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## STATUTORY INSTRUMENTS

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# 2024 No. 110

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

### PART 8

#### Miscellaneous

#### **Contravention of certain regulations not to be an offence or be subject to a compliance notice**

**35.** Each of these Regulations, other than regulations 17 (notification of dutyholders), 18 (compliance declarations) and 22 (local authority powers in relation to partly completed work), is prescribed for the purposes of sections 35(2) and 35B(7)(a) of the 1984 Act.

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#### **Commencement Information**

**I1** [Reg. 35](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

#### **Consequential amendments to the Regulatory Reform (Fire Safety) Order 2005 and transitional provision**

**36.—(1)** The Regulatory Reform (Fire Safety) Order 2005(1) is amended in accordance with the following paragraphs.

(2) In article 30(5)(c) after “the approved inspector” insert “or registered building control approver”.

(3) In article 46(3) for “an approved inspector within the meaning of section 49 of the Building Act 1984” substitute “a registered building control approver within the meaning of section 58N of the Building Act 1984”.

(4) The amendment in paragraph (3) does not apply in relation to a person who, by virtue of regulation 46 of these Regulations or a provision of Schedule 3 to the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023(2), continues in the capacity of an approved inspector on or after 6th April 2024.

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#### **Commencement Information**

**I2** [Reg. 36](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

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(1) [S.I. 2005/1541](#) to which there are amendments not relevant to this instrument.

(2) [S.I. 2023/909](#).

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Registered Building Control Approvers etc.) (England) Regulations 2024, PART 8. (See end of Document for details)*

## Consequential amendments to the Building (Local Authority Charges) Regulations 2010

**37.**—(1) The Building (Local Authority Charges) Regulations 2010<sup>(3)</sup> are amended as follows.

(2) In regulation 2 in the appropriate place insert ““the RBCA Regulations” means the Building (Registered Building Control Approvers etc.) (England) Regulations 2024;”.

(3) In regulation 5(1)(d) at the beginning insert “in relation to Wales,” and after that sub-paragraph, before “and”, insert—

“(da) in relation to England, the consideration of building work reverting to local authority control under the RBCA Regulations (a “reversion charge”);”.

(4) In regulation 8(1)(d) at the beginning insert “in relation to Wales,” and after that sub-paragraph insert—

“(da) in relation to England, any reversion charge shall be payable for building work in relation to a building—

(i) which has been substantially completed before plans are first given to the authority in accordance with regulation 22(2)(a) of the RBCA Regulations, or

(ii) in respect of which plans for further building work have been given to the authority in accordance with regulation 22(3) of the RBCA Regulations,

on the first occasion on which those plans are or have been given;”.

### Commencement Information

**I3** Reg. 37 in force at 6.4.2024, see [reg. 1\(3\)](#)

## Amendments to the Building Regulations 2010 and transitional provision

**38.**—(1) The Building Regulations 2010<sup>(4)</sup> are amended as follows.

(2) In regulation 12(7) for “regulation 19 of the Building (Approved Inspectors etc.) Regulations 2010” substitute “regulation 22 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024”.

(3) In regulation 14(3)(b) for “and (2)” substitute “, (2) and (2A)”.

(4) In regulation 18E(2)(c) for “an approved inspector” substitute “a registered building control approver”.

(5) In regulation 41(3A) for “each results of testing” substitute “the results of the testing”.

(6) In regulation 47(a)—

(a) in paragraph (iii) after “(3D)” insert “and (3E)”;

(b) in paragraph (vi) for “(appeal against refuse to grant certain certificates)” substitute “(unauthorised building work)”.

(7) In regulation 47A—

(a) in sub-paragraph (c) after “(3D)” insert “and (3E)”;

(b) in sub-paragraph (f) for “(appeal against refuse to grant certain certificates)” substitute “(unauthorised building work)”.

(8) The amendment in paragraph (4) does not apply in relation to a person who, by virtue of regulation 46 of these Regulations or a provision of Schedule 3 to the Building (Higher-

<sup>(3)</sup> [S.I. 2010/404](#) to which there are amendments not relevant to this instrument.

<sup>(4)</sup> [S.I. 2010/2214](#). Regulations 12, 41, and 47 were amended by, regulations 18E and 47A were inserted by, and regulation 14 was substituted by [S.I. 2023/911](#). There are other amendments not relevant to this instrument.

Risk Buildings Procedures) (England) Regulations 2023, continues in the capacity of an approved inspector on or after 6th April 2024.

**Commencement Information**

**I4** [Reg. 38](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

**Consequential amendment to the Energy Performance of Buildings (England and Wales) Regulations 2012 and transitional provision**

**39.**—(1) In regulation 32(1)(c) of the Energy Performance of Buildings (England and Wales) Regulations 2012<sup>(5)</sup> for “an approved inspector for the purposes of the inspector’s” substitute “a registered building control approver for the purposes of the approver’s”.

(2) The amendment in paragraph (1) does not apply in relation to a person who, by virtue of regulation 46 of these Regulations or a provision of Schedule 3 to the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, continues in the capacity of an approved inspector on or after 6th April 2024.

**Commencement Information**

**I5** [Reg. 39](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

**Consequential amendments to the Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023**

**40.** In regulation 1(3) of the Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023<sup>(6)</sup>, in the definition of “building control body”, after “approved inspector” insert “or, as the case may be, registered building control approver”.

**Commencement Information**

**I6** [Reg. 40](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

**Consequential amendments to the Building (Restricted Activities and Functions) (England) Regulations 2023**

**41.** In regulation 3(2)(i) of the Building (Restricted Activities and Functions) (England) Regulations 2023<sup>(7)</sup>—

- (a) for “regulation 19(1) of the Building (Approved Inspectors etc.) Regulations 2010 (partly completed work)” substitute “regulation 22(1) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (local authority powers in relation to partly completed work)” ;
- (b) for “regulation 19(2)(a)” substitute “regulation 22(2)(a)”;
- (c) for “regulation 19(2)(b)” substitute “regulation 22(2)(b)”.

<sup>(5)</sup> [S.I. 2012/3118](#) to which there are amendments not relevant to this instrument.

<sup>(6)</sup> [S.I. 2023/315](#).

<sup>(7)</sup> [S.I. 2023/1052](#).

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Registered Building Control Approvers etc.) (England) Regulations 2024, PART 8. (See end of Document for details)

#### Commencement Information

**17** [Reg. 41](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

### Amendments to the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023

**42.**—(1) The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023(8) are amended as follows.

(2) After regulation 27(13) insert—

“(13A) For the purposes of section 35B(7)(a) of the 1984 Act (provisions for which compliance notice may not be given) paragraphs (6) and (8) are prescribed.”

(3) After regulation 28(6) insert—

“(6A) For the purposes of section 35B(7)(a) of the 1984 Act (provisions for which compliance notice may not be given) paragraph (3) is prescribed.”

#### Commencement Information

**18** [Reg. 42](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

### Revocations

**43.** The following provisions are revoked—

(a) as respects England—

(i) the Building (Approved Inspectors etc.) Regulations 2010(9);

(ii) regulations 34 to 44 of the Building Regulations &c. (Amendment) Regulations 2012(10);

(iii) regulation 6 of the Building Regulations &c. (Amendment) Regulations 2013(11);

(iv) regulation 10 of the Building Regulations &c. (Amendment) (No. 2) Regulations 2013(12);

(v) regulation 3 of the Building Regulations &c. (Amendment) Regulations 2014(13);

(vi) regulation 3 of the Building Regulations &c. (Amendment) Regulations 2015(14);

(vii) regulation 3 of the Building Regulations &c. (Amendment) Regulations 2016(15);

(b) regulation 14 to 16 of the Building Regulations etc. (Amendment) (England) Regulations 2021(16);

(c) regulation 3 of the Building Regulations etc. (Amendment) (England) (No. 2) Regulations 2021(17);

(8) [S.I. 2023/909](#).  
 (9) [S.I. 2010/2215](#).  
 (10) [S.I. 2012/3119](#).  
 (11) [S.I. 2013/181](#).  
 (12) [S.I. 2013/1959](#).  
 (13) [S.I. 2014/579](#).  
 (14) [S.I. 2015/767](#).  
 (15) [S.I. 2016/285](#).  
 (16) [S.I. 2021/1391](#).  
 (17) [S.I. 2021/1392](#).

- (d) the Building (Approved Inspectors etc.) (Amendment) (England) Regulations 2022(18);
- (e) paragraph 9 of the Schedule to the Building etc. (Amendment) (England) (No. 2) Regulations 2022(19);
- (f) the Building (Approved Inspectors etc. and Review of Decisions) (England) Regulations 2023(20).

#### Commencement Information

**I9** Reg. 43 in force at 6.4.2024, see **reg. 1(3)**

#### Transitional provisions: approved inspectors who became approvers

**44.**—(1) Subject to paragraph (6), this regulation applies where an approved inspector who gave an initial notice before 6th April 2024 has become a suitably qualified approver in relation to the work described in that notice before that date.

(2) Where this regulation applies then with effect from 6th April 2024 any initial notice given by the approved inspector before 6th April 2024 is to be treated as if it were given instead by that person in their capacity as an approver and these Regulations apply with the modifications in paragraph (3) in relation to that person in undertaking functions in relation to the work described in the initial notice.

(3) The modifications referred to in paragraph (2) are that these Regulations have effect as if—

- (a) in regulation 4 (functions of approvers), paragraph (4)(a)(iv) (Part 2A) were omitted;
- (b) in relation to any pre-1st October 2023 work—
  - (i) regulations 15 to 18 were omitted;
  - (ii) where an amendment notice is given by the approver to vary the work described in the initial notice referred to in paragraph (1), in paragraph 4 of form 2 (amendment notice) in Schedule 1, sub-paragraph (g) were omitted;
  - (iii) where a final certificate is given by the approver in relation to the work described in the initial notice referred to in paragraph (1), [F1paragraphs 10 and 11] of form 5 (final certificates) in Schedule 1 were omitted.

(4) Subject to paragraph (5), for the purposes of this regulation, an approver is suitably qualified in relation to the work described in the initial notice referred to if the building work is of a type within the scope of the registration of the registered building control approver.

(5) Where an approver is suitably qualified in relation to some of the work described in an initial notice then paragraph (2) has effect in relation only to the part of the building work within the scope of the registration and they continue to be treated as an approved inspector, and regulation 45 (transitional provisions: approved inspectors who did not become approvers) applies, in relation to the other part of the work described in the initial notice.

(6) This regulation does not apply to higher-risk building work(21).

(18) S.I. 2022/718.

(19) S.I. 2022/984.

(20) S.I. 2023/906.

(21) See the definition of “higher-risk building work” in section 91ZA of the Building Act 1984, which was inserted by section 32 of the Building Safety Act 2022.

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Registered Building Control Approvers etc.) (England) Regulations 2024, PART 8. (See end of Document for details)

### Textual Amendments

- F1** Words in [reg. 44\(3\)\(b\)\(iii\)](#) substituted (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) \(Amendment\) Regulations 2024 \(S.I. 2024/474\)](#), regs. 1(2), **2(5)**

### Commencement Information

- I10** [Reg. 44](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

### Transitional provisions: approved inspectors who did not become approvers

**45.**—(1) Subject to paragraph (6), this regulation applies where an approved inspector who gave an initial notice before 6th April 2024 did not become a suitably qualified approver before that date.

(2) Where this regulation applies then, notwithstanding the revocations in regulation 43 (revocations), with effect from 6th April 2024, in relation to any building work in the initial notice referred to in paragraph (1) for which the approved inspector is not a suitably qualified approver, the AI Regulations continue to have effect until 1st October 2024 with the modifications in paragraph (3).

(3) The modifications referred to in paragraph (2) are that the AI Regulations have effect as if—

- (a) the approved inspector were not permitted to give an initial notice on or after 6th April 2024 and accordingly regulation 10 (form, grounds and period for rejecting initial notices) and forms 1 and 4 (initial notice and combined initial notice) in Schedule 1 (forms) were omitted;
- (b) in regulation 8 (functions of approvers) the reference to “Part 2A (dutyholders and competence)” were omitted;
- (c) in relation to pre-1st October 2023 work—
  - (i) regulations 16B to 16E were omitted;
  - (ii) where an amendment notice is given by the approved inspector to vary the work described in the initial notice referred to in paragraph (1), in paragraph 4 of form 2 (amendment notice) in Schedule 1, sub-paragraph (g) were omitted;
  - (iii) where a final certificate is given by the approved inspector in relation to the work described in the initial notice referred to in paragraph (1), paragraphs 10A and 10B of form 5 (final certificates) in Schedule 1 were omitted.

(4) Subject to paragraph (5), for the purposes of this regulation, a person is not a suitably qualified approver—

- (a) if they are not a registered building control approver in relation to any work, or
- (b) in relation to the initial notice referred to in paragraph (1), if all of the building work described in the notice is of a type that is not within the scope of the registration of the registered building control approver.

(5) Where an approved inspector has become a registered building control approver before 6th April 2024 but, in relation to the initial notice referred to in paragraph (1), some of the building work described in the notice is of a type that is not within the scope of their registration then paragraph (2) has effect in relation only to the part of the building work not within the scope of the registration.

(6) This regulation does not apply to higher-risk building work.

### Commencement Information

- I11** [Reg. 45](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

### **Transitional provisions: higher-risk building work regarded as sufficiently progressed**

**46.**—(1) This regulation applies in relation to any initial notice given before 1st October 2023 in respect of higher-risk building work where—

- (a) a notice under paragraph 1(4) (notice that work had sufficiently progressed) of Schedule 3 to the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023(22) in relation to work to that building was received by a local authority before 6th April 2024, and
- (b) the approved inspector who gave the initial notice became an approver before 6th April 2024.

(2) Where this regulation applies then with effect from 6th April 2024 for so long as the initial notice continues in force on or after that date—

- (a) the initial notice given by the approved inspector is to be treated as if it were given instead by that person in their capacity as an approver,
- (b) these Regulations apply in relation to the approver in respect of the work described in that initial notice with the modifications in paragraph (4), and
- (c) Parts 2 to 6 of, and paragraph 7 of Schedule 3 to, the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 do not apply to the work.

(3) In cases where this regulation applies and the work described in the initial notice referred to in paragraph (1) is completed on or after 6th April 2024 then, with effect from that date, regulation 58 of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 has effect as if for paragraphs (2) to (4) there were substituted—

“(2) In relation to regulation 46 transitional work, a final certificate given by a registered building control approver to a local authority in accordance with the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 and not rejected by the authority is also prescribed as a completion certificate for the purposes of section 76(5) of the 2022 Act.

(3) In this regulation “regulation 46 transitional work” means work of a kind referred to in section 76(1) of the 2022 Act which is completed on or after 6th April 2024 and regulation 46 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (transitional provisions: higher-risk building work regarded as sufficiently progressed) applied to the work.”.

(4) The modifications referred to in paragraph (2) are that these Regulations have effect as if—

- (a) in regulation 4 (functions of approvers), paragraph (4)(a)(iv) (Part 2A) were omitted;
- (b) in regulation 15 (notices), paragraphs (2) to (9) were omitted;
- (c) regulations 16 to 18 were omitted;
- (d) where an amendment notice is given by the approver to vary the work described in the initial notice referred to in paragraph (1) and provided the amendment notice does not vary any of the work to become higher-risk building work then—
  - (i) regulation 7 (invalid notices or certificates) did not apply in relation to that amendment notice;
  - (ii) in paragraph 4 of form 2 (amendment notice) in Schedule 1, sub-paragraph (g) were omitted;
  - (iii) in paragraph 11 of form 2 (amendment notice) in Schedule 1—

*Status: Point in time view as at 06/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Building (Registered Building Control Approvers etc.) (England) Regulations 2024, PART 8. (See end of Document for details)*

- (aa) the words “and that the work described in this notice is within the scope of its registration” were omitted;
- (bb) sub-paragraph (c) were omitted;
- (e) where a plans certificate is given by the approver in relation to the work described in the initial notice referred to in paragraph (1)—
  - (i) regulation 7 (invalid notices or certificates) did not apply in relation to the plans certificate;
  - (ii) in paragraph 2 of form 3 (plans certificates) in Schedule 1, the words “and that the work described in this certificate is within the scope of its registration” were omitted;
  - (iii) in paragraph 9 of form 3 (plans certificates) in Schedule 1, sub-paragraph (d) were omitted;
- (f) where a final certificate is given by the approver in relation to the work described in the initial notice referred to in paragraph (1)—
  - (i) regulation 7 (invalid notices or certificates) did not apply in relation to the final certificate;
  - (ii) in paragraph 2 of form 5 (final certificates) in Schedule 1, sub-paragraph (b) were omitted;
  - (iii) [F<sup>2</sup>paragraphs 10, 11 and 13] of form 5 (final certificates) in Schedule 1 were omitted;
- (g) where the initial notice referred to in paragraph (1) is cancelled, Part 5 (transfer of projects to another approver) were omitted;
- (h) where the building work described in the initial notice started before 6th April 2024, Part 5 (transfer of projects to another approver) were omitted.

#### Textual Amendments

**F2** Words in [reg. 46\(4\)\(f\)\(iii\)](#) substituted (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) \(Amendment\) Regulations 2024 \(S.I. 2024/474\)](#), [regs. 1\(2\)](#), [2\(6\)](#)

#### Commencement Information

**I12** [Reg. 46](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

### Transitional provisions: cases where building work supervised by approved inspector is not completed before October 2024

**47.—**(1) Subject to paragraph (3), this regulation applies where an initial notice was given by an approved inspector under section 47 of the 1984 Act before 6th April 2024 and the building work, or part of the building work, described in the initial notice has not been given a final certificate before 1st October 2024.

(2) Where this regulation applies then for the purposes of section 47(4)(b)(ii) of the 1984 Act the initial notice ceases to be in force with effect from 1st October 2024.

(3) This regulation does not apply to—

- (a) higher-risk building work;
- (b) any initial notice or part of an initial notice which is to be treated as given by an approver by virtue of regulation 44 (transitional provisions: approved inspectors who became approvers).

**Commencement Information**

**I13** [Reg. 47](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

**Interpretation of Part 8**

**48.** In this Part—

“AI Regulations” means the Building (Approved Inspectors etc.) Regulations 2010;

“approved inspector” has the meaning given in section 49 of the Building Act 1984 (as that section had effect immediately before 6th April 2024);

“building” and “building work” have the meanings given in regulation 2(1) of the 2010 Regulations;

“pre-1st October 2023 work” means building work to which regulation 20(1) of the Building (Approved Inspectors etc. and Review of Decisions) (England) Regulations 2023 applied immediately before 6th April 2024 provided the work had started before 6th April 2024.

**Commencement Information**

**I14** [Reg. 48](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

**Status:**

Point in time view as at 06/04/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the The Building (Registered Building Control Approvers etc.) (England) Regulations 2024, PART 8.