
STATUTORY INSTRUMENTS

1991 No. 2768

The Building Regulations 1991

PART IV

NOTICES AND PLANS

Giving of a building notice or deposit of plans

11.—(1) Subject to the following provisions of this regulation, a person who intends to carry out building work or to make a material change of use shall—

- (a) give to the local authority a building notice in accordance with regulation 12; or
- (b) deposit full plans with the local authority in accordance with regulation 13.

(2) A person shall deposit full plans where he intends to carry out building work in relation to a building put or intended to be put to a use which is a designated use for the purposes of the Fire Precautions Act 1971⁽¹⁾.

(3) A person who intends to carry out building work consisting only of the installation of a heat-producing gas appliance is not required to give a building notice or deposit full plans if the appliance is to be installed by a person, or an employee of a person, approved in accordance with regulation 3 of the Gas Safety (Installation and Use) Regulations 1984⁽²⁾.

(4) Where regulation 18 of the Building (Approved Inspectors etc.) Regulations 1985⁽³⁾ (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.

(5) For the purposes of sections 219 to 225 of the Highways Act 1980⁽⁴⁾ (the advance payments code)—

- (a) the giving of a building notice accompanied by such plans as are referred to in regulation 12 (2) shall be treated as the deposit of plans;
- (b) the plans accompanying a building notice shall be treated as the deposited plans; and
- (c) the receipt of a building notice shall be treated as the passing of those plans.

Particulars and plans where a building notice is given

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

- (a) a statement that it is given in accordance with regulation 11(1)(a);
- (b) a description of the proposed building work 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.

(1) 1971 c. 40.

(2) S.I. 1984/1358 was amended by the Gas Safety (Installation and Use) (Amendment) Regulations 1990 (S.I. 1990/824).

(3) S.I. 1985/1066 to which there are amendments not relevant to these Regulations.

(4) 1980 c. 66.

(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;
 - (ii) the precautions to be taken in building over a drain, sewer or disposal main as mentioned in section 18 of the Act⁽⁵⁾ (building over sewers etc.); and
 - (iii) the steps to be taken to comply with any local enactment which applies.

(3) In the case of building work which involves the insertion of insulating material into the cavity walls of a building, a building notice shall be accompanied by a statement as to—

- (a) the name and type of insulating material to be used;
- (b) whether or not the insulating material is approved by the British Board of Agrément or conforms to a British Standard specification;
- (c) whether or not the installer is a person who is the subject of a British Standards Institution Certificate of Registration or has been approved by the British Board of Agrément for the insertion of that material.

(4) Where building work involves the provision of a hot water storage system in relation to which paragraph G3 in Schedule 1 (hot water storage) imposes a requirement, a building notice shall be accompanied by a statement which specifies—

- (a) the name, make, model and type of hot water storage system to be installed;
- (b) the name of the body, if any, which has approved or certified that the system is capable of performing in a way which satisfies the requirements of paragraph G3 of Schedule 1;
- (c) the name of the body, if any, which has issued any current registered operative identity card to the installer or proposed installer of the system.

(5) Where a building notice has been given, a person carrying out building work 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.

(6) Subject to regulation 11(5) neither a building notice nor plans which accompany it or are given under paragraph (5) are to be treated for the purposes of section 16 of the Act as having been deposited in accordance with building regulations.

(7) 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 relates was commenced; or
- (b) the material change of use described in the notice was made.

(5) Section 18 of the 1984 Act was amended by paragraph 6 of Schedule 8 to the Water Act 1989 c. 15.

Full plans

13.—(1) Full plans shall be accompanied by a statement that they are deposited in accordance with regulation 11(1)(b).

(2) Full plans shall be deposited in duplicate, of which the local authority may retain one copy, and where Part B (Fire safety) imposes a requirement in relation to proposed building work, a further two copies of any such plans as demonstrate compliance with those requirements 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 or material change of use, and the plans, particulars and statements required by paragraphs (1) to (4) of regulation 12; and
- (b) 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 put or is intended to be put to a use which is a designated use for the purpose of the Fire Precautions Act 1971(6).

(5) Full plans may be accompanied by a request from the person carrying out building work that on completion of the work he wishes the local authority to issue a completion certificate in accordance with regulation 15.

Notice of commencement and completion of certain stages of work

14.—(1) A person who proposes to carry out building work shall not commence that work unless—

- (a) he has given the local authority notice that he intends to commence work; and
- (b) at least two days have elapsed since the end of the day on which he gave the notice.

(2) 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 he has given the local authority notice that he intends to commence that work, and at least one day has elapsed since the end of the day on which he gave the notice.

(3) 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) 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) Where a person fails to comply with paragraphs to (3), he shall comply within a reasonable time with any notice given by the local authority requiring him 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.

(6) 1971 c. 40.

(8) In this regulation “day” means any period of 24 hours commencing at midnight and excludes any Saturday, Sunday, Bank holiday or public holiday.

Completion certificates

15. –

(1) A local authority shall give a completion certificate in accordance with this regulation where–

- (a) they receive a notice under regulation 14(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 13(4) that the building is put or is intended to be put to a use which is a designated use for the purposes of the Fire Precautions Act 1971, or
 - (ii) been requested to do so in accordance with regulation 13(5).

(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 in that behalf, that the relevant requirements of Schedule 1 specified in the certificate have been satisfied, they shall give a certificate to that effect.

(3) In this regulation the relevant requirements mean–

- (a) in a case mentioned in paragraph (1)(b)(i), the requirements of Part B of Schedule 1 (fire safety); and
- (b) in a case mentioned in paragraph (1)(b)(ii), any applicable requirements of Schedule 1.

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