

STATUTORY INSTRUMENTS

2024 No. 110

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

PART 3

Notices and certificates etc.

Form, grounds and period for rejecting initial notice

6.—(1) The prescribed form of an initial notice⁽¹⁾—

- (a) which is not combined with a plans certificate, is form 1 in Schedule 1, or
- (b) which is combined with a plans certificate, is form 4 in Schedule 1.

(2) An initial notice must be accompanied by the plans and documents described in the relevant form prescribed by paragraph (1).

(3) The grounds on which a local authority must reject an initial notice are those prescribed in Schedule 2 and the form to be used for rejecting an initial notice (whether combined with a plans certificate or otherwise) is form 7 in Schedule 1.

(4) The period within which a local authority may give notice of rejection of an initial notice is five working days beginning with the day on which the notice is given.

Commencement Information

II [Reg. 6](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Invalid notices or certificates

7.—(1) Paragraph (2) applies where a document which purports to be an initial notice, amendment notice, plans certificate or final certificate (“the original document”) is given to a local authority and the local authority is satisfied that all or part of the work to which the original document relates is higher-risk building work⁽²⁾.

(2) Where this paragraph applies the local authority must, as soon as is reasonably practicable, give a notice to the approver and the person intending to carry out the work (and where that person is not the client, the client) and the form to be used for the notice is form 6 in Schedule 1.

(3) Where a document which purports to be an initial notice, amendment notice, plans certificate or final certificate (“the original document”) is given to a local authority and the local authority is satisfied that all or part of the work to which the original document relates is outside the scope of the approver’s registration then the authority must, as soon as is reasonably practicable, give a notice to

⁽¹⁾ For the definition of “initial notice” see section 47 of the Building Act 1984.

⁽²⁾ 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.

the approver and the person intending to carry out the work (and where that person is not the client, the client) and the form to be used for the notice is form 6 in Schedule 1.

(4) Where a document which purports to be an initial notice (“the original notice”) is given to a local authority and the local authority is satisfied that the original notice is given in breach of section 53D(5) of the 1984 Act then the authority must, as soon as is reasonably practicable, give a notice to the approver and the person intending to carry out the work (and where that person is not the client, the client) and the form to be used for the notice is form 6 in Schedule 1.

Commencement Information

I2 Reg. 7 in force at 6.4.2024, see **reg. 1(3)**

Form, grounds and period for rejecting amendment notice

8.—(1) The prescribed form of an amendment notice⁽³⁾ is form 2 in Schedule 1.

(2) An amendment notice must be accompanied by the plans and documents described in the form prescribed by paragraph (1).

(3) The grounds on which a local authority must reject an amendment notice are those prescribed in paragraphs 1 to 11 of Schedule 2 and the form to be used for rejecting an amendment notice is form 7 in Schedule 1.

(4) The period within which a local authority may give notice of rejection of an amendment notice is five working days beginning with the day on which the notice is given.

Commencement Information

I3 Reg. 8 in force at 6.4.2024, see **reg. 1(3)**

Consultation with the fire and rescue authority

9.—(1) This regulation applies where an initial notice is to be given or has been given in relation to the erection, extension or material alteration of an FSO building or in relation to building work in connection with a relevant change of use of a building and Part B of Schedule 1 to the 2010 Regulations imposes requirements in relation to the work.

(2) Where this regulation applies, the approver must consult the fire and rescue authority—

- (a) before, or as soon as practicable after, giving an initial notice in relation to the work,
- (b) before, or as soon as practicable after, giving a relevant amendment notice in relation to the work,
- (c) before giving a plans certificate (whether or not combined with an initial notice), and
- (d) before giving a final certificate.

(3) An approver required by paragraph (2) to consult the fire and rescue authority must give to the fire and rescue authority—

- (a) in a case where the approver is consulting them in connection with an initial notice or an amendment notice, sufficient plans to show whether the work would, if carried out in accordance with those plans, comply with the applicable requirements of Part B of Schedule 1 to the 2010 Regulations, and

(3) For the definition of “amendment notice” see section 51A of the Building Act 1984.

- (b) in a case where the approver is consulting them in connection with the giving of a plans certificate, a copy of the plans in relation to which the approver intends to give the certificate.
- (4) An approver required by paragraph (2) to consult the fire and rescue authority—
- (a) must have regard to any views expressed by the authority, and
- (b) must not give a plans certificate or a final certificate until 15 working days have elapsed from the day on which the approver consulted the authority, unless the authority have expressed their views to the approver before the expiry of that period.
- (5) Where a local enactment would, if an application for building control approval with full plans were submitted or granted in accordance with building regulations, require the local authority to consult the fire and rescue authority before or during the carrying out of any work, the approver must consult the fire and rescue authority in a manner similar to that required by the enactment.
- (6) In this regulation—
- “FSO building” is a building or any part of it to which the Regulatory Reform (Fire Safety) Order 2005(4) applies, or will apply after the completion of building work;
- “relevant change of use” is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building or any part of it;
- “relevant amendment notice” is an amendment notice where any of the work specified in the initial notice, as varied by the amendment notice, being work which could not have been carried out under the original notice (“additional work”), concerns the erection, extension or material alteration of an FSO building or is building work in connection with a relevant change of use of a building and Part B of Schedule 1 to the 2010 Regulations imposes requirements in relation to the additional work.

Commencement Information

I4 [Reg. 9](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Consultation with the sewerage undertaker

10.—(1) This regulation applies where an initial notice or amendment notice is to be given or has been given in respect of work in relation to which paragraph H4 of Schedule 1 to the 2010 Regulations imposes requirements.

- (2) Where this regulation applies, the approver must consult the sewerage undertaker—
- (a) before, or as soon as practicable after, giving an initial notice in relation to the work,
- (b) before, or as soon as practicable after, giving an amendment notice in relation to the work,
- (c) before giving a plans certificate (whether or not combined with an initial notice), and
- (d) before giving a final certificate.
- (3) An approver required by paragraph (2) to consult the sewerage undertaker must give to the sewerage undertaker—
- (a) in a case where the approver is consulting them in connection with an initial notice or an amendment notice, 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 to the 2010 Regulations, and

- (b) in a case where the approver is consulting them in connection with the giving of a plans certificate, a copy of the plans in relation to which the approver intends to give the certificate.
- (4) An approver required by paragraph (2) to consult the sewerage undertaker—
 - (a) must have regard to any views expressed by the undertaker, and
 - (b) must not give a plans certificate or a final certificate until 15 working days have elapsed from the day on which the approver consulted the undertaker, unless the undertaker have expressed their views to the approver before the expiry of that period.
- (5) In this regulation “sewerage undertaker” means a person appointed under section 6 of the Water Industry Act 1991⁽⁵⁾ for the area in which the building is, or is to be, situated.

Commencement Information

I5 [Reg. 10](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Plans certificate

- 11.**—(1) The prescribed form of a plans certificate⁽⁶⁾—
- (a) which is not combined with an initial notice, is form 3 in Schedule 1; or
 - (b) which is combined with an initial notice, is form 4 in Schedule 1.
- (2) The grounds on which a local authority must reject a plans certificate which is not combined with an initial notice are those prescribed in Schedule 3 and the form to be used for rejecting a plans certificate is form 7 in Schedule 1.
- (3) The grounds on which a local authority must reject a plans certificate combined with an initial notice are those prescribed in Schedules 2 and 3 and the form to be used for rejecting a plans certificate is form 7 in Schedule 1.
- (4) The period within which a local authority may give notice of rejection of a plans certificate (whether or not combined with an initial notice) is five working days beginning on the day on which the certificate is given.

Commencement Information

I6 [Reg. 11](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Effect of plans certificate

- 12.** If an initial notice ceases to be in force as described in section 47(4)(b) of the 1984 Act (cancellation etc. of initial notice) and the conditions in section 53(2) of the 1984 Act (plans certificate given, accepted and not rescinded) are satisfied, the local authority may not—
- (a) give a notice under section 36(1) of the 1984 Act (removal or alteration of work which contravenes building regulations), or
 - (b) institute proceedings under section 35 of the 1984 Act for a contravention of building regulations,
- in relation to any work described in the certificate which has been carried out in accordance with the plans to which the certificate relates.

⁽⁵⁾ 1991 c. 56.

⁽⁶⁾ For the definition of “plans certificate” see section 50 of the Building Act 1984.

Commencement Information

17 [Reg. 12](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Form, grounds and period for rejecting final certificate

13.—(1) The prescribed form of a final certificate(7) is form 5 in Schedule 1.

(2) The grounds on which a local authority must reject a final certificate are those prescribed in Schedule 4 and the form to be used for rejecting a final certificate is form 7 in Schedule 1.

(3) The period within which a local authority may give notice of rejection of a final certificate is ten working days beginning with the day on which the certificate is given.

(4) A final certificate given by an approver to a local authority in accordance with these Regulations is evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.

Commencement Information

18 [Reg. 13](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Form of notice under section 51C of the 1984 Act

14. When giving a notice under section 51C(2) of the 1984 Act (change of person intending to carry out work) the form set out as form 8 in Schedule 1 must be used.

Commencement Information

19 [Reg. 14](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Notice before starting work and further notice when work is “commenced” etc.

15.—(1) At least two working days before the day on which building work starts, the person carrying out the work must give a notice to the approver shown on the initial notice relating to the building work setting out their intention to start the work and the date that work is to start.

(2) Not more than five working days after the day on which the work is to be regarded as commenced the person carrying out the work must give a notice to that effect to the approver.

(3) If the approver is not satisfied the work is to be regarded as commenced they must give the person carrying out the work a notice to that effect (“rejection notice”) within four weeks of the date the notice under paragraph (2) is given, and the rejection notice must give the reasons for rejection.

(4) Where a notice is given under paragraph (2) and the period referred to in paragraph (3) expires without a rejection notice being given, then the work is to be regarded as commenced.

(5) If the person carrying out the work accepts the rejection notice they may not give a further notice under paragraph (2) unless, having regard to the reasons given by the approver, they are satisfied the work is to be regarded as commenced.

(6) A person who gave the notice under paragraph (2) may appeal to the First-tier Tribunal against the decision of the approver to reject the notice provided the appeal is made within 21 relevant days beginning with the day after the day on which the approver gives the rejection notice.

(7) For the definition of “final certificate” see section 51 of the Building Act 1984.

(7) The First-tier Tribunal may allow an appeal under paragraph (6) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact,
- (b) that the decision was wrong in law,
- (c) that the decision was unreasonable,
- (d) that the decision was made without following the procedures set out in the 1984 Act or regulations made under the 1984 Act.

(8) The approver may take such steps, including—

- (a) requiring information;
- (b) laying open of work for inspection, as it thinks appropriate to check whether the work is to be regarded as commenced.

(9) For the purposes of paragraphs (2) to (8), the provisions of regulation 16 (lapse of initial notices: commencement of work) apply to determine whether work is to be regarded as commenced.

Commencement Information

I10 Reg. 15 in force at 6.4.2024, see **reg. 1(3)**

Lapse of initial notice: commencement of work

16.—(1) For the purposes of section 53A(6) of the 1984 Act (lapse of initial notice) work is to be regarded as commenced in accordance with the following paragraphs.

(2) Where the work consists of the construction of a complex building, work is to be regarded as commenced in relation to that building or the first stage of building work for that building when the foundations supporting the building and the structure of the lowest floor level of that building (but not the other buildings or structures to be supported by those foundations) are completed.

(3) Where the work consists of—

- (a) the construction of a building and paragraph (2) does not apply, or
- (b) the horizontal extension of a building,

work is to be regarded as commenced when the sub-surface structure of the building or the extension including all foundations, basement levels (if any) and the structure of ground floor level is completed.

(4) Where the work consists of any other building work then work is to be regarded as commenced when the initial work is completed.

(5) In this regulation—

“approved plans” means plans which were part of or accompanied the initial notice, or plans to which a plans certificate referred;

“complex building” means—

- (a) a building which is to be constructed on the same foundation plinth or podium as any other building or structure,
- (b) a building which has more than one storey below ground level,
- (c) a building where its proposed use is primarily as a public building where the public or a section of the public has access to the building (whether or not on payment) provided that the building has a capacity for 100 or more visitors;

“initial work” means the work set out in the initial notice which the client considers amounts to 15% of all the work described in the initial notice;

“public building” means—

- (a) a shop or shopping centre;
- (b) premises where food or drink are sold for consumption on the premises, including a nightclub, social club or dance hall;
- (c) a stadium, theatre, cinema, concert hall;
- (d) a sports ground;
- (e) an exhibition hall or conference centre;
- (f) a hospital or premises for the provision of health care.

Commencement Information

III Reg. 16 in force at 6.4.2024, see **reg. 1(3)**

Notification of dutyholders

17.—(1) This paragraph applies where, in relation to any building work, the client appoints a principal contractor (or sole contractor) or a principal designer (or sole or lead designer).

(2) Subject to paragraph (3), where paragraph (1) applies the client must give a notice to the approver shown on the initial notice relating to the building work which includes—

- (a) the name, address, telephone number and (if available) email address of the person appointed (PA) and the date of appointment,
- (b) except where PA is the first person appointed to the role, the name, address, telephone number and (if available) email address of the person who held the role before PA (“outgoing dutyholder”) and the date their appointment ended,
- (c) where the notice is given by someone on behalf of the client, a statement signed by the client confirming they agree to the notice being made and that the information contained in the notice is correct.

(3) Where the client is a domestic client (DC), the following applies instead of paragraph (2)—

- (a) an outgoing dutyholder must provide the information referred to in paragraph (2)(b) to the DC within five days of the day on which their appointment ends;
- (b) DC must provide the information referred to under sub-paragraph (a) to PA on the date of appointment of PA or as soon as practicable after that date;
- (c) subject to paragraph (4), PA must give a notice to the approver which includes—
 - (i) the name, address, telephone number and (if available) email address of PA and date of appointment;
 - (ii) except where PA is the first person appointed to the role, the name, address, telephone number and (if available) email address of the outgoing dutyholder and the date on which their appointment ended;
 - (iii) a statement explaining the notice is given on behalf of a domestic client.

(4) Where the outgoing dutyholder has not received the information required under paragraph (3) (b) by the time the notice under paragraph (3)(c) is to be given and DC does not have the information, the statement given by PA under paragraph (3)(c)(iii) must also include an explanation to that effect.

(5) A notice required under paragraph (2) or (3)(c) must be given to the approver within the period of 14 days beginning with the date of the appointment.

Commencement Information

I12 Reg. 17 in force at 6.4.2024, see **reg. 1(3)**

Compliance declarations

18. Where building work described in an initial notice is completed the client must give the approver a notice which includes—

- (a) the name, address, telephone number and (if available) email address of the client;
- (b) the name, address, telephone number and (if available) email address of the principal contractor (or sole contractor) and the principal designer (or sole or lead designer);
- (c) a statement that the building work is complete;
- (d) a statement, signed by the client, confirming that to the best of the client's knowledge the work complies with all applicable requirements of the building regulations;
- (e) a statement given by each principal contractor (or sole contractor) for the work and each principal designer (or sole or lead designer) for the work, signed by the person to which the declaration relates, which includes—
 - (i) the name, address, telephone number and (if available) email address of that person,
 - (ii) the dates of their appointment, and
 - (iii) confirmation—
 - (aa) in the case of a principal contractor (or sole contractor), that they fulfilled their duties as a principal contractor under Part 2A (dutyholders and competence) of the 2010 Regulations;
 - (bb) in the case of a principal designer (or sole or lead designer), that they fulfilled their duties as a principal designer under Part 2A (dutyholders and competence) of the 2010 Regulations.

Commencement Information

I13 Reg. 18 in force at 6.4.2024, see **reg. 1(3)**

Events causing initial notice to cease to be in force

19.—(1) Where a final certificate given in respect of work described in an initial notice is rejected, the initial notice ceases to be in force in relation to the work described in the final certificate on the expiry of a period of four weeks beginning with the date on which notice of rejection is given.

(2) Paragraph (3) applies where work described in an initial notice includes the erection, extension or material alteration of a building, and—

- (a) the building or, as the case may be, the extension or any part of the building which has been materially altered is occupied, and
- (b) no final certificate is given.

(3) The initial notice ceases to be in force in relation to the building, extension or part of a building which is occupied—

- (a) if the building is an FSO building, except where it contains only flats and common parts for those flats, on the expiry of a period of four weeks beginning with the date of occupation, and
 - (b) in any other case, on the expiry of a period of eight weeks beginning with the date of occupation.
- (4) Where work described in an initial notice involves a material change of use of a building, and—
- (a) no final certificate is given, and
 - (b) that change of use takes place,
- the initial notice ceases to be in force in relation to that change of use on the expiry of a period of eight weeks beginning with the day on which the change of use takes place.
- (5) In any other case where no final certificate is given, an initial notice ceases to be in force on the expiry of a period of eight weeks beginning with the day on which the work described in the initial notice is substantially completed.
- (6) An initial notice does not cease to be in force by virtue of paragraphs (2) and (3) because part of a building or extension is occupied if a final certificate has been accepted in respect of that part.
- (7) A local authority may extend any period referred to in this regulation either before or after its expiry.

Commencement Information

I14 Reg. 19 in force at 6.4.2024, see **reg. 1(3)**

Cancellation of initial notices: forms etc.

- 20.**—(1) Form 9 in Schedule 1 is the form of notice to be given, by an approver, to cancel an initial notice in accordance with section 52(1) of the 1984 Act⁽⁸⁾ based on a condition in section 52(1)(a) to (e) of the 1984 Act.
- (2) Form 10 in Schedule 1 is the form of notice to be given, by a person carrying out or intending to carry out work, to cancel an initial notice in accordance with section 52(3) of the 1984 Act based on a condition in section 52(3)(a) of the 1984 Act.
- (3) Form 11 in Schedule 1 is the form of notice to be given, by a local authority, to cancel an initial notice in accordance with section 52(5A) of the 1984 Act⁽⁹⁾ based on a condition in section 52(5B)(a) to (d) of the 1984 Act.
- (4) Form 12 in Schedule 1 is the form of notice a local authority must give to the person shown in the initial notice as the registered building control approver under section 52(7) of the 1984 Act.
- (5) Form 13 in Schedule 1 is the form of notice to be given, by an approver, to cancel an initial notice in accordance with section 52A(1) of the 1984 Act.
- (6) Form 14 in Schedule 1 is the form of notice to be given, by a person carrying out or intending to carry out work, to cancel an initial notice in accordance with section 52A(2) of the 1984 Act.
- (7) Form 15 in Schedule 1 is the form of notice to be given, by a local authority, to cancel an initial notice in accordance with section 52A(4) of the 1984 Act.
- (8) Form 16 in Schedule 1 is the form of notice to be given, by a local authority, to cancel an initial notice in accordance with section 53D(2) of the 1984 Act.

⁽⁸⁾ Subsections (1)(d) and (e) were inserted into section 52 of the Building Act 1984 by section 50 of the Building Safety Act 2022.

⁽⁹⁾ Subsection (5A) was inserted into section 52 of the Building Act 1984 by section 50 of the Building Safety Act 2022.

(9) Form 17 in Schedule 1 is the form of notice to be given, by a person carrying out or intending to carry out work, to cancel an initial notice in accordance with section 53D(3) of the 1984 Act.

Commencement Information

I15 Reg. 20 in force at 6.4.2024, see [reg. 1\(3\)](#)

Cancellation of initial notice: notice of contravention of building regulations

21.—(1) Except where paragraph (3) applies, where an approver is of the opinion that an initial notice should be cancelled under section 52(1)(c) of the 1984 Act for contravention of any provision of building regulations (including for contravention of any provision in Part 2A of the 2010 Regulations except regulation 11D(3)(a), (8) and (9)) the approver must first give notice in writing to the person carrying out the work (C) or, in the case of contravention of any provision in Part 2A of the 2010 Regulations, the client specifying—

- (a) the requirement of building regulations which in the approver’s opinion has not been complied with, and
- (b) the location of the work which contravenes that requirement.

(2) Except in a case where the contravention is of any provision in Part 2A of the 2010 Regulations, a notice given in accordance with paragraph (1) must inform C that if, by the end of the period specified in paragraph (4), C has neither pulled down nor removed the work nor effected such alterations in it as may be necessary to make it comply with building regulations, the approver will cancel the initial notice.

(3) Where the contravention to which the notice under paragraph (1) relates is of a provision in Part 2A of the 2010 Regulations then the notice given in accordance with paragraph (1) must inform the client that the approver will cancel the initial notice if, by the end of the period specified in paragraph (4), the client has not effected such alterations to the arrangements for carrying out the work and such improvements to the competence of persons carrying out the work (or as the case may be, the client), the principal contractor or principal designer as may be necessary to ensure the carrying out of the work complies with provisions of the building regulations referred to in the notice.

(4) The period within which the person carrying out the work or, as the case may be, the client is to remedy the contravention is three months beginning with the working day on which the notice under paragraph (1) is given.

Commencement Information

I16 Reg. 21 in force at 6.4.2024, see [reg. 1\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Building (Registered Building Control Approvers etc.) (England) Regulations 2024, PART 3.