

STATUTORY INSTRUMENTS

2024 No. 110

The Building (Registered Building Control Approvers etc.) (England) Regulations 2024

PART 5

Transfer of projects to another approver

Section 53(7): prescribed provision

24. For the purposes of section 53(7)(a) of the 1984 Act, section 52(1)(a) of the 1984 Act is prescribed.

Commencement Information

II [Reg. 24](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Information to be included in transfer certificates

25. For the purposes of section 53B(5) of the 1984 Act, a transfer certificate must contain the following information—

- (a) a statement describing the original work and the unfinished work⁽¹⁾;
- (b) a statement describing all the steps the approver has taken to determine, in accordance with section 53B(2) of the 1984 Act, whether the unfinished work contravenes any provision of the building regulations, in particular listing—
 - (i) each inspection or laying open of the work undertaken;
 - (ii) each report of any inspection or laying open of work produced;
 - (iii) any other assessment of the work which was considered;
- (c) a statement setting out the name and address of the registered building inspector from whom advice was obtained under section 54B(3) of the 1984 Act before giving the transfer certificate;
- (d) a declaration, signed and dated by the approver, confirming—
 - (i) the approver has inspected the unfinished work;
 - (ii) the approver has determined that, as at the date of the transfer certificate, the unfinished work does not contravene any provision of the building regulations;
 - (iii) each report or assessment referred to the statement under paragraph (b) has been included in the transfer report given under section 53B of the 1984 Act;

⁽¹⁾ See section 53(7) of the Building Act 1984 for the definition of “original work” and section 53B(9) for the definition of “unfinished work”. Subsection (7) of section 53 was substituted, and section 53B was inserted, by section 50 of the Building Safety Act 2022.

Status: Point in time view as at 30/04/2024.

Changes to legislation: There are currently no known outstanding effects for the The Building (Registered Building Control Approvers etc.) (England) Regulations 2024, PART 5. (See end of Document for details)

- (iv) the approver has obtained advice from a registered building inspector under section 54B(3) of the 1984 Act before giving the transfer certificate, and
- (v) the approver has received the agreement of the person carrying out or intending to carry out the work to submit the transfer certificate and transfer report.

Commencement Information

I2 [Reg. 25](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Grounds for rejecting a transfer certificate and transfer report

26. The grounds on which a local authority may reject a transfer certificate and transfer report are those prescribed in Schedule 5.

Commencement Information

I3 [Reg. 26](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Cases where a further initial notice may be given after cancellation of an initial notice under section 53D

27.—(1) For the purposes of section 53D(5) of the 1984 Act, the following circumstances are prescribed—

- (a) the approver has cancelled the initial notice under section 52(1)(a) of the 1984 Act;
 - (b) the person carrying out or intending to carry out the work has cancelled the initial notice under section 53D(3) of the 1984 Act because they were satisfied the approver was unable to carry out (or continue to carry out) their functions with respect to any of the work to which the initial notice relates;
 - (c) the approver is given a specified disciplinary order during the relevant period (as defined in section 53B(7) of the 1984 Act).
- (2) In this regulation a “specified disciplinary order” means—
- (a) any disciplinary order under section 58U(2)(b) of the 1984 Act (variation of registration) such that the approver is no longer able to carry out their functions with respect to any of the work to which the initial notice [^{F1}relates];
 - (b) any disciplinary order under section 58U(2)(c) of the 1984 Act (suspension of registration) excluding any suspension which is as a consequence of functions in relation to the unfinished work or work for the person carrying out the work;
 - (c) any disciplinary order under section 58U(2)(d) of the 1984 Act (cancellation of registration) excluding any cancellation which is as a consequence of functions in relation to the unfinished work or work for the person carrying out the work;
 - (d) an order under section 58V of the 1984 Act (interim suspension for suspected serious contravention) excluding any interim suspension which is as a consequence of functions in relation to the unfinished work or work for the person carrying out the work.

Textual Amendments

F1 Word in [reg. 27\(2\)\(a\)](#) substituted (30.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) \(Amendment\) Regulations 2024 \(S.I. 2024/474\)](#), [regs. 1\(3\), 2\(3\)](#)

Commencement Information

14 [Reg. 27](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Building (Registered Building Control Approvers etc.) (England) Regulations 2024, PART 5.