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## STATUTORY INSTRUMENTS

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# 2010 No. 2214

## The Building Regulations 2010

### PART 3

#### Notices, Plans and Certificates

#### **[<sup>F1</sup>Notices in relation to building work] E**

**16.**—(1) Subject to paragraphs (8) and (9), a person who proposes to carry out building work shall not [<sup>F2</sup>start that work] unless—

- (a) that person has given the [<sup>F3</sup>relevant authority] notice of intention to [<sup>F4</sup>start work]; and
- (b) at least two days have elapsed since the end of the day on which the notice was given.

[<sup>F5</sup>(2) Subject to paragraph (8), a person carrying out building work must notify the [<sup>F6</sup>relevant authority] as required by the authority in accordance with paragraph (3).

(3) Subject to the conditions in paragraphs (3A) and (3B), where a [<sup>F7</sup>relevant authority] receives notice of intention to [<sup>F8</sup>start work] under paragraph (1) they may give the person carrying out the work a notice in writing which—

- (a) requires that person to notify the authority that a specified stage of the work (other than a stage specified in paragraphs (4) and (5)) has been reached; and
- (b) may specify one or more periods of time, applying to each such required notification, which may be either or both of the following—
  - (i) a period before or after the work has been carried out within which the notification must be made; and
  - (ii) a period during which the work concerned must not be covered up.

(3A) A [<sup>F9</sup>relevant authority] may only specify a stage of the building work in accordance with paragraph (3)(a) if at the time they do so they intend to carry out an inspection of that stage.

(3B) For the purposes of paragraph (3A) the [<sup>F10</sup>relevant authority]'s intention to carry out an inspection of a stage of building work must be based on their assessment of the risk of breach of these Regulations if they do not inspect the work.]

[<sup>F11</sup>(3C) Not more than five days after the day on which work is to be regarded as commenced the person carrying out the work must give a notice to that effect to the relevant authority.

(3D) The relevant authority may take such steps, including—

- (a) requiring information;
- (b) laying open of work for inspection,

as the authority thinks appropriate to check whether the work is to be regarded as commenced.

(3E) If the relevant authority are 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

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**Changes to legislation:** *There are currently no known outstanding effects for the Building Regulations 2010, Section 16. (See end of Document for details)*

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weeks of the date the notice under paragraph (3C) is given, and the rejection notice must give the reasons for rejection.

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

(3G) If the person carrying out the work accepts the rejection notice they may not give a further notice under paragraph (3C) unless, having regard to the reasons given by the relevant authority, they are satisfied the work is to be regarded as commenced.

(3H) A person who gave the notice under paragraph (3C) may appeal to the First-tier Tribunal against the decision of the relevant authority to reject the notice provided the appeal is made within 21 relevant days beginning with the day after the day on which the relevant authority gives the rejection notice.

(3I) The First-tier Tribunal may allow an appeal under paragraph (3H) 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; or
- (d) that the decision was made without following the procedures set out in the Act or regulations made under that Act.

(3J) For the purposes of paragraphs (3C) to (3I) the provisions of regulation 46A (lapse of building control approval: commencement of work) apply to determine whether work is to be regarded as commenced.]

(4) Subject to paragraph (8), a person carrying out building work shall, not more than five days after that work has been completed, give the [<sup>F12</sup>relevant authority][<sup>F13</sup>a notice which complies with paragraph (4A)].

[<sup>F14</sup>(4A) The notice under paragraph (4) must include—

- (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 these 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 these Regulations.]

(5) Where a building is being erected [<sup>F15</sup><sup>F16</sup>to which the Regulatory Reform (Fire Safety) Order 2005 <sup>M1</sup> applies, or will apply after the completion of the work ], and that building (or any part of

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it) is to be occupied before completion, the person carrying out that work shall give the [F17 relevant authority] [F18 a notice which complies with paragraph (5A) at least 5 days] before the building or any part of it is occupied.

[F19(5A) The notice under paragraph (5) must include—

- (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) the date when the building or any part of it is to be occupied;
- (d) a statement, signed by the client, confirming that to the best of the client's knowledge, regardless of the completion of the current building work, regulation 38 and Part B of Schedule 1 are currently complied with in relation to those parts of the building which are to be occupied before completion of the work;
- (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 these 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 these Regulations.]

(6) A person who fails to comply with paragraphs (1) [F20 or (2)] shall comply within a reasonable time with any notice given by the [F21 relevant authority] requiring that person 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 [F22 relevant 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 [F22 relevant authority] of its completion.

(8) Paragraphs (1) to (4) apply only to a person who is required by regulation 12 to give a building notice or [F23 an application for building control approval with full plans].

(9) Paragraph (1) does not apply where regulation 12(8) applies.

#### Extent Information

**E1** This version of this provision applies to England only; a separate version has been created for Wales only

#### Textual Amendments

**F1** Reg. 16 heading substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **15(1)(a)** (with regs. 22-24)

**F2** Words in reg. 16(1) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **15(1)(b)(i)** (with regs. 22-24)

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- F3** Words in reg. 16(1) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F4** Words in reg. 16(1) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **15(1)(b)(ii)** (with regs. 22-24)
- F5** Reg. 16(2)-(3B) substituted for reg. 16(2)(3) (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by The Building Regulations &c. (Amendment) Regulations 2012 (S.I. 2012/3119), reg. 9(a), Sch. 1 (with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, **Sch.**)
- F6** Words in reg. 16(2) substituted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F7** Words in reg. 16(3) substituted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F8** Words in reg. 16(3) substituted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **15(1)(c)** (with regs. 22-24)
- F9** Words in reg. 16(3A) substituted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F10** Words in reg. 16(3B) substituted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F11** Reg. 16(3C)-(3J) inserted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **15(1)(d)** (with regs. 22-24)
- F12** Words in reg. 16(4) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F13** Words in reg. 16(4) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **6(2)(a)** (with regs. 22-24)
- F14** Reg. 16(4A) inserted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **6(2)(b)** (with regs. 22-24)
- F15** Words in reg. 16(5) added (W. for remaining purposes) (19.4.2013) by The Building Regulations &c. (Amendment) (Wales) Regulations 2013 (S.I. 2013/747), regs. 1(4), **7** (with regs. 1(2)(3), 35, 36)
- F16** Words in reg. 16(5) added (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by The Building Regulations &c. (Amendment) Regulations 2012 (S.I. 2012/3119), **reg. 9(b)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.)
- F17** Words in reg. 16(5) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F18** Words in reg. 16(5) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **6(2)(c)** (with regs. 22-24)
- F19** Reg. 16(5A) inserted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **6(2)(d)** (with regs. 22-24)
- F20** Words in reg. 16(6) substituted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by The Building Regulations &c. (Amendment) Regulations 2012 (S.I. 2012/3119), **reg. 9(c)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.)
- F21** Words in reg. 16(6) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F22** Words in reg. 16(7) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(a)** (with regs. 22-24)
- F23** Words in reg. 16(8) substituted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **7(5)(b)** (with regs. 22-24)

#### Marginal Citations

- M1** S.I. 2005/1541.

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## Notice of commencement and completion of certain stages of work **W**

16.—(1) Subject to paragraphs (8) and (9), a person who proposes to carry out building work shall not commence that work unless—

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

[<sup>F24</sup>(2) Subject to paragraph (8), 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 that person has given the local authority notice of intention to commence that work, and at least one day has elapsed since the end of the day on which the notice was given.

(3) Subject to paragraph (8), 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.]

(3A) .....

(3B) .....

(4) Subject to paragraph (8), 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 [<sup>F25</sup>to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the work ], 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) A person who fails to comply with paragraphs (1) [<sup>F26</sup>to (3)] shall comply within a reasonable time with any notice given by the local authority requiring that person 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.

(8) Paragraphs (1) to (4) apply only to a person who is required by regulation 12 to give a building notice or deposit full plans.

(9) Paragraph (1) does not apply where regulation 12(8) applies.

### Extent Information

**E2** This version of this provision applies to Wales only; a separate version has been created for England only

### Textual Amendments

**F24** Reg. 16(2)(3) substituted (W. in relation to excepted energy buildings to match the form in which those sub-provisions apply in relation to W. otherwise) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), reg. 1(2), 5(4)(a) (with reg. 29)

**F25** Words in reg. 16(5) added (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), reg. 9(b), Sch. 1 (with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.)

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**Changes to legislation:** There are currently no known outstanding effects for the  
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**F26** Words in [reg. 16\(6\)](#) substituted (W. in relation to excepted energy buildings to match the form in which the text applies in relation to W. otherwise) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **5(4)(c)** (with [reg. 29](#))

**Status:**

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**Skip to:**

- E - England extent
- W - Wales extent

**Changes to legislation:**

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