
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.

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.