
STATUTORY INSTRUMENTS

2023 No. 909

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

PART 3

Changes before or during construction

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.

[^{F1}(13A) For the purposes of section 35B(7)(a) of the 1984 Act (provisions for which compliance notice may not be given) 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

Changes to legislation: There are currently no known outstanding effects for the *The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, Section 27. (See end of Document for details)*

- (iii) work to which regulation 10 (notification of emergency repairs to existing HRB) applies.

Textual Amendments

- F1** [Reg. 27\(13A\)](#) inserted (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **42(2)** (with regs. 44-47)

Commencement Information

- II** [Reg. 27](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

Changes to legislation:

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