
STATUTORY INSTRUMENTS

2023 No. 909

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

PART 2

Building control approval

CHAPTER 2

Existing HRBs

Notice before starting on site and further notice when work is “commenced”

17.—(1) This regulation applies where building control approval for work to existing HRB is granted under regulation 15 (building control approval applications for work to existing HRB: decisions).

(2) At least five working days before the day on which the work to existing HRB starts, the client must give a notice to the regulator setting out their intention to start the work and the date that work is to start.

(3) Not more than five working days after the day on which the work to existing HRB is to be regarded as commenced the client must give a notice to that effect to the regulator.

(4) If the regulator is not satisfied the work is to be regarded as commenced it must give the client a notice to that effect (“rejection notice”) within four weeks of the date the notice under paragraph (3) is given, and the rejection notice must give the reasons for rejection.

(5) Where a notice is given under paragraph (3) and the period referred to in paragraph (4) expires without a rejection notice being given, then the work is to be regarded as commenced.

(6) If the client accepts the rejection notice they may not give a further notice under paragraph (3) unless, having regard to the reasons given by the regulator, they are satisfied the work is to be regarded as commenced.

(7) The client may appeal to the First-tier Tribunal against the decision of the regulator to reject the notice provided the appeal is made within 21 relevant days beginning with the day after the day on which the regulator gives the rejection notice.

(8) The First-tier Tribunal may allow an appeal under paragraph (7) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable;
- (d) that the decision was made without following the procedures set out in the 1984 Act or regulations made under that Act.

(9) Where a notice under paragraph (2) or (3) is given by someone on behalf of the client, the notice must include a statement signed by the client confirming they agree to the notice being given and that the information contained in it is correct.

(10) The regulator may take such steps, including—

- (a) requiring information;
- (b) laying open of work for inspection,

as it thinks appropriate to check whether the work is to be regarded as commenced.

(11) For the purposes of paragraphs (3) to (10) the provisions of regulation 46A (lapse of building control approval: commencement of work) of the 2010 Regulations apply to determine whether work is to be regarded as commenced.

Commencement Information

II [Reg. 17](#) 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, Section 17.