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STATUTORY INSTRUMENTS

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**2023 No. 909**

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

**PART 5**

Completion certificates

**Completion certificate applications**

**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<sup>(1)</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;
- (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;

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<sup>(1)</sup> S.I. 2023/275.

- (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.

#### **Completion certificate applications: validity and time limit**

**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).

#### **Completion certificate applications: consultation**

**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).

#### **Completion certificate applications: inspection**

**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.

#### **Completion certificate applications: decisions**

- 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.

### **Partial completion certificates**

**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;
- (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(2);
  - (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;
  - (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
  - (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.