

STATUTORY INSTRUMENTS

2023 No. 909

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

PART 4

Golden thread, mandatory occurrence reporting, information handover etc

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)**

Golden thread

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,
 - (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(1);

“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

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

Mandatory occurrence reporting system

32.—(1) The principal dutyholders(2) 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.

(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.

(1) [S.I. 2015/595](#). Article 9A was inserted by [S.I. 2021/746](#).

(2) See definition in regulation 35 (mandatory occurrence reporting: definitions).

(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

I2 Reg. 32 in force at 1.10.2023, see [reg. 1\(1\)](#)

Mandatory occurrence reporting: reporting to the regulator

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

I3 [Reg. 33](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

Mandatory occurrence reporting: defences

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

I4 [Reg. 34](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

Mandatory occurrence reporting: definitions

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

I5 [Reg. 35](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

Mandatory occurrence reporting: regulator’s annual report

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

I6 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

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

I7 Reg. 37 in force at 1.10.2023, see [reg. 1\(1\)](#)

Handover of information on completion etc

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⁽³⁾ 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⁽⁴⁾;

“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

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

⁽³⁾ Accountable person is defined in section 72 of the Building Safety Act 2022.

⁽⁴⁾ [S.I. 2005/1541](#) to which there are amendments not relevant to this provision.

Information to be provided where work is scheme work

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

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

Changes to legislation:

There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, PART 4.