

CITY OF
WOLVERHAMPTON
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Building Control

Changes to the Building Regulations 1st October 2023

Background and what has changed.

The Government has published amendments to the Building Regulations, which will apply to all Building Control applications from 1st October 2023. The Government has formed a new regulatory body within the Health and Safety Executive (HSE) called the Building Safety Regulator (BSR). The BSR will oversee many aspects of building safety, including Building Regulations and Building Control. If you, or someone on your behalf, have submitted a building control application, you have new legal responsibilities from 1st October 2023 as a Client, Designer or Contractor.

Higher-Risk Buildings

Building Control for alterations to existing or the design and construction of new Higher-Risk Buildings (HRB's) can only be undertaken by the BSR. The BSR process will involve passing stringent 'gateways' at planning, design and construction stages. HRB's are defined as buildings with 7 or more storeys or have a storey of 18m or higher and contain at least 2 residential units or are a hospital or care home.

Registered Building Inspectors

Building control is to become a regulated profession, meaning that the job title 'Building Inspector' will be protected in law. There is a requirement for certain qualifications or experience to be held by individuals working within the profession and for them to register with the regulator (BSR) as Registered Building Inspectors (RBIs). This will become a requirement from April 2024 and applies to individuals within Local Authorities.

Duty Holders

The regulations set out duty holder roles for persons and organisations who undertake any building work to which the building regulations apply, these are:

- A Client is a person for whom the project is carried out
- A Domestic Client is the same as the Client, but not for the furtherance of a business activity
- A Designer is any person (including a client, builder or anyone else) who carries out, arranges for or instructs design

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- A Contractor is any person including a Client (but not a Domestic Client) who carries out, manages or controls work

Note: All Dutyholders must share information with anyone who might be affected within the Client, Designer and Contractor chain.

The roles are modelled on those within Construction Design & Management (CDM) regulations and are already embedded in the construction industry. However, these duty holder roles now extend beyond Health and Safety and into Building Regulation compliance as well as setting out roles and responsibilities that also cover residential domestic building projects.

What are the new Dutyholder roles and responsibilities?

New duties are proposed for those who procure, plan, design, manage and undertake building work. The new duties apply to all building work to which the Building Regulations 2010 apply.

Under the new duties, the Client is the person responsible for commissioning the building work and is considered to have overall control over the project. The Client, the person commissioning the work, has a duty under the new Regulations to take all reasonable steps to satisfy themselves that any and all Duty holder(s) acting on their behalf are competent.

However, for domestic projects, it is considered unlikely that the Client will have sufficient competence to carry out this duty and therefore most of the client duties will be placed on those undertaking the design work and the building work as appointed by the Client. The person(s) appointed by the Client must then give notice to the relevant authority, with a statement explaining it is on behalf of a domestic Client and providing the Client details.

Although the Client can delegate tasks, they cannot delegate responsibilities and must ensure that those they appoint have the right competencies to take on these roles.

The Client as the Duty holder or the appointed Duty holder(s) need to ensure that there are arrangements and systems in place to plan, manage and monitor design work and building work to ensure compliance with Building Regulations.

If at any point during the application or construction process or at any time after a building control approval application is made or a building notice is given, the Client for a project changes, the outgoing Client must give notice to the relevant authority of the change and details of the new Client.

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Where the Client is a domestic client, the outgoing Duty holder(s) must provide information to the domestic client within five calendar days of their appointment ending.

Commencement of Work

CWC Building Control must be informed of the date on which your project is expected to reach a 'commenced' stage and where the work does not involve the erection of a new building or horizontal extension, details of the work that is considered to equate to 15% of the proposed works. This information has to be included in the application form.

We must still be notified of an intention to start work at least 2 working days before the work starts. In addition, we must be notified not more than 5 days after the date to which work is considered to have 'commenced'

'Commenced' has different meanings depending on the type of work. Please refer to our Guide

During the Construction Stage

- Any changes to the duty holder roles must be notified to Building Control to inform us of the changes and any new contact details.
- CWC Building Control will inspect the works at certain stages and you must notify us in advance of these stages in order to allow us to inspect the works.
- Regular monitoring of works to ensure compliance with the Building Regulations, maintaining adherence to designs, and checking the quality and performance of materials is the responsibility of duty holders. Independent checks should be considered during the course of the works, this is not the function of Building Control who will inspect a sample of work at key stages.

When the work is complete

Each duty holder involved in the construction phase must provide compliance declarations to Building Control to confirm that they have fulfilled their duties and confirm to the best of their knowledge that the works comply with the Building Regulations.

The declaration must contain the following information;

- The Client's name, address, telephone number and email address.

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- The Designer and Contractor 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 the Designer and Contractor that they have fulfilled their duties under the building regulations.

CWC Building Control cannot issue the completion certificate without receiving these declarations.

A final inspection should be arranged when duty holders are satisfied that the works are complete and comply with the building regulations. All necessary commissioning certificates and test results should be submitted as soon as practicable to Building Control.

Further Guidance

We have produced Guidance Leaflets with further information. Please refer to these prior to submitting your application and starting work.

Dutyholders

Commencement and Start of Work

Completion

The above information is intended to help inform any potential applicant of the changes to the Building Regulations that come in to force on the 1st October 2023. It is not an exhaustive summary or comprehensive explanation of the changes to the Building Regulations, Building Regulations (Amendments) (England) 2023, the CDM Regulations 2015 or the Building Safety Act 2022 and should not be treated as such.

You must follow these legal procedures so that your building control application can be considered.