
STATUTORY INSTRUMENTS

2024 No. 110

The Building (Registered Building Control Approvers etc.) (England) Regulations 2024

PART 2

Registered building control approvers

Independence of approvers

- 3.—(1) Approvers must have no professional or financial interest in the work they supervise.
- (2) A person (“P”) is regarded as having a professional or financial interest in the work described in any notice or certificate given under these Regulations if—
- (a) P is or has been responsible for the design or construction of any of the work in any capacity,
 - (b) P or any nominee of P’s is a member, officer or employee of a company or other body which has a professional or financial interest in the work, or
 - (c) P is a partner or is in the employment of a person who has a professional or financial interest in the work.
- (3) For the purposes of this regulation—
- (a) P is treated as having a professional or financial interest in the work even if P has that interest only as trustee for the benefit of some other person,
 - (b) in the case of married persons or civil partners living together, the interest of one spouse or partner is, if known to the other, deemed to be also an interest of the other.
- (4) For the purposes of this regulation the following are not to be regarded as a professional or financial interest—
- (a) involvement in the work as an approver,
 - (b) entitlement to any fee paid for P’s function as an approver,
 - (c) entitlement to any fee paid for an employee of P carrying out a function as a registered building inspector⁽¹⁾, and
 - (d) potential liability to pay any sum if a claim is made under the insurance cover provided for the purposes of the 1984 Act.

Commencement Information

II [Reg. 3](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

(1) For the definition of “registered building inspector” see section 58B of the Building Act 1984, which was inserted by section 42 of the Building Safety Act 2022.

Functions of approvers

4.—(1) For so long as an initial notice continues in force, the approver who gave the notice must take such steps (which may include the making of tests of building work and the taking of samples of material) as are reasonable to enable the approver to be satisfied within the limits of professional skill and care that the provisions specified in paragraph (2) (as modified by regulation 5 (modifications of 2010 Regulations etc.)) are complied with.

(2) The provisions referred to in paragraph (1) are—

(a) in the 2010 Regulations—

- (i) regulation 4 (requirements relating to building work),
- (ii) regulation 6 (requirements relating to material change of use),
- (iii) regulation 7 (materials and workmanship),
- (iv) Part 2A (dutyholders and competence),
- (v) regulation 20 (provisions applicable to self-certification schemes),
- (vi) regulation 20A (provisions applicable to third party certification schemes),
- (vii) regulation 22 (requirements relating to a change to energy status),
- (viii) regulation 23 (requirements relating to thermal elements),
- (ix) regulation 25A (consideration of high-efficiency alternative systems for new buildings),
- (x) regulation 26 (CO₂ emission rates for new buildings),
- (xi) regulation 26A (fabric energy efficiency rates for new buildings),
- (xii) regulation 26C (target primary energy rates for new buildings),
- (xiii) regulation 27 (CO₂ emission rate calculations),
- (xiv) regulation 27A (fabric energy efficiency rate calculations),
- (xv) regulation 27C (target primary energy rate calculations for new buildings),
- (xvi) regulation 28 (consequential improvements to energy performance),
- (xvii) regulation 36 (water efficiency of new dwellings),
- (xviii) regulation 37 (wholesome water consumption calculation),
- (xix) regulation 38 (fire safety information),
- (xx) regulation 39 (information about ventilation),
- (xxi) regulation 40 (information about use of fuel and power),
- (xxii) regulation 40A (information about systems for on-site generation of electricity),
- (xxiii) regulation 40B (information about overheating),
- (xxiv) regulation 41 (sound insulation testing),
- (xxv) regulation 42 (mechanical ventilation air flow rate testing),
- (xxvi) regulation 43 (pressure testing),
- (xxvii) regulation 44 (commissioning),
- (xxviii) regulation 44ZA (commissioning in respect of a system for on-site electricity generation),
- (xxix) regulation 44D (application of paragraph S1 of Schedule 1),
- (xxx) regulation 44E (application of paragraph S2 of Schedule 1),
- (xxxi) regulation 44F (application of paragraph S3 of Schedule 1),

- (xxxii) regulation 44G (application of paragraph S4 of Schedule 1),
- (xxxiii) regulation 44H (application of paragraph S5 of Schedule 1),
- (xxxiv) regulation 44I (application of paragraph S6 of Schedule 1),
- (xxxv) regulation 44J (minimum standards of an electric vehicle charge point), and
- (b) in the Energy Performance of Buildings (England and Wales) Regulations 2012(2), regulation 7A (energy performance certificates on construction).

Commencement Information

I2 [Reg. 4](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Modifications of 2010 Regulations etc.

- 5.—(1) The 2010 Regulations apply with the modifications in paragraphs (2) to (11).
- (2) Subject to paragraph (3), regulations 20 (provisions applicable to self-certification schemes), 20A (provisions applicable to third party certification schemes), 25A (consideration of high-efficiency alternative systems for new buildings), 42 (mechanical ventilation air flow rate testing) and 43 (pressure testing) apply in relation to building work which is the subject of an initial notice as if references to the building control authority were references to the approver.
- (3) The modification in paragraph (2) does not apply to the reference to building control authority in regulation 20(6A), 20A(7A), 25A(3A), 42(4) or 43(6).
- (4) Regulation 27 (CO₂ emission rate calculations) applies in relation to building work which is the subject of an initial notice as if—
- (a) references to the building control authority, except in regulation 27(4A), were references to the approver, and
 - (b) in paragraph (3), after “work has been completed,” there were inserted “or, if earlier, the date on which, in accordance with regulation 19 (events causing initial notice to cease to be in force) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024, the initial notice ceases to be in force”.
- (5) Regulation 27A (fabric energy efficiency rate calculations) applies in relation to building work which is the subject of an initial notice as if—
- (a) references to the building control authority, except in regulation 27A(4A), were references to the approver, and
 - (b) in paragraph (3), after “work has been completed,” there were inserted “or, if earlier, the date on which, in accordance with regulation 19 (events causing initial notice to cease to be in force) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024, the initial notice ceases to be in force”.
- (6) Regulation 27C (target primary energy rate calculations for new buildings) applies in relation to building work which is the subject of an initial notice as if—
- (a) references to the building control authority, except in regulation 27C(4A), were references to the approver, and
 - (b) in paragraph (3), after “work has been completed,” there were inserted “or, if earlier, the date on which, in accordance with regulation 19 (events causing initial notice to cease to be in force) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024, the initial notice ceases to be in force”.

(2) [S.I. 2012/3118](#). Regulation 7A was inserted by [S.I. 2016/284](#).

(7) Regulation 37 (wholesome water consumption calculation) applies in relation to building work which is the subject of an initial notice as if—

- (a) references to the building control authority, except in regulation 37(3), were references to the approver, and
- (b) in paragraph (2), after “work has been completed” there were inserted “, or, if earlier, the date on which, in accordance with regulation 19 (events causing initial notice to cease to be in force) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024, the initial notice ceases to be in force”.

(8) Regulation 38 (fire safety information) applies in relation to building work which is the subject of an initial notice as if—

- (a) references to the relevant authority were references to the approver, and
- (b) for paragraph (2) there were substituted—
 - “(2) The person carrying out the work must give the fire safety information to the responsible person no later than—
 - (a) the date of completion of the work to which the initial notice relates;
 - (b) the date of occupation of the building or extension;
 - (c) the date on which, in accordance with regulation 19 (events causing initial notice to cease to be in force) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024, the initial notice ceases to be in force, whichever is the earlier.”.

(9) Regulation 41 (sound insulation testing) applies in relation to building work which is the subject of an initial notice as if—

- (a) references to the building control authority, except in regulation 41(3A), were references to the approver, and
- (b) for paragraph (3)(b) there were substituted—
 - “(b) given to the registered building control approver in accordance with paragraph (2)(b) not later than five days after completion of the work to which the initial notice relates.”;
- (c) in paragraph (4), for “regulation 16(1)” there were substituted “regulation 15(1) (notice before starting work) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024,”.

(10) Regulation 44 (commissioning) applies in relation to building work which is the subject of an initial notice as if—

- (a) references to the building control authority, except in regulation 44(5), were references to the approver, and
- (b) for paragraph (4) there were substituted—
 - “(4) The notice must be given to the registered building control approver—
 - (a) subject to sub-paragraphs (b) and (c), not later than five days after completion of the work to which the initial notice relates;
 - (b) where regulation 19 (events causing initial notice to cease to be in force) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 applies, not later than the date on which the initial notice ceases to be in force or, if earlier, the end of the period referred to in sub-paragraph (a);
 - (c) where regulation 20 (provisions applicable to self-certification schemes) applies by virtue of regulation 4 (functions of approvers) of the Building (Registered

Building Control Approvers etc.) (England) Regulations 2024, not later than the date on which the notice or certificate required by regulation 20 must be given.”.

(11) Regulation 44ZA (commissioning in respect of a system for on-site electricity generation) applies in relation to building work which is the subject of an initial notice as if—

- (a) references to the building control authority, except in regulation 44ZA(4), were references to the approver, and
- (b) for paragraph (3) there were substituted—

“(3) The notice must be given to the registered building control approver—

- (a) subject to sub-paragraphs (b) and (c), not later than five days after completion of the work to which the initial notice relates;
- (b) where regulation 19 (events causing initial notice to cease to be in force) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 applies, not later than the date on which the initial notice ceases to be in force or, if earlier, the end of the period referred to in sub-paragraph (a);
- (c) where regulation 20 (provisions applicable to self-certification schemes) applies by virtue of regulation 4 (functions of approvers) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024, not later than the date on which the notice or certificate required by regulation 20 must be given.”.

(12) Regulation 7A of the Energy Performance of Buildings (England and Wales) Regulations 2012 applies in relation to building work which is the subject of an initial notice as if—

- (a) references to the local authority were references to the approver, and
- (b) in paragraph (3), after “work has been completed” there were inserted “, or, if earlier, the date on which, in accordance with regulation 19 (events causing initial notice to cease to be in force) of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024, the initial notice ceases to be in force.”.

Commencement Information

I3 [Reg. 5](#) in force at 6.4.2024, see [reg. 1\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Building (Registered Building Control Approvers etc.) (England) Regulations 2024, PART 2.