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STATUTORY INSTRUMENTS

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**2023 No. 909**

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

**PART 2**

**Building control approval**

**CHAPTER 1**

**New HRBs**

**Building control approval applications for HRB work or stage of HRB work: consultation**

**6.—(1)** Subject to paragraph (5), before determining a building control approval application for HRB work or a building control approval application for a stage of HRB work the regulator must consult—

- (a) the enforcing authority (within the meaning of article 25 of the Regulatory Reform (Fire Safety) Order 2005<sup>(1)</sup>) for the proposed higher-risk building, and
  - (b) where paragraph H4 of Schedule 1 to the 2010 Regulations imposes requirements in relation to the work, the sewerage undertaker for the proposed higher-risk building.
- (2) Where the regulator is required to consult a person under this regulation the regulator—
- (a) must give the person sufficient plans to show whether the HRB work or the stage of HRB work would, if carried out in accordance with those plans, comply with—
    - (i) in the case of the enforcing authority, the applicable requirements of Part B (fire safety) of Schedule 1 to the 2010 Regulations, and
    - (ii) in the case of the sewerage undertaker, the requirements of paragraph H4 of Schedule 1 to the 2010 Regulations;
  - (b) must not determine the application until the expiry of a period of 15 working days beginning with the date the consultation starts or such longer period as the regulator and the person consulted agree in writing.
- (3) In relation to the consultation under paragraph (1)(a) the plans given must include the fire and emergency file.
- (4) If all persons consulted express their views before the end of the period referred to in paragraph (2)(b) then the prohibition against determining the application ceases to apply on the day after the date on which their views are received by the regulator.
- (5) The regulator is not required to consult under this regulation where it is satisfied following consideration of the application there are sufficient grounds to reject the application.

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(1) [S.I. 2005/1541](#) to which there are amendments not relevant to this provision.