
STATUTORY INSTRUMENTS

2012 No. 3119

The Building Regulations &c. (Amendment) Regulations 2012

PART 3

^{M1}The Building (Approved Inspectors etc.) Regulations 2010

Marginal Citations

M1 [S.I. 2010/2215](#).

Amendment of the Building (Approved Inspectors etc.) Regulations 2010

[^{F1}**34.** The Building (Approved Inspectors etc.) Regulations 2010 (“the Approved Inspectors Regulations 2010”) are amended as set out in regulations 35 to 44.]

Textual Amendments

F1 [Regs. 34-44](#) revoked (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024](#) (S.I. 2024/110), regs. 1(3), **43(a)(ii)** (with regs. 44-47)

Approved inspector's insurance (new regulation 5A)

[^{F1}**35.** After the end of regulation 5, insert—

“Approved inspector's insurance

5A.—(1) Subject to paragraph (2), an approved inspector who gives a notice or certificate specified in paragraph (2) to a local authority must ensure that, before or on the date of the notice or certificate, the person who approved that inspector (the Secretary of State or a body designated under regulation 3 as the case may be) is in possession of a declaration of insurance in respect of the work to which the notice or certificate relates.

(2) Paragraph (1) applies to a notice or certificate given on or after 6th April 2013 which is—

- (a) an initial notice;
- (b) an amendment notice;
- (c) a plans certificate;
- (d) a combined initial notice and plans certificate; or
- (e) a final certificate.

(3) In this regulation a “declaration of insurance” means a declaration of insurance signed by the insurer that a named scheme of insurance approved by the Secretary of State applies

to the approved inspector in relation to the building work to which the notice or certificate relates.”]

Textual Amendments

F1 Regs. 34-44 revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(ii)** (with regs. 44-47)

Lists of approvals and designations

[^{F1}**36.** Regulation 7 is amended as follows—

- (a) in paragraph (1)—
 - (i) omit “maintain”;
 - (ii) at the beginning of sub-paragraph (a) insert “ maintain ”;
 - (iii) at the end of sub-paragraph (a) omit “and”;
 - (iv) at the beginning of sub-paragraph (b) insert “ maintain ”;
 - (v) after “Secretary of State” in sub-paragraph (b), insert—
 - “, and
 - (c) in respect of each approved inspector listed, keep a copy of—
 - (i) the approval certificate, and
 - (ii) the declaration of insurance referred to in regulation 5A;”; and
- (b) in paragraph (3), at the end of sub-paragraph (a)—
 - (i) omit “and”; and
 - (ii) insert—
 - “(aa) in respect of each approved inspector listed, keep a copy of—
 - (i) the approval certificate, and
 - (ii) the declaration of insurance referred to in regulation 5A; and”.]

Textual Amendments

F1 Regs. 34-44 revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(ii)** (with regs. 44-47)

Functions of approved inspectors

[^{F1}**37.** In regulation 8(1)—

- (a) in sub-paragraph (a), after “23 (requirements relating to thermal elements),” insert “ 25A (consideration of high-efficiency alternative systems for new buildings), ”; and
- (b) in sub-paragraph (b), after “regulations 20,” insert “ 25A, ”.]

Textual Amendments

F1 Regs. 34-44 revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(ii)** (with regs. 44-47)

Form, grounds and period for rejecting final certificate

[^{F1}38. In regulation 16, after the end of paragraph (2) insert—

“(3) A final certificate given by an approved inspector to a local authority in accordance with these Regulations shall be evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.”.]

Textual Amendments

F1 Regs. 34-44 revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(ii)** (with regs. 44-47)

Application of regulations 20, 27, 29, 37, 41, 42, 43 and 44 of the 2010 Regulations

[^{F1}39. For regulation 20(1) and the preceding heading, substitute—

“Application of regulations, 20, 25A, 27, 29, 37, 41, 42, 43 and 44 of the Principal Regulations

20.—(1) Regulations 20 (provisions applicable to self-certification schemes), 25A (consideration of high-efficiency alternative systems for new buildings), 27 (CO₂ emission rate calculations), 29 (energy performance certificates), 37 (wholesome water consumption calculation), 41 (sound insulation testing), 42 (mechanical ventilation air flow rate testing), 43 (pressure testing) and 44 (commissioning) of the Principal Regulations apply in relation to building work which is the subject of an initial notice as if references to the local authority were references to the approved inspector.”.]

Textual Amendments

F1 Regs. 34-44 revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(ii)** (with regs. 44-47)

Register of notices and certificates

[^{F1}40. In regulation 30, omit paragraph (2)(c).]

Textual Amendments

F1 Regs. 34-44 revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(ii)** (with regs. 44-47)

Schedule 1 to the Approved Inspectors Regulations 2010

[^{F1}41.—(1) The numbered forms specified in Schedule 1 are amended as specified in paragraphs 2 to 7.

(2) In Form 1 (initial notice)—

(a) omit sub-paragraphs (a) and (b) of paragraph 4;

[^{F2}(b) after the end of paragraph 11 insert—

“**12.** I **(7)** am an approved inspector for the purposes of Part 2 of the Act in respect of the work described in this notice.

13. Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on the register kept by the body designated under regulation 3 of the 2010 Regulations.”.]

^{F3}(c)

(3) In Form 2 (amendment notice)—

- (a) omit sub-paragraphs (b) and (d) of paragraph 3;
- (b) after the end of paragraph 11 insert—

“**12.** I **(6)** am an approved inspector for the purposes of Part 2 of the Act and the above work is [the whole]/[part] of the work described in an initial notice given by me and dated: **(11)**

13. Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on the register kept by the body designated under regulation 3 of the 2010 Regulations.”; and

(c) after Note (10) insert—

“(11) Insert date.”.

(4) In Form 3 (plans certificate), omit paragraph 3 and in its place insert—

“**3.** Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on the register kept by the body designated under regulation 3 of the 2010 Regulations.”.

(5) In Form 4 (combined initial notice and plans certificate)—

(a) omit sub-paragraphs (a) and (b) of paragraph 4;

[^{F4}(b) after the end of paragraph 15 insert—

“**16.** I **(7)** am an approved inspector for the purposes of Part 2 of the Act in respect of the work described in this notice.

17. Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on the register kept by the body designated under regulation 3 of the 2010 Regulations.”.]

^{F5}(c)

(6) In Form 5 (final certificate)—

(a) omit paragraph (6) and in its place insert—

“**6.** Copies of the notice of approval and of a declaration of insurance relevant to the work described in this notice are on the register kept by the body designated under regulation 3 of the 2010 Regulations.”; and

(b) after paragraph 8 insert—

“9. This certificate is evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.”.

(7) In Form 12 (public body's final certificate), after paragraph 6 insert—

“7. This certificate is evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.”.]

Textual Amendments

- F1** Regs. 34-44 revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(ii)** (with regs. 44-47)
- F2** Reg. 41(2)(b) substituted (6.2.2013) by The Building Regulations &c. (Amendment) Regulations 2013 (S.I. 2013/181), regs. 1(3), **6(a)**
- F3** Reg. 41(2)(c) omitted (6.2.2013) by virtue of The Building Regulations &c. (Amendment) Regulations 2013 (S.I. 2013/181), regs. 1(3), **6(c)**
- F4** Reg. 41(5)(b) substituted (6.2.2013) by The Building Regulations &c. (Amendment) Regulations 2013 (S.I. 2013/181), regs. 1(3), **6(b)**
- F5** Reg. 41(5)(c) omitted (6.2.2013) by virtue of The Building Regulations &c. (Amendment) Regulations 2013 (S.I. 2013/181), regs. 1(3), **6(c)**

Schedule 2 to the Approved Inspectors Regulations 2010

[^{F1}**42.** In Schedule 2—

- (a) omit paragraph 5; and
- (b) for paragraph 6 substitute—

“6. In the case of a notice dated on or after 6th April 2013, having taken all reasonable steps to establish whether there is a named scheme of insurance approved by the Secretary of State in relation to the work described in the notice, the local authority believe that this is not the case.”.]

Textual Amendments

- F1** Regs. 34-44 revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(ii)** (with regs. 44-47)

Schedule 3 to the Approved Inspectors Regulations 2010

[^{F1}**43.** In Schedule 3, for paragraph 6 substitute—

“6. In the case of a certificate dated on or after 6th April 2013, having taken all reasonable steps to establish whether there is a named scheme of insurance approved by the Secretary of State in relation to the work described in the notice, the local authority believe that this is not the case.”.]

Textual Amendments

- F1** Regs. 34-44 revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(ii)** (with regs. 44-47)

Schedule 4 to the Approved Inspectors Regulations 2010

[^{F1}**44.** In Schedule 4, for paragraph 5 substitute—

“**5.** In the case of a certificate dated on or after 6th April 2013, having taken all reasonable steps to establish whether there is a named scheme of insurance approved by the Secretary of State in relation to the work to which the certificate relates, the local authority believe that this is not the case.”.]

Textual Amendments

- F1** Regs. 34-44 revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(ii)** (with regs. 44-47)

Changes to legislation:

There are currently no known outstanding effects for the The Building Regulations &c. (Amendment) Regulations 2012, PART 3.