
STATUTORY INSTRUMENTS

2023 No. 909

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

PART 3

Changes before or during construction

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 **(1)**.

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

- (a) a moratorium under Part A1 of the Insolvency Act 1986**(2)** 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) 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—

(1) [S.I. 2016/1024](#).

(2) [1986 c. 45](#). Part A1 was inserted by section 1(1) of the Corporate Insolvency and Governance Act 2020 ([c. 12](#)).

- (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.

[^{F1}(6A) For the purposes of section 35B(7)(a) of the 1984 Act (provisions for which compliance notice may not be given) paragraph (3) is prescribed.]

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

Textual Amendments

F1 [Reg. 28\(6A\)](#) inserted (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **42(3)** (with regs. 44-47)

Commencement Information

II [Reg. 28](#) 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 28.