
STATUTORY INSTRUMENTS

2023 No. 909

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

PART 1

Preliminary

Citation, commencement, extent and application

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.

(2) These Regulations extend to England and Wales.

(3) These Regulations apply in relation to England only.

Interpretation

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⁽¹⁾;

“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⁽²⁾ given under regulation 20(1) (change control: notification requirements);

(1) [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.

(2) 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.

- (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(3);
- (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);

“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⁽⁴⁾;
- (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);

“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⁽⁵⁾;

“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⁽⁶⁾ which is not HRB work;

(4) 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.

(5) 1971 c. 80.

(6) 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.

“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⁽⁷⁾;
- (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.

(7) 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.