
STATUTORY INSTRUMENTS

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⁽¹⁾;
 - (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;

⁽¹⁾ 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.

Commencement Information

II [Reg. 40](#) 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 40.