

Building Safety Act Industry Update

Overview of recent developments

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Building Regulation Structure



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Hackitt Report & Building Regs Review

“inadequate regulatory oversight and enforcement”

Implementation Plan published December 2018

- ***New regulatory framework***
- ***Streamlined regulatory route***
- ***Gateway points for regulatory oversight of HRBs***
- ***Dutyholder roles and responsibilities***
- ***More rigorous enforcement powers***
- ***Industry competence***
- ***53 recommendations made***

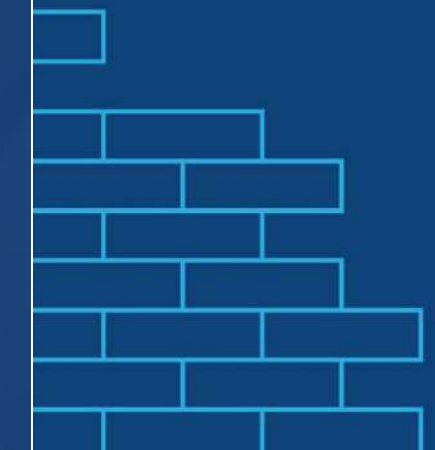
Building a Safer Future

Independent Review of Building
Regulations and Fire Safety:
Final Report

May 2018
Dame Judith Hackitt DBE FREng

Cm 9607

Building a Safer Future
An Implementation Plan



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Building Safety Act

Parts & Contents – Overview

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Building Safety Act (BSA) 'Parts'



- *Part 1 – Introduction*
- *Part 2 – The new Building Safety Regulator, definitions, scope, functions*
- *Part 3 – Amendments to the Building Act 84 – Duty holder regime, registration of building control*
- *Part 4 – Higher-risk buildings, Occupied building obligations and the roles of Accountable Person and other responsible parties*
- *Part 5 – Other provision about safety, standards, etc*
- *Part 6 – General*
- *Schedules 1 to 11*



Building Safety Act

The Building Safety Regulator

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ISO9001 Certified

Building Safety Regulator Overview



- *Health & Safety Executive*
- *Regulatory decisions under the new regime*
- *Implementing the more stringent regulatory regime*
- *Advising on Building Standards*
- *Overseeing Building Control Bodies*
- *Improving competence in the built environment*
- *Assistance from 'Designated Bodies'?*
- *Control of materials*
- *Developing guidance*

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Building Safety Regulator Overview



4

Duty to facilitate building safety: higher-risk buildings

- (1) The regulator must provide such assistance and encouragement to relevant persons as it considers appropriate with a view to facilitating their securing the safety of people in or about higher-risk buildings in relation to building safety risks as regards those buildings.
- (2) The assistance and encouragement that must be provided under subsection (1) includes, in particular, assistance and encouragement with a view to facilitating securing the safety of disabled people in or about higher-risk buildings in relation to building safety risks as regards those buildings.
- (3) For this purpose "relevant persons" means—
 - (a) residents of higher-risk buildings within the meaning of Part 4,
 - (b) owners of residential units in such buildings,
 - (c) persons who are accountable persons within the meaning of Part 4, and
 - (d) persons upon whom duties are imposed by virtue of paragraph 5B of Schedule 1 to the Building Act 1984 (dutyholders).

Building Safety Regulator Overview



6

Facilitating improvement in competence of industry and building inspectors

(1) The regulator must provide such assistance and encouragement as it considers appropriate to—

- (a) persons in the built environment industry, and
- (b) registered building inspectors,

with a view to facilitating their improving the competence of persons in that industry or members of that profession (as the case may be).

(2) For the meaning of "the built environment industry" and "registered building inspector" see section 30.

Building Safety Regulator Functions

Other duties and powers:

- *System of building information*
- *Building Advisory Committee*
- *Residents Committee (disabled residents)*
- *Powers to direct local authorities to do anything required to assist the regulator*

Enforcement Powers:

- *Compliance and Stop Notices*
- *Investigatory powers and taking legal action*





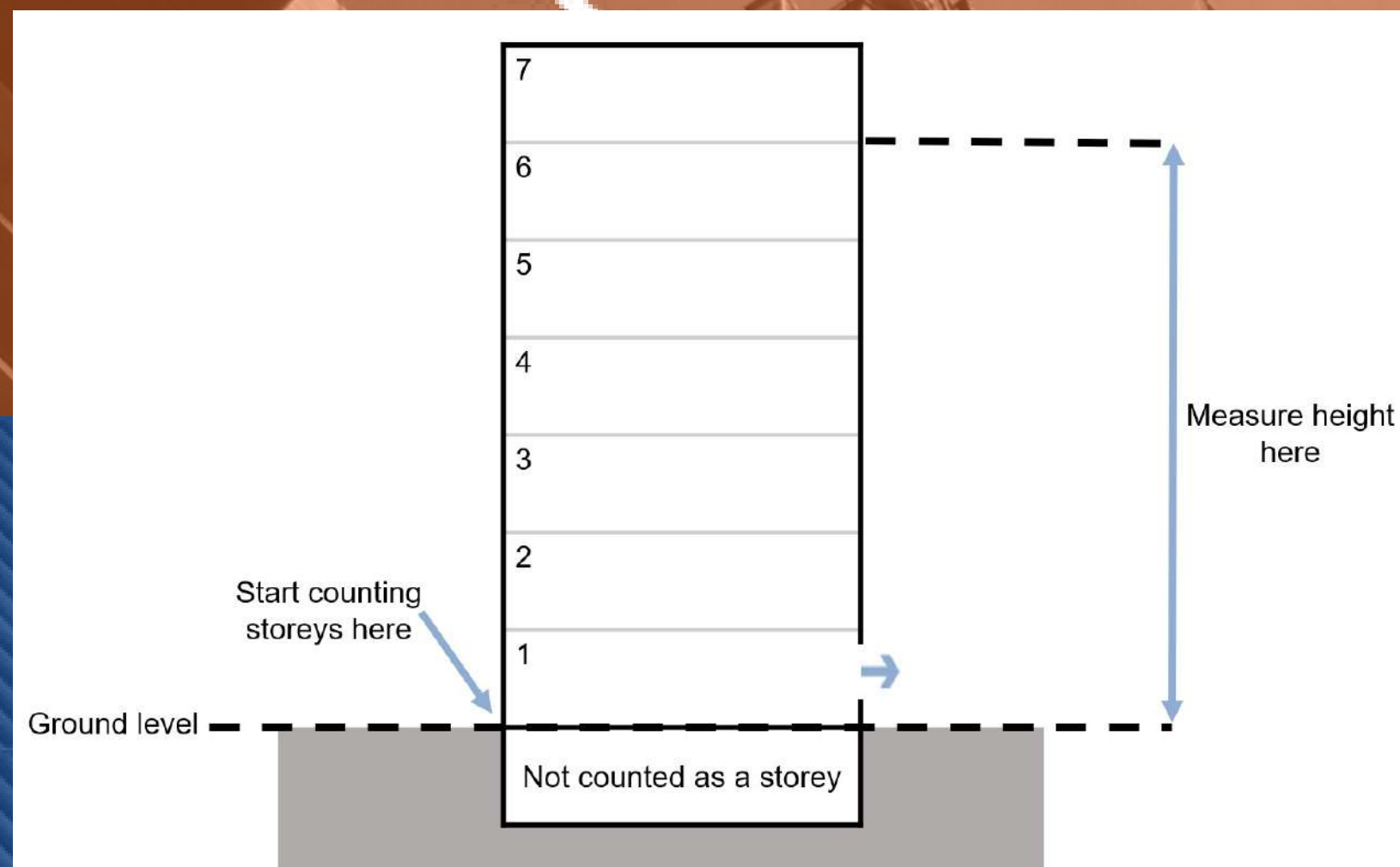
Building Safety Act

Higher-Risk Buildings

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BSA Definition of "in-scope" buildings

Section 120D of the BSA: Meaning of "higher-risk building"

- *in the design and construction part of the regime*
- Specified descriptions of building:*
 - *a building which contains at least two residential units;*
 - *a care home;*
 - *a hospital.*

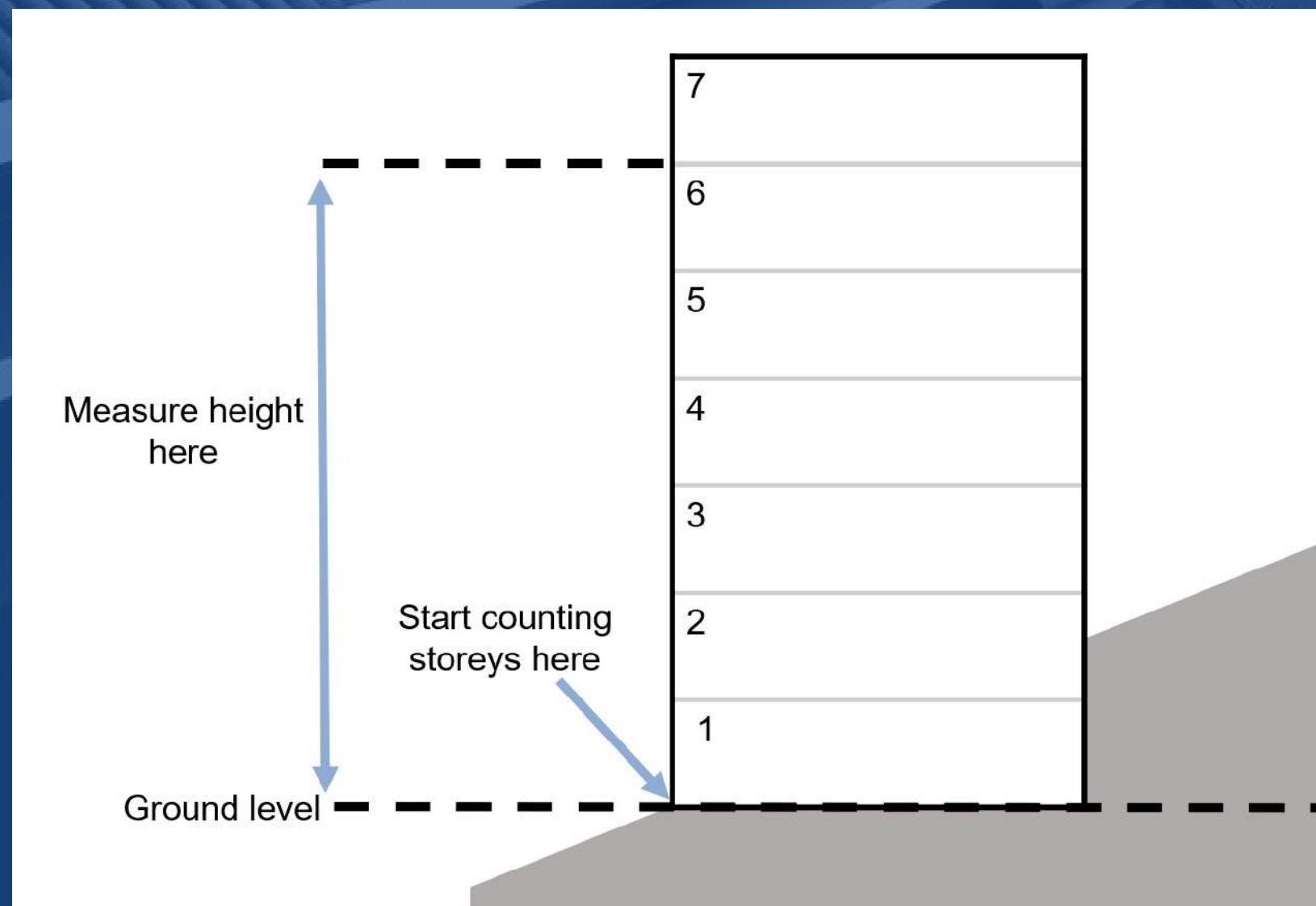
Meets the height/storey condition

- *at least 18 metres in height or has at least 7 storeys*

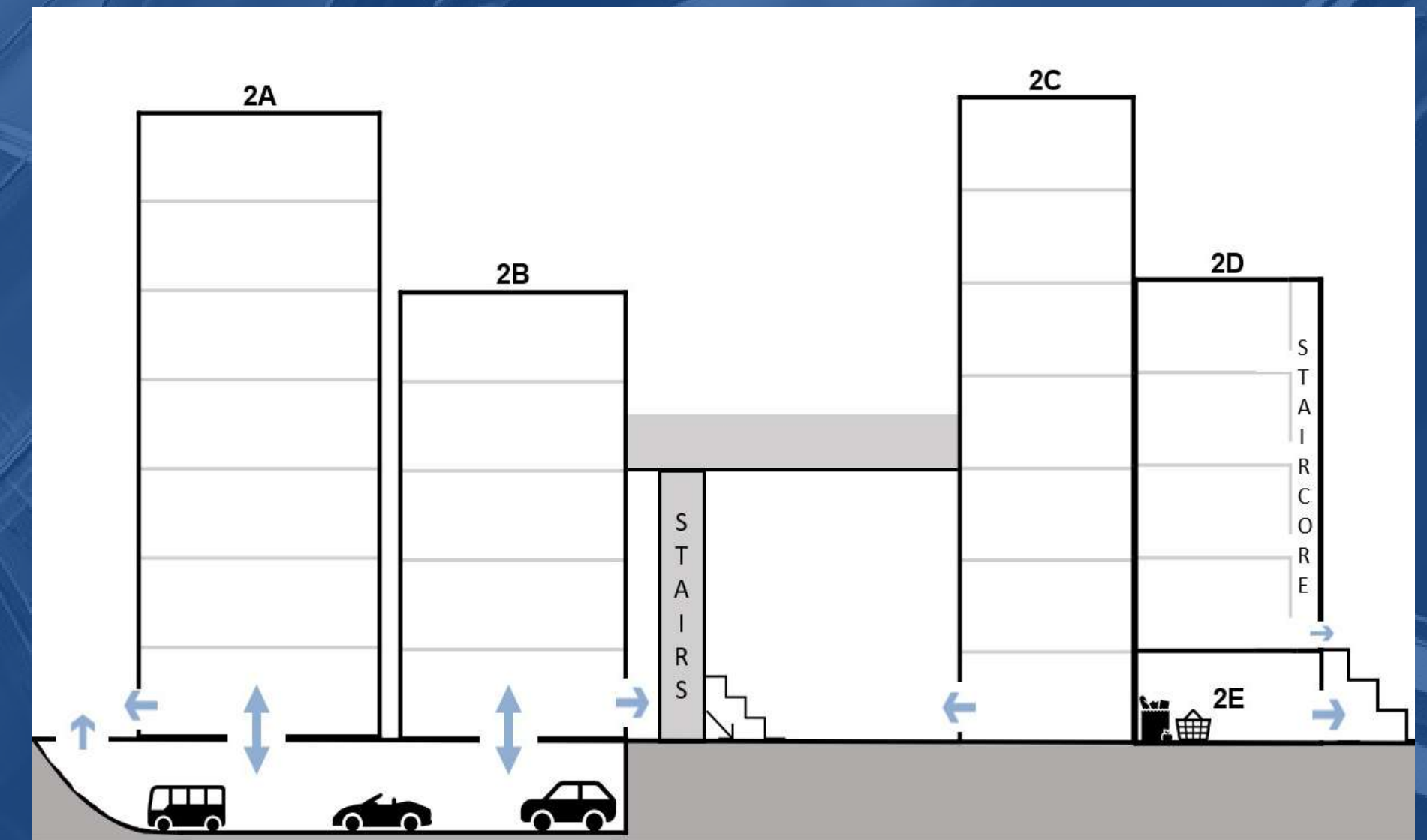
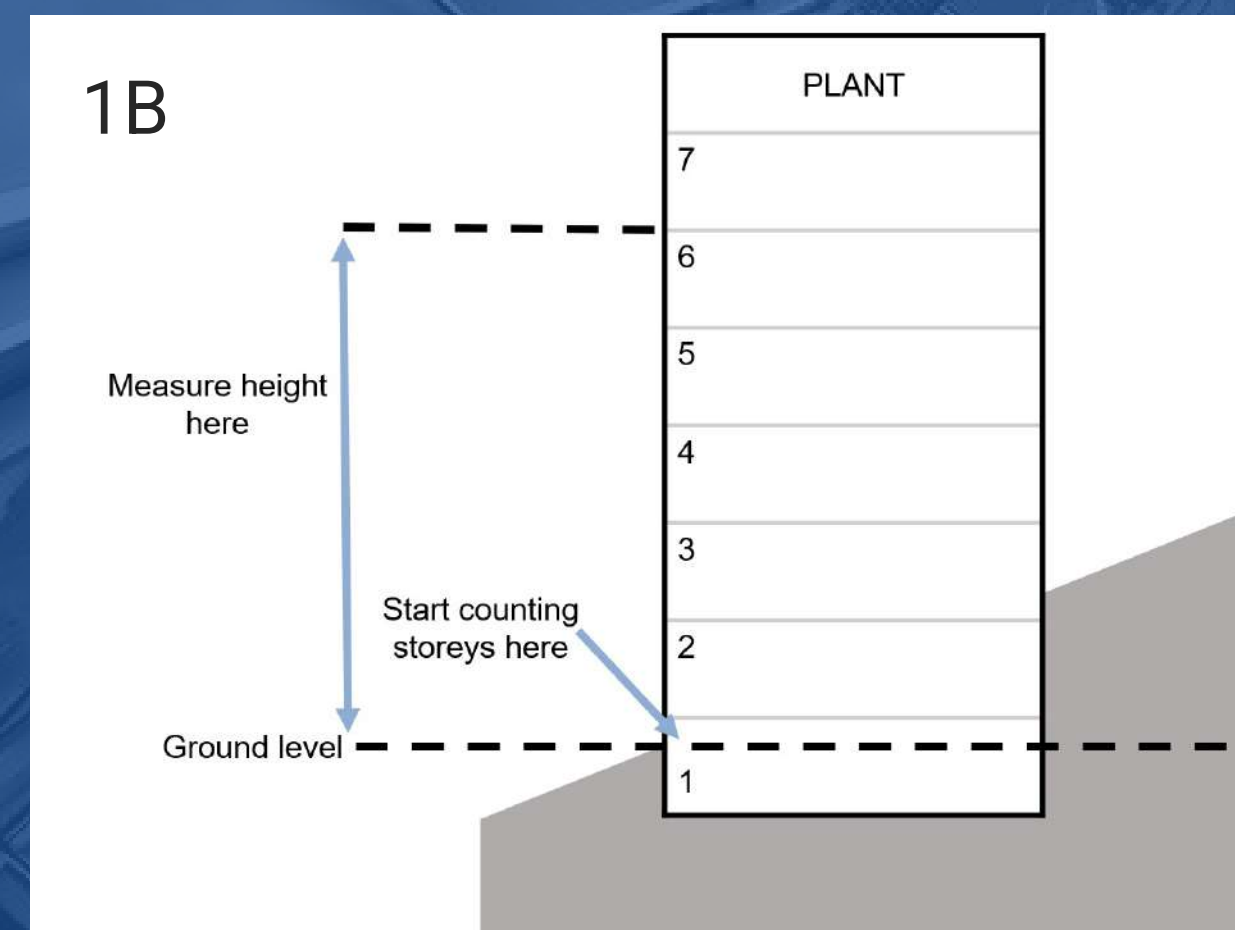
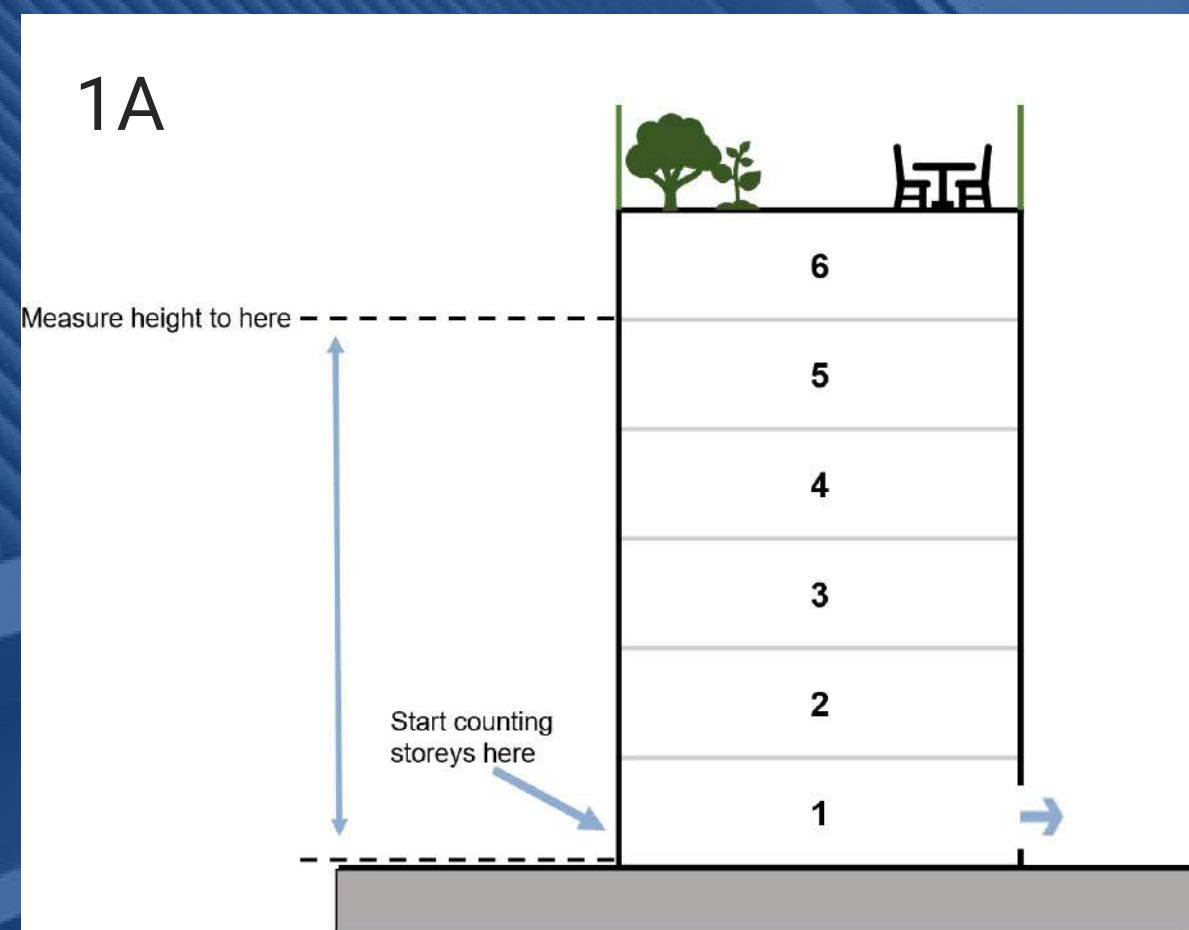
Excluded:

- *Secure residential institutions*
- *Temporary accommodation*
- *Military barracks*

A 'residential unit' is defined as a dwelling or any other unit of living accommodation and is defined in the Regulations, and includes supported and sheltered accommodation if they meet the height or storeys threshold



BSA Definition of “in-scope” buildings



Legal definitions of a building in the Higher-Risk Buildings – Regulation 4

- **Rooftop gardens, rooftop plant rooms or machinery should not be counted.**
- **For the purpose of designing and constructing a new building, the towers 2A, 2B, 2C and 2D and area 2E are considered one overall structure and therefore one ‘building’. As Tower 2A & 2C meet the thresholds and use criteria the overall set of structures is considered a single higher-risk building.**

Diagram 2 shows one proposed seven storey residential tower (tower 2A) and one proposed five storey residential tower (tower 2B) attached via a shared basement carpark. These proposed towers are attached to a proposed seven storey residential tower (tower 2C) via a walkway. Tower 2C is attached via a party wall to a proposed five storey mixed use tower (tower 2D) with a proposed commercial premises on the ground floor (area 2E).

Higher-Risk Buildings – Building Control process

1st October 2023

BSR is the Regulator for new construction projects involving HRBs

- ***Any new building work in-scope of the higher-risk regime can no longer be overseen by LA's or private sector building control.***

This covers:

- ***the construction of a new higher-risk building;***
- ***building work to an existing higher-risk building;***
- ***any work that causes a non-higher-risk building to become a higher-risk building, including material change of use; and***
- ***any work relating to a higher-risk building that causes it to cease to be such a building.***



Building Safety Act - Gateway Overview

Pre-construction
Phase

Construction
Phase

Occupation

Gateway
1

Gateway
2

Gateway 3

Safety Case

Design

Regulation 38

Golden Thread



Building Control: An overview of the new regime

Gateways 2 and 3 – application to completion
certificate



<https://www.hse.gov.uk/building-safety/assets/docs/regime-overview.pdf>

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RIBA Plan of Work 2020 Overview



RIBA
Plan of Work
www.ribaplanofwork.com

RIBA
Architecture.com

RIBA
Architecture.com

Building Safety Act: what do architects need to know about changes within the new building control regime?

Learn more about regulators and how to work with them from 1 October 2023.

<https://www.architecture.com/knowledge-and-resources/knowledge-landing-page/building-safety-act-and-building-control>



LONDON
BUILDING CONTROL

CORPORATE APPROVED INSPECTORS

Building Safety Act - Gateway Overview

RIBA Plan of Work 2020							
0	1	2	3	4	5	6	7
Strategic Definition	Preparation and Briefing	Concept Design	Spatial Coordination	Technical Design	Manufacturing and Construction	Handover	Use
The RIBA Plan of Work organises the process of briefing, designing, delivering, maintaining, operating and using a building into eight stages. It is a framework for all disciplines on construction projects and should be used solely as guidance for the preparation of detailed professional services and building contracts.							
Stage Boundaries: Stages 0-4 will generally be undertaken one after the other. Stages 4 and 5 will overlap in the Project Programme for most projects. Stage 5 commences when the contractor takes possession of the site and finishes at Practical Completion. Stage 6 starts with the handover of the building to the client immediately after Practical Completion and finishes at the end of the Defects Liability Period. Stage 7 starts concurrently with Stage 6 and lasts for the life of the building.							
Project Strategies might include: - Conservation (if applicable) - Cost - Fire Safety - Health and Safety - Inclusive Design - Planning - Plan for Use - Procurement - Sustainability See RIBA Plan of Work 2020 Overview for detailed guidance on Project Strategies							
Planning Note: Planning Applications are generally submitted at the end of Stage 3 and should only be submitted earlier when the threshold of information required has been met. If a Planning Application is made during Stage 3, a mid-stage gateway should be determined and it should be clear to the project team which tasks and deliverables will be required. See Overview guidance.							
Procurement: The RIBA Plan of Work is procurement neutral – See Overview guidance for a detailed description of how each stage might be adjusted to accommodate the requirements of the Procurement Strategy. ER: Employer's Requirements CP: Contractor's Proposals							
The RIBA Plan of Work terms are defined in the RIBA Plan of Work 2020 Overview glossary and set in Bold Type							
Further guidance and detailed stage descriptions are included in the RIBA Plan of Work 2020 Overview							
© RIBA 2020							

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Building Safety Update

Statement made on 24 October 2023

Statement UIN HCWS1090

Statement made by



Michael Gove

Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations

Conservative

Surrey Heath

Commons

Statement

This Government is committed to ensuring that people can be confident that our buildings are safe. The Building Safety Act set up a new, robust regime, with a new Building Safety Regulator at its heart. In recent years, we have also changed statutory guidance on fire safety, with new measures including:

- a ban on combustible materials for residential buildings, hotels, hospitals and student accommodation above 18m, and additional guidance for residential buildings between 11m-18m;
- a lower threshold for the provision of sprinklers in new blocks of flats from 30m to 11m;
- a requirement for wayfinding signage for firefighters in residential buildings above 11m;
- requirements for residential buildings over 18m to have an Evacuation Alert System, and for new residential buildings over 11m to include a Secure Information Box (SIB).

We must never be complacent in our approach to safety. In July, I confirmed that I intend to introduce new guidance requiring second staircases in new residential buildings in England above 18m. This not only reflects the views of experts including the National Fire Chiefs Council and Royal Institute of British Architects, but also brings us into line with countries – including Hong Kong and the UAE – in having a reasonable threshold for requiring second staircases.

<https://questions-statements.parliament.uk/written-statements/detail/2023-10-24/hcws1090>

BSA– Planning Gateway 1 (August 2021)

Fire safety measures included at an early Planning Stage

- *Town and Country Planning changes (pre BSA)*
- *Relevant buildings (in-scope)*
- *Establishes the BSR as a mandatory consultee*
- *Fire Safety Statements*
- *Exemptions*

Issues

- *Planning Problems*
- *The competency and skills challenge*
- *Lack of detailed guidance – prescription debate?*

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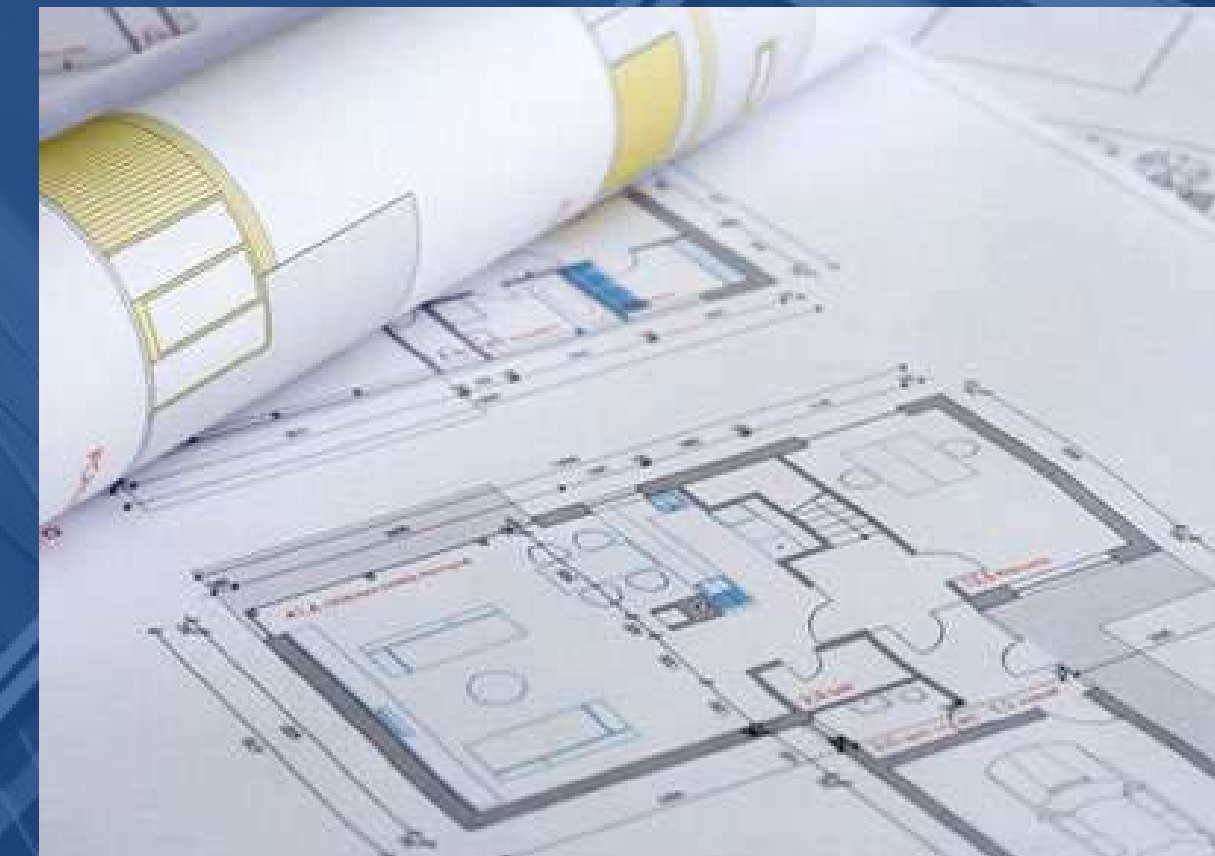
Gateway 1- Fire safety first principles

Identification of base design criteria

Key Information

- *Occupancy*
- *Fire hazards*
- *Location/Site*
- *Size (Height)*
- *Guidance/deviations*

Not full Fire Strategy!





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Building Safety Act - Gateway 2

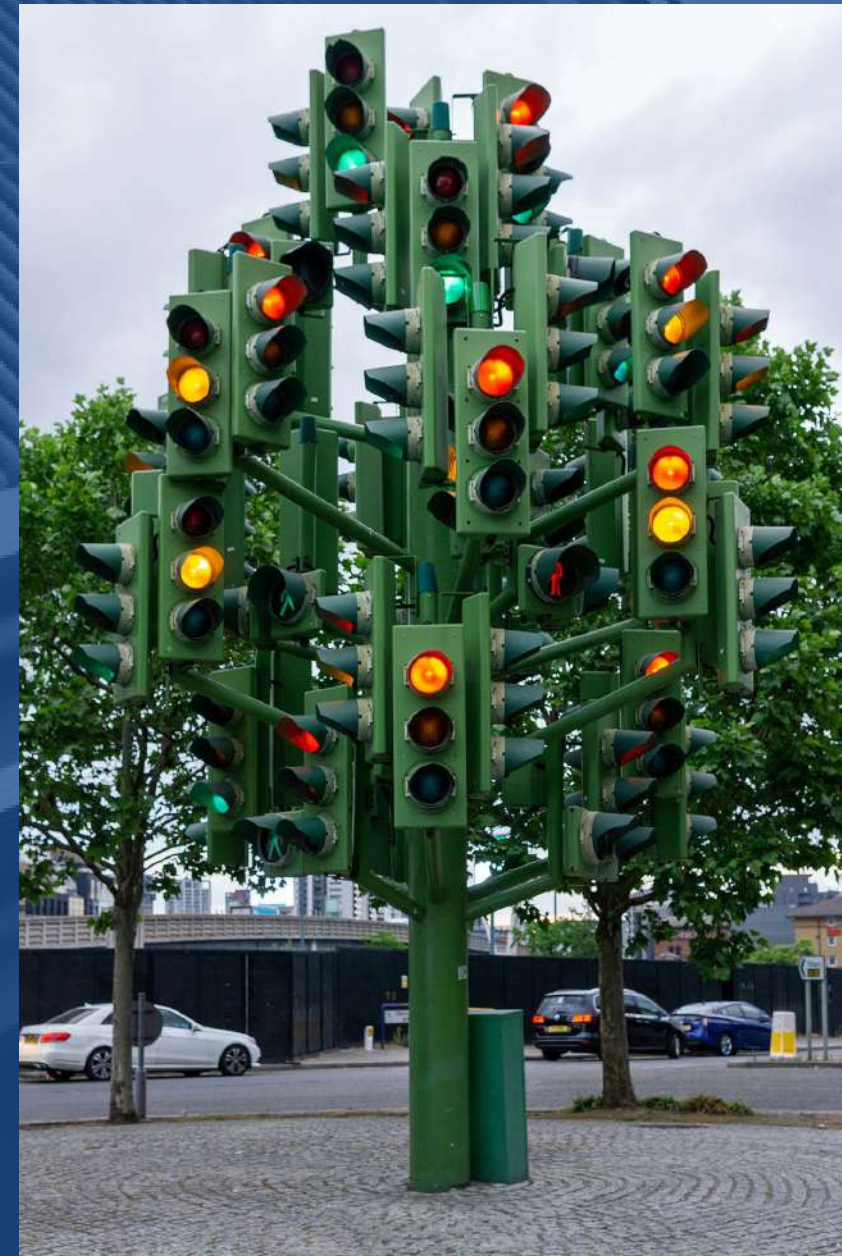
Strengthened oversight at technical design and pre-construction stage:

- *Enhances current building control 'deposit of plans' with the BSR controlling 'in-scope' buildings*
- *Implements a 'hard stop' where construction cannot begin until the BSR has approved the application*
- *Complete plans plus a Fire and Emergency File and Construction Control Plan. Decisions to be well considered and justified with realistic fire safety management expectations*
- *Requirements set for construction including effective change information and competence management.*

Building Safety Act - Gateway 3

Strengthened oversight at completion, commissioning and handover stage:

- *Final/completion certificate stage*
- *Implements 'hard stop' where an application must be made to the BSR to approve the scheme, undertaking final inspections issue a certificate prior to occupation*
- *Required as built detailed documentation on building required to issue a certificate*
- *Documents and information must be handed over to Principal Accountable Person (the golden thread)*



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● BS 8644-1:2022

Digital management of fire safety information – Part 1: Design, construction, handover, asset management and emergency response – Code of practice

A BSI executive briefing



bsi.



Author
Aman Sharma, Director of Totus Digital

Golden Thread & Regulation 38

All buildings – Simple/Complex?

- *Escape routes*
- *Fire-separating elements*
- *Fire/life safety systems*
- *Fire door sets*
- *Type of evacuation?*
- *Assumptions RE management?*

Fire Strategy plans/document!

Fire Risk Assessments!

R38 ONLINE VERSION

Regulation 38: Fire safety information

This section deals with the following regulation of the Building Regulations 2010.

Fire safety information

38. (1) This regulation applies where building work—

(a) consists of or includes the erection or extension of a relevant building; or

(b) is carried out in connection with a relevant change of use of a building,

and Part B of Schedule 1 imposes a requirement in relation to the work.

(2) The person carrying out the work shall give fire safety information to the responsible person not later than the date of completion of the work, or the date of occupation of the building or extension, whichever is the earlier.

(3) In this regulation—

(a) "fire safety information" means information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety;

(b) a "relevant building" is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of building work;

(c) a "relevant change of use" is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building; and

(d) "responsible person" has the meaning given by article 3 of the Regulatory Reform (Fire Safety) Order 2005.

Intention

The aim of this regulation is to ensure that the person responsible for the building has sufficient information relating to fire safety to enable them to manage the building effectively. The aim of regulation 38 will be achieved when the person responsible for the building has all the information to enable them to do all of the following.

a. Understand and implement the fire safety strategy of the building.

b. Maintain any fire safety system provided in the building.

c. Carry out an effective fire risk assessment of the building.

110 Approved Document B Volume 1, 2019 edition ONLINE VERSION Building Regulations 2010

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Transitional arrangements for higher-risk buildings – Building Control process

1st October 2023

- To apply to higher-risk building work on 1 October 2023 an initial notice must have been given to a local authority (and not be rejected) or full plans must have been deposited with the LA***

After 6th April 2024

- in-scope building work must satisfy the definition of “sufficiently progressed” before that date and notification sent to the LA/BCB***
- work is “sufficiently progressed” when the placement of permanent foundations has started - the pouring of concrete for the permanent placement of the trench, pad or raft foundations or the permanent placement of piling has begun***

Building Control: An overview of the new regime

Transitional arrangements

The implementation of the new regulatory regime for higher-risk buildings will have a set of criteria to allow projects to continue under the current framework. For transitional arrangements to apply to HRB work, the following conditions must be met:

- an initial notice¹ must have been given to a local authority (and not be rejected), or full plans must have been deposited with a local authority (and not be rejected) before the day the new regime comes into force (1st October 2023); and
- the HRB work must be “sufficiently progressed” within six months of the new regime coming into force (6th April 2024).

For HRB projects that **do** meet these two criteria, they would continue through to completion using the currently regulatory framework, and Gateways 2 and 3 would not apply. Should an HRB project **not** meet these criteria, the project would pass to BSR. Please remember though that the HRB will need to be registered with BSR prior to occupation, and that to register a HRB you will need a completion certificate from the building control body. It is an offence under the Building Safety Act 2022 (Sections 76 and 77) to occupy an HRB without registering or without a completion certificate. For projects that do not go through the new regime, consideration must be given **now** to the Part 4 duties in-occupation (please refer to Managing an occupied high-rise residential building [Occupied buildings - Building safety - HSE](#)). The golden thread of information (please refer to Building information through D&C – Golden Thread and [Storing building information - golden thread - Building safety - HSE](#)) should be formed **now**, to enable accountable persons/principal accountable persons (AP/PAP) duties (please refer to New roles and responsibilities to be more easily met, ‘as built’ information should be available, and regulation 38 fire safety information (please refer to Regulation 38 in the Building Regulations 2010 [The Building Regulations 2010 \(legislation.gov.uk\)](#)) should be correct. Sufficiently progressed work is defined as:
For the construction of a new higher-risk building:

When the pouring of concrete for the permanent placement of the trench, pad or raft foundations, or the permanent placement of piling, for that building has started

Where the building work consists of work to an existing building:

¹ If the building work is subject to an initial notice, the approved inspector overseeing the project must have registered as a building control approver by day one of the new RBCI regime (6th April 2024). This registration will enable them to continue supervising ongoing HRB work.

'Safety Cases' for existing buildings over 18m

- *'Accountable Persons' to start registering buildings and submitting certain building information from April 2023*
- *Building Assessment Certificate issue process expected*
- *New dutyholder competence and golden thread requirements expected to begin by October 2023*
- *Mandatory Occurrence reporting system*
- *Duties on residents to ensure safety*
- *Leaseholder protection*
- *The Golden Thread of information.*
- *Building Regulation 38 changes?*

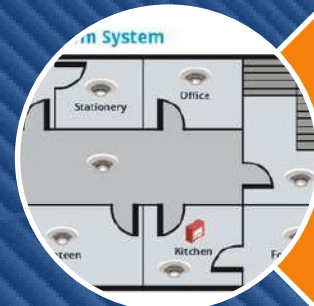


<https://buildingsafety.campaign.gov.uk/making-buildings-safer/roles-and-responsibilities-for-high-rise-residential-buildings/#:~:text=Principal%20accountable%20persons%20must%20register,be%20the%20principal%20accountable%20person.>

Guidance on 'Safety Case Reports'

The safety case report should include:

- *The major hazards associated with the building*
- *What measures are in place to manage, control and mitigate the risks*
- *Safety management systems and the physical provisions and precautions in the building*
- *How measures are maintained*
- *What checks are being done to make sure the measures will work when they are needed*
- *How the safety case is kept up to date (periodic reviews, before/after major changes, refurbishments, etc)*



Building information



Identify risks



Risk prevention & protective measures



Safety management systems



Safety case principles for high-rise residential buildings
Building safety reform – Early key messages

Fire safety in purpose-built blocks of flats





Building Safety Act

Dutyholder regime

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Dutyholders – Accountability



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*“The Building Regulations etc. (Amendment) (England) Regulations 2023 set out a framework which identifies those dutyholders involved in the procurement, design and undertaking of building work, and imposes duties on them. They **apply to all building work** from 1st October 2023 onwards. The dutyholders to which these regulations will apply will be **clients, principal designers, designers, principal contractors and contractors**. As has always been the case, the duty to ensure that the work complies with all relevant building regulations is on those procuring and undertaking the design and building work. Dutyholders will need to **plan, manage and monitor** their work, cooperate and communicate with each other and coordinate their work..”*

*“The person making the appointment for design work or commissioning building work has a duty to appoint a **competent person**, and the person undertaking the work should not undertake the work if they are not competent to do so.”*

Contraventions of the building regulations are a criminal offence

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Legal Action & Liability



PROSPECTIVE

38 Civil liability.

- (1) Subject to this section—
- (a) breach of a duty imposed by building regulations, so far as it causes damage, is actionable, except in so far as the regulations provide otherwise, and
 - (b) as regards such a duty, building regulations may provide for a prescribed defence to be available in an action for breach of that duty brought by virtue of this subsection.
- (2) Subsection (1) above, and any defence provided for in regulations made by virtue of it, do not apply in the case of a breach of such a duty in connection with a building erected before the date on which that subsection comes into force unless the regulations imposing the duty apply to or in connection with the building by virtue of section 2(2) **[F51 or 2A]** above or paragraph 8 of Schedule 1 to this Act.
- (3) This section does not affect the extent (if any) to which breach of—
- (a) a duty imposed by or arising in connection with this Part of this Act or any other enactment relating to building regulations, or
 - (b) a duty imposed by building regulations in a case to which subsection (1) above does not apply,
- is actionable, or prejudice a right of action that exists apart from the enactments relating to building regulations.
- (4) In this section, "damage" includes the death of, or injury to, any person (including any disease and any impairment of a person's physical or mental condition).

Textual Amendments

F51 Words in s. 38(2) inserted (16.11.2004) by *Sustainable and Secure Buildings Act 2004* (c. 22), ss. 4(3), 11(4)

(13) Amendments to the Defective Premises Act 1972 and commencing section 38 of the Building Act 1984

The Bill will amend the Limitation Act 1980 to extend the period in which a claimant can bring a claim under section 1 of the Defective Premises Act 1972. Currently, under the Defective Premises Act 1972 claimants can seek compensation in respect of the work to construct a dwelling, if the dwelling is unfit for habitation, within 6 years of the work taking place. The Government thinks that it is right to extend that period from 6 to 15 years, to afford leaseholders and other claimants more time to bring proceedings. The measures will apply retrospectively, and the amendment will make provision to ensure that all parties have access to a fair trial.

Currently the Defective Premises Act 1972 only applies to the 'provision' of a dwelling. We will also be extending the cause of action under the Defective Premises Act 1972 to include refurbishment works. This change will also be subject to the extended 15-year limitation period. This change will only apply prospectively.

Additionally, we will be commencing section 38 of the Building Act 1984. This provision will also be subject to the extended 15-year limitation period and will apply prospectively only.

Commencement: The expansion of the Defective Premises Act 1972 to include refurbishments and extension to the limitation period for the existing duty will come into force two months after the Bill receives Royal Assent; we intend to commence section 38 of the Building Act 1984 at the same time.

Dutyholders – New routes to recovery



Amendments
Building Act 1984
Section 38

Defective Premises
Act 1972
Work to dwellings

Recovery

Construction products
Manufacturing or miss-
selling

Building Liability
Orders
Piercing the corporate veil

Dutyholders – Claims and Redress



New better defined dutyholder roles

Designers, developers and contractors to meet new dutyholder obligations focusing on competency, increased supervision and co-ordination in relation to designs.

Applies regardless of building height and type.

Duty holders framework – roles responsibilities, mechanisms for appointment/proper procurement and demonstration of competence BSI PAS 8670 and 8671

Civil and criminal liability for breaches

Section 38 of the Building Act Enacted will allow civil claims for damage or personal injury for breaches of duty under the building regulations.

Sections 35 of the Building Act Expanded on breaches of the the regulations with tougher penalties (fines or imprisonment)

Applies regardless of building height and type.

Dutyholders – Claims and Redress

Extension of S1 of the Defective Premises Act 1972 (s135 of BSA)

The DPA allows the person commissioning or who has legal or equitable interest of a building to seek claims against a person taking on work in connection with 'a residential dwelling' if work is carried out in such a way that it causes the dwelling to be unfit for habitation upon completion.

*Applies to any residential building of any height and any defect not just fire safety.
DPA and limitations act application changes to increase retrospectively for 30 years*

Construction Product Regulations (BSA s146-155)

The Act has a new clause that allows for claims against product manufacturers in relation to failures that cause a building to be unfit for habitation. May allow for cost contribution claims made against product manufacturers.

Building Liability Orders (s130 – 132)

Entities with 'relevant liability' may be targeted – 'Piercing the corporate veil'.



Building safety competence information for principal contractors and principal designers

■ Competency standard PAS 8671:2022
■ Competency standard PAS 8672:2022
October 2022

Dutyholders – General duties

General duties

- 5B (1) Building regulations may, for the purpose of facilitating compliance with any requirement of building regulations in relation to any work or other matter to which building regulations are applicable –
- (a) impose duties on relevant persons in connection with the planning or management of the work or other matter;
 - (b) require relevant persons to co-operate with other relevant persons.
- (2) The following are “relevant persons” for this purpose –
- (a) any appointed person;
 - (b) any prescribed person.”

https://consultations.hse.gov.uk/bsr/building-safety-competence-information-pc-pd/supporting_documents/Building%20safety%20competence%20information%20for%20principal%20contractors%20and%20principal%20designers.pdf



Dutyholders – Competence

“Competence requirements

- 5C (1) Building regulations may, in relation to any work or other matter to which building regulations are applicable, impose competence requirements on—
- (a) any appointed person, or
 - (b) any prescribed person.
- (2) A “competence requirement” is a requirement relating to—
- (a) the skills, knowledge, experience and behaviours of an individual;
 - (b) the capability of a person other than an individual to perform its functions under building regulations.
- (3) The regulations may require an appointed person who is not an individual to give an individual acting under its control who has the appropriate skills, knowledge, experience and behaviours the task of managing its functions as an appointed person.”

‘Client’s duties include ensuring work is done in compliance with regulations and **competency requirements**’



Built environment – Core criteria
for building safety in competence
frameworks – Code of practice
April 2021 Version 3



BSI Flex 8670: v3.0 2021-04

Ministry of Housing,
Communities &
Local Government

bsi.

Functions of approved inspectors

8.—(1) Subject to paragraph (2), an approved inspector by whom an initial notice has been given shall, so long as the notice continues in force, take such steps (which may include the making of tests of building work and the taking of samples of material) as are reasonable to enable the approved inspector to be satisfied within the limits of professional skill and care that—

- (a) regulations 4 (requirements relating to building work), 6 (requirements relating to material change of use), 7 (materials and workmanship), **[F1** Part 2A (dutyholders and competence), **]** 22 (requirements relating to a change to energy status), 23 (requirements relating to thermal elements), **[F2** 25A (consideration of high-efficiency alternative systems for new buildings), **]** 26 (CO₂ emission rates for new buildings), **[F3** 26A (fabric energy efficiency rates for new buildings), **]** **F4** **[F5** 26A (primary energy consumption rates for new buildings), 26B (fabric performance values for new dwellings), 28 (consequential improvements to energy performance), **[F8** 37A (provision of automatic fire suppression systems), **]** 38 (Fire safety information), **F9** **[F10**, **]** 40 (information about use of fuel and power) **F11** **[F12**, 40A (information about electricity) **[F13**, 40B] (information about overheating) **[F14** and regulations 44D (information about electric vehicles) **]** of the Principal Regulations are complied with, and
- (b) the requirements of regulation 20 of these Regulations (which applies regulations 27A, 27B, **[F17** **F18** **[F19** 27A, 27B, **]** **F20** **F21** ... **F22** **[F23** 27C, **]** 37, 41, 42, 43 **F24** **[F25**, 44 **F26** **[F27** and regulation 7A (energy performance certificates on construction) of the Building Regulations 2010 and Wales) Regulations 2012) are complied with.

Functions of Approved Inspectors?

Cancellation of initial notice **E**

18.—(1) An approved inspector who is of the opinion that any of the work described in an initial notice which has been carried out contravenes any provision of building regulations may give notice in writing to the person carrying out the work specifying—

- (a) the requirement of building regulations which in the approved inspector's opinion has not been complied with, and
- (b) the location of the work which contravenes that requirement.

(2) A notice of contravention given in accordance with paragraph (1) shall inform the person carrying out the work that if within the prescribed period that person has neither pulled down nor removed the work nor effected such alterations in it as may be necessary to make it comply with building regulations, the approved inspector will cancel the initial notice.

[F1 (2A) An approved inspector who is of the opinion that in relation to any of the work described in an initial notice there has been a contravention of any provision of Part 2A of the Principal Regulations (except regulations 11D(3)(a), 11D(8) and 11D(9)) may give notice in writing to the client specifying—

- (a) the requirement of building regulations which in the approved inspector's opinion has not been complied with, and
- (b) the location of the work to which the contravention relates.

(2B) A notice of contravention given in accordance with paragraph (2A) must inform the client that if within the prescribed period the client has not effected such alterations to the arrangements for carrying out the work and such improvements to the competence of persons carrying out the work (or as the case may be, the client), the principal contractor or principal designer as may be necessary to ensure the carrying out of the work complies with provisions of the building regulations referred to in paragraph (1), the approved inspector will cancel the initial notice.]

The Building (Approved Inspectors etc.) Regulations 2010 Changes!

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Building Safety Act

Building Control regime &
More...

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London Building Control Application Form



The screenshot shows the top portion of the 'Building Control Application Form'. It includes the London Building Control logo, contact information (Tel: 0207 099 3636), and a section titled 'FORM OF AGREEMENT'. Below this, there are fields for 'This contract is made on date', 'Inspection', 'Supplier/Client', and a large text area for 'Where work is to be carried out (including previous work)'. The form also contains a 'CONTRACT FOR THE APPOINTMENT OF AN APPROVED INSPECTOR' section with a list of terms and conditions.

START FILLING →

Building Control – AI Application & process changes

Revised LBC application form – additional information

- **Class/Category of work – RBI registration**
- **Declaration if work relates to a HRB**
- **Notice when work is “commenced” (2 and 5 days)**
- **New fields with ‘Start’ and ‘Commencement’ dates**
- **Regulation 16C (lapse of initial notice)**
- **Connectivity Plan requirements – Part R**
- **All ‘dutyholders’ contact information**
- **Compliance declarations from the Client/Homeowner, Principal Designer (if appointed) and the Principal Contractor (Regulation 16E)**

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Building Control – ‘Commencement’ Definitions

Definition of commencement of work must be satisfied within three years of the application for building control approval - replaces the previously recognised guidance

“**complex building**” means—

- (a) a building which is to be constructed on the same foundation plinth or podium as any other building or structure;
- (b) a building which has more than one storey below ground level;
- (c) a building where it is proposed use is primarily as a public building where the public or a section of the public has access to the building (whether or not on payment) provided that the building has a capacity for 100 or more visitors

- *Construction of a **complex building**, work is to be regarded as commenced when the foundations supporting the building and the structure of the lowest floor level of that building are completed.*
- *Work to **other buildings** is to be regarded as commenced when the sub-surface structure of the building or the extension including all foundations, basement levels (if any) and the structure of ground floor level is completed.*
- *Other building work regarded as commenced when the ‘**initial work**’ is completed - means the work set out in the initial notice which the client considers amounts to 15% of all the work described.*

PROJECTS NOT COMMENCED WITHIN 3 YEARS WILL LAPSE

Building Control – Strengthened oversight



Individuals

- *registered building inspector (RBI)*
- *private / public sector building control professionals*
- *unified and regulated building control profession*
- *Code of Conduct (CoC)*
- *Building inspector competence framework (BICoF)*

Private sector

- *registered building control approver (RBCA)*
- *private sector building control body*
- *Professional Conduct Rules (PCRs)*
- *Operational Standards Rules (OSRs)*

Public sector

- *local authority (LA)*
- *public sector building control body*
- *Operational Standards Rules*

Building Control

"PART 2A
REGULATION OF BUILDING CONTROL PROFESSION



"Registered building inspector"

In this Act "registered building inspector" means an individual registered as a building inspector in accordance with this Part.

Register of building inspectors

- (1) The regulatory authority must establish and maintain a register of building inspectors.
- (2) The register may provide for different classes of building inspectors (for example, according to qualifications or experience).

- ***Authorised officers***
- ***Regulatory Enforcement regime***

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Building Inspector Competence Framework (BICoF)

Transitional period to April 2024
April 2023



- **Awareness**
- **Appreciation**
- **Understanding**
- **Comprehensive**

Four BSR registration classes for individual building inspectors:

- **Class 1 Trainee Building Inspector**
- **Class 2 Building Inspector (Standard)**
- **Class 3 Specialist Building Inspector (Complex/HRBs)**
- **Class 4 Building Inspector (Technical Manager)**

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Guidance

Register as a building inspector

Use this service to apply to become a registered building inspector with the Building Safety Regulator (BSR).

From: [Health and Safety Executive](#)

Published 5 October 2023

BSR registration classes for individual building inspectors:

Registration Class	BSR RQF Level	CABE Grade(s) eligible for this class of registration	Competence Area								
			Law	Technology	Building Services	Functions & Activities	Plans Assessment	Inspections & Enforcements	Management & Core Skills	Safety Management	Ethics
Class 1: Trainee Building Inspector	N/A	Tech CABE, ACABE	2	2	2	2	2	2	2	2	4
Class 2: Building Inspector	4 - 6	MCABE, MCABE CBuildE, FCABE	3	3	3	3	3	3	3	3	4
Class 3: Specialist Building Inspector	6	MCABE CBuildE, FCABE	4	4	4	4	4	4	3	3	4
Class 4: Building Inspector (Technical Manager) <small>Managing Class 2 Building Inspectors ONLY</small>	4-6	MCABE CBuildE, FCABE	3	3	3	3	3	3	4	4	4
Class 4: Building Inspector (Technical Manager) <small>Managing Class 2 and Class 3 Building Inspectors</small>	6	MCABE CBuildE, FCABE	4	4	4	4	4	4	4	4	4

https://cbuide.com/general/custom.asp?page=CBICAS_Docs

Class	Category	Floor height restrictions	Purpose Group	Plans Assessment (1)		Inspection (2)	
CLASS 2	A	Floor height* less than 7.5m	Dwelling houses (single occupancy)	A1	<input type="checkbox"/>	A2	<input type="checkbox"/>
	B	Floor height* less than 11m	All Dwellings (including flats)	B1	<input type="checkbox"/>	B2	<input type="checkbox"/>
	C	Floor height* 11m or higher, but less than 18m		C1	<input type="checkbox"/>	C2	<input type="checkbox"/>
CLASS 2	D	Floor height* less than 7.5m	All building types other than dwellings	D1	<input type="checkbox"/>	D2	<input type="checkbox"/>
	E	Floor height* 7.5m or higher, but less than 11m		E1	<input type="checkbox"/>	E2	<input type="checkbox"/>
	F	Floor height* 11m or higher, but less than 18m		F1	<input type="checkbox"/>	F2	<input type="checkbox"/>
CLASS 3	G	Any height of building - no upper height limits	All Buildings Other than HRB	G1	<input type="checkbox"/>	G2	<input checked="" type="checkbox"/>
	H	No upper height limits	HRB	H1	<input type="checkbox"/>	H2	<input type="checkbox"/>
CLASS 4 Technical Manager	By ticking the box to the right you are indicating that you are competent to act as a technical manager for the scope of work you have identified in Class 2 or 3 above.			TM	<input type="checkbox"/>		

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Three current schemes for BICoF BSR registration

CBICAS

**Chartered Association of Building Engineers
CABE Building Inspector Competence Assessment Scheme**

**BCCA Total Training Ltd
Building Control Competency Assessment**

**BSCF LABC
Building Safety Competence Foundation**

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Construction Products Regulations

- Construction Products (Amendment etc.) (EU Exit) Regulations 2020
- Imposes requirements on product manufacturers
- Declarations of performance
- Secretary of State may regulation make provision for products that are ‘safety critical’
- Definition – *‘any product that would cause death or serious injury to any person’*
- Current discussions (CPA, ASFP, etc)

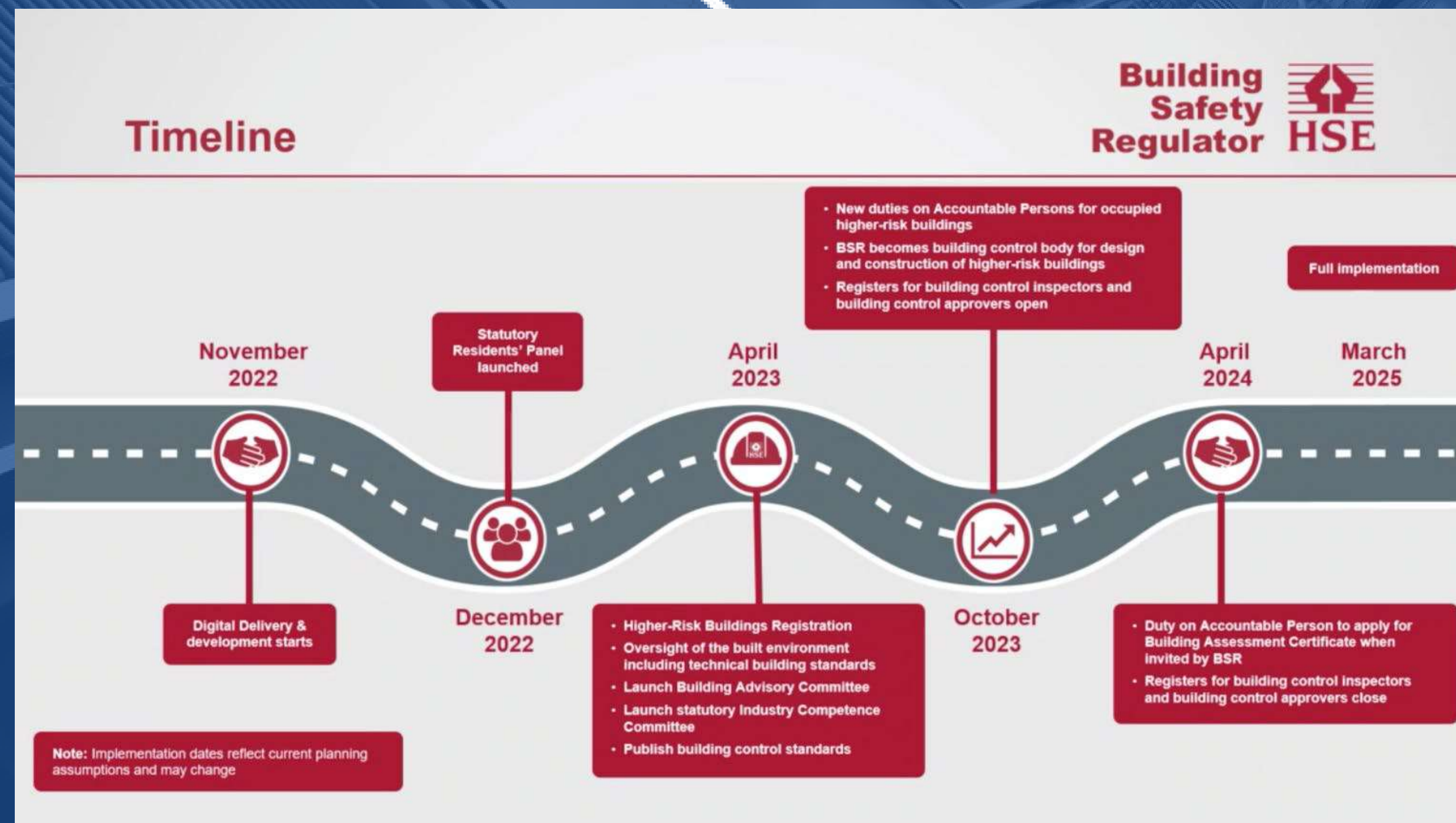


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BSA timeline and transitional arrangements



Complete/Underway

- *Delivery and development*
- *Secondary Legislation (More?)*
- *Statutory Instruments*
- *Act Amendments*
- *New industry frameworks*

Further work

- *Industry Competence/registration*
- *Building Registration Certificates*
- *Advisory Committees*

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Thank you for listening
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