
STATUTORY INSTRUMENTS

2023 No. 909

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

PART 3

Changes before or during construction

New principal contractor or principal designer etc: notification

29.—(1) This paragraph applies where, at any time after building control approval for HRB work, a stage of HRB work or work to existing HRB is granted the client appoints a principal contractor (or sole contractor) or principal designer (or sole or lead designer).

(2) Where paragraph (1) applies, the client must give a notice, signed by the client, to the regulator containing—

- (a) the name, address, telephone number and (if available) email address of the person appointed,
- (b) a statement that the client—
 - (i) has complied with regulation 11E(2)(b) (consideration of past misconduct) of the 2010 Regulations,
 - (ii) is satisfied in the case of a principal contractor, that the person fulfils the requirements in regulations 11F(1) and (2) and 11H(1) of the 2010 Regulations,
 - (iii) is satisfied in the case of a principal designer, that the person fulfils the requirements in regulations 11F(1) and (2) and 11G(1) of the 2010 Regulations,
 - (iv) is satisfied in the case of a sole contractor, or sole or lead designer, that the person fulfils the requirements in regulations 11F(1) and (2) of the 2010 Regulations,
- (c) in relation to each principal contractor or principal designer, a copy of the record, in respect of the person, that the client created under regulation 11D(8) or (9) (principal designer and principal contractor) of the 2010 Regulations, and
- (d) a declaration as to the truth of the statement referred to in sub-paragraph (b) and of the record (if any) referred to in sub-paragraph (c).

(3) On request from the client, the person who was the principal contractor (or sole contractor) or principal designer (or sole or lead designer), as the case may be, before the appointment referred to in paragraph (1) must give the client a statement in writing, signed and dated by them, which sets out—

- (a) their name, address, telephone number and (if available) email address,
- (b) the dates of their appointment,
- (c) subject to paragraph (d), a certificate that—
 - (i) in the case of a person who was a principal contractor (or sole contractor), that they have fulfilled their duties as a principal contractor under Part 2A (dutyholders and competence) of the 2010 Regulations,

- (ii) in the case of a person who was principal designer (or sole or lead designer), that they have fulfilled their duties as a principal designer under Part 2A (dutyholders and competence) of the 2010 Regulations,
- (d) where a person is unable to certify that they have fulfilled their duties, a statement explaining what duties they were unable to fulfil and the reasons for not being able to do so.
- (4) The client must ensure the notice under paragraph (2) is accompanied by a copy of a statement provided to them under paragraph (3).
- (5) Where, at the date a client gives the notice under paragraph (2), the client is unable to obtain the statement under paragraph (3), the notice under paragraph (2) must be accompanied by a statement by the client explaining the steps the client has taken to obtain the statement together with any reasons the person referred to in paragraph (3) has given for not providing the statement.
- (6) The client must give the notice under paragraph (2) together with a copy of the statement referred to in paragraph (3) or, if applicable, a statement referred to in paragraph (5), to the regulator within the period of 14 days beginning with the date of the appointment.
- (7) The client must ensure—
 - (a) a record is made of the change of principal contractor (or sole contractor) or principal designer (or sole or lead designer) in the change control log, and
 - (b) the construction control plan is revised, in accordance with regulation 18 (change control), to reflect the change.
- (8) Where the client is a domestic client (DC), the following applies instead of paragraphs (2) to (7)—
 - (a) except where the person appointed (PA) is the first person appointed to the role, the person who held the role before PA (“outgoing dutyholder”) must, within five days of the date their appointment ends, give the DC a notice which sets out—
 - (i) their name, address, telephone number and (if available) email address;
 - (ii) the date their appointment ended;
 - (iii) subject to paragraph (b), a certificate that—
 - (aa) in the case of a person who was 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;
 - (bb) in the case of a person who was 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;
 - (b) where the outgoing dutyholder is unable to certify that they fulfilled their duties, a statement explaining what duties they were unable to fulfil and the reasons for not being able to do so;
 - (c) DC must provide the information referred to under sub-paragraph (a) and, as the case may be, (b) to PA on the date of appointment of PA or as soon as practicable after that date;
 - (d) subject to paragraph (10), PA must give a notice to the regulator which includes—
 - (i) the location of the building work;
 - (ii) the name, address, telephone number and (if available) email address of PA and the date of appointment;
 - (iii) except where PA is the first person appointed to the role, the name, address, telephone number and (if available) email address of the outgoing dutyholder and the date their appointment ended;

(iv) a statement explaining the notice is given on behalf of a domestic client.

(9) PA must ensure the notice under paragraph (8)(d) is accompanied by a copy of a certificate provided to them under paragraph (8)(a) or a statement provided to them under paragraph (8)(b).

(10) Where PA has not received the information required to be provided under paragraph (8)(c) by the time the notice under paragraph (8)(d) is to be given, the statement given by PA under paragraph (8)(d)(iv) must also include an explanation to that effect.

(11) A notice required under paragraph (8)(d) must be given to the regulator within the period of 14 days beginning with the date of the appointment.

(12) PA must ensure—

- (a) a record is made of the change of principal contractor (or sole contractor) or principal designer (or sole or lead designer) in the change control log, and
- (b) the construction control plan is revised, in accordance with regulation 18 (change control), to reflect the change.

Commencement Information

II [Reg. 29](#) 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 29.