (ii) 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 the 2010 Regulations.

#### Commencement Information

**I40** Reg. 40 in force at 1.10.2023, see [reg. 1\(1\)](#)

### Completion certificate applications: validity and time limit **E+W**

**41.**—(1) Where the regulator receives a completion certificate application in relation to HRB work, a stage of HRB work or work to existing HRB which is valid the regulator must—

- (a) notify the applicant to that effect, and
- (b) determine it within 8 weeks beginning with the date the application is received by the regulator or within such longer period as at any time the regulator and the applicant agree in writing.

(2) Where the regulator receives a completion certificate application which is not valid the regulator must notify the applicant to that effect giving reasons (and where the applicant is not the client, also give a copy of the notification to the client).

(3) A completion certificate application is valid if it complies with regulation 40 (completion certificate applications).

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

#### Commencement Information

**I41** [Reg. 41](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Completion certificate applications: consultation **E+W**

- 42.**—(1) Before determining a completion certificate application the regulator must consult—
- (a) where the work to which the application relates is—
    - (i) HRB work or a stage of HRB work,
    - (ii) category A work, or
    - (iii) category B work and Part B of Schedule 1 to the 2010 Regulations imposes requirements in relation to the work,
 the enforcing authority (within the meaning of article 25 of the Regulatory Reform (Fire Safety) Order 2005) for the building, and
  - (b) the sewerage undertaker for the building where paragraph H4 of Schedule 1 to 2010 Regulations imposes requirements in relation to the work to which the application relates.
- (2) Where the regulator is required to consult a person under this regulation the regulator—
- (a) must give the person sufficient plans to show whether the work, as built, complies with—
    - (i) in the case of the enforcing authority, the applicable requirements of Part B (fire safety) of Schedule 1 to the 2010 Regulations;
    - (ii) in the case of the sewerage undertaker, the requirements of paragraph H4 of Schedule 1 to the 2010 Regulations;
  - (b) must not determine the application until the expiry of a period of 15 working days beginning with the date the consultation starts or such longer period as the regulator and the person consulted agree in writing.
- (3) In relation to the consultation under paragraph (1)(a) the plans given must include the fire and emergency file or, where the work to which the application relates is category B work, the fire safety compliance information.
- (4) If all persons consulted express their views before the end of the period referred to in paragraph (2)(b) then the prohibition against determining the application ceases to apply on the day after the date on which their views are received by the regulator.
- (5) The regulator is not required to consult under this regulation where it is satisfied following consideration of the application there are sufficient grounds to reject the application.
- (6) In this regulation, “category A work” and “category B work” have the meanings given in regulation 12 (building control approval applications for work to existing HRB).

#### Commencement Information

**I42** [Reg. 42](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Completion certificate applications: inspection **E+W**

- 43.** Before determining a completion certificate application the regulator must arrange an inspection of the completed HRB work, stage of HRB work or work to existing HRB for the purpose of assessing whether the work complies with all applicable requirements of the building regulations.

**Commencement Information**

**I43** Reg. 43 in force at 1.10.2023, see **reg. 1(1)**

**Completion certificate applications: decisions** **E+W**

**44.**—(1) The regulator must approve a completion certificate application and issue a completion certificate, if it is satisfied, after taking all reasonable steps, that—

- (a) HRB work, stage of HRB work or work to existing HRB is completed and complies with all applicable requirements of the building regulations;
- (b) the documents and information listed in regulation 40(2)(a) to (d) (completion certificate applications) and submitted as part of the completion certificate application are complete and accurate;
- (c) the information required to be provided to the relevant person in accordance with regulation 38 (handover of information on completion etc) is complete and has been provided.

(2) If the regulator is not satisfied in accordance with paragraph (1) it must reject the completion certificate application.

(3) The regulator must notify the applicant of the outcome of the application (and where the applicant is not the client, also give a copy of the notification to the client) within the period referred to in regulation 41 (completion certificate applications: validity and time limit).

(4) A notice that the application has been rejected must give the reasons for rejection.

(5) If the application is approved the regulator must issue a completion certificate for the higher-risk building at the same time as giving the notice of its decision under paragraph (3).

(6) If requested by the applicant or the relevant person, the regulator must provide a paper copy of the completion certificate.

(7) A certificate issued under this regulation is evidence (but not conclusive evidence) that all applicable requirements of the building regulations have been complied with in relation to the HRB work, the stage of HRB work or, as the case may be, the work to existing HRB.

(8) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (7).

(9) When the completion certificate application is approved the client must ensure the relevant person (as defined in regulation 38 (handover of information on completion etc)) is sent—

- (a) a copy of the completion certificate application and each of the other documents which accompanied the application, and
- (b) a copy of the completion certificate.

**Commencement Information**

**I44** Reg. 44 in force at 1.10.2023, see **reg. 1(1)**

**Partial completion certificates** **E+W**

**45.**—(1) This regulation applies where—

- (a) HRB work or a stage of HRB work is being carried out in relation to a building and the building (or any part of it) is to be occupied before completion of the work;

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*Status: Point in time view as at 06/04/2024.*

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- (b) work to existing HRB is being carried out in relation to a building and before completion of the work—
  - (i) any part of the building which ceased to be occupied in order for the work to be carried out is to be re-occupied, or
  - (ii) any new unit created by the work is to be occupied before completion of the work.

(2) Where this regulation applies, before the occupation referred to in paragraph (1) the client must make an application for a completion certificate in relation to part of the work for the building (“partial completion certificate application”) in writing to the regulator, signed by the client (in this regulation “the applicant”), the application 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 application is made under this regulation;
- (d) a plan showing the part of the building to which the application relates indicating the intended use of that part and the location of the flats (if any) to be occupied or residential rooms (if any) to be occupied;
- (e) a description of the part of the HRB work, the stage of HRB work or work to existing HRB that remains to be completed after the date on which the application is made;
- (f) a description of the part of the HRB work, the stage of HRB work or work to existing HRB to which the application relates, including—
  - (i) the location of the higher-risk building;
  - (ii) details of the use or intended use of the higher-risk building, including the use or intended use of each storey;
  - (iii) the height of the higher-risk building as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023<sup>(26)</sup>;
  - (iv) the number of storeys in the higher-risk building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (v) the number of flats, the number of residential rooms and the number of commercial units contained in the higher-risk building;
  - (vi) the provision made for the drainage of the higher-risk building;
  - (vii) where paragraph H4 of Schedule 1 to the 2010 Regulations imposes a requirement, the precautions taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph;
  - (viii) the steps taken to comply with any local enactment that applies;
- (g) a statement, signed by the client, confirming that to the best of the client’s knowledge the part of the HRB work, the stage of HRB work or work to existing HRB to which the application relates complies with all applicable requirements of the building regulations;
- (h) a statement, signed by both the client and the relevant person, confirming that the information, as at the date on which the application is made, to be provided in accordance with regulation 38 (handover of information on completion etc) has been given and the relevant person has received the information;

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(26) S.I. 2023/275.



- (i) a statement (“partial occupation statement”) setting out a detailed description of the proposed stages of the work (including an estimate of the time when each stage of the work will start).
- (3) A partial completion certificate application must be accompanied by—
  - (a) a plan to a scale of not less than 1:1250 showing—
    - (i) the size and position of the higher-risk building, together with the part of the HRB work, the stage of HRB work or work to existing HRB to which the application relates, and the building’s relationship to adjoining boundaries;
    - (ii) the boundaries of the curtilage of the building, and the size, position and use of every other building within the curtilage;
    - (iii) the width and position of any street on or within the boundaries of the curtilage of the building;
  - (b) such other plans that are necessary to show that the part of the HRB work, the stage of HRB work or work to existing HRB to which the application relates complied with all applicable requirements of the building regulations;
  - (c) the following agreed documents—
    - (i) the construction control plan;
    - (ii) the change control plan;
    - (iii) a mandatory occurrence reporting plan;
    - (iv) the Building Regulations compliance statement;
    - (v) a fire and emergency file;or, where regulation 12(3) (building control approval applications for work to existing HRB) applies, such of the documents referred to in paragraphs (i) to (v) as were approved under regulation 15 (building control approval applications for work to existing HRB: decisions);
  - (d) a copy of the change control log updated, up to the date on which the application is made, to show all the changes for the project required by these Regulations to be included in the log;
  - (e) subject to paragraph (4), a compliance declaration signed by—
    - (i) each principal contractor (or sole contractor) for the HRB work, the stage of HRB work or work to existing HRB, and
    - (ii) each principal designer (or sole or lead designer) for the HRB work, the stage of HRB work or work to existing HRB,if such a statement was not already provided to the regulator, in relation to that part of the work, under regulation 29 (new principal contractor or principal designer etc: notification);
  - (f) a partial completion strategy;
  - (g) 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.
- (4) Where a client is unable to ensure the person mentioned in paragraph (3)(e) provides a compliance declaration, the partial completion certificate application must be accompanied by a statement by the client giving the reasons why the declaration has not been provided.
- (5) Where the regulator receives a partial completion certificate application which is valid the regulator must—
  - (a) notify the applicant to that effect, and

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- (b) determine it within 8 weeks beginning with the date the application is received by the regulator or within such longer period as at any time the regulator and the applicant agree in writing.
- (6) Where the regulator receives a partial completion certificate application which is not valid the regulator must notify the applicant to that effect giving reasons (and where the applicant is not the client, also give a copy of the notification to the client).
- (7) A partial completion certificate application is valid if it complies with paragraphs (2) to (4).
- (8) Before determining a partial completion certificate application the regulator must—
- (a) comply with regulation 42(1) to (3) (completion certificates applications: consultation), as modified by paragraph (9);
  - (b) comply with regulation 43(1) (completion certificates applications: inspection) as modified by paragraph (9).
- (9) Regulations 42 (completion certificates applications: consultation) and 44 (completion certificates applications: inspection) and Schedule 1 have effect with the following modifications—
- (a) any reference to as built is to be treated as a reference to as completed at the date on which the application is made;
  - (b) any reference to HRB work is to be treated as a reference to the part of the HRB work to which the application relates;
  - (c) any reference to work to existing HRB is to be treated as a reference to the part of work to existing HRB to which the application relates;
  - (d) any reference to a higher-risk building is to be treated as a reference to the building to which HRB work, the stage to HRB work or work to existing HRB is being carried out.
- (10) The regulator must approve the partial completion certificate application and issue a partial completion certificate, if it is satisfied, after taking all reasonable steps, that—
- (a) the part of the HRB work or work to existing HRB which the application relates complies with all applicable requirements of the building regulations and the part of the building to be occupied before completion of the HRB work or work to existing HRB complies with all applicable requirements of the building regulations;
  - (b) the documents and information listed in paragraphs (2) and (3) and submitted as part of the application are complete and accurate;
  - (c) the information, as at the date on which the application is made, to be provided to the relevant person in accordance with regulation 38 (handover of information on completion etc) has been given.
- (11) If the regulator is not satisfied in accordance with paragraph (10) it must reject the partial completion certificate application.
- (12) The regulator must notify the applicant of the outcome of the application (and where the applicant is not the client, also give a copy of the notification to the client) within the period referred to in paragraph (5).
- (13) A notice that the application has been rejected must give the reasons for rejection.
- (14) If the application is approved the regulator must issue a partial completion certificate for the building at the same time as giving the notice of its decision under paragraph (12).
- (15) If requested by the applicant or the relevant person, the regulator must provide a paper copy of the partial completion certificate.
- (16) A certificate issued under this regulation is evidence (but not conclusive evidence) that all applicable requirements have been complied with in relation to the part of the HRB work or work to existing HRB to which the certificate relates.

(17) The certificate must include a statement describing its evidentiary effect, in terms substantially the same as paragraph (16).

(18) When the partial completion certificate application is approved the client must ensure the relevant person (as defined in regulation 38 (handover of information on completion etc) is sent—

- (a) a copy of the partial completion certificate application and each of the other documents which accompanied the application, and
- (b) a copy of the partial completion certificate.

(19) The requirements of this regulation do not apply to work to existing HRB which consists only of—

- (a) scheme work;
- (b) exempt work, or
- (c) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

**Commencement Information**

I45 Reg. 45 in force at 1.10.2023, see [reg. 1\(1\)](#)

## PART 6 **E+W**

### Inspections etc, regularisation, review of decisions, appeals and section 30A procedures etc

#### Inspections etc **E+W**

46. In relation to any building or proposed building for which the regulator is the building control authority, the regulator may take such steps as it considers appropriate to check compliance with all applicable requirements of the building regulations, including—

- (a) requiring information;
- (b) requiring the laying open of building work for inspection by the regulator;
- (c) requiring an inspection to be undertaken and the record of the inspection provided.

**Commencement Information**

I46 Reg. 46 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Regularisation of unauthorised building work **E+W**

47.—(1) This regulation applies where it appears to the regulator 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 make an application in writing to the regulator in relation to the unauthorised building work (“regularisation certificate application”).

(3) No regularisation certificate application may be made where unauthorised building work is a major change.

(4) The regularisation certificate application must be accompanied by—

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- (a) a statement that the application is made in accordance with this regulation,
- (b) a description of the unauthorised building work,
- (c) a plan of the unauthorised building work,
- (d) where the application is made by someone on behalf of the owner, a statement signed by the owner confirming they agree to the application being made and that the information contained in the application is correct.

(5) Where the regulator receives a regularisation certificate application, it may require the applicant to take such steps as the regulator thinks appropriate for the regulator to ascertain whether additional building work may be required in order for the unauthorised building work to secure compliance with all applicable requirements of the building regulations.

(6) Where the regulator is satisfied that additional building work is required to secure that the unauthorised building work satisfies the applicable requirements (taking account of any dispensation or relaxation given in accordance with sections 8 and 9 of, and Schedule 2 to, the 1984 Act) then the regulator must reject the application and accordingly an application for building control approval must be made in relation to the additional building work.

(7) Where the regulator is satisfied, after taking all reasonable steps for that purpose that—

- (a) the applicable requirements of the building regulations 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 1984 Act), and
- (b) no additional building work is required to secure that the unauthorised building work satisfies the applicable requirements (taking account of any such dispensation or relaxation),

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

(8) A regularisation certificate is evidence (but not conclusive evidence) that the applicable requirements of the building regulations specified in the certificate have been complied with in relation to the work specified in the certificate.

(9) Where a regularisation certificate is granted in relation to building work, Parts 2 to 5 of these Regulations cease to apply to that work.

(10) Subject to paragraph (12), where a regularisation certificate is granted the applicant must, no later than five days after the certificate has been received, give the building work information and a copy of the certificate to—

- (a) the accountable person who is responsible for the part of the building in relation to which the work described in the certificate relates, and
- (b) the responsible person, if any, for the part of the building in relation to which the work described in the certificate relates.

(11) For the purposes of paragraph (10) the “building work information” is—

- (a) where Part B of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the unauthorised building work, information relating to—
  - (i) the design and construction of the building and the services, fittings and equipment provided in or in connection with the building;
  - (ii) the design of the change of use and building work to implement it;
  - (iii) the composition of materials used,

which will assist the responsible person to operate and maintain the building with reasonable safety;

- (b) where paragraph F1(1) of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the unauthorised building work, sufficient information about the building's ventilation system and its maintenance requirements so that the ventilation system can be operated in such a manner as to provide adequate means of ventilation;
  - (c) where paragraph L1 of Schedule 1 to the 2010 Regulations imposes a requirement in relation to the unauthorised building work, sufficient information about the building, the fixed building services and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and power than is reasonable in the circumstances;
  - (d) where paragraph L2 of Schedule 1 to the 2010 Regulations applies in relation to the unauthorised building work, sufficient information about the system for on-site electricity generation in respect of its operation and maintenance requirements so that the system may be operated and maintained in such a manner as to produce the maximum electricity that is reasonable in the circumstances and delivers this electricity to the optimal place for use;
  - (e) where Part O of Schedule 1 to the 2010 Regulations applies in relation to the unauthorised building work, sufficient information about the provision made in accordance with Part O so that the systems in place further to Part O can be operated in such a manner as to protect against overheating.
- (12) Paragraph (10) does not apply where the applicant is a domestic client.
- (13) In this regulation—
- “responsible person” has the meaning given in article 3 of the Regulatory Reform (Fire Safety) Order 2005;
  - “unauthorised building work” means any building work in relation to a higher-risk building which is carried out without—
    - (a) a building control approval under regulation 7 (building control approval applications for HRB work or stage of HRB work: decisions) or 15 (building control approval applications for work to existing HRB: decisions) being granted by the regulator;
    - (b) where the building work is a major change, a building control approval under regulation 24 (change control applications: decisions);
    - (c) where the building work is a notifiable change, a notification under regulation 18(3) (change control),
- but work is not unauthorised building work to the extent that it consists only of scheme work or exempt work.

#### Commencement Information

I47 Reg. 47 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Review of regulator's decisions **E+W**

**48.**—(1) The following decisions of the regulator are prescribed for the purposes of section 25(1) of the 2022 Act—

- (a) a decision to reject—
  - (i) a building control approval application for HRB work;
  - (ii) a building control approval application for a stage of HRB work;
  - (iii) a building control approval application for work to existing HRB;
  - (iv) a change control application;

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- (v) a completion certificate application;
  - (vi) a partial completion certificate application;
  - (vii) a regularisation certificate application;
  - (b) a decision to specify a controlled change as being a major change or a notifiable change under regulation 25 (change control: regulator power to specify notifiable changes and major changes);
  - (c) a decision to refuse a request to vary a requirement under regulation 30 (a variation of a requirement imposed on a building control approval).
- (2) The persons prescribed for the purposes of section 25(2) of the 2022 Act in relation to the decisions referred to in paragraph (1) are—
- (a) in relation to a decision referred to in paragraph (1)(a), the person who made the application or the person on whose behalf the application was made;
  - (b) in relation to a decision referred to in paragraph (1)(b), any person to whom the regulator gives notice under regulation 25 (change control: regulator power to specify notifiable changes and major changes);
  - (c) in relation to a decision referred to in paragraph (1)(c), the client who made the request.
- (3) For the purposes of section 25 of the 2022 Act, a person requiring the regulator to carry out a review, or a person on their behalf, must give a notice under section 25(2) of the 2022 Act to the regulator in writing within 21 relevant days beginning with the day after the day on which the decision referred to in paragraph (1) is notified to the person.
- (4) A notice under section 25(2) of the 2022 Act must contain the following information—
- (a) the name, address, telephone number and (if available) email address for the person giving the notice;
  - (b) if the person giving the notice is doing so on behalf of a person who falls within the description in paragraph (2), the name and address of that person and a statement that the person giving the notice is authorised to give the notice on behalf of that person;
  - (c) the address and, if applicable, the name of the building to which the decision referred to in paragraph (1) relates;
  - (d) a statement of the review being sought which—
    - (i) identifies the decision to be reviewed (including the date of the decision and any reference number included on the decision), and
    - (ii) sets out the reasons the person considers the decision should be reviewed;
  - (e) any information that is available to the person giving the notice, that may have been relevant to the regulator’s original decision but was not available at the time the original decision was made.
- (5) The regulator must notify the person who required a review of the outcome of the review within 13 weeks beginning with the day after the day on which the person gives a notice under section 25(2) of the 2022 Act.
- (6) A notice that the review has upheld the decision must give the reasons for that decision.
- (7) If the review varies the decision the regulator must issue a new decision.
- (8) If requested by the person requiring the review, the regulator must provide a paper copy of the decision of the review.

**Commencement Information**

**I48** Reg. 48 in force at 1.10.2023, see [reg. 1\(1\)](#)

**Appeal in relation to reviewed decisions** **E+W**

**49.**—(1) A person may appeal to the First-tier Tribunal against the decision of the regulator of a kind referred to in regulation 48(1) (review of regulator’s decisions) provided that the appeal is made within 21 relevant days beginning with the day after the day on which the regulator notifies the person of its decision under regulation 48(5)(**27**).

(2) The First-tier Tribunal 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;
- (d) that the decision was made without following the procedures set out in the 1984 Act or regulations made under that Act.

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

**Commencement Information**

**I49** Reg. 49 in force at 1.10.2023, see [reg. 1\(1\)](#)

**Section 30A prescribed applications** **E+W**

**50.**—(1) The following applications are prescribed(**28**) for the purposes of section 30A(1) of the 1984 Act, and are accordingly applications that may be determined by the Secretary of State in the circumstances described in that section—

- (a) a building control approval application for HRB work;
- (b) a building control approval application for a stage of HRB work;
- (c) a building control approval application for work to existing HRB;
- (d) a change control application;
- (e) a completion certificate application;
- (f) a partial completion certificate application.

(2) An application may not be made to the Secretary of State under section 30A of the 1984 Act where, in relation to the original application(**29**), the regulator has notified the person who made the original application that the original application is not valid.

**Commencement Information**

**I50** Reg. 50 in force at 1.10.2023, see [reg. 1\(1\)](#)

(27) Section 26 of the Building Safety Act 2022 provides a decision must be reviewed under section 25 before an appeal is made.

(28) See section 126 of the Building Act 1984 for the meaning of “prescribed”.

(29) See section 30A(1) of the Building Act 1984 for the definition of “the original application”.

*Status: Point in time view as at 06/04/2024.*

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### Section 30A applications: procedure **E+W**

**51.**—(1) An application under section 30A of the 1984 Act (“section 30A application”) must be made in writing to the Secretary of State by the client for the work to which the original application relates (in this Part “the applicant”) on a form published by the Secretary of State, together with the documents specified in paragraph (3).

(2) A section 30A application must be made no later than 6 weeks after the day the relevant period<sup>(30)</sup> in relation to the application or request ends.

(3) The documents mentioned in paragraph (1) are—

- (a) a copy of the original application given to the regulator (including all documentation that accompanied the application);
- (b) all information provided to the regulator in relation to the original application by the applicant;
- (c) all correspondence between the applicant and the regulator in relation to that application;
- (d) a copy of the notice sent to the regulator under paragraph (4);
- (e) 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.

(4) At least two working days before submitting the application under paragraph (1) the applicant must give notice to the regulator of their intention to do so.

#### Commencement Information

**I51** Reg. 51 in force at 1.10.2023, see [reg. 1\(1\)](#)

### Section 30A applications: electronic submissions **E+W**

**52.**—(1) Where an applicant submits a section 30A application 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 section 30A application that are capable of being carried out electronically.

(2) The deemed consent in paragraph (1) may be revoked by the applicant giving the Secretary of State two weeks’ notice in writing specifying that the notice is given under this regulation.

#### Commencement Information

**I52** Reg. 52 in force at 1.10.2023, see [reg. 1\(1\)](#)

### Section 30A applications: determinations **E+W**

**53.**—(1) A section 30A application is to be determined<sup>(31)</sup> by written representations.

(2) The Secretary of State must give the regulator the opportunity to make written representations in relation to a section 30A application.

(3) The Secretary of State may give any other person an opportunity to make written representations in relation to a section 30A application.

<sup>(30)</sup> See section 30A(9) of the Building Act 1984 ([c. 55](#)) for the definition of “relevant period”.

<sup>(31)</sup> Section 30A(7) provides that for the purpose of determining a section 30A application the Building Act 1984 and the building regulations (including these Regulations) apply in relation to the Secretary of State as they apply to the regulator.



(4) The Secretary of State may, by notice in writing, require the regulator to provide specified information, or provide copies of specified documents, by the date specified in the notice (that date must be no fewer than 14 relevant days after the date the notice is given).

(5) Before determining a section 30A application, the Secretary of State may hold such meetings with the applicant, the regulator or any other person, and undertake such visits, testing or inspections, as the Secretary of State considers appropriate.

(6) The Secretary of State's decision must be given in writing to the applicant (and where the applicant is not the client, also give a copy of the decision to the client).

(7) A copy of the Secretary of State's decision must be sent to the regulator.

#### Commencement Information

I53 Reg. 53 in force at 1.10.2023, see [reg. 1\(1\)](#)

### Section 30A applications: appointed persons **E+W**

**54.**—(1) The Secretary of State may appoint a person to determine a section 30A application instead of the Secretary of State.

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

- (a) revoke that person's appointment;
- (b) appoint another person to determine the application instead.

(3) Where a new appointment is made the consideration of the application in question must be started afresh.

(4) Nothing in paragraph (3) requires any person to be given an opportunity to make fresh representations or modify or withdraw representations previously made.

(5) A person appointed under this regulation has the same powers and duties in relation to determination of a section 30A application as the Secretary of State and, in particular, regulation 53 (section 30A applications: determinations) applies as if references to the Secretary of State in that regulation were references to that person.

(6) Where an application is determined by a person appointed under this regulation their decision is to be treated as the decision of the Secretary of State.

#### Commencement Information

I54 Reg. 54 in force at 1.10.2023, see [reg. 1\(1\)](#)

### Deemed rejection of the original application **E+W**

**55.** Where, in relation to an application that is prescribed in regulation 50 (section 30A prescribed applications)—

- (a) the period under regulation 51 (section 30A applications: procedures) for a person to make a section 30A application has expired without the person making a section 30A application in accordance with that regulation, and
- (b) the regulator did not determine the original application<sup>(32)</sup> before the expiry of that period,

(32) See section 30A(1) of the Building Act 1984 for the definition of "the original application".

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then the original application is treated as rejected by the regulator.

**Commencement Information**

**I55** Reg. 55 in force at 1.10.2023, see [reg. 1\(1\)](#)

**Section 30A applications: appeals** **E+W**

**56.**—(1) An appeal to the First-tier Tribunal under section 30A(8) of the 1984 Act must be made within 21 relevant days beginning with the day after the day on which the Secretary of State gives the decision to the applicant under regulation 53(6) (section 30A applications: determinations).

(2) The First-tier Tribunal may allow an appeal under paragraph (1) only to 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 1984 Act or regulations made under that Act.

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

**Commencement Information**

**I56** Reg. 56 in force at 1.10.2023, see [reg. 1\(1\)](#)

**PART 7** **E+W**

Miscellaneous

**Exempt work** **E+W**

**57.** For the purposes of these Regulations, building work which consists only of work of a kind described in Schedule 2 (exempt work) is exempt work.

**Commencement Information**

**I57** Reg. 57 in force at 1.10.2023, see [reg. 1\(1\)](#)

**Requirement for completion certificate before occupation and transitional cases** **E+W**

**58.**—(1) Each of the following is prescribed as a completion certificate for the purposes of section 76(5) of the 2022 Act—

- (a) a completion certificate issued under regulation 44 (completion certificate applications: decisions);
- (b) a partial completion certificate issued under regulation 45 (partial completion certificates).

(2) For type A transitional work each of the following is also prescribed as a completion certificate for the purposes of section 76(5) of the 2022 Act—

- (a) a completion certificate issued under regulation 17 of the 2010 Regulations;
  - (b) a partial completion certificate issued under regulation 17A of the 2010 Regulations;
  - (c) a final certificate given by an approved inspector to a local authority in accordance with the Building (Approved Inspectors etc.) Regulations 2010(33) and not rejected by the authority.
- (3) For type B transitional work each of the following is also prescribed as a completion certificate for the purposes of section 76(5) of the 2022 Act—
- (a) a transfer and completion certificate provided for by the modifications in paragraph 5(9), 10(4), or, as the case may be, 11(4) of Schedule 3;
  - (b) a transfer and partial completion certificate provided for by the modifications in the paragraph 5(9), 10(4), or, as the case may be, 11(4) of Schedule 3;
  - (c) a final certificate given by an approved inspector to a local authority in accordance with the Building (Approved Inspectors etc.) Regulations 2010 and not rejected by the authority.
- (4) In this regulation—
- “type A transitional work” means work of a kind referred to in section 76(1) of the 2022 Act which is—
- (a) completed before 1st October 2023 but occupied on or after that date,
  - (b) completed before 6th April 2024 and paragraph 1 of Schedule 3 (transitional provisions) applied to the work but paragraphs 3 and 4 of that Schedule did not apply, or
  - (c) completed on or after 6th April 2024 and paragraph 7 of Schedule 3 applied to the work;
- “type B transitional work” means work of a kind referred to in section 76(1) of the 2022 Act which is completed on or after 6th April 2024 and paragraph 5, 10 or 11 of Schedule 3 (transitional provisions) applies.

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

C2 [Reg. 58](#) modified (temp.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **46(3)**

**Commencement Information**

I58 [Reg. 58](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

**Electronic submission and directions** **E+W**

59.—(1) The regulator may make a direction as to the way in which any of the following documents are given (which may include specifying cases where it must be given electronically via a website address provided for that purpose by the regulator)—

- (a) a building control approval application for HRB work;
- (b) a building control approval application for a stage of HRB work;
- (c) a building control approval application for work to existing HRB;
- (d) a notice under regulation 9(2), 9(3), 17(2) or 17(3) (notices before starting work and when work is “commenced”);
- (e) a request for approval under regulation 7(12) or 15(12);

(33) [S.I. 2010/2215](#) as amended by [S.I. 2012/3119](#), [S.I. 2013/1959](#), [S.I. 2014/579](#), [S.I. 2015/767](#), [S.I. 2016/285](#), [S.I. 2021/1391](#), [S.I. 2021/1392](#), [S.I. 2022/717](#), [S.I. 2022/984](#) and [S.I. 2023/520](#). There are other amendments not relevant to this instrument.

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

- (f) a notification under regulation 8 (regulator’s power to require notifications etc for HRB work or stage of HRB work) or regulation 16 (regulator’s power to require notifications etc for work to existing HRB);
- (g) a notice under regulation 10(1)(a) (emergency repair work);
- (h) a notification under regulation 18(3) (change control);
- (i) a change control application;
- (j) a notice under regulation 27 (new client or change of circumstances for the client);
- (k) a notice under regulation 28 (change of circumstances for the client: disclaimer of property);
- (l) a notice under regulation 29 (new principal contractor or principal designer etc: notification);
- (m) a notice or report under regulation 33 (mandatory occurrence reporting: reporting to the regulator);
- (n) a notice under regulation 39(5) (information be provided where work is scheme work);
- (o) a completion certificate application;
- (p) a partial completion certificate application;
- (q) a regularisation certificate application;
- (r) a notice under regulation 25A(2), 27(2) or (3), 27A(2) or (3), 27C(2) or (3), 37(1), 41(4), 42(2), 43(2), 44(3) and 44ZA(2) of the 2010 Regulations;
- (s) a copy of results under regulation 41(2) of the 2010 Regulations;
- (t) a notice of review under section 25 of the 2022 Act;
- (u) any documents that are required to accompany any application referred to in subparagraph (a) to (c), (i), (o), (p) or (q).

(2) A direction must specify the date on which it comes into effect, which must not be earlier than five working days after the date on which the regulator publishes it.

(3) Where the regulator has made a direction in accordance with this regulation, an application (or any document that accompanied the application), notice or request of the type mentioned in the direction must, from the date specified in the direction, be given in accordance with the direction.

(4) The regulator may, by a further direction, amend or revoke a direction made under this regulation.

#### Commencement Information

**I59** [Reg. 59](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Contraventions by the regulator not to be subject to enforcement **E+W**

**60.** The following provisions of these Regulations are prescribed for the purposes of sections 35(2) and 35B(7)(a) of the 1984 Act—

- (a) regulation 5 (building control approval applications for HRB work or stage of HRB work: validity and time limit);
- (b) regulation 6(1) and (2) (building control approval applications for HRB work or stage of HRB work: consultation);
- (c) regulation 7(1), (4) to (7), (13) and (14) (building control approval applications for HRB work or stage of HRB work: decisions);

- (d) regulation 9(4) (notice before starting work and further notice when work is “commenced”);
- (e) regulation 13 (building control approval applications for work to existing HRB: validity and time limit);
- (f) regulation 14(1) and (2) (building control approval applications for work to existing HRB: consultation);
- (g) regulation 15(1), (4) to (7), (13) and (14) (building control approval applications for work to existing HRB: decisions);
- (h) regulation 17(4) (notice before starting work and further notice when work is “commenced”);
- (i) regulation 22 (change control applications: validity and time limit);
- (j) regulation 23(1) and (2) (change control applications: consultation);
- (k) regulation 24(1), (4) to (7) and (11)(b) and (d) (change control applications: decisions);
- (l) regulation 30(4) and (6) to (8) (variation of a requirement imposed on a building control approval);
- (m) regulation 41(1) and (2) (completion certificate applications: validity and time limit);
- (n) regulation 42(1) (completion certificate applications: consultation);
- (o) regulation 43 (completion certificate applications: inspection);
- (p) regulation 44(1) to (6) and (8) (completion certificate applications: decisions);
- (q) regulation 45(5), (6), (8), (10) to (15) and (17) (partial completion certificates) except that regulation 45(8) is not prescribed in relation to the regulator consulting a sewerage undertaker;
- (r) regulation 47(6) (regularisation of unauthorised building work);
- (s) regulation 48(5) to (8) (review of regulator’s decisions);
- (t) regulation 53 (section 30A applications: determinations);
- (u) regulation 54 (section 30A applications: appointed persons);
- (v) regulation 59(2) and (4) (electronic submission and directions).

#### Commencement Information

**I60** Reg. 60 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Provisions in relation to which a stop notice may be given **E+W**

**61.** The following provisions are prescribed for the purposes of section 35C(1)(a) of the 1984 Act (stop notices)—

- (a) regulation 3 (HRB work not to be started before approval);
- (b) regulation 7(12)(b) (HRB work not to proceed until approval under a requirement is received);
- (c) regulation 11 (specified work to an existing HRB not to be started before approval);
- (d) regulation 15(12)(b) (work to existing HRB not to proceed until approval under a requirement is received);
- (e) regulation 18(6) (major change not to be carried out before approval);

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)*

- (f) regulation 24(11)(a) (major change not to proceed until approval under a requirement is received) but only in relation to a major change (as defined in regulation 26 of those Regulations).

#### Commencement Information

**I61** Reg. 61 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Local land charges **E+W**

**62.** The functions of local authorities under the Local Land Charges Act 1975(**34**), as they relate to higher-risk buildings, are prescribed for the purposes of paragraph (b) of the definition of “relevant function” in paragraph 2(5) of Schedule 3 to the Building Safety Act 2022.

#### Commencement Information

**I62** Reg. 62 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Consequential amendment to the Regulatory Reform (Fire Safety) Order 2005 **E+W**

**63.** In article 22A(3) of the Regulatory Reform (Fire Safety) Order 2005(**35**) (provision of information to new responsible person), after sub-paragraph (e) insert—

- “(ea) any information given under regulation 38 or 39 of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (fire safety information);”.

#### Commencement Information

**I63** Reg. 63 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Consequential amendments to the Community Infrastructure Levy Regulations 2010 **E+W**

**64.**—(1) The Community Infrastructure Levy Regulations 2010(**36**) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “compliance certificate”—

- (a) omit “either”;
- (b) omit “or” at the end of paragraph (a) and insert—

“(aa) regulation 44 (completion certificate applications: decisions) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, or”.

#### Commencement Information

**I64** Reg. 64 in force at 1.10.2023, see [reg. 1\(1\)](#)

(34) 1975 c. 76.

(35) S.I. 2005/1541. Article 22A was inserted by section 156(8) of the Building Safety Act 2022 (c. 30).

(36) S.I. 2010/948. The definition of “compliance certificate” was inserted by S.I. 2014/385.

## Consequential amendments to the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 **E+W**

65.—(1) The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023<sup>(37)</sup> are amended as follows.

(2) In regulation 33 (building control prohibitions)—

(a) in paragraph (2) after “34,” insert “34A,”;

(b) in paragraph (4)—

(i) after sub-paragraph (e) insert—

“(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;”;

(ii) after sub-paragraph (f) insert—

“(fa) an application for a certificate under regulation 47 (regularisation of unauthorised building work) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;”;

(c) in paragraph (6)—

(i) after sub-paragraph (b) insert—

“(ba) a certificate under regulation 44 (completion certificate applications: decisions) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;”;

(ii) after sub-paragraph (c) insert—

“(ca) a certificate under regulation 45 (partial completion certificates) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;”;

(iii) after sub-paragraph (f) insert—

“(g) a certificate under regulation 47 (regularisation of unauthorised building work) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;”;

(d) in paragraph (8)—

(i) after sub-paragraph (f) insert—

“(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;”;

(ii) after sub-paragraph (g) insert—

“(h) an application for a certificate under regulation 47 (regularisation of unauthorised building work) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;”.

(3) After regulation 34 insert—

**“Exception to building control prohibition: emergency repair work to existing HRB**

**34A.**—(1) Where an applicable person proposes to carry out work to existing HRB which consists of emergency repairs then—

- (a) the provision by them of a notice under regulation 10(1)(a) (notification of emergency repairs to existing HRB) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, and
- (b) an application for a certificate in relation to that work under regulation 47 (regularisation of unauthorised building work) of those Regulations,

are not to be treated as a breach of the building control prohibition.

(2) Where paragraph (1) applies, the regulator is not prohibited from giving the applicable person a certificate under regulation 47 (regularisation of unauthorised building work) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023.

(3) In this regulation—

“emergency repairs” has the meaning given in regulation 10(2) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;

“the regulator” has the meaning in section 126 of the Building Act 1984;

“work to existing HRB” has the meaning given in regulation 2 of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023.”.

(4) In regulation 35 (exception to building control prohibition: work to occupied buildings)—

(a) in paragraph (4)(a)—

(i) after paragraph (i) insert—

“(ia) an application for a certificate under regulation 40 (completion certificate applications) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 in relation to the work;”;

(ii) after paragraph (ii) insert—

“(iia) an application for a certificate under regulation 45 (partial completion certificates) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 in relation to the work;”;

(b) after paragraph (5) insert—

“(5A) Where paragraph (4) applies, the regulator is not prohibited from giving the applicable person a certificate under regulation 47 (regularisation of unauthorised building work) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023.”.

(5) In regulation 36(1) (exception to building control prohibitions: purchasers) after subparagraph (a) insert—

“(aa) to permit the issuing by the regulator of a certificate in relation to that work under regulation 44 (completion certificate applications: decisions) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;”.

(6) In regulation 37 (exception to building control prohibitions and modification of the Building Regulations 2010: regularisation)—

(a) after paragraph (1) insert—

“(1A) Where the building is a higher-risk building, a relevant purchaser is not prohibited from giving the regulator an application for a certificate under regulation 47 (regularisation of unauthorised building work) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 and the regulator is not prohibited from granting such a certificate.”;



(b) after paragraph (3) insert—

“(4) For the purposes of paragraph (1A), regulation 47 (regularisation of unauthorised building work) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 is to have effect in relation to an application under that regulation by a relevant purchaser as if any work carried out by an applicable person which was not unauthorised building work (within the meaning set out in that regulation) were treated as if it were unauthorised building work.”.

**Commencement Information**

**I65** [Reg. 65](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

**Transitional, supplementary and saving provisions** **E+W**

**66.** The transitional, supplementary and saving provisions set out in Schedule 3 have effect.

**Commencement Information**

**I66** [Reg. 66](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

9th August 2023

*Lee Rowley*  
Parliamentary Under Secretary of State  
Department for Levelling Up, Housing and  
Communities

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

## SCHEDULE 1 **E+W**

Regulation 2

### Documents

#### Competence declaration **E+W**

1.—(1) A competence declaration is a statement, in relation to work, that contains a declaration in relation to—

- (a) a principal designer (or sole or lead designer) for HRB work, a stage of HRB work or work to existing HRB,
- (b) a principal contractor (or sole contractor) for HRB work, a stage of HRB work or work to existing HRB, and
- (c) any other person appointed (A), in relation to the work, as at the date of the building control approval application for HRB work, a building control approval application for a stage of HRB work or the building control approval application for work to existing HRB.

(2) In relation to a principal designer for HRB work, a stage of HRB work or work to existing HRB, the competence declaration must—

- (a) state that the client—
  - (i) has complied with regulation 11E(2)(b) (consideration of past misconduct) of the 2010 Regulations, and
  - (ii) having taken all reasonable steps, is satisfied that the principal designer fulfils the requirements in regulations 11F(1) and (2) and 11G(1) of the 2010 Regulations, and
- (b) include a declaration as to the truth of that statement.

(3) In relation to a principal contractor for HRB work, a stage of HRB work or work to existing HRB, the competence declaration must—

- (a) state that the client—
  - (i) has complied with regulation 11E(2)(b) (consideration of past misconduct) of the 2010 Regulations, and
  - (ii) having taken all reasonable steps, is satisfied that the principal contractor fulfils the requirements in regulations 11F(1) and (2) and 11H(1) of the 2010 Regulations, and
- (b) include a declaration as to the truth of that statement.

(4) In relation to a sole contractor, or sole or lead designer, the competence declaration must—

- (a) state that the client—
  - (i) has complied with regulation 11E(2)(b) (consideration of past misconduct) of the 2010 Regulations, and
  - (ii) having taken all reasonable steps, is satisfied that the person fulfils the requirements in regulations 11F(1) and (2) of the 2010 Regulations, and
- (b) include a declaration as to the truth of that statement.

(5) In relation to any A, the competence declaration must—

- (a) state that the client has been informed by the person appointing A that they have complied with regulation 11E(2)(b) (consideration of past misconduct) of the 2010 Regulations, and
- (b) include a declaration as to the truth of that statement.

(6) Any competence declaration must—

- (a) be signed by the client, and

- (b) where there is more than one contractor for the HRB work, a stage of HRB work or work to existing HRB, include a copy of each record that the client created under regulation 11D(8) or, as the case may be, 11D(9) (principal designer and principal contractor) of the 2010 Regulations.

#### Commencement Information

**I67** Sch. 1 para. 1 in force at 1.10.2023, see **reg. 1(1)**

### Construction control plan **E+W**

#### 2. A construction control plan must set out—

- (a) the strategies, policies and procedures the client has adopted for planning, managing and monitoring the HRB work, a stage of HRB work or work to existing HRB so as to ensure compliance with—
- (i) the applicable requirements of the building regulations and to record evidence of that compliance including describing the arrangements the client has adopted to maintain the golden thread information;
  - (ii) the duties in Chapter 4 (duties of dutyholders) of Part 2A of the 2010 Regulations;
- (b) the strategies, policies and procedures the client has adopted to identify, assess and keep under review the competence of the persons carrying out the HRB work, a stage of HRB work or work to existing HRB or involved in the design of the higher-risk building or design of the building work to the higher-risk building, including the procedures to be followed—
- (i) to determine whether a serious sanction (as defined in regulation 11E of the 2010 Regulations) has occurred in relation to a person to be appointed;
  - (ii) to consider any past behaviour in relation to any serious sanction which might call into question the suitability of a person to be appointed;
  - (iii) if a person in relation to which a serious sanction has occurred is appointed, to prevent a repeat of the behaviour;
- (c) the strategies, policies and procedures the client has adopted to support co-operation between designers, contractors and any other persons involved in the HRB work, a stage of HRB work or work to existing HRB, including the sharing of all necessary information;
- (d) a schedule of each appointment which has been made as at the date of the application, giving the name of—
- (i) the person who the client has appointed as the principal contractor (or sole contractor);
  - (ii) the person who the client has appointed as the principal designer (or sole or lead designer);
  - (iii) any other person (excluding individuals except where they are a sole trader) the client has appointed to work on the project;
  - (iv) any person (excluding individuals except where they are a sole trader) the principal contractor (or sole contractor) has appointed to work on the project, and
  - (v) any person (excluding individuals except where they are a sole trader) the principal designer (or sole or lead designer) has appointed to work on the project,
- and a summary of their responsibilities;
- (e) the policies the client has adopted to review the construction control plan.

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

#### Commencement Information

**I68** Sch. 1 para. 2 in force at 1.10.2023, see **reg. 1(1)**

#### Change control plan **E+W**

**3.—(1)** A change control plan must set out the strategies, policies and procedures the client has adopted to ensure any controlled change takes place in accordance with regulation 18 (change control), and to log each controlled change in accordance with regulation 19 (change control: record-keeping) including explaining—

- (a) how proposed changes will be identified and to whom they must be reported;
- (b) how the impacts of proposed changes are identified and considered;
- (c) in relation to proposed changes, the decision-making procedures adopted for agreeing a change including whose advice is to be sought;
- (d) how changes are recorded and by when;
- (e) the procedure to identify which changes require notification to the regulator and which changes require a change control application;
- (f) how the effectiveness of the change control plan will be reviewed by dutyholders periodically.

(2) In this paragraph “dutyholders” means the client, the principal contractor (or sole contractor) and the principal designer (or sole or lead designer).

#### Commencement Information

**I69** Sch. 1 para. 3 in force at 1.10.2023, see **reg. 1(1)**

#### Building Regulations compliance statement **E+W**

**4.** A Building Regulations compliance statement must set out the approach taken in designing the proposed higher-risk building or in designing the work to be carried out on the higher-risk building and the building standards applied, in particular—

- (a) the approach taken in relation to each element of the building and the work to ensure compliance with all applicable requirements of the building regulations, and
- (b) the reasons for adopting the approach together with an explanation of why the approach is appropriate and ensures compliance with all applicable requirements of the building regulations.

#### Commencement Information

**I70** Sch. 1 para. 4 in force at 1.10.2023, see **reg. 1(1)**

#### Fire and emergency file **E+W**

**5.—(1)** A fire and emergency file must set out—

- (a) the matters that were considered when assessing how the building safety risks<sup>(38)</sup> identified could impact the higher-risk building or the proposed higher-risk building;
  - (b) the proposals adopted and the approaches taken in relation to designing the proposed higher-risk building or the building work to the higher-risk building to ensure compliance with the applicable requirements of the building regulations relating to the building safety risks;
  - (c) the measures, strategies and policies it is proposed the owner of the higher-risk building should adopt in order to manage and maintain the higher-risk building or the proposed higher-risk building to ensure anyone in it can be safely evacuated in an emergency, including any assumptions made as to the intended occupiers of the building and their likely characteristics and behaviours.
- (2) The measures, strategies and policies referred to in sub-paragraph (1) must include—
- (a) a plan which sets out the requirements of the fire and rescue service for the area in relation to access to the higher-risk building and water supply for fire-fighting;
  - (b) a report which—
    - (i) where the HRB work, a stage of HRB work or work to existing HRB has not started, demonstrates how compliance with the applicable requirements of the building regulations relating to the building safety risks is to be achieved;
    - (ii) where the HRB work, a stage of HRB work or work to existing HRB is completed, demonstrates how compliance with the applicable requirements of the building regulations relating to the building safety risks was achieved.

**Commencement Information**

**I71** Sch. 1 para. 5 in force at 1.10.2023, see **reg. 1(1)**

**Partial completion strategy** **E+W**

6. A partial completion strategy must explain—
- (a) the proposals adopted in designing for occupation of each part of the building or the proposed building to be completed to ensure compliance with the applicable requirements of the building regulations;
  - (b) the measures, strategies and policies it is proposed the owner of the building should adopt in order to manage and maintain each such part of the building or the proposed building;
  - (c) any assumptions made in those measures, strategies and proposals as to the intended occupiers of each such part of the building or the proposed building and their likely characteristics and behaviours, and the intended management or maintenance of each such part of the building or the proposed building.

**Commencement Information**

**I72** Sch. 1 para. 6 in force at 1.10.2023, see **reg. 1(1)**

<sup>(38)</sup> See section 120G(5) of the Building Act 1984 for the definition of “building safety risk”.

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

## SCHEDULE 2 **E+W**

Regulation 57

### Exempt work

#### 1. Work consisting of—

- (a) in relation to an existing fixed building service, which is not a fixed internal or external lighting system—

- (i) replacing any part which is not a combustion appliance,
- (ii) adding an output device, or
- (iii) adding a control device,

where testing and adjustment of the work is not possible or would not affect the use by the fixed building service of no more fuel and power than is reasonable in the circumstances;

- (b) providing a self-contained fixed building service, which is not a fixed internal or external lighting system, where—

- (i) it is not a combustion appliance (other than a fixed flueless gas cooker),
- (ii) any electrical work associated with its provision does not consist of—
  - (aa) the installation of a new circuit;
  - (bb) the replacement of a consumer unit;
  - (cc) any addition or alteration to existing circuits in a special location;
- (iii) testing and adjustment is not possible or would not affect its energy efficiency, and
- (iv) in the case of a mechanical ventilation appliance, the appliance is not installed in a room containing an open-flued combustion appliance whose combustion products are discharged through a natural draught flue;

- (c) replacing an external door (where the door together with its frame has not more than 50% of its internal face area glazed);

- (d) in existing buildings other than dwellings, providing fixed internal lighting where no more than 100m<sup>2</sup> of the floor area of the building is to be served by the lighting;

- (e) replacing—

- (i) a sanitary convenience with one that uses no more water than the one it replaces,
- (ii) a washbasin, sink or bidet,
- (iii) a fixed bath,
- (iv) a shower,
- (v) a rainwater gutter, or
- (vi) a rainwater downpipe,

where the work does not include any work to underground drainage, and includes no work to the hot or cold water system or above ground drainage, which may prejudice the health or safety of any person on completion of the work;

- (f) in relation to an existing cold water supply—

- (i) replacing any part,
- (ii) adding an output device, or
- (iii) adding a control device;

- (g) providing a hot water storage system that has a storage vessel with a capacity not exceeding 15 litres, where any electrical work associated with its provision does not consist of—

- (i) the installation of a new circuit;
- (ii) the replacement of a consumer unit;
- (iii) any addition or alteration to existing circuits in a special location;
- (h) installation of thermal insulation in a roof space or loft space where—
  - (i) the work consists solely of the installation of such insulation, and
  - (ii) the work is not carried out in order to comply with any requirement of the 2010 Regulations.

**Commencement Information**

**I73** Sch. 2 para. 1 in force at 1.10.2023, see **reg. 1(1)**

- 2. Installation of thermal insulation to suspended timber floors where the work—
  - (a) consists of the installation of such insulation only, and
  - (b) the work is not carried out in order to comply with any requirements of the 2010 Regulations.

**Commencement Information**

**I74** Sch. 2 para. 2 in force at 1.10.2023, see **reg. 1(1)**

- 3. For the purposes of this Schedule—
  - “fixed building service” has the meaning given in regulation 2(1) of the 2010 Regulations;
  - “self-contained” in relation to a fixed building service means consisting of a single appliance and any associated controls which is neither connected to, nor forms part of, any other fixed building service;
  - “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.

**Commencement Information**

**I75** Sch. 2 para. 3 in force at 1.10.2023, see **reg. 1(1)**

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

## SCHEDULE 3 **E+W**

Regulation 66

Transitional, supplementary and saving provisions

### PART 1 **E+W**

Transitional etc provisions

#### **October 2023: HRB work and work to existing HRB **E+W****

1.—(1) Subject to sub-paragraph (5) and the requirements of paragraphs 2 and 4 to 11, this paragraph applies where before 1st October 2023—

- (a) an initial notice, in relation to HRB work or work to existing HRB for a particular building, has been given to a local authority and before that date is accepted or deemed to be accepted under section 47 of the 1984 Act, or
- (b) full plans, in relation to HRB work or work to existing HRB to a particular building, were deposited with a local authority.

(2) Where this paragraph applies, notwithstanding the commencement of section 32 of the Building Safety Act 2022, on 1st October 2023 the local authority for the area continues to be the building control authority<sup>(39)</sup> in relation to the higher-risk building and accordingly the duties and functions of local authorities under section 91 of the 1984 Act<sup>(40)</sup> continue to apply in relation to that work as if it were not higher-risk building work.

(3) Where this paragraph applies—

- (a) in a case where full plans have been deposited—
  - (i) Parts 2 to 6 of these Regulations do not apply to that work, and
  - (ii) the 2010 Regulations continue to apply to that work, including the amendments made to the 2010 Regulations by the Building Regulations etc. (Amendment) (England) Regulations 2023, but subject to Part 4 (transitional, supplementary and saving provisions) of the Building Regulations etc. (Amendment) (England) Regulations 2023;
- (b) in a case where an initial notice has been given—
  - (i) Parts 2 to 6 of these Regulations do not apply to that work, and
  - (ii) the 2010 Regulations and the Building (Approved Inspectors etc.) Regulations 2010 continue to apply to the work, including the amendments made to those Regulations by the Building Regulations etc. (Amendment) (England) Regulations 2023 and the Building (Approved Inspectors etc. and Review of Decisions) (England) Regulations 2023 but subject to Part 4 (transitional, supplementary and saving provisions) of the Building Regulations etc. (Amendment) (England) Regulations 2023 and Part 4 (transitional, supplementary and saving provisions) of the Building (Approved Inspectors etc. and Review of Decisions) (England) Regulations 2023.

(4) In addition to the continuing application of the provisions referred to in sub-paragraph (3), not more than five working days after the day on which the work is to be regarded as sufficiently progressed the person carrying out the work must give a notice to that effect to the local authority and where sub-paragraph (1)(a) applies in relation to the work, give a copy of the notice to the approved inspector.

<sup>(39)</sup> See section 121A of the Building Act 1984 for the definition of “building control authority”, which was inserted by section 32 of the Building Safety Act 2022 (c. 30).

<sup>(40)</sup> 1984 c. 55. Section 91 is amended by section 32 of the Building Safety Act 2022 (c. 30).



- (5) Sub-paragraphs (1) to (4) cease to apply in relation to the work where before 6th April 2024—
- (a) the approval for the work lapses by virtue of section 32 of the 1984 Act (as that provision had effect immediately before 1st October 2023), or
  - (b) the initial notice for the work, or the part of that notice which relates to the higher-risk building, is cancelled under section 52(5) of the 1984 Act (as that provision had effect immediately before 1st October 2023),

and paragraph 3 applies instead to the work.

- (6) For the purposes of this paragraph work is to be regarded as sufficiently progressed—
- (a) where the building work consists of the construction of a higher-risk building, when the pouring of concrete for—
    - (i) the permanent placement of the trench, pad or raft foundations, or
    - (ii) the permanent placement of piling,for that building has started;
  - (b) where the building work consists of work to an existing building, when that work has started;
  - (c) where the building work consists of a material change of use of a building, when work to effect that change of use has started.

(7) Where the work consists of work in relation to more than one higher-risk building then sub-paragraph (4) applies to each building separately.

#### Commencement Information

**I76** Sch. 3 para. 1 in force at 1.10.2023, see **reg. 1(1)**

#### From October 2023: cases where full plans are rejected **E+W**

2.—(1) This paragraph applies where, in relation to work to a particular building, full plans were deposited with a local authority before 1st October 2023 and in accordance with any provision of Part 1 of the 1984 Act or a local enactment the local authority has rejected those plans on or after that date (“the rejection date”).

(2) Where this paragraph applies then with effect from the rejection date the regulator, and not the local authority for the area, is the building control authority in relation to the higher-risk building and accordingly—

- (a) the duties and functions of the regulator under section 91 of the 1984 Act apply in relation to the higher-risk building or any proposed higher-risk building;
- (b) Parts 2 to 6 of these Regulations apply to any HRB work or work to existing HRB from the rejection date with the modifications provided in this paragraph except that regulation 47 (regularisation) does not apply in relation to any work carried out before the rejection date and accordingly any reference to a regularisation certificate in Parts 2 to 6 of these Regulations is to be ignored, and
- (c) the 2010 Regulations, to the extent they apply to higher-risk buildings, apply to any of the work from the rejection date.

(3) Within 10 working days of the rejection date the person intending to carry out the work must give a notice to the regulator setting out—

- (a) the name, address, telephone number and (if available) email address of the person intending to carry out the work;

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

- (b) details of the work to be carried out;
- (c) details of any existing building on the site, including the height of any existing building, the number of storeys contained in it and the use of each storey (regulations 5 and 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023<sup>(41)</sup> have effect in determining the height and the number of storeys in a building);
- (d) details of the intended use of the higher-risk building, including the intended use of each storey;
- (e) the height of the higher-risk building as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
- (f) the number of storeys in the higher-risk building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
- (g) where the work is HRB work or is work to existing HRB which changes the number of residential or commercial units in the building, the proposed number of flats, number of residential rooms and number of commercial units to be contained in the higher-risk building;
- (h) details of the work which has been carried out together with a summary of the inspections undertaken by the local authority in relation to the work.

(4) Where any work was carried out before the rejection date the person who carried out the work or the owner must comply with any notice from the regulator requiring them within a reasonable time to cut into, lay open or pull down so much of the work as prevents the regulator from ascertaining whether the work contravenes any requirement of the building regulations.

(5) Where any work was carried out before the rejection date (“the HRB project”) and on or after that date a building control approval application for HRB work or a building control approval application for work to existing HRB is submitted to the regulator in respect of the HRB project, then in addition to the requirements of regulation 4 the person who carried out the work must provide the regulator with such plans as are necessary to show the work already carried out complies with all applicable requirements of the building regulations.

#### Commencement Information

I77 Sch. 3 para. 2 in force at 1.10.2023, see [reg. 1\(1\)](#)

### October 2023 to April 2024: cases where building control approval lapses before 6th April 2024 **E+W**

3.—(1) This paragraph applies where, by virtue of paragraph 1(5)(a) or (b), paragraph 1(1) to (4) ceases to apply in relation to work.

(2) Where this paragraph applies then with effect from the date paragraph 1(1) to (4) ceases to apply in relation to the work (“the cessation date”) the regulator, and not the local authority for the area, is the building control authority in relation to the higher-risk building and accordingly—

- (a) the duties and functions of the regulator under section 91 of the 1984 Act apply in relation to the higher-risk building or any proposed higher-risk building;
- (b) these Regulations apply to any of the work from the cessation date, and
- (c) the 2010 Regulations, to the extent they apply to higher-risk buildings, apply to any of the work from the cessation date.

(41) S.I. 2023/275.

### Commencement Information

**178** Sch. 3 para. 3 in force at 1.10.2023, see [reg. 1\(1\)](#)

## October 2023 to April 2024: cases of not sufficiently progressed work where an initial notice is cancelled before 6th April 2024 **E+W**

4.—(1) This paragraph applies where—

- (a) the initial notice for the work, or the part of that notice which relates to the higher-risk building, ceases to be in force by virtue of any provision of Part 2 of the 1984 Act (except section 52(5)) on a date before 6th April 2024 (“the cancellation date”), and
- (b) a notice under paragraph 1(4) (notice that work had sufficiently progressed) in relation to that work was not received by a local authority before the cancellation date.

(2) Where this paragraph applies—

- (a) if a plans certificate or final certificate relating to the work (or any part of the work) has been accepted before the cancellation date then with effect from that date the certificate ceases to have effect;
- (b) accordingly Parts 2 to 6 of these Regulations apply to the work from the cancellation date with the modifications provided for in paragraph (8);
- (c) subject to paragraph (d), the 2010 Regulations, to the extent they apply to higher-risk buildings, apply to any of the work from the cancellation date;
- (d) regulation 11(3) of the 2010 Regulations does not apply and accordingly the regulator may exercise the power in section 8(3A) of the 1984 Act<sup>(42)</sup> to dispense with or relax any requirement of the 2010 Regulations.

(3) Where this paragraph applies then with effect from the cancellation date the regulator, and not the local authority for the area, is the building control authority in relation to the higher-risk building and accordingly the duties and functions of the regulator under section 91 of the 1984 Act apply in relation to the work to the higher-risk building (but not in relation to any other work specified in the initial notice).

(4) Where this paragraph applies, not more than five working days after the cancellation date the person which was shown on the initial notice as the approved inspector must—

- (a) give a notice to the person intending to carry out the work explaining the initial notice, or such part of the initial notice which applies to the higher-risk building, is no longer in force and the effect of sub-paragraphs (2), (3) and (5), and
- (b) give a copy of the notice to the local authority.

(5) Within 10 working days of the cancellation date the person intending to carry out the work must give a notice to the regulator setting out—

- (a) their name, address, telephone number and (if available) email address;
- (b) the location of the building;
- (c) details of the work to be carried out;
- (d) the height of the higher-risk building as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;

<sup>(42)</sup> Subsection (3A) was inserted by paragraph 11(4) of Schedule 5 to the Building Safety Act 2022 (c. 30).

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

- (e) the number of storeys in the higher-risk building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023, and
  - (f) a description of any work which was carried out before the cancellation date (including details of the work in relation to which a final certificate was given and not rejected) and details of any inspections undertaken by the approved inspector in relation to that work.
- (6) With effect from the cancellation date no further building work in relation to the work described in the initial notice (“HRB project”) may be carried out until the date when the person intending to carry out building work has received confirmation in writing from the regulator that an application for building control approval made to the regulator in relation to that work is valid (“validation date”).
- (7) Where any building work was carried out before the cancellation date then—
- (a) the person who carried out the work or the owner must comply with any notice from the regulator requiring them within a reasonable time to cut into, lay open or pull down so much of the work as prevents the regulator from ascertaining whether the work contravenes any requirement of the building regulations;
  - (b) in addition to the other documents which are required to accompany the application for building control approval, the person must provide the regulator with such plans as are necessary to show the work already carried out complies with all applicable requirements of the building regulations.
- (8) Where the application for building control approval in relation to the HRB project is rejected by the regulator then with effect from the date the rejection is notified to the applicant (“rejection date”) no further building work in relation to the HRB project may be carried out until a building control approval is granted in relation to the building.
- (9) Parts 2 to 6 of these Regulations have effect in relation to the HRB project—
- (a) from the cancellation date as if—
    - (i) regulation 5(1)(b) (building control applications: for HRB work or stage of HRB work: validity and time limit) and regulation 13(1)(b) (building control applications: for work to existing HRB: validity and time limit) were omitted;
    - (ii) in relation to any change control which is proposed or occurs between the cancellation date and the date application for building control approval is determined by the regulator, Part 3 (change control) required the change to be recordable in the change control log;
    - (iii) regulation 47 (regularisation) does not apply in relation to any work carried out before the cancellation date and accordingly any reference to a regularisation certificate in Parts 2 to 6 of these Regulations in relation to such work is to be ignored;
    - (iv) regulations 50 to 56 (section 30A applications) did not apply in relation to the application for building control approval for the HRB project, and
  - (b) additionally, from the validation date until the rejection date, as if regulation 3 did not prevent work in the HRB project to be started before an application for building control approval for the work is submitted.

#### Commencement Information

**I79** Sch. 3 para. 4 in force at 1.10.2023, see [reg. 1\(1\)](#)

**October 2023 to April 2024: cases of sufficiently progressed work where an initial notice is cancelled before 6th April 2024** **E+W**

5.—(1) This paragraph applies where—

- (a) a notice under paragraph 1(4) (notice that work had sufficiently progressed) in relation to that work was received by a local authority before 6th April 2024, and
- (b) the initial notice for the work, or the part of that notice which relates to the higher-risk building, ceases to be in force by virtue of any provision of Part 2 of the 1984 Act on a date before 6th April 2024 (“the cancellation date”).

(2) Where this paragraph applies—

- (a) if a final certificate relating to the work (or any part of the work which relates to the higher-risk building) has been accepted before the cancellation date then with effect from that date the function of enforcing building regulations that is conferred on the regulator by section 91(3) of the 1984 Act is not exercisable in relation to that work;
- (b) if a plans certificate relating to the work (or any part of the work which relates to the higher-risk building) has been accepted before the cancellation date then with effect from the notice date the certificate ceases to have effect;
- (c) accordingly Parts 2 to 6 of these Regulations apply to the work from the cancellation date with the modifications provided for in paragraph (9);
- (d) subject to paragraph (e), the 2010 Regulations, to the extent they apply to higher-risk buildings, apply to any of the work from the cancellation date;
- (e) regulation 11(3) of the 2010 Regulations does not apply and accordingly the regulator may exercise the power in section 8(3A) of the 1984 Act to dispense with or relax any requirement of the 2010 Regulations.

(3) Where this paragraph applies then with effect from the cancellation date the regulator, and not the local authority for the area, is the building control authority in relation to the higher-risk building and accordingly the duties and functions of the regulator under section 91 of the 1984 Act apply in relation to the work to the higher-risk building (but not in relation to any other work specified in the initial notice).

(4) Where this paragraph applies, not more than five working days after the cancellation date the person which was shown on the initial notice as the approved inspector must—

- (a) give a notice to the person intending to carry out the work explaining the initial notice, or such part of the initial notice which applies to the higher-risk building, is no longer in force and the effect of sub-paragraphs (2), (3) and (5), and
- (b) give a copy of the notice to the local authority.

(5) Within 10 working days of the cancellation date the person intending to carry out the work must give a notice to the regulator setting out—

- (a) the information referred to in paragraph 4(5), and
- (b) in relation to any work for which a final certificate was given and not rejected, a description of the work covered by the final certificate.

(6) With effect from the cancellation date no further building work in relation to the work described in the initial notice (“HRB project”) may be carried out until the date when the person intending to carry out building work has submitted an application for building control approval for HRB work or an application for building control approval for work to existing HRB in relation to the work and received confirmation in writing from the regulator that an application for building control approval made to the regulator in relation to that work is valid (“validation date”).

(7) In relation to building work carried out before the cancellation date then—

**Status:** Point in time view as at 06/04/2024.

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- (a) the person who carried out the work or the owner must comply with any notice from the regulator requiring them within a reasonable time to cut into, lay open or pull down so much of the work as prevents the regulator from ascertaining whether the work contravenes any requirement of the building regulations;
  - (b) in addition to the other documents which are required to accompany the application for building control approval, the person must provide the regulator with such plans as are necessary to show the work already carried out complies with all applicable requirements of the building regulations.
- (8) Where the application for building control approval in relation to the HRB project is rejected by the regulator then with effect from the date the rejection is notified to the applicant (“rejection date”) no further building work in relation to the HRB project may be carried out until a building control approval is granted in relation to the building.
- (9) Parts 2 to 6 of these Regulations have effect in relation to the work as if—
- (a) in Part 2—
    - (i) in relation to any work for which a final certificate was previously given before the cancellation date and not rejected—
      - (aa) paragraphs (1)(e)(viii), (2)(b) and (3) of regulation 4 (building control approval applications for HRB work or stage of HRB work) and paragraphs (1)(e)(viii), (2)(c) and (5) of regulation 12 (building control approval applications for work to existing HRB) were omitted,
      - (bb) in addition to the requirements of regulation 4 and, as the case may be, regulation 12, the person which carried out the work must provide the regulator with such plans as are necessary to show the work already carried out complies with all applicable requirements of the building regulations, together with a copy of the final certificate;
      - (cc) regulation 5(1)(b) (building control applications: for HRB work or stage of HRB work: validity and time limit) and regulation 13(1)(b) (building control applications: for work to existing HRB: validity and time limit) were omitted;
    - (ii) in relation to any other work in the HRB project—
      - (aa) paragraphs (iii) to (viii) of regulation 4(2)(b) (building control approval applications for HRB work or stage of HRB work) and paragraphs (ii) to (vi) of regulation 12(2)(c) and (5) (building control approval applications for work to existing HRB) were omitted;
      - (bb) regulation 5(1)(b) (building control applications: for HRB work or stage of HRB work: validity and time limit) and regulation 13(1)(b) (building control applications: for work to existing HRB: validity and time limit) were omitted;
  - (b) regulations 18 to 26 (change control) were omitted;
  - (c) paragraphs (2)(b), (6)(b) and (8)(c) of regulation 27 (new client etc) were omitted;
  - (d) any references to golden thread information in regulation 27 were references to fire safety information;
  - (e) paragraph (7) of regulation 29 (new principal contractor or principal designer) were omitted;
  - (f) regulation 31 (golden thread) were omitted;
  - (g) regulations 32 to 37 (mandatory occurrence reporting) were omitted;

- (h) any references to golden thread information in regulation 38 were references to fire safety information;
- (i) in Part 5 (completion certificates), in relation to any work (including any work carried out before the cancellation date which is included in a completion certificate application)—
  - (i) any references to “completion certificate” were references to “transfer and completion certificate”;
  - (ii) any references to “partial completion certificate” were references to “transfer and partial completion certificate”;
  - (iii) paragraph (2)(d) of regulation 40 (completion certificate applications) were omitted;
  - (iv) paragraph (3)(c) of regulation 45 (partial completion certificates) were omitted;
- (j) any reference in regulations 40(1)(f) (completion certificate applications), 44(1)(c) (completion certificate applications: decisions) and 45(2)(h) and (10)(c) (partial completion certificates) to providing information to the relevant person in accordance with regulation 38 (handover of information on completion etc) were a reference to providing fire safety information to the relevant person;
- (k) any reference in regulations 4, 6, 12 and 42 to a “fire and emergency file” were a reference to a document setting out the fire safety design principles, concepts and standards applied to the development including sufficient plans to show how the work would comply with Part B (fire safety) of Schedule 1 to the 2010 Regulations in relation to the higher-risk building or proposed higher-risk building;
- (l) regulation 46 (inspections etc) were omitted in relation to any work described in a final certificate;
- (m) regulation 47 (regularisation) were omitted in relation to any work carried out before the cancellation date and accordingly any reference to a regularisation certificate in Parts 2 to 6 of these Regulations is to be ignored in relation to that work;
- (n) in regulations 48 (review of regulator’s decisions), 50 (section 30A prescribed applications) and 51 (section 30A applications: procedure)—
  - (i) any reference to completion certificate application were a reference to an application for a transfer and completion certificate, and
  - (ii) any reference to partial completion certificate application were a reference to an application for a transfer and partial completion certificate;
- (o) regulations 50 to 56 (section 30A applications) were omitted in relation to the application for building control approval for the HRB project.

#### Commencement Information

**180** Sch. 3 para. 5 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### **From April 2024: local authority to notify regulator where work has not sufficiently progressed** **E+W**

**6.—(1)** No later than 6th March 2024, each local authority must give the regulator a notice stating in respect of each relevant building for which it has not by that date received a notice under paragraph 1(4)—

- (a) the name and address of the building;
- (b) the name, address, telephone number and (if available) email address of the person carrying out the work;

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

- (c) details of the intended use of the higher-risk building, including the intended use of each storey;
  - (d) the proposed height of the higher-risk building as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023<sup>(43)</sup>;
  - (e) the proposed number of storeys in the higher-risk building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (f) the proposed number of flats, number of residential rooms and number of commercial units proposed to be contained in the higher-risk building;
  - (g) the provision to be made for the drainage of the building;
  - (h) where paragraph H4 of Schedule 1 to the 2010 Regulations 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;
  - (i) the steps to be taken to comply with any local enactment that applies;
  - (j) details of the work which has been carried out together with a summary of the inspections undertaken by the local authority in relation to the work.
- (2) In this paragraph a “relevant building” is a building in relation to which paragraph 1(1)(b) applies.

#### Commencement Information

**I81** Sch. 3 para. 6 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### From April 2024: cases where work is to be regarded as sufficiently progressed **E+W**

- 7.—(1) This paragraph applies where—
- (a) a notice under paragraph 1(4) (notice that work had sufficiently progressed) in relation to work to that building was received by a local authority before 6th April 2024, and
  - (b) in any case where an initial notice was given in relation to the work, the approved inspector which gave the initial notice has become a registered building control approver before 6th April 2024.
- (2) Where this paragraph applies, with effect from 6th April 2024—
- (a) in a case where full plans have been deposited—
    - (i) Parts 2 to 6 of these Regulations continue not to apply to that work, and
    - (ii) the 2010 Regulations continue to apply to the work but subject to Part 4 (transitional, supplementary and saving provisions) of the Building Regulations etc. (Amendment) (England) Regulations 2023;
  - (b) in a case where an initial notice was given in relation to the work by an approved inspector then for so long as the initial notice continues in force—
    - (i) 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,
    - (ii) Parts 2 to 6 of these Regulations continue not to apply to that work, and

<sup>(43)</sup> S.I. 2023/275.



- (iii) the 2010 Regulations and the Building (Approved Inspectors etc.) Regulations 2010 continue to apply to the work, but subject to Part 4 (transitional, supplementary and saving provisions) of the Building Regulations etc. (Amendment) (England) Regulations 2023 and Part 4 (transitional, supplementary and saving provisions) of the Building (Approved Inspectors etc. and Review of Decisions) (England) Regulations 2023.

(3) Where this paragraph applies then with effect from 6th April 2024 the local authority for the area, and not the regulator, continues to be the building control authority in relation to the higher-risk building and accordingly the duties and functions of local authorities under section 91 of the 1984 Act continue to apply in relation to the work.

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

**C3** Sch. 3 para. 7 excluded (temp.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **46(2)(c)**

**Commencement Information**

**I82** Sch. 3 para. 7 in force at 1.10.2023, see **reg. 1(1)**

**From April 2024: cases of work not sufficiently progressed with an initial notice** **E+W**

**8.—(1)** This paragraph applies where, in relation to work to a particular building, paragraph 1 applies in respect of work for which an initial notice was in force, but a notice under paragraph 1(4) (notice that work had sufficiently progressed) was not received by a local authority in relation to the building before 6th April 2024.

(2) Where this paragraph applies—

- (a) for the purposes of section 47(4)(b)(ii) of the 1984 Act the initial notice, or such part of the initial notice which applies to the higher-risk building, ceases to be in force with effect from 6th April 2024;
- (b) if a plans certificate or final certificate relating to the work (or any part of the work) has been accepted before 6th April 2024 then with effect from that date the certificate ceases to have effect;
- (c) subject to paragraph (d), the 2010 Regulations, to the extent they apply to higher-risk buildings, apply to any of the work from that date;
- (d) regulation 11(3) of the 2010 Regulations does not apply and accordingly the regulator may exercise the power in section 8(3A) of the 1984 Act to dispense with or relax any requirement of the 2010 Regulations.

(3) Where this paragraph applies, with effect from 6th April 2024 the regulator, and not the local authority for the area, is the building control authority in relation to the higher-risk building and accordingly the duties and functions of the regulator under section 91 of the 1984 Act apply in relation to the work to the higher-risk building (but not in relation to any other work specified in the initial notice).

(4) The provisions of paragraph 4(4) to (9) also apply but as if any reference to the cancellation date were a reference to 6th April 2024.

**Commencement Information**

**I83** Sch. 3 para. 8 in force at 1.10.2023, see **reg. 1(1)**

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

### **From April 2024: cases of work not sufficiently progressed with full plans** **E+W**

**9.—(1)** This paragraph applies where in relation to work to a particular building paragraph 1 applies in respect of work for which full plans were deposited but a notice under paragraph 1(4) (notice that work had sufficiently progressed) was not received by a local authority in relation to the building before 6th April 2024.

(2) Where this paragraph applies, with effect from 6th April 2024 the regulator, and not the local authority for the area, is the building control authority in relation to the higher-risk building and accordingly the duties and functions of the regulator under section 91 of the 1984 Act apply in relation to the work to the higher-risk building (but not in relation to any other work specified in the full plans).

(3) Where this paragraph applies the person intending to carry out the work must, within 4 weeks beginning with 6th April 2024, give to the regulator a notice setting out—

- (a) the name and address of the building;
  - (b) the name, address, telephone number and (if available) email address of the client, the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
  - (c) details of the work to be carried out;
  - (d) details of the intended use of the higher-risk building, including the intended use of each storey;
  - (e) the proposed height of the higher-risk building as determined in accordance with regulation 5 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (f) the proposed number of storeys in the higher-risk building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (g) the proposed number of flats, number of residential rooms and number of commercial units to be contained in the higher-risk building;
  - (h) the provision to be made for the drainage of the building;
  - (i) where paragraph H4 of Schedule 1 to the 2010 Regulations 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;
  - (j) the steps to be taken to comply with any local enactment that applies;
  - (k) details of the work which has been carried out together with a summary of the inspections undertaken by the local authority in relation to the work.
- (4) The notice under sub-paragraph (3) must be accompanied by—
- (a) a plan to a scale of not less than 1:1250 showing—
    - (i) the size and position of the proposed building and its relationship to adjoining boundaries;
    - (ii) the boundaries of the curtilage of the building, and the size, position and use of every other building or proposed building within the curtilage;
    - (iii) the width and position of any street on or within the boundaries of the curtilage of the building;
  - (b) where work has started, a copy of the notice given to the local authority under regulation 16(1) (commencement notice) of the 2010 Regulations;

- (c) such other documents or plans which were provided to the local authority by the person intending to carry out the work for the purpose of demonstrating the compliance of the work or the proposed work with applicable requirements of the building regulations;
  - (d) a statement setting out—
    - (i) any conditions imposed on the full plans;
    - (ii) any changes (including any conditions related to the changes), agreed with the local authority, to the full plans;
    - (iii) any work carried out otherwise than in accordance with the full plans (including otherwise than in accordance with any condition impose on the plans);
  - (e) copy of any report produced by the local authority in relation to each inspection of the work together with a copy of any notes and photographs relating to the inspections;
  - (f) a statement setting out details of any enforcement action taken by the local authority in relation to the work.
- (5) The person intending to carry out the work must give a copy of the notice to the local authority.
- (6) Where this paragraph applies, with effect from 6th April 2024—
- (a) the 2010 Regulations continue to apply to the work, but subject to—
    - (i) Part 4 (transitional, supplementary and saving provisions) of the Building Regulations etc. (Amendment) (England) Regulations 2023;
    - (ii) the modifications set out in paragraph (7);
  - (b) subject to the modifications in paragraph (c), additionally the following provisions of these Regulations apply in relation to the work—
    - (i) regulation 8 (regulator’s power to require notifications etc for HRB work or stage of HRB work);
    - (ii) where work has not started, regulation 9(2) (notice before work);
    - (iii) regulation 9(3) (notice when work has commenced);
    - (iv) regulation 16 (regulator’s power to require notifications etc for work to existing HRB);
    - (v) where work has not started, regulation 17(2) (notice before work);
    - (vi) regulation 17(3) (notice when work has commenced);
    - (vii) regulations 18 (except paragraphs (3) and (4)), and 19 to 29 (change control etc) but as if—
      - (aa) any reference to an agreed document were a reference to the full plans;
      - (bb) sub-paragraphs (xi) and (xii) in paragraph (a), and sub-paragraphs (xi) and (xii) in paragraph (b), of the definition of “major change” in regulation 26 were omitted;
      - (cc) paragraphs (a) and (b) of the definition of “notifiable change” in regulation 26 were omitted;
    - (viii) regulation 31 (golden thread), but as if regulation 31(1) required the client to establish the electronic facility—
      - (aa) within 45 days beginning with 6th April 2024, or
      - (bb) before a completion certificate application or a partial completion certificate application is submitted,
- whichever occurs first;

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

- (ix) regulation 32 (mandatory occurrence reporting system), but as if the reference to establishing the system before the construction phase begins were a reference to establishing it within 10 days beginning with 6th April 2024;
  - (x) regulations 33 to 37 (mandatory occurrence reporting) but as if any reference to an agreed document is to be treated as a reference to the full plans;
  - (xi) regulations 38 and 39 (handover of information on completion etc);
  - (xii) regulation 40 (completion certificate applications) but as if paragraphs (i), (ii) and (iii) of paragraph (2)(d) were omitted;
  - (xiii) regulations 41 to 44 (completion certificates etc);
  - (xiv) regulation 45 (partial completion certificate applications) but as if paragraphs (i), (ii) and (iii) of paragraph (3)(c) were omitted;
  - (xv) regulation 46 (inspections etc);
  - (xvi) regulations 48 to 56 (reviews and appeals etc) but only to the extent those provisions apply in relation to a change control application or completion certificate application or a partial completion certificate application;
  - (xvii) regulation 58 (requirement for completion certificate before occupation);
  - (xviii) regulation 59 (electronic submission and directions);
  - (c) any reference in regulations 23, 26, 40, 42 and 45 to a “fire and emergency file” were a reference to a document setting out the fire safety design principles, concepts and standards applied to the development including sufficient plans to show how the work would comply with Part B (fire safety) of Schedule 1 to the 2010 Regulations in relation to the higher-risk building or proposed higher-risk building.
- (7) The 2010 Regulations have effect with the following modifications—
- (a) as if any reference in any provision to a local authority, however so expressed, were a reference to the regulator;
  - (b) as if regulations 16(3) to (5), 17, 17A, 18, 18A, 18B, 38, 39, 40, 40A and 40B of the 2010 Regulations were omitted.
- (8) Where the regulator receives any document under sub-paragraph (6) it may, by notice in writing, require the client—
- (a) to provide further information specified in the notice by the time specified in the notice;
  - (b) to take such steps (including tests) as are specified in the notice by the time specified in the notice to demonstrate the work will comply with all applicable requirements of the building regulations.
- (9) Where a notice is given to the client under sub-paragraph (8), that person must not start or, as the case may be, continue the work to which the notice relates for a period of 10 days beginning on the day after the day on which the notice is received.

#### Commencement Information

**184** Sch. 3 para. 9 in force at 1.10.2023, see [reg. 1\(1\)](#)

**From April 2024: cases where work has sufficiently progressed but approved inspector is not a registered building control approver** **E+W**

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

- (a) paragraph 1 applies in relation to a particular building in respect of work for which an initial notice was in force on 6th April 2024 but the approved inspector which gave the notice was not a registered building control approver on that date, and
  - (b) a notice under paragraph 1(4) (notice that work had sufficiently progressed) in relation to that work was received by a local authority before 6th April 2024.
- (2) Where this paragraph applies—
- (a) for the purposes of section 47(4)(b)(ii) of the 1984 Act the initial notice or, such part of the notice which relates to the higher-risk building, ceases to be in force with effect from 6th April 2024;
  - (b) if a final certificate relating to the work (or any part of the work which relates to the higher-risk building) has been accepted before 6th April 2024 then with effect from the notice date the function of enforcing building regulations that is conferred on the regulator by section 91(3) of the 1984 Act is not exercisable in relation to that work;
  - (c) if a plans certificate relating to the work (or any part of the work which relates to the higher-risk building) has been accepted before 6th April 2024 then with effect from the notice date the certificate ceases to have effect;
  - (d) accordingly Parts 2 to 6 of these Regulations apply to the work from 6th April 2024 with the modifications provided for in paragraph 5(9) (as applied by paragraph (4));
  - (e) subject to paragraph (f), the 2010 Regulations, to the extent they apply to higher-risk buildings, apply to any of the work from that date;
  - (f) regulation 11(3) of the 2010 Regulations does not apply and accordingly the regulator may exercise the power in section 8(3A) of the 1984 Act to dispense with or relax any requirement of the 2010 Regulations.
- (3) Where this paragraph applies, with effect from 6th April 2024 the regulator, and not the local authority for the area, is the building control authority in relation to the higher-risk building and accordingly the duties and functions of the regulator under section 91 of the 1984 Act apply in relation to the work to the higher-risk building (but not in relation to any other work specified in the initial notice).
- (4) The provisions of paragraph 5(4) to (9) also apply but as if any reference to the cancellation date were a reference to 6th April 2024.

**Commencement Information**

**185** Sch. 3 para. 10 in force at 1.10.2023, see [reg. 1\(1\)](#)

**From April 2024: cases where work has sufficiently progressed and then initial notice ceases** **E+W**

- 11.—**(1) This paragraph applies where—
- (a) paragraph 1 applies in relation to a particular building in respect of work for which an initial notice was in force on 6th April 2024;
  - (b) a notice under paragraph 1(4) (notice that work had sufficiently progressed) in relation to that work was received by a local authority before 6th April 2024;
  - (c) the initial notice for the work, or such part of the notice which relates to the higher-risk building, ceases to be in force by virtue of any provision of Part 2 of the 1984 Act on a date after 6th April 2024 (“the cancellation date”).
- (2) Where this paragraph applies—

**Status:** Point in time view as at 06/04/2024.

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- (a) if a final certificate relating to the work (or any part of the work which relates to the higher-risk building) has been accepted before the cancellation date then with effect from the notice date the function of enforcing building regulations that is conferred on the regulator by section 91(3) of the 1984 Act is not exercisable in relation to that work;
- (b) if a plans certificate relating to the work (or any part of the work which relates to the higher-risk building) has been accepted before the cancellation date then with effect from the notice date the certificate ceases to have effect;
- (c) accordingly Parts 2 to 6 of these Regulations apply to the work from the cancellation date with the modifications provided for in paragraph 5(9) (as applied by paragraph (4));
- (d) subject to paragraph (e), the 2010 Regulations, to the extent they apply to higher-risk buildings, apply to any of the work from that date;
- (e) regulation 11(3) of the 2010 Regulations does not apply and accordingly the regulator may exercise the power in section 8(3A) of the 1984 Act to dispense with or relax any requirement of the 2010 Regulations.

(3) Where this paragraph applies, with effect from the cancellation date the regulator, and not the local authority for the area, is the building control authority in relation to the higher-risk building and accordingly the duties and functions of the regulator under section 91 of the 1984 Act apply in relation to the work to the higher-risk building (but not in relation to any other work specified in the initial notice).

(4) The provisions of paragraph 5(4) to (9) also apply.

#### Commencement Information

**186** Sch. 3 para. 11 in force at 1.10.2023, see [reg. 1\(1\)](#)

## PART 2 **E+W**

### Enforcement and interpretation

#### Contravention of certain provisions not to be an offence etc **E+W**

**12.**—(1) The following provisions of this Schedule are prescribed for the purposes of section 35(2) of the 1984 Act as provisions in relation to which section 35(1) does not apply—

- (a) paragraphs 4(4) and 5(4) (including as applied by paragraphs 15(4) and 16(4)) (duties of approved inspectors);
- (b) paragraph 6 (from April 2024: local authority to notify regulator where work has not sufficiently progressed).

(2) The following provisions of this Schedule are prescribed for the purposes of section 35B(7) of the 1984 Act as provisions in relation to which a compliance notice<sup>(44)</sup> may not be given—

- (a) paragraphs 4(4) and 5(4) (including as applied by paragraphs 15(4) and 16(4)) (duties of approved inspectors);
- (b) paragraph 6 (from April 2024: local authority to notify regulator where work has not sufficiently progressed).

<sup>(44)</sup> See the definition of “compliance notice” in section 35B(2) of the Building Act 1984, as inserted by section 38(1) of the Building Safety Act 2022.

**Commencement Information**

**187** Sch. 3 para. 12 in force at 1.10.2023, see **reg. 1(1)**

**Interpretation** **E+W**

**13.**—(1) For the purposes of this Schedule—

“initial notice” is a notice given under section 47 of the 1984 Act;

“full plans” means plans deposited with a local authority for the purposes of section 16 of the 1984 Act in accordance with regulations 12(2)(b) and 14 of the 2010 Regulations (as those provisions had effect immediately before 1st October 2023).

(2) Subject to sub-paragraph (3), any reference to work to which an initial notice relates is to be construed as a reference to that work as varied by an amendment notice given under section 51A of the 1984 Act<sup>(45)</sup> which has been accepted.

(3) Sub-paragraph (2) does not apply where the amendment notice under section 51A of the 1984 Act is given on or after 1st October 2023 and is such that the work as varied becomes higher-risk building work.

**Commencement Information**

**188** Sch. 3 para. 13 in force at 1.10.2023, see **reg. 1(1)**

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

This instrument is part of a number of Regulations which implement Part 3 of the Building Safety Act 2022 (c. 30).

Section 91ZA of the Building Act 1984 (as inserted by section 32 of the Building Safety Act 2022, which is to come into force on 1st October 2023, provides for the regulator to be the building control authority in relation to any higher-risk building in England and any proposed higher-risk building.

The requirements in the Building Regulations 2010 continue to apply to higher-risk buildings. Amendments (to be made elsewhere) to those Regulations disapply most of the procedural requirements in those Regulations, consequently procedures in this instrument apply instead.

Part 2 of these Regulations sets out the procedures for applying for building control approval in relation to higher-risk buildings. Applications must be submitted to the regulator giving the information required and accompanied by the plans and documents required. Building control approval may, with the applicant’s consent, be subject to a requirement, for example, to not progress beyond a specified point without agreement of the regulator or that more detailed plans or documents could be approved by the regulator at a later date.

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<sup>(45)</sup> Section 51A was inserted by [S.I. 1996/1905](#) and amended by sections 46(2) and 48(3) of, and paragraph 42(3) of Schedule 5 to, the Building Safety Act 2022.

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023. (See end of Document for details)

Part 3 of these Regulations sets out the change control process where any document relating to the work which was approved by the regulator at the application stage (or subsequently under a requirement or a change control) is to be changed. And provision is also made in this Part for change to the client, principal contractor or principal designer, insolvency etc of a client and variation of a requirement imposed on a building control approval.

Part 4 of these Regulations sets out provisions in relation the golden thread information, mandatory occurrence reporting and the handover of information on completion of the work.

Part 5 of these Regulations sets out the procedures for applying for a completion certificate in relation to higher-risk buildings. Applications must be submitted to the regulator giving the information required and accompanied by the plans and documents required. Provision is also made for partial completion certificates where it is proposed a building (or part of a building) is occupied before all of the higher-risk building work is completed.

Part 6 of these Regulations sets out provision relating to inspections, testing and sampling, regularisation of unauthorised work, review by the regulator of its decisions, and appeals in relation to reviewed decisions and the procedure under section 30A of the Building Act 1984 (which provides that a request can be made to the Secretary of State for determination of an application where the regulator has not made a decision within the time limit prescribed).

Part 7 of these Regulations defines exempt work, gives the regulator the power by direction to require an application to be sent to it via a specified method, and also sets out those provisions in relation to which a stop notice under section 35C of that Act may be given. Part 7 also includes consequential amendments to the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541); the Community Infrastructure Levy Regulations 2010 (S.I. 2010/948); and the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 (S.I. 2023/753). Schedule 3 to these Regulations sets out transitional, supplementary and saving provisions in relation to projects for higher-risk building work for which plans were deposited or initial notices given before 1st October 2023.

A full impact assessment of the effect that this instrument will have on the costs to business is published with an Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).



**Status:**

Point in time view as at 06/04/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023.