

---

STATUTORY INSTRUMENTS

---

**2023 No. 911**

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

**PART 2**

**Amendment of the Building Regulations 2010**

**Amendments: deposit of plans and building control authorities etc**

7.—(1) In regulation 11 (power to dispense with or relax regulations) of the 2010 Regulations, in paragraph (2), for “local authority” substitute “building control authority”.

(2) In regulation 12 (giving a building notice etc) of the 2010 Regulations—

- (a) in the heading for “deposit of plans” substitute “an application for building control approval”;
- (b) in paragraph (2)—
  - (i) in sub-paragraph (a), for “local authority” substitute “relevant authority”;
  - (ii) in sub-paragraph (b), for “deposit full plans with the local authority” substitute “give an application for building control approval with full plans to the relevant authority”;
- (c) in paragraphs (3), (4) and (5) for “deposit full plans” substitute “give an application for building control approval with full plans”;
- (d) in paragraphs (6) and (6A) for “deposit full plans” substitute “an application for building control approval with full plans”;
- (e) in paragraph (8) for “local authority” substitute “relevant authority”.

(3) In regulation 13 (particulars and plans where a building notice is given) of the 2010 Regulations—

- (a) in paragraphs (1A), (3) and (5) for “local authority” substitute “relevant authority”;
- (b) in paragraph (4) for “for the purposes of section 16 of the Act as having been deposited” substitute “as an application for building control approval with full plans”.

(4) In regulation 15 (consultation with sewerage undertaker) of the 2010 Regulations—

- (a) in paragraph (1) for “full plans have been deposited with the local authority” substitute “an application for building control approval with full plans has been given to the relevant authority”;
- (b) in paragraph (2)—
  - (i) for “local authority” substitute “relevant authority”;
  - (ii) for “the plans have been deposited” substitute “the application for building control approval with full plans has been given”;
- (c) in paragraph (3)—
  - (i) for “local authority” substitute “relevant authority”;

- (ii) for “the deposit of full plans” substitute “the giving of an application for building control approval with full plans”;
  - (iii) for “pass plans” substitute “grant the application for building control approval”.
- (5) In regulation 16 (notices) of the 2010 Regulations—
- (a) in paragraphs (1), (2), (3), (3A), (3B), (4), (5), (6) and (7) for “local authority”, in each place it occurs, substitute “relevant authority”;
  - (b) in paragraph (8) for “deposit full plans” substitute “an application for building control approval with full plans”.
- (6) In regulation 17 (completion certificates) of the 2010 Regulations—
- (a) in paragraphs (1) and (2) for “local authority” substitute “relevant authority”;
  - (b) after paragraph (5) insert—
    - “(6) Where the relevant authority is the regulator, it must send a copy of each certificate it gives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.
- (7) In regulation 17A (certificate for building occupied before work is completed) of the 2010 Regulations<sup>(1)</sup>—
- (a) in paragraphs (1) and (2), for “local authority” substitute “relevant authority”;
  - (b) after paragraph (4) insert—
    - “(5) Where the relevant authority is the regulator, it must send a copy of each certificate it gives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.
- (8) In regulation 18 (unauthorised building work) of the 2010 Regulations—
- (a) in paragraphs (1), (2), (3), (4) and (5) for “local authority”, in each place it occurs, substitute “relevant authority”;
  - (b) after paragraph (6) insert—
    - “(6A) Where the relevant authority is the regulator, it must send a copy of each certificate it gives under this regulation in relation to a building to the local authority for the area in which the building is situated.”;
  - (c) in paragraph (7) for “for the purposes of section 16 of the Act as the deposit of plans” substitute “as an application for building control approval with full plans”;
  - (d) for paragraph (8) substitute—
    - “(8) In this regulation “unauthorised building work”—
      - (a) where the relevant authority is the local authority, means building work, other than work in relation to which an initial notice, an amendment notice, a public body’s notice or a regulator’s notice has effect, which is done without—
        - (i) a building notice being given to the local authority;
        - (ii) an application for building control approval with full plans of the work being given to the local authority; or
        - (iii) a notice of intention to start work being given to the local authority, in accordance with regulation 16(1), where a building notice has been given or an application for building control approval with full plans of the work has been given;

---

(1) Regulation 17A was inserted by [S.I. 2012/3119](#).

- (b) where the relevant authority is the regulator, means building work which is work in relation to which a regulator’s notice has effect but which is done without—
  - (i) a building notice being given to the regulator;
  - (ii) an application for building control approval with full plans of the work being given to the regulator; or
  - (iii) a notice of intention to start work being given to the regulator, in accordance with regulation 16(1), where a building notice has been given or an application for building control approval with full plans of the work has been given.”.
- (9) In regulation 20 (provisions applicable to self-certification schemes) of the 2010 Regulations—
  - (a) in paragraphs (2), (3), (3A) and (3B), for “local authority”, in each place it occurs, substitute “building control authority”;
  - (b) after paragraph (6) insert—

“(6A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.
- (10) In regulation 20A (provisions applicable to third party certification schemes) of the 2010 Regulations<sup>(2)</sup>—
  - (a) in paragraphs (2), (4) and (5), for “local authority”, in each place it occurs, substitute “building control authority”;
  - (b) after paragraph (7) insert—

“(7A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.
- (11) In regulation 25A (consideration of high-efficiency alternative systems for new buildings) of the 2010 Regulations<sup>(3)</sup>—
  - (a) for paragraph (2) substitute—

“(2) The person carrying out the work must—

    - (a) where the new building is a higher-risk building, ensure the application for building control approval in relation to the work is accompanied by a notice which states that the analysis referred to in paragraph (1) has been undertaken, is documented, and the documentation is available to the regulator for verification purposes;
    - (b) in any other case, not later than the beginning of the day before the day on which the work starts, give the building control authority a notice which states that the analysis referred to in paragraph (1) has been undertaken, is documented, and the documentation is available to the authority for verification purposes; and
    - (c) ensure that a copy of the analysis is available for inspection at all reasonable times on request by an officer of the building control authority.”;
  - (b) in paragraph (3), for “local authority” substitute “building control authority”;

---

(2) Regulation 20A was inserted by [S.I. 2018/558](#).

(3) Regulation 25A was inserted by [S.I. 2012/3119](#).

(c) after paragraph (3) insert—

“(3A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.

(12) In regulation 27 (CO<sub>2</sub> emission rate calculations) of the 2010 Regulations—

(a) for paragraphs (2) and (3) substitute—

“(2) The person carrying out the work must—

(a) where the new building is a higher-risk building, ensure the application for building control approval in relation to the work is accompanied by a notice which specifies—

(i) the target CO<sub>2</sub> emission rate for the building, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,

(ii) the CO<sub>2</sub> emission rate for the building as designed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and

(iii) a list of specifications to which the building is to be constructed;

(b) in any other case, not later than the day before the work starts, give the building control authority a notice which specifies the matters set out in paragraphs (i) to (iii) of sub-paragraph (a).

(3) The person carrying out the work must—

(a) where the new building is a higher-risk building, ensure the application for a completion certificate in relation to the work is accompanied by—

(i) a notice which specifies—

(aa) the target CO<sub>2</sub> emission rate for the building, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,

(bb) the CO<sub>2</sub> emission rate for the building as constructed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and

(cc) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2), and, if not, a list of any changes to those specifications; or

(ii) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraphs (aa) to (cc) of paragraph (i);

(b) in any other case, not later than five days after the work has been completed, give the building control authority a notice which specifies the matters mentioned in sub-paragraphs (aa) to (cc) of sub-paragraph (a)(i) or a certificate of the sort mentioned in sub-paragraph (a)(ii).”;

(b) in paragraph (4) for “local authority” substitute “building control authority”;

(c) after paragraph (4) insert—

“(4A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.

(13) In regulation 27A (fabric energy efficiency rate calculations) of the 2010 Regulations<sup>(4)</sup>—

(a) for paragraphs (2) and (3) substitute—

“(2) The person carrying out the work must—

(a) where the dwelling is within a higher-risk building, ensure the application for building control approval in relation to the work is accompanied by a notice which specifies—

(i) the target fabric energy efficiency rate for the dwelling, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,

(ii) the fabric energy efficiency rate for the dwelling as designed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and

(iii) a list of specifications to which the dwelling is to be constructed;

(b) in any other case, not later than the day before the work starts, give the building control authority a notice which specifies the matters set out in paragraphs (i) to (iii) of sub-paragraph (a).

(3) The person carrying out the work must—

(a) where the dwelling is within a higher-risk building, ensure the application for a completion certificate in relation to the work is accompanied by—

(i) a notice which specifies—

(aa) the target fabric energy efficiency rate for the dwelling, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,

(bb) the fabric energy efficiency rate for the dwelling as constructed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and

(cc) whether the dwelling has been constructed in accordance with the list of specifications referred to in paragraph (2), and, if not, a list of any changes to those specifications; or

(ii) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraphs (aa) to (cc) of paragraph (i);

(b) in any other case, not later than five days after the work has been completed, give the building control authority a notice which specifies the matters mentioned in sub-paragraphs (aa) to (cc) of sub-paragraph (a)(i) or a certificate of the sort mentioned in sub-paragraph (a)(ii).”;

(b) in paragraph (4), for “local authority” substitute “building control authority”;

(c) after paragraph (4) insert—

“(4A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.

(14) In regulation 27C (target primary energy rate calculations for new buildings) of the 2010 Regulations—

(a) for paragraphs (2) and (3) substitute—

---

(4) Regulation 27A was inserted by [S.I. 2013/1959](#) and amended by [S.I. 2016/285](#).

- “(2) The person carrying out the work must—
- (a) where the new building is a higher-risk building, ensure the application for building control approval in relation to the work is accompanied by a notice which specifies—
    - (i) the target primary energy rate for the building, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,
    - (ii) the calculated target primary energy rate for the building as designed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
    - (iii) a list of specifications to which the building is to be constructed;
  - (b) in any other case, not later than the day before the work starts, give the building control authority a notice which specifies the matters set out in paragraphs (i) to (iii) of sub-paragraph (a).
- (3) The person carrying out the work must—
- (a) where the new building is a higher-risk building, ensure the application for a completion certificate in relation to the work is accompanied by—
    - (i) a notice which specifies—
      - (aa) the target primary energy rate for the building, calculated and expressed in accordance with the methodology approved pursuant to regulation 24,
      - (bb) the calculated target primary energy rate for the building as constructed, calculated and expressed in accordance with the methodology approved pursuant to regulation 24, and
      - (cc) whether the building has been constructed in accordance with the list of specifications referred to in paragraph (2), and, if not, a list of any changes to those specifications; or
    - (ii) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraphs (aa) to (cc) of paragraph (i);
  - (b) in any other case, not later than five days after the work has been completed, give the building control authority a notice which specifies the matters mentioned in sub-paragraphs (aa) to (cc) of sub-paragraph (a)(i) or a certificate of the sort mentioned in sub-paragraph (a)(ii).”;
  - (b) in paragraph (4), for “local authority” substitute “building control authority”;
  - (c) after paragraph (4) insert—
 

“(4A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.
- (15) In regulation 37 (wholesome water consumption calculation) of the 2010 Regulations—
- (a) in paragraph (1) for “local authority” substitute “building control authority”;
  - (b) for paragraph (2) substitute—
 

“(2) The person carrying out the work must—

    - (a) where the dwelling is within a higher-risk building, ensure the notice accompanies the application for a completion certificate in relation to the work;

- (b) in any other case, give the notice to the building control authority not later than five days after the work has been completed.
- (3) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.
- (16) In regulation 41 (sound insulation testing) of the 2010 Regulations—
  - (a) in paragraph (2)(b) for “local authority” substitute “building control authority”;
  - (b) for paragraph (3)(b) substitute—
    - “(b) given—
      - (i) in the case where the building work is higher-risk building work, to the regulator with the application for a completion certificate in relation to the work;
      - (ii) in any other case, to the building control authority not later than the date on which the notice required by regulation 16(4) is given.”;
  - (c) after paragraph (3) insert—
    - “(3A) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each results of testing it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”;
  - (d) in paragraph (4), for the opening words substitute—
    - “Where building work consists of the erection of a dwelling-house or a building containing flats, this regulation does not apply to any part of the building in relation to which the person carrying out the building work notifies the building control authority—
      - (i) in the case of building work which is higher-risk building work, not later than the date on which the application for building control approval for the work is submitted,
      - (ii) in any other case, not later than the date on which notice of intention to start work is given under regulation 16(1),
- that, for the purposes of achieving compliance of the work with paragraph E1 of Schedule 1, the person is using one or more design details approved by Robust Details Limited(5), provided that—”.
- (17) In regulation 42 (mechanical ventilation air flow rate testing) of the 2010 Regulations—
  - (a) in paragraphs (2) and (3), for “local authority” substitute “building control authority”;
  - (b) after paragraph (3) insert—
    - “(4) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.
- (18) In regulation 43 (pressure testing) of the 2010 Regulations—
  - (a) in paragraphs (2), (3) and (4), for “local authority” substitute “building control authority”;
  - (b) after paragraph (5) insert—

“(6) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice or certificate it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.

(19) In regulation 44 (commissioning) of the 2010 Regulations—

- (a) in paragraph (3) for “local authority” substitute “building control authority”;
- (b) for paragraph (4) substitute—

“(4) The notice must be given—

- (a) in the case where the building work is higher-risk building work for which an application for a completion certificate is required, to the regulator with the application;
- (b) in any other case, to the building control authority—
  - (i) not later than the date on which the notice required by regulation 16(4) is required to be given; or
  - (ii) where that regulation does not apply, not more than 30 days after completion of the work.

(5) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.

(20) In regulation 44ZA (commissioning in respect of a system for on-site electricity generation) of the 2010 Regulations—

- (a) in paragraph (2), for “local authority” substitute “building control authority”;
- (b) for paragraph (3) substitute—

“(3) The notice must be given—

- (a) in the case where the building work is higher-risk building work for which an application for a completion certificate is required, to the regulator with the application;
- (b) in any other case, to the building control authority—
  - (i) not later than the date on which the notice required by regulation 16(4) is required to be given; or
  - (ii) where that regulation does not apply, not more than 30 days after completion of the work.

(4) Where the regulator is the building control authority by virtue of section 91ZB of the Act (the regulator: building control authority for other work), it must send a copy of each notice it receives under this regulation in relation to a building to the local authority for the area in which the building is situated.”.

(21) In Schedule 1 to the 2010 Regulations, in paragraph RA1(3) for “full plans relating to building work to which this paragraph applies are deposited” substitute “an application for building control approval with full plans relating to building work to which this paragraph applies is given”.

(22) In the headings of Schedules 3 and 3A to the 2010 Regulations for “deposit full plans” substitute “an application for building control approval with full plans”.

(23) In Schedule 4 to the 2010 Regulations—

- (a) in the heading for “deposit full plans” substitute “an application for building control approval with full plans”;



- (b) in paragraph 1(g)(ii) for “to deposit full plans” substitute “an application for building control approval with full plans”;
- (c) in paragraph 1(l) for “to deposit full plans” substitute “an application for building control approval with full plans”.