

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This instrument is part of a set of Regulations which implement Part 3 of the Building Safety Act 2022.

Section 91ZA of the Building Act 1984, which is to have effect from 1st October 2023, provides for the regulator to be the building control authority in relation to any higher-risk building in England and any proposed higher-risk building.

Part 2 of these Regulations makes a number of amendments to the Building Regulations 2010 ([S.I. 2010/2214](#)). Regulation 3 inserts a number of new definitions.

Regulation 4 provides that most of the procedural requirements in the Building Regulations 2010 do not apply in relation to higher-risk buildings. (Instead the procedures set out in the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 apply).

Regulation 5 amends the exemption from requirements other than substantive requirements for the Mayor's Office for Policing and Crime.

Regulation 6 inserts a new Part 2A into the Building Regulations 2010. This new Part sets out the arrangements a client in relation to a project must make, including the appointment in most cases of a principal contractor and a principal designer, and provisions as to the duties and competence of persons working on a project. Regulation 6 also provides that the client must notify the relevant authority where the principal contractor or principal designer in relation to the work changes, and that after completion of the work the client must send a notice to the authority which includes compliance statements as to the work.

Regulation 7 changes a number of references to deposit of plans to applications for building control approval, and a number of references to local authorities to building control authority (which term includes the regulator).

Regulation 8 inserts new provisions, equivalent to those which were in section 16 of the Building Act 1984, in relation to applications for building control approval, and regulation 9 inserts new provision, equivalent to article 45 of the Regulatory Reform (Fire Safety) Order 2005, in relation to consultation on applications.

Regulation 10 makes provision in relation to the procedure for appeals under the Building Act 1984 – Part 3 of the Building Safety Act 2022 provided for a number of new rights of appeal, and moved most appeals from the Secretary of State to the regulator and from the magistrates' court to the First-tier Tribunal.

Regulation 11 makes provision under section 91ZB of the Building Act 1984 in relation to regulator's notices.

Regulation 12 amends regulations 20 and 20A of the Building Regulations 2010 to provide that the client for the project ensures the person carrying out work in relation to a higher-risk building is aware the building is a higher-risk building.

Regulation 13 amends regulation 38 of the Building Regulations 2010 to provide that the responsible person must acknowledge receipt of the fire safety information provided pursuant to regulation 38, and the notice to the building control authority as to handover of fire safety information confirms the information was received by the responsible person.

Regulation 14 omits regulations 45 and 46 of the Building Regulations 2010, this is linked to the commencement of section 33 of the Building Act 1984.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 15 amends the existing notice of intention to commence works in regulation 16 of the Building Regulations 2010 to become a notice of starting work, and inserts a new requirement to give a notice where work is regarded as commenced and it also sets out the definition of what is to be regarded as commencement of work for the purposes of lapse of building control approval is provided.

Regulation 16 updates the list of provisions whose breach cannot result in prosecution to include a number of the new duties inserted by this instrument, and equivalent provision is made for exclusion from compliance notices. Provision is also made for stop notices and the content of compliance notices, and procedures in relation to them.

Regulation 17 includes the omission of regulation 48 of the Building Regulations 2010 which is consequential on an amendment to section 94 of the Building Act 1984 by the Building Safety Act 2022.

Regulations 18 to 21 make a number of consequential amendments to secondary legislation to replace, for example, a number of references to deposited plans. The regulations amended are: the Building (Local Authority Charges) Regulations 2010 ([S.I. 2010/404](#)), the Energy Performance of Buildings (England and Wales) Regulations 2012 ([S.I. 2012/3118](#)), the Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023 ([S.I. 2023/275](#)) and the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 ([S.I. 2023/753](#)).

Regulations 22 to 25 make transitional and saving provisions. The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 also makes transitional and saving provisions in relation to higher-risk buildings.

A full impact assessment of the effect that this instrument will have on the costs to business is published with an Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).