
STATUTORY INSTRUMENTS

2010 No. 2214

The Building Regulations 2010

[^{F1}PART 2A

Dutyholders and competence

CHAPTER 2

Appointment of principal designer and principal contractor etc

[^{F1}Considerations before a person carries out work

11E.—(1) This regulation applies where a person (P) is proposing to use any person (A) to carry out any building work or design work.

(2) Before permitting A to carry out any work—

(a) P must take all reasonable steps to satisfy themselves that A—

(i) fulfils the requirements in regulation 11F(1) and (2) (competence: general requirement), or

(ii) is an individual who is in training to fulfil the requirements in regulation 11F(1) and (2) and arrangements have been put in place to supervise A, and

(b) where the work relates to a higher-risk building, P must—

(i) ask A whether a serious sanction has occurred, in relation to them, within the 5 years ending on the date of the appointment; and

(ii) consider any information available to P relating to any misconduct of A (including any serious sanction).

(3) Before permitting A to undertake any work, P must additionally take all reasonable steps to satisfy themselves that A is able to fulfil the duties of regulation 11J (general duty to plan, manage and monitor).

(4) Where A is to be appointed as the principal designer, the client must take all reasonable steps to satisfy themselves that A fulfils the requirements in regulations 11F(1) and (2) (competence: general requirement) and 11G(1) (competence: principal designer) in relation to the design work.

(5) Where A is to be appointed as the principal contractor, the client must take all reasonable steps to satisfy themselves that A fulfils the requirements in regulations 11F(1) and (2) (competence: general requirement) and 11H(1) (competence: principal contractor) in relation to the building work.

(6) Any request to undertake any building work or any design work must not be accepted by A if A does not satisfy the requirements in regulation 11F(1) and (2) (competence: general requirement) at the time of the appointment (except where those requirements do not apply to A by virtue of regulation 11F(3)).

(7) A must not act—

- (a) as the principal designer in relation to any design work if A does not satisfy the requirements in regulations 11F(1) and (2) (competence: general requirement) and 11G(1) (competence: principal designer) at the time of the appointment as the principal designer;
 - (b) as the principal contractor in relation to any building work if A does not satisfy the requirements in regulations 11F(1) and (2) (competence: general requirement) and 11H(1) (competence: principal contractor) at the time of the appointment as the principal contractor.
- (8) In this regulation “serious sanction” means—
- (a) the issue to A of a compliance notice which referred to contravention or likely contravention of a requirement of Part A (structure) or Part B (fire safety) of Schedule 1;
 - (b) the issue to A of a stop notice;
 - (c) the conviction of A for any offence under—
 - (i) the Act;
 - (ii) the Health and Safety at Work etc. Act 1974;
 - (iii) the Building Safety Act 2022;
 - (iv) the Regulatory Reform (Fire Safety) Order 2005;
 - (d) a report published by an inquiry under the Inquiries Act 2005 finds that A’s action or inaction resulted in one or more deaths or was likely to have been a contravention of any requirement of—
 - (i) the Act;
 - (ii) Part A (structure) or Part B (fire safety) of Schedule 1;
 - (iii) the Health and Safety at Work etc. Act 1974;
 - (iv) the Building Safety Act 2022;
 - (v) the Regulatory Reform (Fire Safety) Order 2005.]

Textual Amendments

- F1** Pt. 2A inserted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **6(1)** (with regs. 22-24)

Changes to legislation:

There are currently no known outstanding effects for the The Building Regulations 2010, Section 11E.