
STATUTORY INSTRUMENTS

2023 No. 911

**The Building Regulations etc. (Amendment)
(England) Regulations 2023**

PART 2

Amendment of the Building Regulations 2010

Regulator's notices

11. After regulation 19 (supervision of building work otherwise than by local authorities) of the 2010 Regulations insert—

“Regulator’s notices: description of work and connection

19A. For the purposes of section 91ZB(1) of the Act, a regulator’s notice may be given in relation to any building work (which is not higher-risk building work) where—

- (a) the client for the building work is proposing to undertake higher-risk building work on the same site;
- (b) the regulator’s notice includes all the building work to be carried out on the site which is not higher-risk building work; and
- (c) the client has appointed the same principal contractor for the building work and the higher-risk building work.

Regulator’s notices: content of notices

19B. A regulator’s notice must be in writing and must include—

- (a) the name, address, telephone number and (if available) email address of the client for the project to which the notice relates;
- (b) a statement that the notice is a regulator’s notice under section 91ZB of the Act;
- (c) the location of the proposed building work to which the regulator’s notice is to apply;
- (d) a description of the proposed building work to which the regulator’s notice is to apply, including a statement explaining how that work is connected to higher-risk work and the location on the site of that higher-risk building work;
- (e) a statement giving the date it is proposed the building work will start and how long it is proposed to take to complete;
- (f) a plan to a scale of not less than 1:1250 showing—
 - (i) the size and position of the building, or the building as extended, and its relationship to adjoining boundaries;

- (ii) the boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilage;
- (iii) the width and position of any street on or within the boundaries of the curtilage of the building or the building as extended;
- (g) a declaration, signed by the client and signed by an employee of the regulator who is authorised to do so, confirming—
 - (i) the client and the regulator consent to the giving of the notice;
 - (ii) the proposed building work to which the notice relates includes no higher-risk building work;
 - (iii) the proposed building work falls within the requirements of regulation 19A (regulator’s notices: description of work and connection);
 - (iv) they understand the proposed building work is to be subject to the procedural requirements of these Regulations.

Regulator’s notices: grounds for rejection

19C.—(1) The following grounds are prescribed for the purposes of section 91ZC(2) of the Act—

- (a) the conditions in regulation 19A (regulator’s notices: description of work and connection) are not satisfied in relation to the work specified in the notice;
- (b) the work specified in the notice is not within the area of the local authority;
- (c) that an application for building control approval, an initial notice or a public body’s notice has been given in relation to the work (or any part of it);
- (d) the notice does not comply with the requirements of regulation 19B (regulator’s notices: content of notices).

(2) For the purposes of section 91ZC(3) of the Act a notice of rejection must be given within five days of the day on which the regulator’s notice is given.

Regulator’s notices: appeals

19D.—(1) An appeal to the First-tier Tribunal under section 91ZC(4) of the Act must be made within 21 relevant days beginning with the day after the day on which the local authority notifies the person under section 91ZC(3) of the Act.

(2) The First-tier Tribunal may allow an appeal under section 91ZC(4) of the Act only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.

(3) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

(4) The power of the First-tier Tribunal to award costs does not apply in relation to an appeal under this regulation.

Regulator’s notices: direction

19E.—(1) In relation to work which is the subject of a regulator’s notice, the regulator may make a direction as to the way in which any of the following documents are given (which may include specifying cases where they must be given electronically via a website address provided for that purpose by the regulator)—

- (a) a building notice under regulation 13 (particulars and plans where a building notice is given);
- (b) an application under regulation 14 (applications for building control approval with full plans);
- (c) any notice under regulation 16 (notices in relation to building work);
- (d) an application under regulation 18 (unauthorised building work);
- (e) any documents that are required to accompany any notice or application referred to in sub-paragraph (a) to (d);
- (f) a notice under regulation 25A(2), 27(2) or (3), 27A(2) or (3), 27C(2) or (3), 37(1), 38(2B) or (2G), 41(4), 42(2), 43(2), 44(3) and 44ZA(2);
- (g) a copy of results under regulation 41(2).

(2) A direction must specify the date on which it comes into effect, which must not be earlier than seven days after it is published.

(3) Where the regulator has made and published a direction in accordance with this regulation, an application (or any document that accompanied the application) of the type mentioned in the direction must, from the date specified in the direction, be given in accordance with the direction.

(4) The regulator may, by a further direction, amend or revoke a direction made under this regulation.

Regulator’s notices: local land charges

19F. The functions of local authorities under the Local Land Charges Act 1975, as they relate to building work for which the regulator is the building control authority by reason of a regulator’s notice under section 91ZB of the Building Act 1984, are prescribed for the purposes of paragraph (b) of the definition of “relevant function” in paragraph 2(5) of Schedule 3 to the Building Safety Act 2022.”.