

Background & What Has Changed

The Government has published amendments to the Building Regulations 2010, which will apply to all applications for building control consent from 1 October 2023, for Registered Building Control Approvers and Local Authority Building Control.

If you, or someone on your behalf, have submitted a building control application, you have new legal responsibilities from 1 October 2023 as a Client, Designer or Contractor.

You must follow these legal procedures so that your building control application can be considered. This guidance is designed to aid you in identifying your new responsibilities.

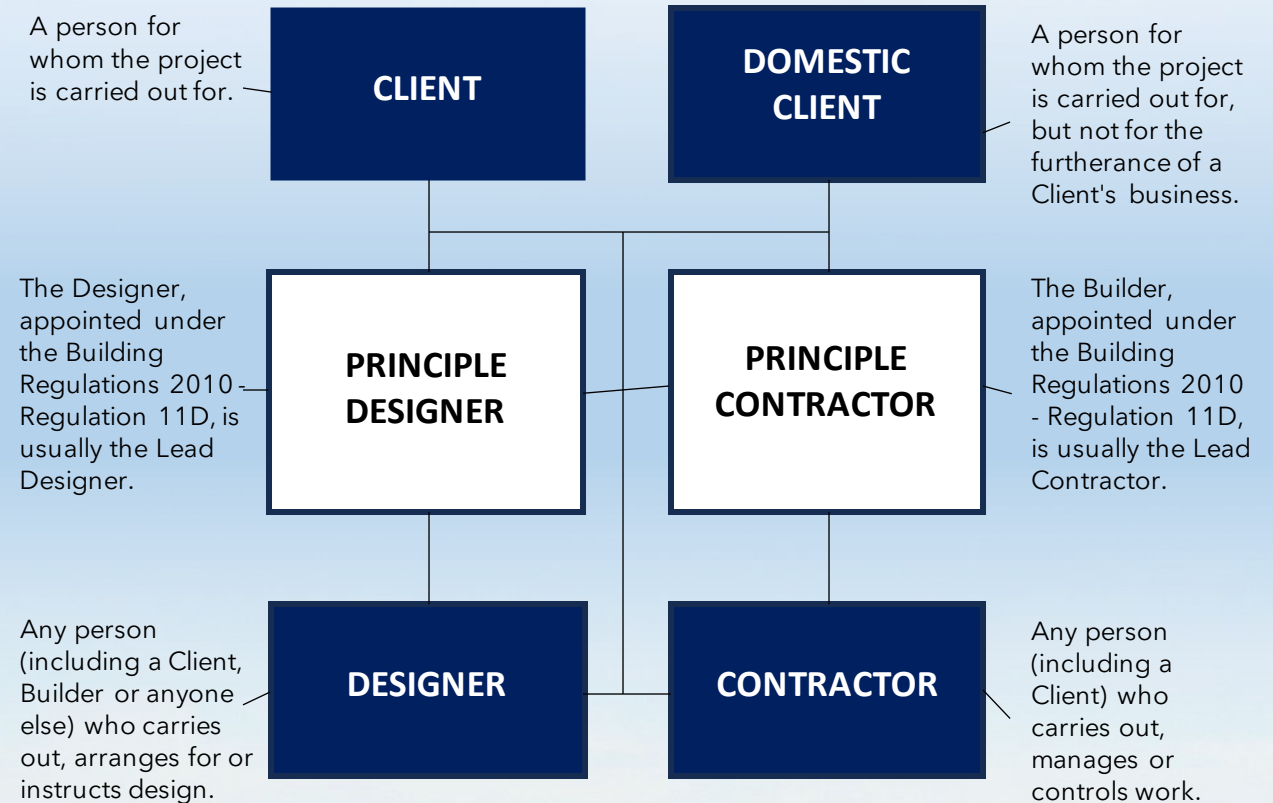
If you do not follow the procedures prescribed for your role, it will result in your application being rejected or reverted to local council control, which will require the same information.

Your Dutyholder Role Identified

The following table identifies who you are prescribed in the new Building Regulations 2010 'Part 2A Dutyholders' and Competence. The diagrams that follow the table summarise your new legal duties and roles and what information your Approved Inspector needs from you throughout the processing of your application.

Identifying your position

The following chart is designed to help you identify your new role as referenced in the Building Regulations 2010 Part 2A Dutyholders.



Note: All dutyholders must share information with anyone who might be affected within the Client, designer and contractor chain.

Your Duties Explained

Your expected dutyholder duties are explained below.

CLIENT

You must:

- Ensure suitable arrangements exist to plan, manage and monitor the building work to ensure compliance with the Building Regulations
 - Ensure that these arrangements are maintained throughout the life of the project.
 - Take all reasonable steps to ensure any designers or contractors appointed are competent to carry out the work for which they are appointed.
 - Notify the Approved Inspector when you appoint Principal Designer and Principal Contractors, even if they are sole designers or contractors, including:
 - Name, address, telephone number and email of these parties.
 - Details of any change in the dutyholders and the dates of their appointment.
 - A signed statement of authority that the information is, to the best of your knowledge, correct.
 - When the work is complete, you must provide notification to the Inspector, which contains the following information:
 - The Client's name, address, telephone number and email address.
 - The Principal Designer's and Principal Contractor's names, addresses, telephone numbers and email addresses
 - A statement that the building work is complete.
 - A signed statement that, to the best of your knowledge, the building work complies with the building regulations.
 - A signed statement from each Principal Designer and Principal Contractor that they have fulfilled their duties under the building regulations.
- The Approved Inspector cannot issue its final certificate without receiving these signed declarations.

Your Duties Explained

Your expected dutyholder duties are explained below.

DOMESTIC CLIENT

- The Principal Contractor or contractor must carry out these duties.

Unless: The Client agrees that the Principal Designer can carry out these duties.

You must:

- Ensure suitable arrangements exist to plan, manage and monitor the building work to ensure compliance with the Building Regulations
- Ensure that these arrangements are maintained throughout the life of the project.
- Take all reasonable steps to ensure any designers or contractors appointed are competent to carry out the work for which they are appointed



Your Duties Explained

Your expected dutyholder duties are explained below.

PRINCIPAL DESIGNER

You must:

- Perform all the functions listed within the Designer roll below, and, In addition, you must:
- Plan, Manage and Monitor the design work during the design phase.
- Coordinate all matters relating to design work to ensure that it will comply with the Building Regulations if building work is carried out.
- Ensure dutyholder cooperation.
- Ensure all designers coordinate their designs so that building work will be carried out following the designs and will comply with the Building Regulations.
- Ensure all designers comply with their duties.
- Liaise with the Principal Contractor
- Have regard to comments from the Principal Contractor about compliance with the Building Regulations
- Assist the Client in providing information to designers.
- Review the arrangements of any previous Principal Designer.
- Notify Building Control in writing, where applicable, that the work is being carried out on behalf of a Domestic Client.
- Where applicable, sign the declarations as referred to above in the Client's duties when work is complete.



Your Duties Explained

Your expected dutyholder duties are explained below.

DESIGNER

You must:

- Plan, manage and monitor design work so that if the building work were carried out, it would comply with the Building Regulations
- Cooperate with the Client, designers, and contractors to the extent that if the building work were carried out, it would comply with the Building Regulations.
- Do not start any design work unless you are satisfied that the Client is aware of the duties owed by the Client.
- Carry out design to ensure that if building work were carried out, the design it would comply with the Building Regulations.
- Provide sufficient information about the building's design, construction and maintenance to allow the Client, other designers and contractors to comply with the Building Regulations.
- Consider any other design work and report any compliance concerns relating to the design compliance to the Principal Designers and Client.
- Must advise the Principal Designer or the Client whether any work they are designing is Higher-Risk building work



Your Duties Explained

Your expected dutyholder duties are explained below.

PRINCIPAL CONTRACTOR

You must:

- Plan, Manage and Monitor the building work during the construction phase.
- Coordinate matters relating to building work to ensure the building work complies with the Building Regulations.
- Ensure cooperation amongst all dutyholders.
- Ensure all building work is coordinated so that it complies with the Building Regulations.
- Ensure contractors comply with their duties.
- Liaise with the Principal Designer as required.
- Have regard to comments from the Principal Designer concerning compliance with the Building Regulations.
- Assist the Client in providing information to contractors.
- Review the arrangements of any previous Principal Contractor.
- Notify Building Control in writing, where applicable, that the work is being carried out on behalf of a Domestic Client.
- Sign the declarations as referred to above in the Client's duties when work is complete



Your Duties Explained

Your expected dutyholder duties are explained below.

CONTRACTOR

You must:

- Plan, Manage, and Monitor the design work such that if building work were carried out following it, it would comply with the Building Regulations
- Cooperate with the Client, designers, and contractors to the extent that if building work were carried out following the design, it would comply with the Building Regulations.
- Do not start any design work unless they are satisfied that the Client is aware of the duties owed by their duties.
- Ensure the building work they are carrying out complies with the Building Regulations.
- Provide each worker under their control with appropriate supervision, information, and instruction to ensure the building work complies with the Building Regulations.
- Provide sufficient information about the work to allow the Client, other designers, and contractors to comply with the Building Regulations.
- Consider other building works when you are only carrying out part of the building work and report any concerns relating to compliance to the Principal Contractor.
- Provide advice to the Principal Contractor or the Client on whether any work is Higher-Risk building work.



Your Duties Explained

Your expected dutyholder duties are explained below.

REGULATION 38

Regulation 38 requires information relating to fire safety to be passed on at the end of a project on all buildings to which the Regulatory Reform (Fire Safety) Order 2005 applies.

Under the Amendment Regulations we are required to make a statement on our Final Certificate confirming that we have received confirmation that Regulation 38 has been complied with.

You should note that the Approved Inspector cannot issue its Final Certificate without receiving confirmation that Regulation 38 has been complied with.

