
STATUTORY INSTRUMENTS

2023 No. 909

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

PART 3

Changes before or during construction

Change control

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.

Change control: record-keeping

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

Change control: notification requirements

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.

Change control applications

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).

Change control applications: validity and time limit

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).

Change control applications: consultation

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(1)) 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—

- (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.

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

(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).

Change control applications: decisions

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.

Change control: regulator power to specify notifiable changes and major changes

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.

Change control: major changes and notifiable changes

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⁽²⁾);
 - (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

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

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;
- (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.

New client etc

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;
 - (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.

(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.

Insolvency etc of the client: notifications

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 **(3)**.

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

- (a) a moratorium under Part A1 of the Insolvency Act 1986**(4)** 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) S.I. 2016/1024.

(4) 1986 c. 45. Part A1 was inserted by section 1(1) of the Corporate Insolvency and Governance Act 2020 (c. 12).

(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—

- (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.

(7) The requirements of this regulation do not apply to a domestic client.

New principal contractor or principal designer etc: notification

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—
 - (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.

Variation of a requirement imposed on a building control approval

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.