

SCHEDULE 3

Transitional, supplementary and saving provisions

PART 1

Transitional etc provisions

From April 2024: cases where work has sufficiently progressed and then initial notice ceases

11.—(1) This paragraph applies where—

- (a) paragraph 1 applies in relation to a particular building in respect of work for which an initial notice was in force on 6th April 2024;
- (b) a notice under paragraph 1(4) (notice that work had sufficiently progressed) in relation to that work was received by a local authority before 6th April 2024;
- (c) the initial notice for the work, or such part of the notice which relates to the higher-risk building, ceases to be in force by virtue of any provision of Part 2 of the 1984 Act on a date after 6th April 2024 (“the cancellation date”).

(2) Where this paragraph applies—

- (a) if a final certificate relating to the work (or any part of the work which relates to the higher-risk building) has been accepted before the cancellation date then with effect from the notice date the function of enforcing building regulations that is conferred on the regulator by section 91(3) of the 1984 Act is not exercisable in relation to that work;
- (b) if a plans certificate relating to the work (or any part of the work which relates to the higher-risk building) has been accepted before the cancellation date then with effect from the notice date the certificate ceases to have effect;
- (c) accordingly Parts 2 to 6 of these Regulations apply to the work from the cancellation date with the modifications provided for in paragraph 5(9) (as applied by paragraph (4));
- (d) subject to paragraph (e), the 2010 Regulations, to the extent they apply to higher-risk buildings, apply to any of the work from that date;
- (e) regulation 11(3) of the 2010 Regulations does not apply and accordingly the regulator may exercise the power in section 8(3A) of the 1984 Act to dispense with or relax any requirement of the 2010 Regulations.

(3) Where this paragraph applies, with effect from the cancellation date the regulator, and not the local authority for the area, is the building control authority in relation to the higher-risk building and accordingly the duties and functions of the regulator under section 91 of the 1984 Act apply in relation to the work to the higher-risk building (but not in relation to any other work specified in the initial notice).

(4) The provisions of paragraph 5(4) to (9) also apply.

Commencement Information

11 Sch. 3 para. 11 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, Paragraph 11.