

Building Control

Duty holders

The Building Regulations 2010 (as amended) introduced the role of duty holders. They have specific duties in relation to ensuring building work complies with the Building Regulations.

Duty holders are obliged to have arrangements and systems in place to plan, manage and monitor both the design work and the construction work to ensure compliance with the building regulations. This includes residential homeowners who may be embarking on a project for the first time. In the regulations these are called 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.

A duty holder can be an organisation or an individual, and a duty holder can carry out the role of more than one duty holder, provided they have the skills, knowledge, experience and (if an organisation) the organisational capability and competence necessary to carry out those roles.

The new duties for the different roles are set out as follows. These details are not exhaustive. For full details please refer to Part 2A of the Building Regulations 2010.

Domestic Clients - means a client for whom a project is being carried out which is not in the cause or furtherance of a business of that client.

Duties include:

- Where there is more than one person working on different aspects of the project, a Domestic Client should appoint a Principal Designer to be in control of design work and a Principal Contractor to be in control of the building work.
- If a Domestic Client does not appoint either a Principal Designer or Principal Contractor, then the designer in control of the design phase of the project is the principal designer and the contractor in control of the construction phase of the project is the principal contractor.
- Must take all reasonable steps to ensure any designers or contractors they appoint are competent to carry out the work they are appointed to do.
- Must provide building information that they have, or it would be reasonable for them to obtain, to designers and contractors working on the project.
- Must cooperate with anyone working on or in relation to the project to the extent necessary to enable them to comply with their duties or functions.

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Client - means an individual or organisation for whom a project is carried out.

Duties include:

- Make suitable arrangements for planning, managing and monitoring a project, including the allocation of sufficient time and resource, to deliver compliance with building regulations. In practice, this means appointing the right people, with the right competencies (the skills, knowledge, experience and behaviours) for the work and ensuring those they appoint have systems in place to ensure compliance with building regulations.
- Ensure these arrangements are maintained throughout the life of the project
- Provide building information to every designer and contractor on the project and have arrangements to ensure information is provided to designers and contractors to make them aware that the project includes any existing or proposed higher-risk building work
- Must cooperate and share information with other relevant duty holders.

Designer - any person (including a client, contractor or other person) who in the course of a business; (a) carries out any design work; or (b) arranges for, or instructs any person under their control to do so.

Duties include:

- Only start design work if the client understands their responsibilities
- Ensure that the design complies with the building regulations
- Plan, manage and monitor design work to ensure it complies with the building regulations
- Communicate and collaborate with the client, other designers and contractors to ensure compliance with the building regulations
- Provide adequate information about the design, construction and maintenance to comply with all relevant requirements
- If working on only part of the design work consider other design work and report any compliance concerns to the Principal Designer.

Principal Designer - the designer appointed by the client or domestic client to carry out the responsibilities as set out in the Regulations.

Duties include:

- Plan, manage and monitor the design work during the design phase.
- Take all reasonable steps to ensure the design work carried out by them and anyone under their control is planned, managed and monitored so that the design is such that, if built, it would comply with all relevant requirements of the building regulations.
- Ensure that they, and all those working on the project, co-operate, communicate and co-ordinate their work with the client, the Principal Contractor, and other designers and contractors.
- Communicate and collaborate with the Principal Contractor and share information relevant to the building work.
- Assist the client in providing information to others.

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Contractor - anyone (including a client, but not a domestic client) who, in their business carries out, manages or controls any building work

Duties include:

- Must not start any building work unless satisfied the client understands their responsibilities
- Ensure the building work they perform complies with the building regulations
- Plan, manage and monitor building work to ensure it complies with the building regulations
- Communicate and collaborate with the client, designers and other contractors to ensure compliance with the building regulations
- Provide appropriate supervision, instructions and information to all workers under their control to ensure compliance with the relevant regulations
- Provide adequate information about the work to assist the client, other contractors and designers to comply with all relevant requirements
- If working on only part of the building work consider other construction aspects and report any compliance concerns to the Principal Contractor.

Principal Contractor - the contractor appointed by the client or domestic client to carry out the responsibilities as set out in the Regulations.

Duties include:

- Plan, manage and monitor building work during the construction phase
- Cooperate with the client, the Principal Designer, and other designers and contractors to the extent necessary to ensure that the work complies with all relevant requirements of the building regulations.
- Ensure that they, and all those working on the project, co-operate, communicate and co-ordinate their work with the client, the Principal Designer, and other designers and contractors
- Ensure contractors and others involved with the project fulfil their duties.
- Liaise with the Principal Designer and share information relevant to the building work.
- Assist the client in providing information to others

Competence

The amended building regulations introduces a new legal requirement in relation to competence.

Any person carrying out building work or design work, must have the skills, knowledge, experience and behaviours or organisational capability necessary to ensure the building work and design work complies with the relevant requirements of the building regulations.