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STATUTORY INSTRUMENTS

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**2023 No. 911**

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

**PART 3**

Amendment of other secondary legislation

**Amendments to the Building (Local Authority Charges) Regulations 2010**

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

(2) In regulation 5(1) (principles of charging scheme)—

(a) in sub-paragraph (a), at the beginning, insert “in relation to Wales,”;

(b) after sub-paragraph (a) insert—

“(aa) in relation to England—

(i) the passing or rejection of plans which have been deposited with the local authority, in accordance with section 16 of the Act, before 1st October 2023, or

(ii) the granting or rejection of an application for building control approval in relation to proposed building work in England made to the local authority in accordance with the Principal Regulations,

(“a plan charge”);”;

(c) in sub-paragraph (b), at the beginning, insert “in relation to Wales,”;

(d) after sub-paragraph (b) insert—

“(ba) in relation to England, the inspection of building work for which—

(i) plans have been deposited with the local authority, in accordance with section 16 of the Act, before 1st October 2023, or

(ii) an application for building control approval has been granted in accordance with the Principal Regulations,

(“an inspection charge”);”.

(3) In regulation 7(5) (principles of charging scheme: calculating charges) after sub-paragraph (j) insert—

“(ja) whether an application or building notice in relation to building work is in respect of building work which is substantially the same as building work in respect of which an application for building control approval has been granted or building works inspected by the same local authority;”.

(4) In regulation 8 (principles of charging scheme as to payment)—

- (a) in paragraph (1)—
  - (i) in sub-paragraph (a) after “deposited with” insert “, or an application for building control approval for the building work is made to,”;
  - (ii) in sub-paragraph (d)—
    - (aa) for “first deposited with” substitute “first given to”;
    - (bb) for “have been deposited with” substitute “have been given to”;
    - (cc) for “are or have been deposited” substitute “are or have been given”;
- (b) in paragraph (2)—
  - (i) after “are deposited” insert “or an application for building control approval which is made”; and
  - (ii) after “of the Act” insert “or is not validly made for the purposes of the Principal Regulations”;
- (c) in paragraph (3) after “plans of building work are deposited” insert “, an application for building control approval is made”.
- (5) In regulation 11 (refunds and supplementary charges)—
  - (a) in paragraph (1) after “the Act” insert “or do not give notice of the granting or rejection of an application for building control approval within the period required under the Principal Regulations”;
  - (b) in paragraph (2)—
    - (i) after “the plans were deposited” insert “or an application for building control approval was made”;
    - (ii) after “in order to comply with section 16 of the Act” insert “or the Principal Regulations”;
  - (c) in paragraph (6) after “plans which are deposited with a local authority under section 16 of the Act” insert “or an application for building control approval which is made to a local authority under the Principal Regulations”.
- (6) Omit regulation 14 (fees for determination of questions by the Secretary of State).

### **Amendments to the Energy Performance of Buildings (England and Wales) Regulations 2012**

**19.**—(1) The Energy Performance of Buildings (England and Wales) Regulations 2012(2) are amended as follows.

- (2) In regulation 32(1) (disclosure by keeper of register) after sub-paragraph (a) insert—
  - “(aa) to the building safety regulator for the purposes of its duty under section 91 of the Building Act 1984;”.

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

**20.**—(1) The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023(3) are amended as follows.

- (2) In regulation 1 (interpretation)—
  - (a) for the definition of “building certificate” substitute—

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(2) [S.I. 2012/3118](#).

(3) [S.I. 2023/315](#).

- ““building certificate” means a completion certificate or, as the case may be, a final certificate in relation to a building;”;
- (b) for the definition of “building control body” substitute—
- ““building control body” means—
- (a) where the certificate is a completion certificate, the building control authority for the building;
- (b) where the certificate is a final certificate, the approved inspector who gave the initial notice to which the final certificate relates;”;
- (c) in the definition of “completion certificate” after sub-paragraph (a) insert—
- “(aa) a certificate issued in accordance with regulation 44 (completion certificate applications: decisions) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023;
- (ab) where paragraph 5, 10 or 11 of Schedule 3 to the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 applies in relation to a building, a transfer and completion certificate provided for by virtue of modifications set out in paragraph 5(9), 10(4), or, as the case may be, 11(4) of Schedule 3 to those Regulations;”.

#### **Amendments to the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023**

**21.**—(1) The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023(4) are amended as follows.

- (2) In regulation 34 (exception to building control prohibition: emergency repair work)—
- (a) in paragraph (2)(b) for “local authority” substitute “relevant authority”;
- (b) after paragraph (2) insert—
- “(3) In this regulation “relevant authority” has the meaning given in regulation 2 of the Building Regulations 2010.”.
- (3) In regulation 35 (exception to building control prohibition: work to occupied buildings)—
- (a) in paragraph (1) after sub-paragraph (a) insert—
- “(aa) giving an application for building control approval to a building control authority;”;
- (b) after paragraph (2) insert—
- “(2A) Where an application for building control approval has been given pursuant to paragraph (1), a building control authority is not prohibited from granting a building control approval to the applicable person.”;
- (c) in paragraph (5) for “local authority” substitute “relevant authority”;
- (d) in paragraph (7), in the appropriate places insert—
- ““building control authority” has the meaning given in regulation 2 of the Building Regulations 2010;”;
- ““relevant authority” has the meaning given in regulation 2 of the Building Regulations 2010;”.
- (4) In regulation 36 (exception to building control prohibitions: purchasers)—

- (a) in paragraph (1)(a) for “local authority” substitute “relevant authority”;
- (b) after paragraph (6) insert—
  - “(7) In this regulation “relevant authority” has the meaning given in regulation 2 of the Building Regulations 2010.”.
- (5) In regulation 37 (exception to building control prohibitions and modification of the Building Regulations 2010: regularisation)—
  - (a) in paragraph (1) for “local authority” substitute “relevant authority”;
  - (b) after paragraph (2) insert—
    - “(2A) In this regulation “relevant authority” has the meaning given in regulation 2 of the Building Regulations 2010.”.