



The Building Safety Act
Principal Designer, Contractor and client responsibilities
The new building control regime
Reminder of recent and future changes to Building Regulations.

Tragedies – Drivers for Regulation?



The Grenfell Tower Inquiry Report



Collective failure rather than individual wrongdoing was to blame

1. Architects and Designers
2. Contractors
3. Building Control Bodies
4. Fire Safety Consultants
5. The Government and Regulatory Bodies
6. Manufacturers & Testing bodies

Systemic change has been sought for years

- Creating empowered and responsible dutyholders
- An enforcement regime that properly incentivises compliance
- Wider changes to support dutyholders and regulators
- Models to underpin regulatory effectiveness



~~DLUHC~~-MHCLG

- The Department for Levelling Up, Housing and Communities – the Government department with responsibility for Building Regulations – has had a re-name. Or more accurately, a re-re-name.
- Deputy Prime Minister Angela Rayner said: “A Government of public service means fixing the fundamentals to deliver for the British people. No more gimmicks and slogans, but the hard yards of governing in the national interest. The department I lead will be the Ministry of Housing, Communities and Local Government (MHCLG)”
- Previously known as ...
 - the Office of the Deputy Prime Minister (ODPM)
 - the Department for Communities and Local Government (DCLG)
 - the Ministry of Housing, Communities and Local Government (MHCLG)
 - the Department for Levelling Up, Housing and Communities (DLUHC)

Stronger Legislation



The Building Safety Act

The foundation to the new building safety regime where:

- Rigorous standards
- Proving and maintaining competence, ethics and integrity

Become the norm...

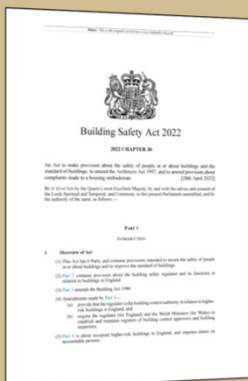


The Building Safety Act

- Applies to ALL buildings
- Introduced New Bodies, New Responsibilities and New Systems
- Additional requirements for Higher Risk Buildings (HRBs)
 - Three gateways
 - Removal of Dutyholder choice of building control provider
 - **Golden Thread** of Information
 - Mandatory Occurrence Reporting



Primary (enabling) legislation



- Part 2 – Creates new building safety regulator
- Part 3 & Schedule 5 – Covers
 - Amends Building Act 1984
 - Impacts Building Regulations
 - Introduces industry competence and dutyholder regulations
- Part 4 – Creates the Higher Risk Building regime
- Part 5 – Covers:
 - Planning and Building Control Prohibitions;
 - Building Liability Orders;
 - Remediation;
 - New Homes Ombudsman;
 - New build home warranties;
 - Construction products;
 - Changes to the Architects Act 1997

Three new bodies

Building Safety Regulator – to oversee the safety and standards of all buildings

New Homes Ombudsman – enabling owners of new homes to raise complaints

National Regulator for Construction Products within the OPSS providing enforcement of the Construction Products Regulations

Building Safety Regulator

Three new committees to provide advice and support to the BSR:

- The Building Advisory Committee
- The Industry Competence Committee
- Residents Panel



Higher Risk Buildings

The BSR is the building control authority on higher risk buildings from October 2023

A Higher Risk Building is:

- At least 18m in height or at least 7 storeys.
- Contains at least 2 residential units
- Care homes and hospitals meeting the same height threshold during design and construction only.
- Under Section 13 of the BSA 2022, Local Authority Building Control provides building control services to the BSR for these buildings as part of the Multi-Disciplinary Team



MDT Composition



BSR will set up and administrate the running of the MDT, including liaising with partner regulators to secure the appropriate expertise.

The core MDT will consist of:

- BSR Regulatory Lead (supported by a Case Officer)
- Registered Building Inspector.
- Specialist from the Fire and Rescue Services.

The MDT may also be supported by additional specialist experts, such as Structural Engineers, Fire Engineers, Façade Engineer, etc,

These will be brought into the MDT by the BSR through procurement via call-off contracts.



Role of Registered Building Inspector

- Assess plans, details and documents to establish whether they demonstrate compliance with the relevant functional requirements of Schedule 1 of the Building Regulations 2010 (as amended).
- Assess plans, details and documents to enable a determination of an application.
- Complete a record of assessment for these activities



Roles and responsibilities of duty holders

Any building work where Building Regulations are required will be subject to the new [Duty Holder Regime](#). This imposes new requirements on applicants, agents, and builders:

- client including domestic clients previously known as the applicant
- Principal designer previously known as the agent
- Principal contractor previously known as the builder

All duty holders are obliged to have arrangements and systems in place to plan, manage and monitor both the design work and the building work to ensure compliance with building regulations.

This includes residential homeowners who may be embarking on a project for the first time, referred to as Domestic Clients.

- The duty to ensure compliance remains with those who procure the building work and those who have key roles in the design and construction process and who are responsible for ensuring that building work is designed and built to be compliant with building regulations.
- The duty holders are required to work together to ensure that the project complies with the requirements of the regulations and ultimately ensures that the Building Control Body can issue its completion certificate.

Remember...

- Dutyholders are required to ensure they have competence (the necessary skills, knowledge, experience and behaviour) to carry out the design and building work they are engaged to do. They are also required to only undertake work within the limits of their competence.
- The client must take all reasonable steps to satisfy themselves that the dutyholders are competent, and the dutyholders must refuse to accept an appointment for works they are not competent to deliver.
- Dutyholders are required to cooperate with other dutyholders and are required to coordinate their work and communicate and provide information to other dutyholders.
- Useful Guidance explaining the duty holder roles
[Design and building work: meeting building requirements - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/design-and-building-work-meeting-building-requirements)

What if a domestic client doesn't appoint a principal designer?

The designer in control of the design phase of a project is the principal designer, and the contractor in control of the construction phase of a project is the principal contractor.

Architects will naturally become the principal designer in most cases

What if the client only wanted to appoint an architect to undertake planning drawings and not continue with construction stage drawings?

What if the client appoints a builder to work, for example, under a building notice, do the roles apply?

The contractor would effectively become a designer and contractor, so undertake dual roles of principal designer and principal contractor.

Application forms have been updated.

What kind of project does this apply to?

These new duties apply to **all building work** that requires building regulations approval from a domestic alteration/ extension through to a complex mixed-use building, from 1 October 2023

The intent is to ensure that at each stage duty holders are identified, and expectations are clear. This aligns with the principles of the Building Safety Act 2022, to drive a change of culture within the construction industry.

Architects are therefore strongly advised to ensure they are competent for the work they take on and that they maintain that competence.

Building Control System – at a glance

Building Safety Regulator in HSE (BCA)

- administer and enforce the legislation for all HRB and certain non-HRB premises
- has a statutory duty
- must grant or reject applications
- regulates building safety competence
- has oversight of b regs over all buildings
- registrar for all registered building inspectors and registered building control approvers

Local Authority (BCA)

- administer and enforce the legislation for all non-HRB premises
- has a statutory duty
- must grant or reject applications
- cannot deal with HRB premises
- cannot supervise work under an initial notice – unless cancelled

Approved Inspector (RBCA)

- Administer regulations for all non-HRB premises
- Contractual obligation
- Can issue a plans certificate
- Cannot deal with HRB premises
- Cannot enforce the regulations

It is not the role of building control to:

- Provide quality control of the Works.
- Provide a 'clerk of works' service monitoring every stage of the construction process.
- Provide a service to address issues such as the finish and aesthetics of the Works where these are not Building Regulation matters.
- Provide a service to offer contractual protection between the person carrying out the work and the parties engaged in the design and/or construction of such work.
- Provide a guarantee of compliance with the Building Regulations. The appointment of a Building Control Body does not remove the obligation of the person carrying out the work to achieve compliance.

Key Legislation

Primary Legislation

Building Safety Act 2022

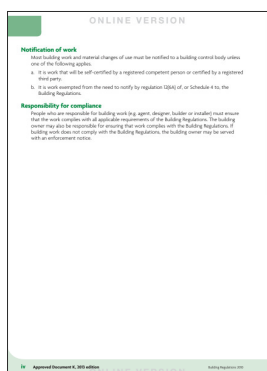


Building Act 1984

Secondary Legislation

The Building Regulations 2010	The Building Safety (Leaseholder Protections) (England) Regulations 2022	The Building (Approved Inspectors etc. and Review of Decisions) (England) Regulations 2023
The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023	The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023	The Higher-Risk Buildings (Management of Safety Risks etc.) (England) Regulations 2023
The Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023	The Higher-Risk Buildings (Key Building Information etc.) (England) Regulations 2023	The Building (Approved Inspectors etc.) Regulations 2010
The Building Regulations etc. (Amendment) (England) Regulations 2023	The Building (Public Bodies and Higher-Risk Building Work) (England) Regulations 2023	The Building Safety Act 2022 (Consequential Amendments etc.) Regulations 2023
The Building (Restricted Activities and Functions) Regulations 2023	The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023	The Construction Products (Amendment) Regulations 2022

3. Building Regulations



Responsibility for compliance

People who are responsible for building work (e.g. agent, designer, builder or installer) must ensure that the work complies with all applicable requirements of the Building Regulations. The building owner may also be responsible for ensuring that work complies with the Building Regulations. If building work does not comply with the Building Regulations, the building owner may be served with an enforcement notice.

Building Regulations - Commencement

New Notice of Commencement of Work – Reg 16(3c) – supports new Reg 46a

- work only has 3 years to commence
- for multi-plot sites consequences can be significant since a start for one is not a start for all
- plots not having started inside 3 yrs the grant of application/building notice will lapse
- lapsed plots etc will be unauthorised without a new application
- new applications will have to comply with any new regulations etc in force at the time of making the new application

this is to guard against developments building to standards many years out of date

Start of work

These might be considered to constitute the start of work



Start of work

These might also be considered to constitute the start of work



Work not started

These might be considered as not constituting a start of work



Building Regulations - Completion

Completion Certificates – regs 16(4a) and 17

- Notice of completion to be given to LA with statement of compliance
- Statement to declare building work is complete
- Statements to be signed by client
- Statement to include contact details of client, PD and PC
- Statement to include dates of appointment of PD and PC
- Principal designer and principal contractor to declare that they have fulfilled their duties



How are Building Regulations Applied?

Completion Certificates – Reg 17

- must be given within 8 weeks of notice of completion
- LA must be satisfied all work complies with
 - a) Regulation 25a (high-efficiency alternative systems for new buildings)
 - b) Regulation 26 (target CO₂ emission rates for new buildings)
 - c) Regulation 26a (target fabric energy efficiency requirements for new dwellings)
 - (cc) Regulation 26c (target primary energy rates for new buildings)
 - d) Regulation 36 (water efficiency of new dwellings)
 - e) Regulation 38 (fire safety information), and
 - f) Schedule 1
 - g) Regulation 7a (energy performance certificates on construction) of the energy performance of buildings (England and Wales) regulations 2012

certificate is not conclusive evidence of compliance



If things go wrong - Previously

- Before the BSA and, in particular, section 39, any person who contravened building regulations committed an offence, albeit that the maximum penalty was fairly lenient. Section 35 of the Building Act set out the sanctions: it was a summary-only, fine-only offence limited to £5,000 and a maximum daily fine of £50.

If things go wrong – now

Formal Action

- Section 33 Building Act now commenced to allow LAs to **sample and test materials at the expense of the person carrying out the work**
- Section 35 Building Act 1984 - Penalty for contravening Building Regulations – **No time limit for prosecution and custodial sentences**
- Possibility for LAs to serve –
 - **Compliance notices** – s35B BA84
 - **Stop notices** – s35C BA84
- Section 36 notice for removal or alteration of offending work- can be served up to **10 years** from completion of work



Remember...

- Dutyholders are required to ensure they have competence (the necessary skills, knowledge, experience and behaviour) to carry out the design and building work they are engaged to do. They are also required to only undertake work within the limits of their competence.
- The client, meanwhile, must take all reasonable steps to satisfy themselves that the dutyholders are competent, and the dutyholders must refuse to accept an appointment for works they are not competent to deliver.
- Dutyholders are required to cooperate with other dutyholders, and are required to coordinate their work and communicate and provide information to other dutyholders.

How and when will you be required to prove you are competent?



How can you prepare?



Regulation of the Building Control Profession

The Monitoring Arrangements (KPIs)

- KPI 1 building control functions
- KPI 2 enforcement and interventions
- KPI 3 risk management
- KPI 4 competence (knowledge and expertise)
- KPI 5 systems and controls
- KPI 6 complaints handling and appeals

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Building Control Surveyor Registration (RBIs)

Registration applies to ALL building control surveyors working on ALL buildings

Plan assessments and site inspections (Restricted Activities) can only be undertaken by an appropriately qualified and registered building inspector (RBI)

To perform a Restricted Function (e.g., issuing a completion cert) the LA must obtain the advice of a suitably competent Registered Building Inspector

Registration is at various levels / classes

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Registration Requirements

Proof of Competence is the main requirement for registration

Competence is NOT a qualification

Competence is about knowledge, skills, experience and behaviours

Proof of competence for application as an RBI can ONLY be assessed by an organisation approved by the BSR as an Independent Assessment Scheme

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Competence Validation

BSCF Competence Certification scheme approved as one of three Independent Assessment Schemes by Building Safety Regulator

3 classes:

Class 2 Domestic Building Control Surveyor

Class 2 General Building Control Surveyor

Class 3 Specialist Building Control Surveyor

RBI Registration



- Registration went live in October 2023
- 6-month period to register before registration is enforced.
- **Must be registered from April 2024**
- Via an online portal on gov.uk
- Periodic re-registration Fees for registration and annual maintenance fee

GOV.UK Find a registered building inspector in England

This is a new service - your [feedback](#) will help us to improve it.

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1 Search results

Search the register [Anna Thompson](#)

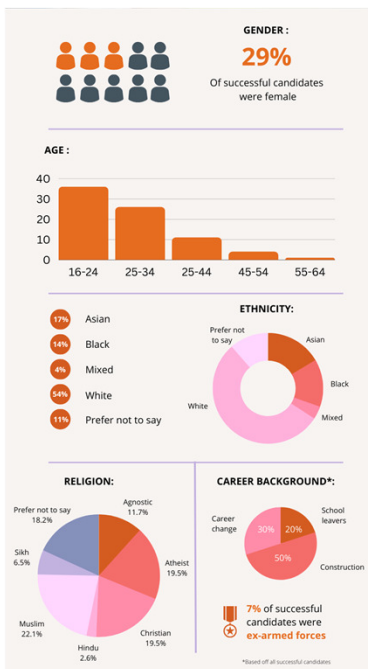
Building inspector name:

Organisation name:

Filter by class

- Class 1
- Class 2
- Class 3
- Class 4

Anna Thompson
 Business name: LABC
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LABC Academy Building Capacity in England

Building Capacity

Headline Figures

- 140+ currently on program
- 90 local authorities hosting secondees
- Another 25 soon



LABC Academy




A reminder of recent and future building regs changes

The image displays four LABC Approved Documents (ADs) for Building Regulations 2010, arranged in a 2x2 grid. Each AD is presented as a thumbnail with a green header and a white body. The documents are:

- AD F: Foundations** - Focuses on the design and construction of foundations for buildings.
- AD L: Control of moisture** - Focuses on preventing moisture from entering buildings and controlling moisture within them.
- AD O: Overheating** - Focuses on preventing overheating in buildings.
- AD S: Structure of steelwork** - Focuses on the design and construction of steelwork for buildings.

Each thumbnail includes the LABC logo, the title 'The Building Regulations, 2010', the document title, a large letter (F, L, O, or S), the text 'APPROVED DOCUMENT', a brief description of the document's content, and the text '2021 edition - For your information'.



**“Build Tight,
Ventilate Right!”**



Part L

Thermal
efficiency

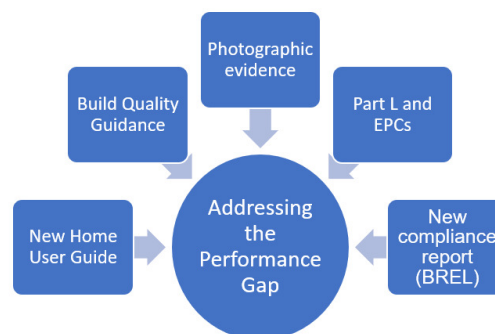
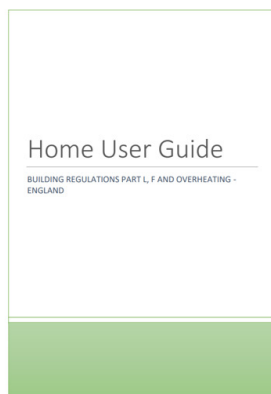


2025 Future Homes Standard

- 75% lower CO₂ emissions for new homes built from 2025
- Grid decarbonisation - Zero Carbon Ready standard, no further retrofit work needed
- Part L 2021 Uplift as *interim tighter standard* – building up skills and supply chains
- **Very high fabric standards, technology neutral**
 - Compliance simplest and lowest cost with heat pumps
 - Will consult on the feasibility of ending the connection of new homes to the gas grid



Performance Gap



Photographic Evidence

Building Regulation England Part L (BREL) report will be produced from approved SAP software to demonstrate compliance against the requirements.

However, a significant change is the addition of photographic evidence provided to the energy assessor and building control.

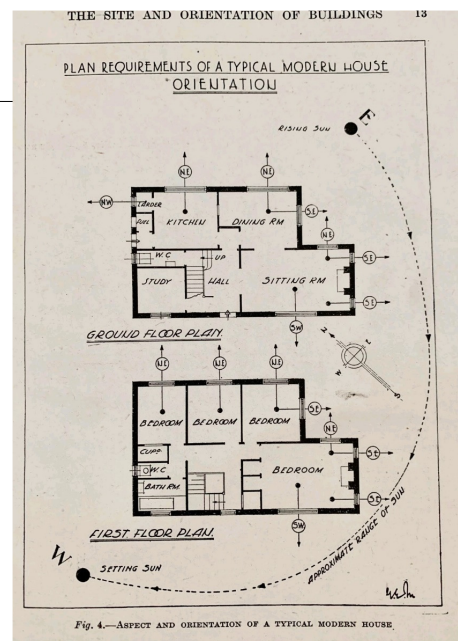
Appendix B of Part L 2021 sets out all the stages as well as the photograph requirements i.e. photo quality and who should take them



Part O (Overheating)

Post War Guide

- Kitchen – NE good daylight
- Larder – N to NW cool aspect
- Sitting Room – S, SW, SE for good sunshine
- Dining Room – SE
- Bedrooms – avoid W and nighttime overheating!



Part S Electric Vehicle Charging Points

- a requirement for new homes and existing homes undergoing large renovations (of 10 more or dwellings) to have facilities for charging electric vehicles at home that may be parked on associated parking spaces at that home.
- Applies to buildings undergoing a material change of use to dwellings, such as converting a barn into a home
- Applies to mixed-use buildings that are either new or undergoing a major renovation.



Approved Document J - Carbon monoxide alarms

- amended to extend the provisions and update the guidance for carbon monoxide alarms in support of requirement J3 (Warning of release of carbon monoxide).
- A carbon monoxide alarm should be fitted upon the installation of fixed combustion appliances that burn solid fuels, gas fuels (excluding gas appliances used solely for cooking) and oil fuels.
- Also applies when fixed combustion appliances are installed in new homes and when new or replacement fixed combustion appliances are installed in existing homes.



Approved Document B amendments

Evacuation alert systems

- 15.17 In blocks of flats (purpose group 1(a)) with a top storey over 18m above ground level (see Diagram D6 in Appendix D) an evacuation alert system should be provided in accordance with **BS 8629**.

Secure information boxes

- 15.18 A secure information box provides a secure facility to store information about a building for use by the fire service during an incident.

- 15.19 Blocks of flats (purpose group 1(a)) with a top storey more than 11m above ground level (see Diagram D6 in Appendix D) should be provided with a secure information box.

NOTE: Consideration should also be given to other buildings with large, complex or uncommon layouts where the provision of a secure information box may be beneficial.

- 15.20 The box should meet all of the following conditions.
- a. Sized to accommodate all necessary information.
 - b. Easily located and identified by firefighters.
 - c. Secured to resist unauthorised access but readily accessible by firefighters.
 - d. Protected from the weather.
- 15.21 Best practice guidance can be found in Sections 2 to 4 of the *Code of Practice for the Provision of Premises Information Boxes in Residential Buildings* published by the Fire Industry Association (FIA).

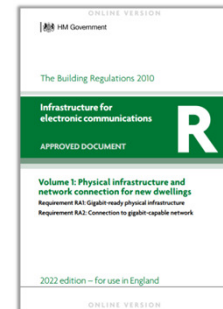


New Home Connectivity - Part R Requirements

New homes should have access to, or be future-proofed for, the best possible broadband connectivity at the point of construction.

The regulations require the installation of:

- Gigabit-ready physical infrastructure necessary for gigabit-capable connections up to a network distribution point, or as close as is reasonably practicable where the developer does not have the right to access land up to that distribution point; and
- Subject to a £2,000 cost cap per dwelling, a functioning gigabit-capable connection. - or install the next fastest connection available, provided this can be done without that connection also exceeding the cost cap.



What's Next – Reviews of Parts K and M?

Part K

- Campaign by ROSPA
- According to ROSPA:
 - falls on stairs claim the lives of 700 people p.a.
 - 43,000 people are hospitalised every year due to stair falls in the home



Review of Part M

- ~~DLHC~~ MHCLG is expected to consult on the detail of mandating the current optional standard M4(2) as the base standard for new homes.
- The existing minimum standard for accessible housing in England has four main requirements that make homes accessible and visitable for most people, including wheelchair users: level access to the main entrance; a level threshold; sufficiently wide doorways and circulation space; and a toilet at entrance level.



Part T

- 1st October 2024
- toilet provision for men and women in buildings other than dwellings
- Should be a choice for users.



Requirement T1: Toilet accommodation

This section deals with requirement T1 from Part T of Schedule 1 to the Building Regulations 2010.

Requirement

Requirement

Toilet accommodation

- T1.** (1) Toilet accommodation in buildings other than dwellings—
- (a) must consist of—
 - (i) reasonable provision for male and female single-sex toilets, or
 - (ii) where space precludes provision of single-sex toilets, universal toilets, and
 - (b) may consist of universal toilets in addition to single-sex toilets.
- (2) In this requirement—
- “single-sex toilet” means toilet facilities which—
 - (a) are intended for the exclusive use of persons of the same sex, and
 - (b) provide washbasins and hand-drying facilities in—
 - (i) either the toilet room or cubicle, or
 - (ii) a separate area intended for use only by persons of that sex.
 - “universal toilet” means toilet facilities which—
 - (a) are provided in a fully enclosed room which contains a water closet and washbasin and hand-drying facilities, and
 - (b) is intended for individual use by persons of either sex.

Limits on application

- Requirement T1 does not apply to—
- (a) en-suite facilities in individual rooms for residential purposes;
 - (b) residential rooms in care homes as defined at section 3 of the Care Standards Act 2000;
 - (c) schools as defined in section 4 of the Education Act 1996;
 - (d) premises, or part of any premises, used wholly or mainly for early years provision within the meaning of section 20 of the Childcare Act 2006 by an early years provider to whom section 40 of the Childcare Act 2006 (Duty to implement Early Years Foundation Stage) applies;
 - (e) cellular accommodation in custodial facilities.

Application

- 1.1 The guidance in this approved document applies to buildings other than dwellings.
- 1.2 Requirement T1 does not apply to schools, to premises used for early years provision, to cellular accommodation in custodial facilities or to en-suite toilets provided in individual rooms for residential purposes, such as in hotels and care homes.
- 1.3 Requirement T1 sets a requirement for the provision of specific facilities that should be provided in addition to requirements for general sanitary provision (WCs and urinals) required under regulation 20 of the Workplace (Health, Safety and Welfare) Regulations 1992 (Workplace Regulations). In establishing provision, reference should be made to guidance on the calculation of sanitary provision contained in the Approved Code of Practice for those regulations (HSE publication L24, available at <https://www.hse.gov.uk/pubns/books/L24.htm>).
- 1.4 This approved document describes the size, layout, fittings and equipment of universal toilets and single-sex toilets. Guidance on the design of a wheelchair-accessible unisex toilet and a WC cubicle for ambulant disabled people is provided in Section 5 of Approved Document M, Volume 2. The layout with dimensions and fittings for two options of WC for ambulant disabled people (Type A in Section 3 and Type C in Section 5) is additional guidance detailed within this approved document, giving ambulant versions of single-sex toilets and universal toilets.
- 1.5 Other sanitary provision for baby changing and Changing Places toilets should be provided as described in Section 5 of Approved Document M, Volume 2, and in BS 6465-4. Section 10.2 covering children and babies and Section 10.3 covering disabled people.
- 1.6 Part T does not cover the number of toilets or the access to and use of toilets. A method to calculate the number of sanitary appliances for public toilets is provided in Chapter 11 of BS 6465-4. Guidance on the number of toilets required for a building type is provided in paragraphs 4.12 to 4.14 of Approved Document G.
- 1.7 Approved Document G also covers the provision of handwashing facilities and the separation of toilets from kitchens and areas where food is prepared. Other best practice guidance on the provision and design of toilets is given in BS 6465-1.

Planning a home improvement project?

Check out our advice on home improvements, building regulations, contracts, working with builders & designers, planning permission and much more. This site has been developed by LABC who represent all local authority building control teams in England and Wales. We provide unbiased, independent advice you can trust.

[Get the right advice for your home improvement project](#)

LABC Front Door – good news for your clients

Useful guidance



What's the difference between planning and building control?

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What is plan checking?

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What are the 17 common mistakes found on building plans?

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Before work begins: planning your home improvement project

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Building regulations applications FAQs

Home type
General

Project type
General

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Ask Anna

On this page, you'll find frequently asked questions about home improvement projects. If you can't find the answer you're looking for use the Ask Anna form below to submit your questions

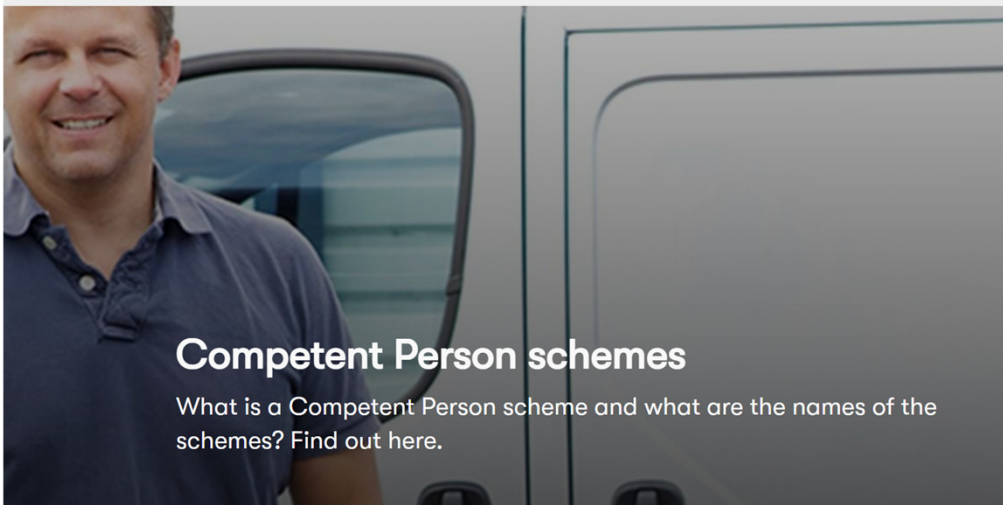
Project type ▼

Can my new bathroom open out onto my kitchen? ▼

Can I use a space saver staircase for my loft conversion? ▼

I'm thinking about buying a house that has had an unlawful loft conversion. What should I do? ▼

Help! We didn't realise we needed permission for work we've had done – what can we do? ▼



Competent Person schemes

What is a Competent Person scheme and what are the names of the schemes? Find out here.

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02/10/2024 This is the presentations footer 67

Not everything has changed

- No changes to exemptions
- No changes to work that needs approval
- No real changes to the process – new forms, more signatures
- Building control are more restricted on pre-app advice
- They cannot design in any way – but they are still happy to help!

