The Building (Approved Inspectors etc.) Regulations 2010

PART 7

Miscellaneous Provisions

Register of notices and certificates

30.—(1) The register which local authorities shall keep under section 56 of the Act shall contain the information set out in paragraph (2) with respect to—

(a) initial notices, amendment notices, notices under section 51C of the Act or public body’s notices currently in force, and
(b) certificates described in paragraph (3) which have been accepted or are presumed to have been accepted.

(2) The information to be registered is—

(a) the description of the work to which the notice or certificate relates and of the location of the work;
(b) the name and address of any person who signed the notice or certificate;
(c) the name and address of the insurer who signed any declaration which accompanied the notice or certificate; and
(d) the date on which the notice or certificate was accepted or was presumed to have been accepted.

(3) The certificates referred to in paragraph (1) are plans certificates, final certificates, public body’s plans certificates, public body’s final certificates and certificates given under section 16(9) of the Act.

(4) A register shall include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice or certificate relates.

(5) The information prescribed in paragraph (2) shall be entered in the register as soon as practicable and in any event within 14 days of the occurrence to which it relates.

Contravention of certain regulations not to be an offence

31. Each of these Regulations, other than regulation 19, is designated as a provision to which section 35 of the Act (penalty for contravening building regulations) does not apply.

(1) Section 56(1) to (4) is prospectively repealed by the Schedule to the Sustainable and Secure Buildings Act 2004, and section 56(1), (2) and (5) was amended by S.I. 1996/1905.

(2) Section 51C was inserted by S.I. 1996/1905.
Electronic service of documents

32. Section 94A of the Act (electronic service of documents) shall have effect as if the following documents were documents mentioned in subsection (7) of that section—

(a) a notice under regulation 18(1);
(b) a notice under regulation 19(2)(b);
(c) a certificate or notice under regulation 20 of the Principal Regulations as applied by regulation 20 of these Regulations;
(d) a notice under regulation 27(2) or (3) of the Principal Regulations as applied by regulation 20;
(e) an energy performance certificate under regulation 29(2)(a) of the Principal Regulations as applied by regulation 20;
(f) a notice under regulation 29(2)(b) of the Principal Regulations as applied by regulation 20;
(g) a notice under regulation 37(1) of the Principal Regulations as applied by regulation 20;
(h) results of sound insulation testing under regulation 41(2)(b) of the Principal Regulations as applied by regulation 20;
(i) a notice under regulation 42(2)(b) of the Principal Regulations as applied by regulation 20;
(j) a notice of the results of pressure testing under regulation 43(2)(b) of the Principal Regulations as applied by regulation 20;
(k) a notice under regulation 44(3) of the Principal Regulations as applied by regulation 20;

Transitional provisions: interpretation

33. In regulations 34 to 37—

“the Approved Inspectors Regulations 2000” means the Building (Approved Inspectors etc.) Regulations 2000(4);

“the 2009 Regulations” means the Building and Approved Inspectors (Amendment) Regulations 2009(5);

“the 2010 Regulations” means the Building and Approved Inspectors (Amendment) Regulations 2010(6).

Transitional provisions: work already started before 1st October 2010

34.—(1) Subject to paragraph (2), where before 1st October 2010 building work is started in accordance with—

(a) a building notice given to, or full plans deposited with, a local authority under regulation 12(2A) of the Building Regulations 2000(7) (giving of a building notice or deposit of plans) and a notice given to the local authority under regulation 15(1) of those Regulations(8) (notice of commencement and completion of certain stages of work);

(3) Section 94A was inserted by S.I. 2008/2334.
(4) S.I. 2000/2532.
(6) S.I. 2010/719.
(7) Regulation 12(2A) was inserted by S.I. 2006/652.
(8) Regulation 15(1) was amended by S.I. 2002/440 and 2006/652.
(b) an initial notice or an amendment notice given in accordance with section 47(1) (giving and acceptance of initial notice) or 51A(2) of the Act\(^{(9)}\) (variation of work to which initial notice relates); 

(c) a public body’s notice given in accordance with section 54 (giving, acceptance and effect of public body’s notice) of the Act,

the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that building work.

(2) Where before 1st October 2010 building work is started in accordance with an initial notice which is varied by an amendment notice given on or after that date, the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given.

(3) Where before 1st October 2010 building work is started to which regulation 12(5)(a) or (b)\(^{(10)}\) of the Building Regulations 2000 applies, the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that building work.

Transitional provisions: work for which notification is not required

35. Where before 1st October 2010 a contract is entered into for the provision of building work to which regulation 12(5)(a) or (b) of the Building Regulations 2000 applies, the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to that work, provided that the work is started before 6th April 2011.

Transitional provisions: notice given or plans deposited before 1st October 2010

36.—(1) Subject to paragraph (2), the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply in relation to building work where—

(a) before 1st October 2010 a building notice, an initial notice, an amendment notice or a public body’s notice has been given to, or full plans deposited with, a local authority; and

(b) the work is carried out or is to be carried out in accordance with any such notice or plans, whether with or without any departure from such plans,

provided that the work is started before 1st October 2011.

(2) Where an initial notice given before 1st October 2010 is varied by an amendment notice given on or after that date, the Approved Inspectors Regulations 2000 as last amended by the 2009 Regulations shall continue to apply to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given, provided that the work is started before 1st October 2011.

Transitional and saving provisions: earlier Building Regulations

37.—(1) If immediately before 1st October 2010 any of the transitional provisions listed in paragraph (2) applied in relation to building work, the Regulations specified in Schedule 8 shall continue to apply in relation to that building work in accordance with that provision as if these Regulations had not been made.

(2) The provisions are:

\(^{(9)}\) Section 47(1) was amended by section 8 of the Sustainable and Secure Buildings Act 2004 and S.I. 1996/1905. Section 51A(2) was inserted by S.I. 1996/1905.

\(^{(10)}\) Regulation 12(5) was substituted by S.I. 2004/3210 and amended by S.I. 2008/671.
regulation 9 of the Building (Approved Inspectors etc.) (Amendment) Regulations 2001(11);
regulations 3 and 4 of the Building (Approved Inspectors etc.) (Amendment) Regulations 2002(12);
regulations 29, 30 and 33 of the Building and Approved Inspectors (Amendment) Regulations 2006(13) in so far as they relate to the Approved Inspectors Regulations 2000;
regulation 4 of the Building and Approved Inspectors (Amendment) (No.2) Regulations 2006 (14) in so far as it relates to the Approved Inspectors Regulations 2000;
regulation 4 of the Building and Approved Inspectors (Amendment) Regulations 2007(15) in so far as it relates to the Approved Inspectors Regulations 2000;
regulations 4 to 6 and 8 of the 2009 Regulations in so far as they relate to the Approved Inspectors Regulations 2000.

(3) If immediately before 1st October 2010 regulation 32 of the Approved Inspectors Regulations 2000 applied in relation to building work, the Regulations specified in Schedule 1 to those Regulations shall continue to apply in relation to that building work in accordance with that transitional provision as if these Regulations had not been made.

Revocations and consequential amendments

38.—(1) The Regulations specified in the first column of the table in Schedule 8 are revoked to the extent specified in relation to each in the third column of that table.

(2) Schedule 9, which contains consequential amendments to the Building (Local Authority Charges) Regulations 2010(16) and the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007(17), has effect.

(11) S.I. 2001/3336.
(13) S.I. 2006/652.
(14) S.I. 2006/3318.
(15) S.I. 2007/3384.
(16) S.I. 2010/404.
(17) S.I. 2007/991.