
STATUTORY INSTRUMENTS

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: decisions

7.—(1) The regulator must grant the building control approval sought in a building control approval application for HRB work or a building control approval application for a stage of HRB work unless the application or any document that accompanied the application—

- (a) does not comply with the requirements of regulation 4 (building control approval applications for HRB work or stage of HRB work) or any direction relating to the application or the document given by the regulator under regulation 59 (electronic submission and directions);
 - (b) is not sufficiently detailed in any respect to allow the regulator to determine whether the HRB work or the stage of HRB work would contravene any applicable requirement of the building regulations;
 - (c) shows the HRB work or the stage of HRB work would contravene any applicable requirement of the building regulations;
 - (d) shows the strategies, policies or procedures in relation to the HRB work or the stage of HRB work (including in relation to controlled changes, mandatory occurrence reporting, competence of persons or sharing of information and co-operation) would contravene, or would be likely to contravene, the requirements of—
 - (i) regulations 18 to 21 and 26 to 29 (changes to documents or persons);
 - (ii) regulations 31, 38 and 39 (golden thread etc);
 - (iii) regulations 32 to 37 (mandatory occurrence reporting);
 - (iv) Part 2A (dutyholders and competence) of the 2010 Regulations.
- (2) If one or more of the reasons in paragraph (1) applies, the regulator may—
- (a) reject the building control approval application for HRB work or the building control approval application for a stage of HRB work, or
 - (b) with the written consent of the applicant, grant the building control approval sought in the application subject to one or more requirements.
- (3) The types of requirement that may be imposed under paragraph (2)(b) include—

- (a) a requirement to provide a specified plan or document, or a revised version of a specified plan or document, within a specified period;
- (b) a requirement that work does not proceed beyond a specified point until a specified plan or other document, or a revised version of a specified plan or other document, has been given to, and approved by, the regulator.

(4) The regulator must notify the applicant of the outcome of the application (and where the applicant is not the client, also give a copy of the notification to the client) within the period referred to in regulation 5 (building control approval applications for HRB work or stage of HRB work: validity and time limit).

(5) A notice that the application has been rejected must give the reasons for rejection.

(6) A notice that the building control approval sought in the application has been granted subject to a requirement must specify the requirement imposed.

(7) If requested by the applicant, the regulator must provide a paper copy of the notice of building control approval.

(8) Where a building control approval application for HRB work or a building control approval application for a stage of HRB work is successful the effect is that from the date of the notice under paragraph (4)—

- (a) building control approval for the HRB work or, as the case may be, building control approval for the stage of HRB work is granted;
- (b) subject to paragraphs (9) and (10)—
 - (i) the description of the proposed HRB work or, as the case may be, the description of the proposed stage of HRB work,
 - (ii) the plans of the HRB work or, as the case may be, the plans of the stage of HRB work that accompanied the application, and
 - (iii) each of the other documents that accompanied the application,are approved.

(9) Where building control approval has been granted subject to a requirement that a plan or document must be revised, the unrevised plan or document is not approved by paragraph (8)(b).

(10) Where—

- (a) building control approval has been granted subject to a requirement that any plan or document must be revised, and
- (b) the plan or document is subsequently revised in accordance with the requirement,

then that revised plan or document is approved from the date specified in the approval given by the regulator for the revision.

(11) Where building control approval has been granted subject to a requirement of a type described in paragraph (3)(a), the client must ensure that work does not start before the plan or document is provided.

(12) Where building control approval has been granted subject to a requirement of a type described in paragraph (3)(b)—

- (a) the requirement must set out the points specified in relation to the work and the plans or documents which must be approved for each point;
- (b) the client must ensure work to which the requirement relates does not proceed beyond the point specified in the requirement until the approval by the regulator in relation to that plan or document has been received.

(13) If requested by the client, the regulator must provide a paper copy of the approval referred to in paragraph (12)(b).

(14) Where the regulator decides not to approve a plan or document under paragraph (12) if requested the regulator must give the reasons for the decision.