
STATUTORY INSTRUMENTS

2010 No. 2214

The Building Regulations 2010

PART 10

Miscellaneous

[^{F1}Lapse of building control approval: commencement of work

46A.—(1) For the purposes of section 32(6) of the Act (lapse of building control approval) 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) 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, any basement level (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, where a statement under—

- (a) regulation 14(1)(f)(vii), or
- (b) regulation 12(1)(e)(viii) of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023,

sets out details of the work which the client considers amounts to 15% of the proposed work, when the work detailed in the statement is completed.

(5) In this regulation—

“approved plans” means plans which were part of or accompanied the application for building control approval with full plans of the building work and which was granted building control approval, or plans approved under a requirement imposed on such an approval;

“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 it is 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;

“public building” means—

Changes to legislation: There are currently no known outstanding effects for the
The Building Regulations 2010, Section 46A. (See end of Document for details)

- (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.]

Textual Amendments

- F1** Reg. 46A inserted (E.) (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **15(2)** (with regs. 22-24)
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Modifications etc. (not altering text)

- C1** Reg. 46A applied (1.10.2023) by The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **9(11)** (with Sch. 3 Pt. 1)
- C2** Reg. 46A applied (1.10.2023) by The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 (S.I. 2023/909), regs. 1(1), **17(11)** (with Sch. 3 Pt. 1)

Changes to legislation:

There are currently no known outstanding effects for the The Building Regulations 2010, Section 46A.