

- out by Crown authorities in W., and excepted energy buildings in W.) (3.6.2013) by [The Building \(Amendment\) Regulations 2013 \(S.I. 2013/1105\)](#), regs. 1(2), **3(2)** (with reg. 1(3)(4))
- F96** Word "and" in reg. 11(3) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **4(5)(a)** (with reg. 29)
- F97** Word in reg. 11(3) inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(4)** (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F98** Words in reg. 11(3) omitted (W. for remaining purposes) (17.6.2016) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), **2(4)** (with reg. 1(3))
- F99** Words in reg. 11(3) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2016) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2016 \(S.I. 2016/285\)](#), regs. 1(4), **2(4)** (with reg. 1(3))
- F100** Words in reg. 11(3) substituted (W. but not in relation to excepted energy buildings) (8.4.2016) by [The Building \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/361\)](#), regs. 1(4), **2(3)** (with regs. 1(3), 3)
- F101** Words in reg. 11(3) inserted (E., but only in relation to excepted energy buildings in W.) (9.5.2016) by [The Building \(Amendment\) Regulations 2016 \(S.I. 2016/490\)](#), regs. 1(4), **2(3)** (with regs. 1(3), 3) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F102** Words in reg. 11(3) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **4(5)(b)** (with reg. 29)

## [<sup>F103</sup>PART 2A

### Dutyholders and competence

- F103** 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)

#### CHAPTER 1

##### Client

#### Suitable arrangements to ensure compliance with requirements etc

**11A.**—(1) A client must make suitable arrangements for planning, managing and monitoring a project (including allocation of sufficient time and other resources) so as to ensure compliance with all relevant requirements.

(2) Arrangements under paragraph (1) are suitable if—

- (a) they ensure that the design work is carried out so that the building work to which the design relates, if built, would be in compliance with all relevant requirements;
- (b) they ensure the building work is carried out in accordance with all relevant requirements;
- (c) they enable the designers and contractors to cooperate with each other to ensure compliance with all relevant requirements; and
- (d) they provide for periodic review of the building work (and the design work) included or to be included in the project so as to identify whether it is higher-risk building work.

(3) A client must ensure that the arrangements under paragraph (1) are maintained and reviewed throughout the project.

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(4) A client must provide building information as soon as is practicable to every designer and contractor on the project.

(5) A client must cooperate with any other person working on or in relation to a project to the extent necessary to enable any person with a duty or function under these Regulations to fulfil that duty or function.

(6) Where there is more than one client in relation to a project—

(a) the clients may agree in writing which of them is to be treated for the purposes of these Regulations as the client;

(b) except for the duties specified in sub-paragraph (c), only the person who agreed to be treated as the client under sub-paragraph (a) is subject to the duties owed by a client under these Regulations;

(c) the duties in the following provisions are owed by all clients—

(i) paragraph (4) to the extent that those duties relate to information in the possession of the client or which is reasonably obtainable by or on behalf of the client;

(ii) paragraph (5); and

(iii) regulation 11B (arrangements as to information: higher-risk building work).

#### **Arrangements as to information: higher-risk building work**

**11B.**—(1) A client must make suitable arrangements to ensure information is provided to the designers and contractors working on a project which includes any higher-risk building work to make them aware that the project includes higher-risk building work and the nature of the higher-risk building work.

(2) Paragraph (1) includes a duty to periodically review the building work (and the design work) included or to be included in the project so as to identify whether it is higher-risk building work and to ensure information is provided under paragraph (1) where the work becomes higher-risk building work.

#### **Domestic clients**

**11C.**—(1) Where the client is a domestic client the duties in regulations 11A(1) to (3) and 11E(2) to (5) must be carried out by—

(a) where there is only one contractor for a project, the contractor;

(b) where there is more than one contractor for a project—

(i) the principal contractor; or

(ii) the principal designer where the client and the principal designer agree in writing the principal designer is to fulfil those duties.

(2) If a domestic client fails to make the appointments required by regulation 11D (principal designer and principal contractor)—

(a) the designer in control of the design phase of the project is the principal designer;

(b) the contractor in control of the construction phase of the project is the principal contractor.

(3) Regulation 11D(5) does not apply to a domestic client.

## CHAPTER 2

### *Appointment of principal designer and principal contractor etc*

#### **Principal designer and principal contractor**

**11D.**—(1) Where there is more than one contractor, or it is reasonably foreseeable that more than one contractor will be working on a project, the client must appoint in writing—

- (a) a designer with control over the design work as the principal designer for the purposes of these Regulations, and
- (b) a contractor with control over the building work as the principal contractor for the purposes of these Regulations.

(2) A client is treated as complying with the requirement in paragraph (1) if, instead of appointing a person for the purposes of these Regulations, they certify, in writing, that the person who is the CDM principal designer, or, as the case may be, the CDM principal contractor, is treated as appointed as the principal designer or, as the case may be, the principal contractor, for the purposes of these Regulations.

(3) The appointments under this regulation must be made—

- (a) in relation to a project which includes higher-risk building work for which an application for building control approval must be submitted to the regulator, before that application is submitted;
- (b) in relation to any other project, before the construction phase begins.

(4) Where the appointment of a principal designer or the principal contractor ends before the end of the project, as soon as reasonably practicable the client must appoint a new principal designer or new principal contractor, as the case may be, under this regulation.

(5) Where the client fails to appoint a principal designer (or a replacement principal designer) or, as the case may be, a principal contractor (or a replacement principal contractor), the client must fulfil the duties of the principal designer or the principal contractor, as the case may be, under these Regulations until they appoint another person to that role.

(6) Where there is only one contractor working on a project that contractor is to be treated as appointed as the principal contractor and must fulfil the duties of the principal contractor set out in these Regulations.

(7) Where paragraph (6) applies and—

- (a) there is only one designer, or it is reasonably foreseeable that there will be only one designer working on a project, that designer must fulfil the duties of the principal designer set out in these Regulations; or
- (b) there is more than one designer or it is reasonably foreseeable that there will be more than one designer working on a project at any time—
  - (i) the designers must agree in writing which designer is to fulfil the duties of the principal designer set out in these Regulations (“the lead designer”);
  - (ii) the lead designer must give a copy of the agreement to the client.

(8) In relation to higher-risk building work, on appointing a principal designer, for each appointment the client must keep a record, in writing, of the steps it took under paragraph (2) to (4) of regulation 11E (considerations before a person carries out work).

(9) In relation to higher-risk building work, on appointing a principal contractor, for each appointment the client must keep a record, in writing, of the steps it took under paragraphs (2), (3) and (5) of regulation 11E (considerations before a person carries out work).

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(10) In relation to higher-risk building work, on appointing any other person, the person making the appointment must give to the client (and the client must keep) a record, in writing, of the steps the person making the appointment took under regulation 11E(2) (considerations before a person carries out work).

### **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.

### CHAPTER 3

#### *Competence*

#### **Competence: general requirement**

**11F.**—(1) Any person carrying out any building work or any design work must have—

- (a) where the person is an individual, the skills, knowledge, experience and behaviours necessary,
- (b) where the person is not an individual, the organisational capability,

to carry out—

- (i) the building work in accordance with all relevant requirements;
- (ii) the design work so that the building work to which the design relates, if built, would be in accordance with all relevant requirements.

(2) Any person carrying out any building work as a contractor or any design work as a designer must have—

- (a) where the person is an individual, the skills, knowledge, experience and behaviours necessary,
- (b) where the person is not an individual, the organisational capability,

to fulfil the duties of a contractor or designer, as the case may be, under these Regulations in relation to the work.

(3) The requirements in paragraphs (1) and (2) do not apply to an individual (T) who is in training to fulfil those requirements.

(4) The person who asked T to carry out any building work or, as the case may be, any design work must ensure T is adequately supervised when carrying out the work.

(5) A person who is in training to fulfil the requirements of a principal contractor or a principal designer may not be appointed as a principal contractor or a principal designer.

#### **Competence: principal designer**

**11G.**—(1) A principal designer must have—

- (a) where the person is an individual, the skills, knowledge, experience and behaviours necessary,

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(b) where the person is not an individual, the organisational capability, to fulfil the duties of a principal designer under these Regulations in relation to the design work included in the project.

(2) Where the principal designer (D) is not an individual, D must designate an individual who has the task of managing its functions as the principal designer.

(3) Before making the designation under paragraph (2), D must take all reasonable steps to satisfy themselves that the individual to be designated has the skills, knowledge, experience and behaviours necessary to manage the function of principal designer on behalf of D in such a way as to ensure D fulfils the duties of the principal designer under these Regulations in relation to the design work included in the project.

### **Competence: principal contractor**

**11H.**—(1) A principal contractor must have—

- (a) where the person is an individual, the skills, knowledge, experience and behaviours necessary,
- (b) where the person is not an individual, the organisational capability,

to fulfil the duties of a principal contractor under these Regulations in relation to the building work included in the project.

(2) Where the principal contractor (C) is not an individual, C must designate an individual under C's control who has the task of managing its functions as the principal contractor.

(3) Before making the designation under paragraph (2), C must take all reasonable steps to satisfy themselves that the individual to be designated has the skills, knowledge, experience and behaviours necessary to manage the function of principal contractor on behalf of C in such a way as to ensure C fulfils the duties of the principal contractor under these Regulations in relation to the building work included in the project.

### **Ceasing to be competent: notification**

**11I.**—(1) Where at any time a person (A) ceases to satisfy the requirements in regulation 11F(1), 11F(2), 11G(1) or, as the case may be, 11H(1) in relation to any building work or any design work, A must—

- (a) in a case where A is the principal designer or the principal contractor, notify the client;
- (b) in a case where there is more than one contractor and A is a designer, notify the person who asked them to carry out the design work and the principal designer;
- (c) in a case where there is more than one contractor and A is a contractor, notify the person who asked them to carry out the building work and the principal contractor;
- (d) in any other case, notify the person who asked them to carry out the work.

(2) If at the time of the notification under paragraph (1)(b) there is no principal designer appointed, that paragraph has effect as if the reference to the principal designer were a reference to the client.

(3) If at the time of the notification under paragraph (1)(c) there is no principal contractor appointed, that paragraph has effect as if the reference to the principal contractor were a reference to the client.

## CHAPTER 4

### *Duties of dutyholders*

#### **General duty**

**11J.**—(1) Any person carrying out any building work must ensure the work carried out by them (and by any workers under their control) is planned, managed and monitored so as to be in compliance with all relevant requirements.

(2) Any person carrying out any design work must take all reasonable steps to ensure the design work carried out by them (and by any workers under their control) is planned, managed and monitored so that the design is such that if the building work to which the design relates were built in accordance with that design the building work would be in compliance with all relevant requirements.

(3) Any person carrying out any building work must cooperate with the client, designers and contractors (including the principal designer and principal contractor, if any) to the extent necessary to ensure that the work is in compliance with all relevant requirements.

(4) Any person carrying out any design work must cooperate with the client, designers and contractors (including the principal designer and principal contractor, if any) to the extent necessary to ensure that the design is such that if the building work to which the design relates were built in accordance with that design the building work would be in compliance with all relevant requirements.

#### **Additional duties of designers**

**11K.**—(1) A designer must not start design work unless satisfied that the client is aware of the duties owed by the client for the building work to which the design relates under all relevant requirements.

(2) When carrying out design work the designer must take all reasonable steps to ensure that the design is such that if the building work to which the design relates were built in accordance with that design the building work would be in compliance with all relevant requirements.

(3) In providing a design, a designer must take all reasonable steps to provide sufficient information about the design, construction and maintenance of the building to assist the client, other designers and contractors to comply with all relevant requirements.

(4) Where a designer is carrying out only part of the design of the building work which comprises a project, the designer must consider other design work which directly relates to that building work and report any concerns as to compliance with all relevant requirements to the principal designer.

(5) If requested to do so, a designer must provide advice to the principal designer or the client on whether any work, to which a design they are preparing or modifying relates, is higher-risk building work.

#### **Additional duties of contractors**

**11L.**—(1) A contractor must not start any building work unless satisfied that the client is aware of the duties owed by the client under all relevant requirements.

(2) A contractor must—

- (a) ensure the building work they carry out is in compliance with all relevant requirements;
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- (b) provide each worker under their control with appropriate supervision, instructions and information so as to ensure that the building work is in compliance with all relevant requirements.

(3) In relation to building work, a contractor must take all reasonable steps to provide sufficient information about the work to assist the client, other contractors and designers to comply with all relevant requirements.

(4) Where a contractor is carrying out only part of the building work which comprises a project, the contractor must consider other work which directly relates to that building work and report any concerns as to compliance with all relevant requirements to the principal contractor.

(5) If requested to do so, a contractor must provide advice to the principal contractor or the client on whether any work is higher-risk building work.

#### **Additional duties of a principal designer**

**11M.**—(1) The principal designer must—

- (a) plan, manage and monitor the design work during the design phase; and
- (b) coordinate matters relating to the design work comprised in the project so that all reasonable steps are taken to ensure that the design is such that if the building work to which the design relates were built in accordance with that design the building work would be in compliance with all relevant requirements.

(2) The principal designer must take all reasonable steps to ensure that—

- (a) designers, and any other person involved in relation to design work, cooperate with the client, the principal designer, the principal contractor and each other;
- (b) the design work of all designers is coordinated so that the design is such that if the building work to which the design relates were built in accordance with that design the building work would be in compliance with all relevant requirements; and
- (c) designers, and any other person involved in relation to design work, comply with the duties under these Regulations.

(3) The principal designer must liaise with the principal contractor and share with the principal contractor any information relevant to—

- (a) the planning, management and monitoring of the building work, and
- (b) the coordination of building work and design work for the purpose of ensuring compliance with all relevant requirements.

(4) Where the principal contractor provides comments to the principal designer in relation to compliance with the relevant requirements, the principal designer must have regard to those comments.

(5) The principal designer must—

- (a) if requested, assist the client in providing information to other designers and contractors;
- (b) when the principal designer's appointment ends, no later than 28 days after the end of the appointment, give to the client a document explaining the arrangements it put in place to fulfil the duties under paragraphs (1) to (3).

(6) Where a replacement principal designer is appointed, they must review the arrangements the previous principal designer put in place for fulfilling the duties under paragraphs (1) to (3) so that all reasonable steps are taken to ensure that the design is such that if the building work to which the design relates were built in accordance with that design the building work would be in compliance with all relevant requirements.



### **Additional duties of a principal contractor**

- 11N.**—(1) The principal contractor must—
- (a) plan, manage and monitor the building work during the construction phase, and
  - (b) coordinate matters relating to the building work comprised in the project to ensure the building work is in compliance with all relevant requirements.
- (2) The principal contractor must take all reasonable steps to ensure—
- (a) contractors and any other person involved in relation to the building work cooperate with the client, the principal designer, the principal contractor and each other (including any successor in a role);
  - (b) the building work of all contractors is coordinated so that the work is in compliance with all relevant requirements; and
  - (c) contractors and any other person involved in relation to building work comply with the duties under these Regulations.
- (3) The principal contractor must liaise with the principal designer and share with the principal designer any information relevant to—
- (a) the planning, management and monitoring of the design work, and
  - (b) the coordination of building work and design work for the purpose of ensuring compliance with all relevant requirements.
- (4) Where the principal designer provides comments to the principal contractor in relation to compliance with the relevant requirements the principal contractor must have regard to those comments.
- (5) The principal contractor must—
- (a) if requested, assist the client in providing information to other designers and contractors;
  - (b) when the principal contractor's appointment ends, no later than 28 days after the end of the appointment, give to the client a document explaining the arrangements it put in place to fulfil the duties under paragraphs (1) to (3).
- (6) Where a replacement principal contractor is appointed it must review the arrangements the previous principal contractor put in place for fulfilling the duties under paragraphs (1) to (3) to ensure that the building work is in compliance with all relevant requirements.

### **Notification of change of dutyholder**

**11O.**—(1) This paragraph applies where, in relation to any building work, at any time after an application for building control approval is made or a building notice is given the client for a project changes.

(2) Where paragraph (1) applies the new client must give a notice to the relevant authority which includes—

- (a) the location of the building work;
- (b) the name, address, telephone number and (if available) email address of the new client and the date of they became the client;
- (c) the name, address, telephone number and (if available) email address of the previous client and the date they ceased to be the client;
- (d) where the notice is given by someone on behalf of the new client, a statement signed by the new client confirming they agree to the notice being made and that the information contained in the notice is correct.

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(3) This paragraph applies where, in relation to any building work, at any time after an application for building control approval is made or a building notice is given the client appoints a principal contractor (or sole contractor) or a principal designer (or sole or lead designer).

(4) Subject to paragraph (5), where paragraph (3) applies the client must give a notice to the relevant authority which includes—

- (a) the location of the building work;
- (b) the name, address, telephone number and (if available) email address of the person appointed (PA) and the date of appointment;
- (c) except where PA is the first person appointed to the role, the name, address, telephone number and (if available) email address of the person who held the role before PA (“outgoing dutyholder”) and the date their appointment ended;
- (d) where the notice is given by someone on behalf of the client, a statement signed by the client confirming they agree to the notice being given and that the information contained in the notice is correct.

(5) Where the client is a domestic client (DC), the following applies instead of paragraph (4)—

- (a) an outgoing dutyholder must provide the information referred to in paragraph (4)(c) to the DC within 5 calendar days of the date their appointment ends;
- (b) DC must provide the information referred to under paragraph (4)(c) to PA on the date of appointment of PA or as soon as practicable after that date;
- (c) subject to paragraph (6), PA must give a notice to the relevant authority which includes—
  - (i) the location of the building work;
  - (ii) the name, address, telephone number and (if available) email address of PA and the date of appointment;
  - (iii) except where PA is the first person appointed to the role, the name, address, telephone number and (if available) email address of the outgoing dutyholder and the date their appointment ended;
  - (iv) a statement explaining the notice is given on behalf of a domestic client.

(6) Where PA has not received the information required to be provided under paragraph (5)(b) by the time the notice under paragraph (5)(c) is to be given, the statement given by PA under paragraph (5)(c)(iv) must also include an explanation to that effect.

(7) A notice required under paragraph (2), (4) or (5)(c) must be given to the relevant authority within the period of 14 calendar days beginning with the date of the appointment or, as the case may be, the date when the person became the client.

(8) This regulation does not apply to higher-risk building work.

## CHAPTER 5

### General

#### **Minor work**

**11P.** A client is not required to comply with this Part where the building work or design work consists only of work described in Schedule 4.

#### **Interpretation of this Part**

**11Q.—(1)** In this Part—

“the CDM Regulations” means the Construction (Design and Management) Regulations 2015;

“building information” means information in the client’s possession or which is reasonably obtainable by or on behalf of the client, which is relevant to the building work or the design work, including information about—

- (a) the work;
- (b) planning and management of the project;
- (c) issues relating to compliance with any relevant requirement and how they were addressed;

“CDM principal contractor” means a contractor appointed as principal contractor under the CDM Regulations;

“CDM principal designer” means a designer appointed as principal designer under the CDM Regulations;

“design” includes drawings, design details, specifications and bills of quantities (including specification of articles or substances) relating to a building, and calculations prepared for the purpose of a design;

“design phase” means any period during which design work is carried out for a project and may continue during the construction phase;

“relevant requirements” means, to the extent relevant to the building work or design work in question, the requirements of regulations 4, 6, 7, 8, 22, 23, 25B, 26, 26A, 28, 36, 41(2)(a), 42(2)(a), 43(2)(a), 44A, 44ZA, 44ZC and 44D to 44I and Schedule 1.

(2) References in this Part to an appointment under regulation 11D (principal designer and principal contractor) includes an appointment which is certified under regulation 11D(2).

(3) For the purposes of this Part, “organisational capability” means appropriate management policies, procedures, systems and resources to ensure—

- (a) individuals under the control of the organisation who are carrying out any building work or any design work comply with—
  - (i) regulation 11F(1) and (2) (competence: general requirement),
  - (ii) in case of the principal designer, regulations 11F(1) and (2) and 11G(1);
  - (iii) in case of the principal contractor, regulations 11F(1) and (2) and 11H(1);
- (b) individuals under the control of the organisation who are in training to develop the necessary skills, knowledge, experience and behaviours are appropriately supervised.

(4) For the purposes of this Part the necessary behaviours include—

- (a) compliance with relevant requirements, including refusing to carry out—
  - (i) any building work which is not in compliance with any relevant requirement;
  - (ii) any design work if the building work to which the design relates cannot be carried out in compliance with all relevant requirements;
- (b) cooperation with other persons in relation to the work;
- (c) refusing to carry out work which is beyond their skills, knowledge or experience, and asking for the assistance of other persons where necessary.]

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## PART 3

### Notices, Plans and Certificates

#### **Giving of a building notice or [<sup>F104</sup>an application for building control approval] E**

12.—(1) This regulation applies to a person who intends to—

- (a) carry out building work;
- (b) replace or renovate a thermal element in a building to which the energy efficiency requirements apply;
- (c) make a change to a building's energy status; or
- (d) make a material change of use.

(2) Subject to the following provisions of this regulation, a person to whom this regulation applies shall—

- (a) give to the [<sup>F105</sup>relevant authority] a building notice in accordance with regulation 13; or
- (b) [<sup>F106</sup>give an application for building control approval with full plans to the relevant authority] in accordance with regulation 14.

(3) A person intending to carry out building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005 <sup>F107</sup> applies, or will apply after the completion of the building work, shall [<sup>F108</sup>give an application for building control approval with full plans].

(4) A person intending to carry out building work which includes the erection of a building fronting onto a private street shall [<sup>F109</sup>give an application for building control approval with full plans].

(5) A person intending to carry out building work in relation to which paragraph H4 of Schedule 1 imposes a requirement shall [<sup>F110</sup>give an application for building control approval with full plans].

(6) A person intending to carry out building work is not required to give a building notice or [<sup>F111</sup>an application for building control approval with full plans] where the work consists only of work—

- (a) described in column 1 of the Table in Schedule 3 if the work is to be carried out by a person described in the corresponding entry in column 2 of that Table;
- (b) described in Schedule 4 <sup>F112</sup>[<sup>F113</sup>; or
- (c) described in column 1 of the Table in Schedule 3A if the work is to be inspected by a person described in the corresponding entry in column 2 of that Table (a “third party certifier”) who has been appointed by the person intending to carry out the building work before the commencement of that work].

[<sup>F114</sup>(6A) A person intending to carry out building work in relation to which Part P of Schedule 1 imposes a requirement is required to give a building notice or [<sup>F115</sup>an application for building control approval with full plans] where the work consists of—

- (a) the installation of a new circuit;
- (b) the replacement of a consumer unit; or
- (c) any addition or alteration to existing circuits in a special location.]

(7) Where regulation 19 of the Building (Approved Inspectors etc) Regulations 2010 <sup>F116</sup> (local authority powers in relation to partly completed work) applies, the owner shall comply with the requirements of that regulation instead of with this regulation.

(8) Where—

- (a) a person proposes to carry out building work which consists of emergency repairs;
- (b) it is not practicable to comply with paragraph (2) before commencing the work; and
- (c) paragraph (6) does not apply,

the person shall give a building notice to the [<sup>F117</sup>relevant authority] as soon as reasonably practicable after commencement of the work.

(9) In this regulation—

“fronting” has the meaning given in section 203(3) of the Highways Act 1980<sup>F118</sup>, <sup>F119</sup> ...

“private street” has the meaning given in section 203(2) of the Highways Act 1980<sup>F120F121</sup> ...  
[<sup>F122</sup>; and

“special location” means—

- (a) within a room containing a bath or shower, the space surrounding a bath tap or shower head, where the space extends—
  - (i) vertically from the finished floor level to—
    - (aa) a height of 2.25 metres; or
    - (bb) the position of the shower head where it is attached to a wall or ceiling at a point higher than 2.25 metres from that level; and
  - (ii) horizontally—
    - (aa) where there is a bath tub or shower tray, from the edge of the bath tub or shower tray to a distance of 0.6 metres; or
    - (bb) where there is no bath tub or shower tray, from the centre point of the shower head where it is attached to the wall or ceiling to a distance of 1.2 metres; or
- (b) a room containing a swimming pool or sauna heater.]

#### Extent Information

- E1** This version of this provision applies to England only; a separate version has been created for Wales only
- F104** Words in reg. 12 heading substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(a)** (with regs. 22-24)
- F105** Words in reg. 12(2)(a) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(b)(i)** (with regs. 22-24)
- F106** Words in reg. 12(2)(b) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(b)(ii)** (with regs. 22-24)
- F107** S.I. 2005/1541.
- F108** Words in reg. 12(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(c)** (with regs. 22-24)
- F109** Words in reg. 12(4) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(c)** (with regs. 22-24)
- F110** Words in reg. 12(5) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(c)** (with regs. 22-24)
- F111** Words in reg. 12(6) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(2)(d)** (with regs. 22-24)
- F112** Reg. 12(6)(c) and word "; or" omitted (W.) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **5(1)(a)(ii)(iii)** (with reg. 29)
- F113** Reg. 12(6)(c) and word inserted (E., but only in relation to excepted energy buildings in W.) (6.4.2014) by [The Building Regulations &c. \(Amendment\) Regulations 2014 \(S.I. 2014/579\)](#), regs. 1(4), **2(3)**

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

- (a)(ii) (with reg. 1(3)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F114** Reg. 12(6A) inserted (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. 6\(a\)](#), Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F115** Words in [reg. 12\(6A\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(2\)\(d\)](#) (with regs. 22-24)
- F116** [S.I. 2010/2215](#).
- F117** Words in [reg. 12\(8\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(2\)\(e\)](#) (with regs. 22-24)
- F118** [1980 c. 66](#).
- F119** Word in [reg. 12\(9\)](#) omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 6\(b\)\(i\)](#), Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F120** Section 203(2) was amended by paragraph 45(11) of Schedule 2 to the [Planning \(Consequential Provisions\) Act 1990 \(c.11\)](#) and Part 5 of Schedule 19 to the [Planning and Compensation Act 1991 \(c.34\)](#).
- F121** [Reg. 12\(9\)](#): full stop omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 6\(b\)\(ii\)](#), Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.)
- F122** Words in [reg. 12\(9\)](#) inserted (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. 6\(b\)\(ii\)](#), Sch. 1 (with regs. 1(3), 45-47) (as amended by [S.I. 2013/181](#), reg. 5, Sch.) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

## Giving of a building notice or deposit of plans **W**

- 12.—(1) This regulation applies to a person who intends to—
- carry out building work;
  - replace or renovate a thermal element in a building to which the energy efficiency requirements apply;
  - make a change to a building's energy status; or
  - make a material change of use.
- (2) Subject to the following provisions of this regulation, a person to whom this regulation applies shall—
- give to the local authority a building notice in accordance with regulation 13; or
  - deposit full plans with the local authority in accordance with regulation 14.
- (3) A person intending to carry out building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005 <sup>F528</sup> applies, or will apply after the completion of the building work, shall deposit full plans.
- (4) A person intending to carry out building work which includes the erection of a building fronting onto a private street shall deposit full plans.
- (5) A person intending to carry out building work in relation to which paragraph H4 of Schedule 1 imposes a requirement shall deposit full plans.
- (6) A person intending to carry out building work is not required to give a building notice or deposit full plans where the work consists only of work—

- (a) described in column 1 of the Table in Schedule 3 if the work is to be carried out by a person described in the corresponding entry in column 2 of that Table; [<sup>F529</sup>or]
- (b) described in Schedule 4; <sup>F530</sup> ...
- <sup>F530</sup>(c) .....
- <sup>F531</sup>(6A) .....

(7) Where regulation 19 of the Building (Approved Inspectors etc) Regulations 2010<sup>F532</sup> (local authority powers in relation to partly completed work) applies, the owner shall comply with the requirements of that regulation instead of with this regulation.

(8) Where—

- (a) a person proposes to carry out building work which consists of emergency repairs;
- (b) it is not practicable to comply with paragraph (2) before commencing the work; and
- (c) paragraph (6) does not apply,

the person shall give a building notice to the local authority as soon as reasonably practicable after commencement of the work.

(9) In this regulation—

“fronting” has the meaning given in section 203(3) of the Highways Act 1980<sup>F533, F534</sup> ...

“private street” has the meaning given in section 203(2) of the Highways Act 1980<sup>F535F536</sup> ...  
[<sup>F537</sup>; and

<sup>F538</sup> .....

#### Extent Information

- E26** This version of this provision applies to Wales only; a separate version has been created for England only
- F528** S.I. 2005/1541.
- F529** Word "or" in reg. 12(6)(a) inserted (W.) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018](#) (S.I. 2018/558), regs. 1(2), **5(1)(a)(i)** (with reg. 29)
- F530** Reg. 12(6)(c) and word "; or" omitted (W.) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018](#) (S.I. 2018/558), regs. 1(2), **5(1)(a)(ii)(iii)** (with reg. 29)
- F531** Reg. 12(6A) omitted (W.) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018](#) (S.I. 2018/558), regs. 1(2), **5(1)(b)** (with reg. 29)
- F532** S.I. 2010/2215.
- F533** 1980 c. 66.
- F534** Word "and" in reg. 12(9) omitted (W.) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018](#) (S.I. 2018/558), regs. 1(2), **5(1)(c)(i)** (with reg. 29)
- F535** Section 203(2) was amended by paragraph 45(11) of Schedule 2 to the [Planning \(Consequential Provisions\) Act 1990](#) (c.11) and Part 5 of Schedule 19 to the [Planning and Compensation Act 1991](#) (c.34).
- F536** Reg. 12(9): full stop omitted (E., but only in relation to excepted energy buildings in W.) (6.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012](#) (S.I. 2012/3119), **reg. 6(b)(ii)**, Sch. 1 (with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.)
- F537** Words in reg. 12(9) inserted (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. 6(b)(ii)**, Sch. 1

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(with regs. 1(3), 45-47) (as amended by S.I. 2013/181, reg. 5, Sch.) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F538** Definition of "special location" in reg. 12(9) omitted (W.) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **5(1)(c)(ii)** (with reg. 29)

### Particulars and plans where a building notice is given

**13.—(1)** A building notice shall state the name and address of the person intending to carry out the work and shall be signed by that person or on that person's behalf, and shall contain or be accompanied by—

- (a) a statement that it is given for the purpose of regulation 12(2)(a);
- (b) a description of the proposed building work, renovation or replacement of a thermal element, change to the building's energy status or material change of use; <sup>F123</sup>[<sup>F124</sup>and]
- (c) particulars of the location of the building to which the proposal relates and the use or intended use of that building <sup>F125</sup>[<sup>F126</sup>; and
- (d) in the case of a new dwelling—
  - (i) a statement whether or not any optional requirement applies to the building work, and if so which, or
  - (ii) a statement that planning permission has not yet been granted for the work, and that the information required by subparagraph (i) will be supplied before the end of a period of twenty eight days beginning on the day after that permission is granted].

<sup>F127</sup>[<sup>F128</sup>(1A) In the case of a new dwelling, where a statement under paragraph (1)(d)(ii) has accompanied the building notice, a statement in the terms required by paragraph (1)(d)(i) must be provided to the [<sup>F129</sup>local authority][<sup>F129</sup>relevant authority] before the end of a period of twenty eight days beginning on the day after planning permission is granted for the building work, and the statement must state that it is supplementary to the information given in respect of the work pursuant to paragraph (1)(d).]

**(2)** In the case of the erection or extension of a building, a building notice shall be accompanied by—

- (a) a plan to a scale of not less than 1:1250 showing—
  - (i) the size and position of the building, or the building as extended, and its relationship to adjoining boundaries;
  - (ii) the boundaries of the curtilage of the building, or the building as extended, and the size, position and use of every other building or proposed building within that curtilage;
  - (iii) the width and position of any street on or within the boundaries of the curtilage of the building or the building as extended;
- (b) a statement specifying the number of storeys (each basement level being counted as one storey), in the building to which the proposal relates; and
- (c) particulars of—
  - (i) the provision to be made for the drainage of the building or extension; and
  - (ii) the steps to be taken to comply with any local enactment which applies.

<sup>F130</sup>(2A) In the case of the erection of a dwelling, or a building that is to contain one or more dwellings, a building notice shall be accompanied by—



- (a) particulars of any public electronic communications network in relation to which a connection is to be provided,
- (b) if an exemption in regulation 44ZB is proposed to be relied on, evidence in support of the exemption, and
- (c) if regulation 44ZC is proposed to be relied on—
  - (i) evidence of the matters mentioned in regulation 44ZC(6)(a) and (b), and
  - (ii) if paragraph RA1(1)(c)(i) or (ii) of Schedule 1 is also proposed to be relied on, evidence of the steps taken to establish whether, and if so where, a distribution point for a gigabit-capable public electronic communications network (as defined by regulation 44C) is likely to be installed, in a location relevant for the purposes of paragraph RA(1)(c), within the period of 2 years beginning with the day on which the notice is given.]

(3) Where a building notice has been given, a person carrying out building work, renovation or replacement of a thermal element, change to the building's energy status or making a material change of use shall give the <sup>[F131]</sup>local authority<sup>[F131]</sup>relevant authority], within such time as they specify, such plans as are, in the particular case, necessary for the discharge of their functions in relation to building regulations and are specified by them in writing.

(4) Neither a building notice nor plans which accompany it or are given under paragraph (3) are to be treated <sup>[F132]</sup>for the purposes of section 16 of the Act as having been deposited<sup>[F132]</sup>as an application for building control approval with full plans] in accordance with building regulations.

(5) A building notice shall cease to have effect on the expiry of three years from the date on which that notice was given to the <sup>[F133]</sup>local authority<sup>[F133]</sup>relevant authority], unless before the expiry of that period—

- (a) the building work to which the notice related was commenced; or
- (b) the change to the building's energy status or the material change of use described in the notice was made.

**F123** Word in [reg. 13\(1\)](#) omitted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\), 2\(5\)\(a\)\(i\)](#) (with [regs. 1\(3\), 4](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F124** Word in [reg. 13\(1\)\(b\)](#) inserted (W. in relation to excepted energy buildings) (8.6.2018) by [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\), 5\(2\)\(a\)\(i\)](#) (with [reg. 29](#))

**F125** [Reg. 13\(1\)\(d\)](#) and word "; or" omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\), 5\(2\)\(a\)\(ii\)\(iii\)](#) (with [reg. 29](#))

**F126** [Reg. 13\(1\)\(d\)](#) and word inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\), 2\(5\)\(a\)\(ii\)](#) (with [regs. 1\(3\), 4](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F127** [Reg. 13\(1A\)](#) omitted (W. in relation to excepted energy buildings ) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\), 5\(2\)\(b\)](#) (with [reg. 29](#))

**F128** [Reg. 13\(1A\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\), 2\(5\)\(b\)](#) (with [regs. 1\(3\), 4](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]

**F129** Words in [reg. 13\(1A\)](#) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\), 7\(3\)\(a\)](#) (with [regs. 22-24](#))

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

- F130** Reg. 13(2A) inserted (E.) (26.12.2022) by [The Building etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2022 \(S.I. 2022/984\)](#), reg. 1(4), **Sch. para. 2** (with reg. 3)
- F131** Words in reg. 13(3) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(3)(a)** (with regs. 22-24)
- F132** Words in reg. 13(4) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(3)(b)** (with regs. 22-24)
- F133** Words in reg. 13(5) substituted (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **7(3)(a)** (with regs. 22-24)

#### <sup>F134</sup> **Applications for building control approval with full plans** **E**

**14.**—(1) An application for building control approval with full plans must be made in writing, signed by the person making the application (“the applicant”), and must include—

- (a) the name, address, telephone number and (if available) email address of the applicant;
- (b) where the applicant is not the client, the name, address, telephone number and (if available) email address of the client;
- (c) where known at the date of the application, 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);
- (d) a statement—
  - (i) that the application is an application for building control approval with full plans given under regulation 12(2)(b);
  - (ii) as to whether the building is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies or will apply after completion of the building work;
- (e) where the work consists of work to an existing building, a description of the existing building including—
  - (i) details of the current use of the building, including the current use of each storey;
  - (ii) the height of the building;
  - (iii) the number of storeys in the building as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
- (f) a description of the proposed work, including—
  - (i) details of the intended use of the building, including the intended use of each storey;
  - (ii) the height of the building after the proposed work;
  - (iii) the number of storeys in the building after the proposed work as determined in accordance with regulation 6 of the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023;
  - (iv) the provision to be made for the drainage of the building;
  - (v) where paragraph H4 of Schedule 1 imposes a requirement, the precautions to be taken in the building over a drain, sewer or disposal main to comply with the requirements of that paragraph;
  - (vi) the steps to be taken to comply with any local enactment that applies; and
  - (vii) a statement setting out—
    - (aa) the date when it is proposed the work will reach the point when it is to be regarded as commenced in accordance with regulation 46A (lapse of building control approval: commencement of work); and

- (bb) where the work does not consist of work to which paragraph (2) or (3) of regulation 46A applies, details of the work which the client considers amounts to 15% of the proposed work.
- (2) An application for building control approval with full plans must be accompanied by—
- (a) (i) two copies of the full plans, or
    - (ii) where Part B of Schedule 1 (fire safety) imposes a requirement in relation to proposed building work, four copies of the full plans;
  - (b) where the application is made by someone on behalf of the client, a statement signed by the client confirming they agree to the application being made and that the information contained in the application is correct.
- (3) Plans are only full plans if they consist of—
- (a) a description of the proposed building work, renovation or replacement of a thermal element, change to the building's energy status or material change of use;
  - (b) the plans, particulars and statements required by paragraphs (1), (1A) and (2) of regulation 13;
  - (c) where paragraph H4 of Schedule 1 imposes a requirement, particulars of the precautions to be taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph; and
  - (d) any other plans which are necessary to show that the work would comply with these Regulations.
- (4) Paragraph (2)(a)(ii) does not apply where the proposed building work relates only to the erection, extension or material alteration of a dwelling-house or flat.]

**Extent Information**

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

**F134** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **8** (with regs. 22-24)

**Full plans** **W**

**14.—**(1) Full plans shall be accompanied by a statement that they are deposited for the purpose of regulation 12(2)(b).

- (a) (2) (a) Full plans shall be deposited in duplicate, of which the local authority may retain one copy; and
  - (b) where Part B of Schedule 1 (fire safety) imposes a requirement in relation to proposed building work, an additional two copies of any such plans as demonstrate compliance with that requirement shall be deposited, both of which may be retained by the local authority.
- (3) Full plans shall consist of—
- (a) a description of the proposed building work, renovation or replacement of a thermal element, change to the building's energy status or material change of use, and the plans, particulars and statements required by paragraphs (1) <sup>F539</sup>[<sup>F540</sup>, (1A)] and (2) of regulation 13;
  - (b) where paragraph H4 of Schedule 1 imposes a requirement, particulars of the precautions to be taken in building over a drain, sewer or disposal main to comply with the requirements of that paragraph; and

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(c) any other plans which are necessary to show that the work would comply with these Regulations.

(4) Full plans shall be accompanied by a statement as to whether the building is a building in relation to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the building work.

<sup>F541F542</sup>(5) .....

(6) Paragraph (2)(b) shall not require the deposit of additional copies of plans where the proposed building work relates to the erection, extension or material alteration of a dwelling-house or flat.

#### **Extent Information**

- E27** This version of this provision applies to Wales only; a separate version has been created for England only
- F539** Word in [reg. 14\(3\)\(a\)](#) omitted (W. in relation to excepted energy buildings) (8.6.2018) by virtue of [The Building Regulations &c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), [regs. 1\(2\), 5\(3\)](#) (with [reg. 29](#))
- F540** Word in [reg. 14\(3\)\(a\)](#) inserted (E., but only in relation to excepted energy buildings in W.) (1.10.2015) by [The Building Regulations &c. \(Amendment\) Regulations 2015 \(S.I. 2015/767\)](#), [regs. 1\(4\)\(b\), 2\(6\)](#) (with [regs. 1\(3\), 4](#)) [Editorial note: This amendment no longer applies at all in relation to W. from 8.6.2018]
- F541** [Reg. 14\(5\)](#) omitted (E., but only in relation to excepted energy buildings in W.) (9.1.2013) by virtue of [The Building Regulations &c. \(Amendment\) Regulations 2012 \(S.I. 2012/3119\)](#), [reg. 7](#), [Sch. 1](#) (with [regs. 1\(3\), 45-47](#))
- F542** [Reg. 14\(5\)](#) omitted (W. for remaining purposes) (19.4.2013) by virtue of [The Building Regulations &c. \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), [regs. 1\(4\), 5](#) (with [reg. 1\(2\)\(3\)](#))

#### **[<sup>F134</sup>Determination of applications for building control approval with full plans**

**14A.**—(1) Subject to paragraph (5), where an application for building control approval with full plans is made in accordance with regulations 12(2)(b) and 14, the relevant authority must grant the application for building control approval unless the application (including the plans or other documents which accompany it)—

- (a) does not comply with the requirements of regulation 14 (applications for building control approval with full plans);
- (b) is not sufficiently detailed in any respect to allow the relevant authority to determine whether the proposed work would contravene any applicable requirement of the building regulations;
- (c) shows that—
  - (i) the proposed work would contravene any applicable requirement of these Regulations; or
  - (ii) in a case where details are provided under regulation 14(1)(f)(vii), the work set out in the details would not in the relevant authority’s opinion amount to 15% of the work.

(2) If the application for building control approval with full plans (or any plans or other documents which accompany it) is defective or shows that the proposed work would contravene any requirement of these Regulations, the relevant authority may—

- (a) reject the application; or
- (b) subject to paragraph (4), grant the application for building control approval subject to either or both of the requirements set out in paragraph (3).

- (3) The requirements mentioned in paragraph (2) are—
- (a) that such modifications as the relevant authority may specify must be made in the full plans, and
  - (b) that such further plans as the authority may specify must be provided before work to which those plans relate starts.
- (4) A relevant authority may only grant an application for building control approval with full plans subject to a requirement in paragraph (3) if the person making the application (“the applicant”) —
- (a) has requested in writing the authority does so, or
  - (b) has consented in writing to the authority doing so.
- (5) The duty in paragraph (1) is subject to any provision in sections 19 to 25 of the Act which expressly requires or authorises the authority to reject an application for building control approval.
- (6) The relevant authority must notify the applicant of the outcome of the application within five weeks beginning with the date the application is received by the relevant authority, or within such longer period as at any time the authority and the applicant agree in writing.
- (7) A failure by the relevant authority to notify the applicant in accordance with paragraph (6) is not to be treated as a grant of the application or a rejection of the application.
- (8) A notice that the application under paragraph (1) is rejected must give the reasons for the rejection.
- (9) A notice that the application is granted subject to a requirement must specify the requirement imposed.
- (10) Where the application for building control approval with full plans is successful the effect is that the building control approval is granted.

**F134** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), 8 (with regs. 22-24)

### **Appeal against a local authority’s rejection of an application for building control approval**

- 14B.**—(1) A person (“the appellant”) who has made an application for building control approval with full plans to a local authority may appeal to the regulator against the decision of the local authority to reject the application provided the appeal is made within 21 relevant days beginning with the day after the day on which the local authority notifies the person under regulation 14A(6) (determination of applications for building control approval with full plans).
- (2) The regulator may allow an appeal under paragraph (1) 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 the Act.
- (3) If the regulator allows an appeal it may quash or vary the decision.
- (4) A person aggrieved with the decision of the regulator on an appeal under this regulation may appeal that decision to the First-tier Tribunal within 21 relevant days beginning with the day after the day on which the regulator notifies the person of its decision.

*Status: Point in time view as at 01/10/2023.*

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

(5) The First-tier Tribunal may allow an appeal referred to in paragraph (4) 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 the Act.

(6) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

**F134** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **8** (with regs. 22-24)

### **Appeal against the regulator’s rejection of an application for building control approval for work that is not higher-risk building work**

**14C.**—(1) In relation to work for which the regulator is the building control authority pursuant to a regulator’s notice, a person (“the appellant”) who has made an application for building control approval with full plans to the regulator may appeal to the First-tier Tribunal against the decision of the regulator to reject the application provided the appeal is made within 21 relevant days beginning with the day after the day on which the regulator notifies the person under regulation 14A(6) (determination of applications for building control approval with full plans).

(2) The First-tier Tribunal may allow an appeal referred to in paragraph (1) 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;
- (d) that the decision was made without following the procedures set out in the Act or regulations made under the Act.

(3) If the First-tier Tribunal allows an appeal it may quash or vary the decision.]

**F134** Regs. 14-14C substituted for reg. 14 (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), regs. 1(2), **8** (with regs. 22-24)

### **Consultation with sewerage undertaker E**

**15.**—(1) This regulation applies where [<sup>F135</sup>an application for building control approval with full plans has been given to the relevant authority] and paragraph H4 of Schedule 1 imposes requirements in relation to the building work which is the subject of those plans.

(2) Where this regulation applies the [<sup>F136</sup>relevant authority] shall consult the sewerage undertaker—

- (a) as soon as practicable after [<sup>F137</sup>the application for building control approval with full plans has been given]; and
- (b) before issuing any completion certificate in relation to the building work in accordance with regulation 17 <sup>F138</sup>[<sup>F139</sup>or 17A].

(3) Where a [<sup>F140</sup>relevant authority] are required by paragraph (2) to consult the sewerage undertaker they shall—