
STATUTORY INSTRUMENTS

2010 No. 2214

The Building Regulations 2010

PART 3

Notices, Plans and Certificates

Giving of a building notice or deposit of plans

- 12.**—(1) This regulation applies to a person who intends to—
- (a) carry out building work;
 - (b) replace or renovate a thermal element in a building to which the energy efficiency requirements apply;
 - (c) make a change to a building's energy status; or
 - (d) make a material change of use.
- (2) Subject to the following provisions of this regulation, a person to whom this regulation applies shall—
- (a) give to the local authority a building notice in accordance with regulation 13; or
 - (b) deposit full plans with the local authority in accordance with regulation 14.
- (3) A person intending to carry out building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005⁽¹⁾ applies, or will apply after the completion of the building work, shall deposit full plans.
- (4) A person intending to carry out building work which includes the erection of a building fronting onto a private street shall deposit full plans.
- (5) A person intending to carry out building work in relation to which paragraph H4 of Schedule 1 imposes a requirement shall deposit full plans.
- (6) A person intending to carry out building work is not required to give a building notice or deposit full plans where the work consists only of work—
- (a) described in column 1 of the Table in Schedule 3 if the work is to be carried out by a person described in the corresponding entry in column 2 of that Table; or
 - (b) described in Schedule 4.
- (7) Where regulation 19 of the Building (Approved Inspectors etc) Regulations 2010⁽²⁾ (local authority powers in relation to partly completed work) applies, the owner shall comply with the requirements of that regulation instead of with this regulation.
- (8) Where—
- (a) a person proposes to carry out building work which consists of emergency repairs;
 - (b) it is not practicable to comply with paragraph (2) before commencing the work; and

⁽¹⁾ S.I. 2005/1541.

⁽²⁾ S.I. 2010/2215.

(c) paragraph (6) does not apply,
the person shall give a building notice to the local authority as soon as reasonably practicable after commencement of the work.

(9) In this regulation—

“fronting” has the meaning given in section 203(3) of the Highways Act 1980⁽³⁾; and

“private street” has the meaning given in section 203(2) of the Highways Act 1980⁽⁴⁾.

Particulars and plans where a building notice is given

13.—(1) A building notice shall state the name and address of the person intending to carry out the work and shall be signed by that person or on that person’s behalf, and shall contain or be accompanied by—

- (a) a statement that it is given for the purpose of regulation 12(2)(a);
- (b) a description of the proposed building work, renovation or replacement of a thermal element, change to the building’s energy status or material change of use; and
- (c) particulars of the location of the building to which the proposal relates and the use or intended use of that building.

(2) In the case of the erection or extension of a building, a building notice shall be accompanied by—

- (a) 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;
- (b) a statement specifying the number of storeys (each basement level being counted as one storey), in the building to which the proposal relates; and
- (c) particulars of—
 - (i) the provision to be made for the drainage of the building or extension; and
 - (ii) the steps to be taken to comply with any local enactment which applies.

(3) Where a building notice has been given, a person carrying out building work, renovation or replacement of a thermal element, change to the building’s energy status or making a material change of use shall give the local authority, within such time as they specify, such plans as are, in the particular case, necessary for the discharge of their functions in relation to building regulations and are specified by them in writing.

(4) Neither a building notice nor plans which accompany it or are given under paragraph (3) are to be treated for the purposes of section 16 of the Act as having been deposited in accordance with building regulations.

(5) A building notice shall cease to have effect on the expiry of three years from the date on which that notice was given to the local authority, unless before the expiry of that period—

- (a) the building work to which the notice related was commenced; or

⁽³⁾ 1980 c. 66.

⁽⁴⁾ Section 203(2) was amended by paragraph 45(11) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11) and Part 5 of Schedule 19 to the Planning and Compensation Act 1991 (c.34).

- (b) the change to the building's energy status or the material change of use described in the notice was made.

Full plans

14.—(1) Full plans shall be accompanied by a statement that they are deposited for the purpose of regulation 12(2)(b).

- (a) (2) (a) Full plans shall be deposited in duplicate, of which the local authority may retain one copy; and
 - (b) where Part B of Schedule 1 (fire safety) imposes a requirement in relation to proposed building work, an additional two copies of any such plans as demonstrate compliance with that requirement shall be deposited, both of which may be retained by the local authority.
- (3) Full plans shall consist of—
- (a) a description of the proposed building work, renovation or replacement of a thermal element, change to the building's energy status or material change of use, and the plans, particulars and statements required by paragraphs (1) and (2) of regulation 13;
 - (b) where paragraph H4 of Schedule 1 imposes a requirement, particulars of the precautions to be taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph; and
 - (c) any other plans which are necessary to show that the work would comply with these Regulations.

(4) Full plans shall be accompanied by a statement as to whether the building is a building in relation to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the building work.

(5) Full plans may be accompanied by a request from the person carrying out building work that on completion of the work the local authority should issue a completion certificate in accordance with regulation 17.

(6) Paragraph (2)(b) shall not require the deposit of additional copies of plans where the proposed building work relates to the erection, extension or material alteration of a dwelling-house or flat.

Consultation with sewerage undertaker

15.—(1) This regulation applies where full plans have been deposited with the local authority and paragraph H4 of Schedule 1 imposes requirements in relation to the building work which is the subject of those plans.

- (2) Where this regulation applies the local authority shall consult the sewerage undertaker—
- (a) as soon as practicable after the plans have been deposited; and
 - (b) before issuing any completion certificate in relation to the building work in accordance with regulation 17 pursuant to a request under regulation 14(5).
- (3) Where a local authority are required by paragraph (2) to consult the sewerage undertaker they shall—
- (a) give to the sewerage undertaker, in a case where the authority are consulting them following the deposit of full plans, sufficient plans to show whether the work would, if carried out in accordance with those plans, comply with the applicable requirements of paragraph H4 of Schedule 1;
 - (b) have regard to any views expressed by the sewerage undertaker; and

- (c) not pass plans or issue a completion certificate until 15 days have elapsed from the date on which they consulted the sewerage undertaker, unless the sewerage undertaker has expressed its views to them before the expiry of that period.

Notice of commencement and completion of certain stages of work

16.—(1) Subject to paragraphs (8) and (9), a person who proposes to carry out building work shall not commence that work unless—

- (a) that person has given the local authority notice of intention to commence work; and
 - (b) at least two days have elapsed since the end of the day on which the notice was given.
- (2) Subject to paragraph (8), a person carrying out building work shall not—
- (a) cover up any excavation for a foundation, any foundation, any damp-proof course or any concrete or other material laid over a site; or
 - (b) cover up in any way any drain or sewer to which these Regulations apply, unless that person has given the local authority notice of intention to commence that work, and at least one day has elapsed since the end of the day on which the notice was given.

(3) Subject to paragraph (8), a person who has laid, haunched or covered any drain or sewer in respect of which Part H of Schedule 1 (drainage and waste disposal) imposes a requirement shall give notice to that effect to the local authority not more than five days after the completion of the work.

(4) Subject to paragraph (8), a person carrying out building work shall, not more than five days after that work has been completed, give the local authority notice to that effect.

(5) Where a building is being erected, and that building (or any part of it) is to be occupied before completion, the person carrying out that work shall give the local authority at least five days notice before the building or any part of it is occupied.

(6) A person who fails to comply with paragraphs (1) to (3) shall comply within a reasonable time with any notice given by the local authority requiring that person to cut into, lay open or pull down so much of the work as prevents them from ascertaining whether these Regulations have been complied with.

(7) If the local authority have given notice specifying the manner in which any work contravenes the requirements in these Regulations, a person who has carried out any further work to secure compliance with these Regulations shall within a reasonable time after the completion of such further work give notice to the local authority of its completion.

(8) Paragraphs (1) to (4) apply only to a person who is required by regulation 12 to give a building notice or deposit full plans.

(9) Paragraph (1) does not apply where regulation 12(8) applies.

Completion certificates

17.—(1) A local authority shall give a completion certificate in accordance with this regulation and as provided for in paragraph (2) where—

- (a) they receive a notice under regulation 16(4) or (5) that building work has been completed, or, that a building has been partly occupied before completion; and
- (b) they have either—
 - (i) been notified, in accordance with regulation 14(4), that the building is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the work; or
 - (ii) been requested, in accordance with regulation 14(5), to give a completion certificate.

(2) Where in relation to any building work or, as the case may be, to any part of a building which has been occupied before completion, a local authority have been able to ascertain, after taking all reasonable steps, that the relevant requirements specified in the certificate have been satisfied, they shall give a certificate to that effect.

(3) In this regulation “relevant requirements” mean—

- (a) in a case mentioned in paragraph (1)(b)(i), the applicable requirements of regulation 38 and Part B of Schedule 1 (fire safety); and
- (b) in a case mentioned in paragraph (1)(b)(ii), any applicable requirements of regulations 26 (target CO₂ emission rates for new buildings), 29 (energy performance certificates), 36 (water efficiency of new dwellings) and Schedule 1.

(4) A certificate given in accordance with this regulation shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.

Unauthorised building work

18.—(1) This regulation applies where it appears to a local authority that unauthorised building work has been carried out on or after 11th November 1985.

(2) Where this regulation applies, the owner (in this regulation referred to as “the applicant”) may apply in writing to the local authority for a regularisation certificate in accordance with this regulation, and shall send with the application—

- (a) a statement that the application is made in accordance with this regulation,
- (b) a description of the unauthorised work,
- (c) so far as is reasonably practicable, a plan of the unauthorised work, and
- (d) so far as is reasonably practicable, a plan showing any additional work required to be carried out to secure that the unauthorised work complies with the requirements relating to building work in the building regulations which were applicable to that work when it was carried out (in this regulation referred to as “the relevant requirements”).

(3) Where a local authority receive an application in accordance with this regulation, they may require the applicant to take such reasonable steps, including laying open the unauthorised work for inspection by the authority, making tests and taking samples, as the authority think appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met.

(4) When the applicant has taken any such steps required by the local authority as are described in paragraph (3), and having had regard to any direction given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act dispensing with or relaxing a requirement in building regulations which applies to the unauthorised work, the local authority shall notify the applicant—

- (a) of the work which in their opinion is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
- (b) that they cannot determine what work is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
- (c) that no work is required to secure compliance with the relevant requirements or those requirements as dispensed with or relaxed.

(5) Where the local authority have been able to satisfy themselves, after taking all reasonable steps for that purpose that—

- (a) the relevant requirements have been satisfied (taking account of any work carried out and any dispensation or relaxation given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act), or

(b) no work is required to secure that the unauthorised work satisfies the relevant requirements (taking account of any such dispensation or relaxation),
they may give a certificate to that effect (in this regulation referred to as “a regularisation certificate”).

(6) A regularisation certificate shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.

(7) Where this regulation applies, regulations 12 and 14 shall not apply, and neither the supply of plans nor the taking of any other action in accordance with this regulation is to be treated for the purposes of section 16 of the Act as the deposit of plans in accordance with building regulations.

(8) In this regulation, “unauthorised building work” means building work other than work in relation to which an initial notice, an amendment notice or a public body’s notice has effect, which is done without—

- (a) a building notice being given to the local authority;
- (b) full plans of the work being deposited with the local authority; or
- (c) a notice of commencement of work being given, in accordance with regulation 16(1), where a building notice has been given or full plans have been deposited.