

BUILDING REGULATIONS UPDATE 2023

CPD Webinar

The new roles and responsibilities
for procurement, design and
construction



www.salusai.co.uk

salus
Building Compliance without Complexity



Overview

- Name Change
- Higher Risk Buildings
- Legislation Framework
- Frequently Asked Questions
- Transitional Arrangements



Changes to Building Regulations
The System not Guidance
for England ONLY

What's in a name?



Building Control is Becoming a Regulated Profession

From April 2024 building control professionals will have to demonstrate their competence and register with the **Building Safety Regulator** (BSR) to perform Building Control work in England.

The building control profession is not just a job; it's a vital role in ensuring the safety, integrity, and quality of our built environment. The BSR has set rigorous standards that all inspectors must meet. This means that every individual practicing in this field will be held to the same high bar, guaranteeing a consistent level of competence and code of conduct across the board applying to both Private and Public Sector

Approved Inspectors

Building Control Surveyors

Registered Building Control Approver

Registered Building Inspector

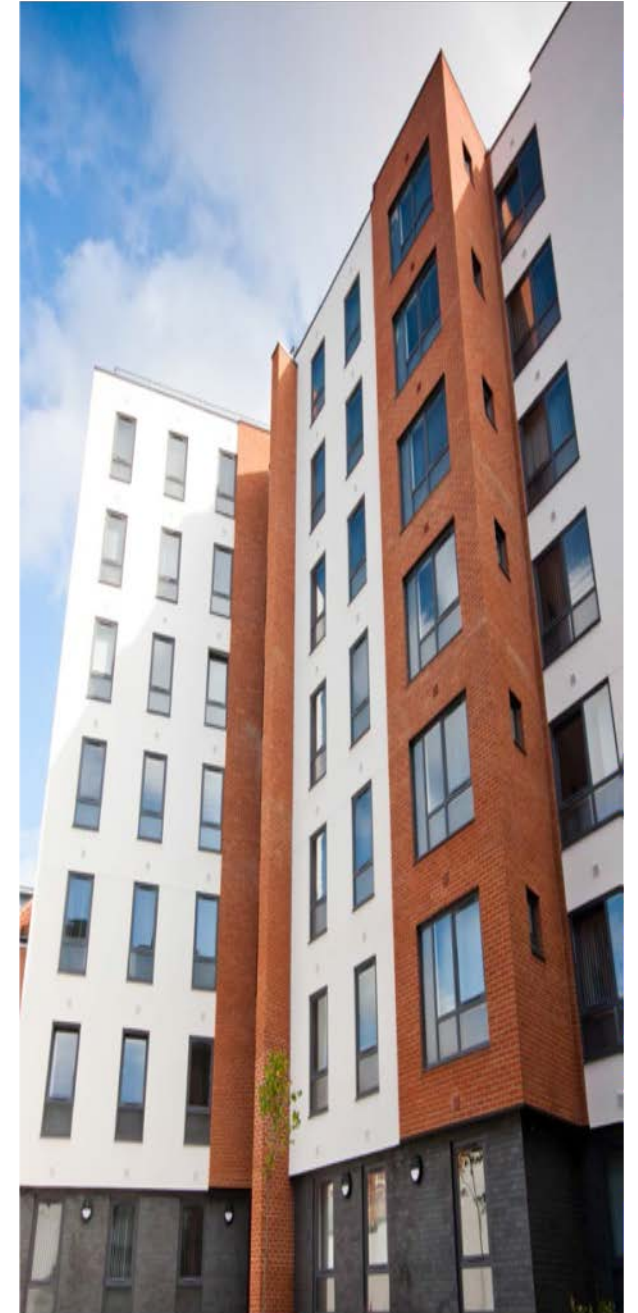



This only applies to Higher Risk Buildings - Right?

Wrong –

This is a common misconception the new requirements apply to **ALL** Building Control work irrespective of height or Complexity.

There are additional requirements for Higher Risk Buildings.





What is the Higher Risk Building (HRB) Classification for Building Regulations?

*Hospital or Care Home with 7
or more storeys or over 18 high*

or

*7 or more storeys or 18m with
TWO or more dwellings*



Legislation Framework

- Every Project now needs duty holders



Duty Holders



Designer



Client*



Contractor



Principal Designer*

* Same titles as used under CDM
but different responsibilities

Principal Roles MUST be Appointed
by the Client



Principal Contractor *

Client Responsibilities



Client defined as ANY person for whom the project is being carried for.

Duties of the Client

To ensure suitable arrangements are made for planning, managing and monitoring building work to ensure compliance with the Building Regulations.

Ensure that these arrangements are maintained throughout the life of the scheme.

Must take all reasonable steps to ensure the designer and contractor they appoint are competent to carry out their role & responsibilities they are being appointed to fulfil.

Give a minimum of 2 days notice to the Building Control Approver for the works starting.

Undertake periodic reviews, ensuring co-operation between all parties and provide all relevant information.

Before we can understand the Principal's roles ,

we must understand the roles of the Designers and Contractors therefore we will look at these in turn

Designer



Principal Designer



Contractor



Principal Contractor



Designer Responsibilities



A Designer is any person (including a client, contractor or other person) which in the course of a business

- Carries out any design work, or
- Arranges for or instructs any person under their control to do so

Duties of a Designer

Plan, manage and monitor design work to ensure it complies with Building Regulations if built accordingly.

Collaborate with the client, other designers, and contractors to ensure compliance with Building Regulations.

Only begin design work if the client understands their responsibilities.

Ensure that the design complies with Building Regulations.

Provide adequate information about the design, construction, and maintenance to enable compliance.

If working on a portion of the design, consider other design work and report compliance concerns to the Principal Designer.

Advise the Principal Designer or the Client if the work they're designing is considered Higher-Risk building work.

Principal Designer Responsibilities



The Principal Designer is the Designer appointed under regulation 11D (*Principal Designer and Principal Contractor*) to carry out the responsibilities of a Principal Designer according to these Regulations.

Duties of the Principal Designer

Plan, manage and oversee design work during the design phase.

Coordinate design-related matters to ensure that if construction follows the designs, it complies with Building Regulations.

Ensure all Duty holders collaborate with each other.

Ensure designers align their designs so that construction following these designs meets Building Regulations.

Ensure designers fulfill their duties.

Communicate and collaborate with the Principal Contractor.

Consider input from the Principal Contractor regarding compliance with Building Regulations.

Assist the client in providing information to designers.

Review the arrangements made by any previous Principal Designer.

Contractor Responsibilities



A contractor is anyone (excluding domestic clients) who, in their business, performs, manages, or oversees building work..

Duties of the Contractor

Plan, manage, and oversee building work to ensure compliance with Building Regulations if the building work follows that design.

Collaborate with the client, designers, and other contractors to ensure compliance with Building Regulations if the construction adheres to the design.

Only initiate design work after ensuring the client understands their responsibilities.

Ensure that the building work they perform meets Building Regulations.

Provide appropriate supervision, information, and instruction to their workers for compliance with Building Regulations.

Offer enough information about the work to enable the client, other designers, and contractors to comply with Building Regulations

When handling a portion of the building work, consider other construction aspects and report compliance concerns to the Principal Contractor.

Provide advice to the Principal Contractor or the client regarding whether any work is considered Higher-Risk building work.

Principal Contractor Responsibilities



The Principal Contractor is the contractor chosen to carry out the responsibilities of a Principal Contractor under these Regulations when multiple contractors are involved.

Duties of the Principal Contractor

Plan, manage and oversee building work during the construction phase.

Coordinate matters related to building work to ensure compliance with Building Regulations.

Ensure all Duty holders collaborate with one another.

Coordinate all building work to ensure it adheres to Building Regulations.

Ensure contractors fulfill their duties.

Communicate and collaborate with the Principal Designer.

Take into account comments from the Principal Designer regarding compliance with Building Regulations.


Assist the client in providing information to contractors.

Review the arrangements made by any previous Principal Contractor.

What information do you need to provide to Building Control when you submit your Building Regulation application?

We have produced a guide to assist you with your application


Version 1.0



Building Compliance without Complexity

STATUTORY INFORMATION REQUIREMENTS

A Guide To The Information YOU
Will Need To Send To Salus
Under The New Requirements
For
The Building Regulations
From 1st October 2023
(ENGLAND ONLY)



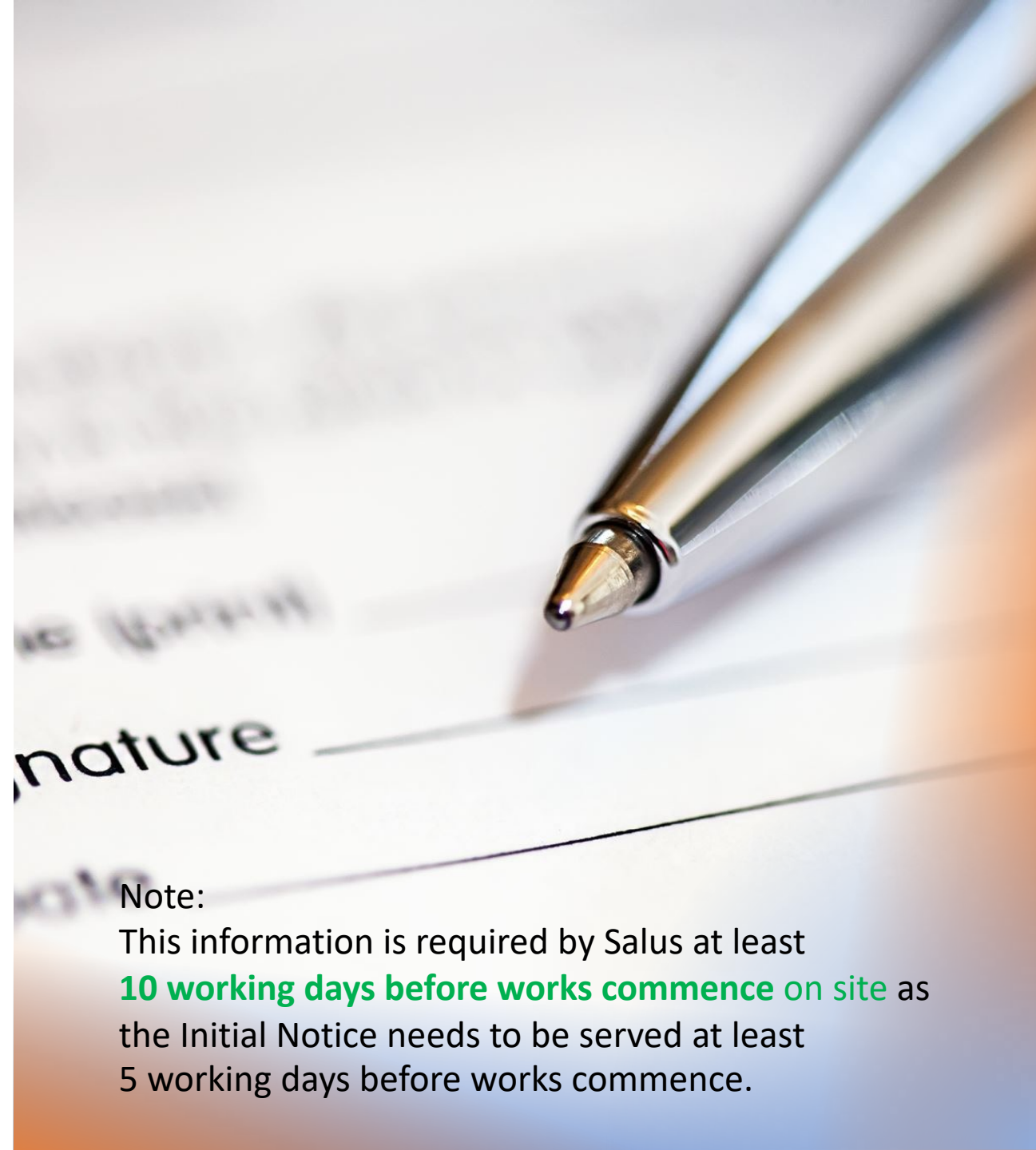
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BSR Guidance V1.01.10.23

Upon or after Appointment

Information Required to Serve the Notice

- Confirmation that the building is not classed as a Higher-Risk Building
- The height of the top storey of the building
- The construction phase start date – this is the date at which works start on site. This should not include site set up, demolition or enabling works
- Building Regulations “Commencement” or meaningful start – this is the date at which the works achieve a suitable criteria to implement the Building Regulations application as “commenced”



Note:

This information is required by Salus at least **10 working days before works commence on site** as the Initial Notice needs to be served at least 5 working days before works commence.

Pre-Commencement *Information Required before works start on site*

Dutyholder notification:

- For commercial projects or customers, the client shall provide a signed Dutyholder notification.
- This should include the current and any previous Building Control Principal Designer(s) for the works.
- The Principal Contractor



During Construction

At least 2 notifications are required for all projects and a third is needed for in flight works to Higher Risk Buildings.

First Notification

Inspection notification for all projects

The person carrying out the work must notify us of their intention to start work at least 2 days before work begins. The notification must state the intended start date.

Special Notification

Commencement notification for in flight HRB projects

This notification **only applies** in flight projects on Higher Risk Buildings (those buildings containing 2 or more flats, a hospital or a care home with a top floor over 18m from ground level, or with 7 or more storeys above ground level).

The person carrying out the work must notify the Local Authority and send a copy of the notice to us within 5 days of the work becoming sufficiently progressed.



During Construction

Second Notification

fixed point notification for all projects

The person carrying out the work must notify us within 5 days of the building work reaching a fixed point.

The fixed points are defined by the Regulations and differ according to work and building type as follows:

Construction of a Complex Buildings

Where the work consists of the construction of a complex building, work is to be regarded as commenced in relation to that building or the first stage of building work for that building when the foundations supporting the building and the structure of the lowest floor level of that building (but not the other buildings or structures to be supported by those foundations) are completed.

Construction of Other Buildings and Extensions to All Buildings (Including Complex Ones)

Work is to be regarded as commenced when the sub-surface structure of the building or extension including all foundations, basement levels (if any) and the structure of ground floor level is completed.

All Other Building Work

Work is to be regarded as commenced when the initial work is completed.

“initial work” means the work set out in the initial notice which the client considers amounts to 15% of all the work described in the initial notice.



Upon Pre-Completion

In addition to the usual commissioning and pre-completion information, all Building Control Bodies will require a “Compliance Declaration”.

- This may be one or several documents, but each Dutyholder should provide a compliance statement for their responsible work
 - Client Compliance Declaration
 - Principal Designer Compliance Declaration
 - Principal Contractor Compliance Declaration



Upon Pre-Completion

Note –

- All compliance declarations should be signed by each person listed previously and include the following information:
- Name, address and contact details of each Dutyholder
- A statement by the client confirming that works are complete and that to the best of the client's knowledge “the works comply with the applicable requirements of the Building Regulations”
- A statement by each Principal Contractor (or sole contractor) confirming the dates of their appointment and that they have fulfilled their duties as a Principal Contractor under Part 2A (Dutyholders and competence) of the Building Regulations etc (Amendment) (England) Regulations 2023
- A statement by each Principal Designer (or sole or lead designer) confirming the dates of their appointment and that they have fulfilled their duties as a Principal Designer under Part 2A (Dutyholders and competence) of the Building Regulations etc (Amendment) (England) Regulations 2023



Frequently Asked Questions ?



Can Salus act as our Principal Designer for Building Control?

The Building Control Principal Designer role is **not** a service that we can offer as this would be a conflict of interest under the HSE code of conduct of a Building Control Body.

Can Salus still administer works within the commercial areas of a HRB?

- Yes, we can still control works carried out within “independent sections” of HRBs once the base build works are complete.
- Typical examples would include the fit out of a retail unit at the ground floor of a building or office within a multi-use or linked building.
- Independent sections are those which are accessed in their own right with no link to the wider building unless it is for exceptional emergency or maintenance use only.



Is the Building Act 2022 and Building Regulations 2010 criminal or civil law?



The changes to the regulations now result in the legislation becoming criminal law.

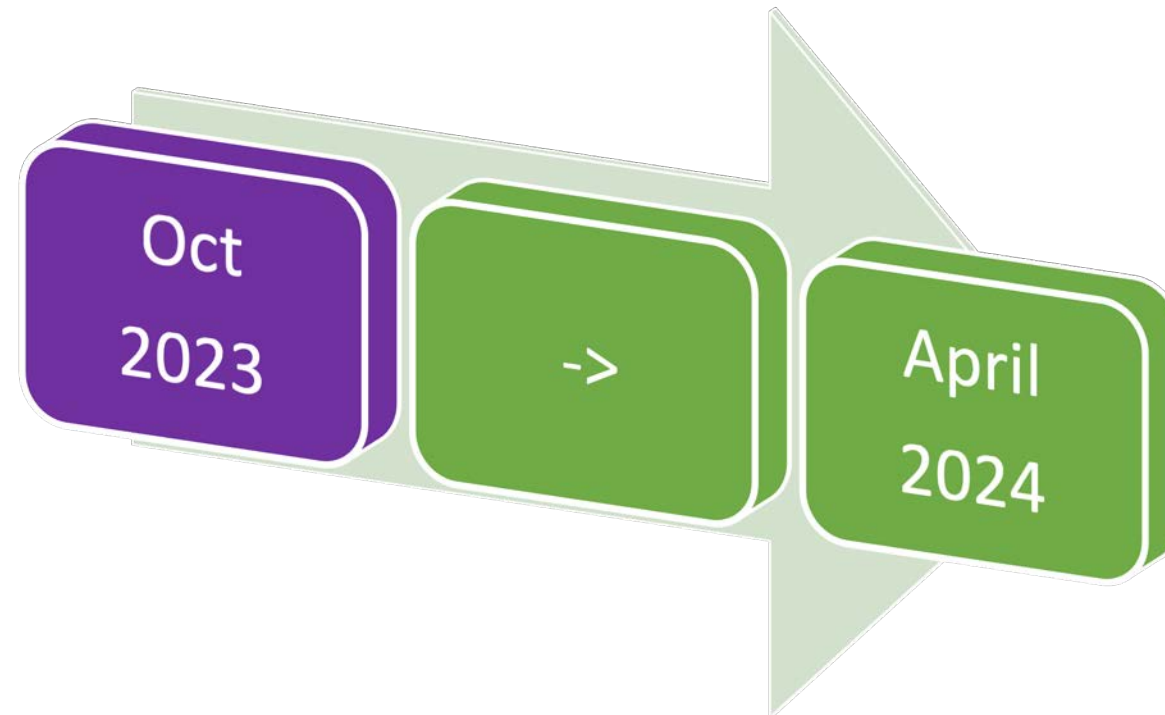
Where works do not comply with the Building Regulations enforcement under this legislation, it could result in criminal proceedings against individuals that are proven to be in contravention of the legislation.

Transitional Arrangements

- **Existing In Scope Projects**

for existing in scope projects where Salus registered an Initial Notice before **1st October 2023**, works must commence in a meaningful way before **6th April 2024** to remain on the current legal framework.

Initial Notice
submitted and
accepted by Local
Authority before 1st
October 2023



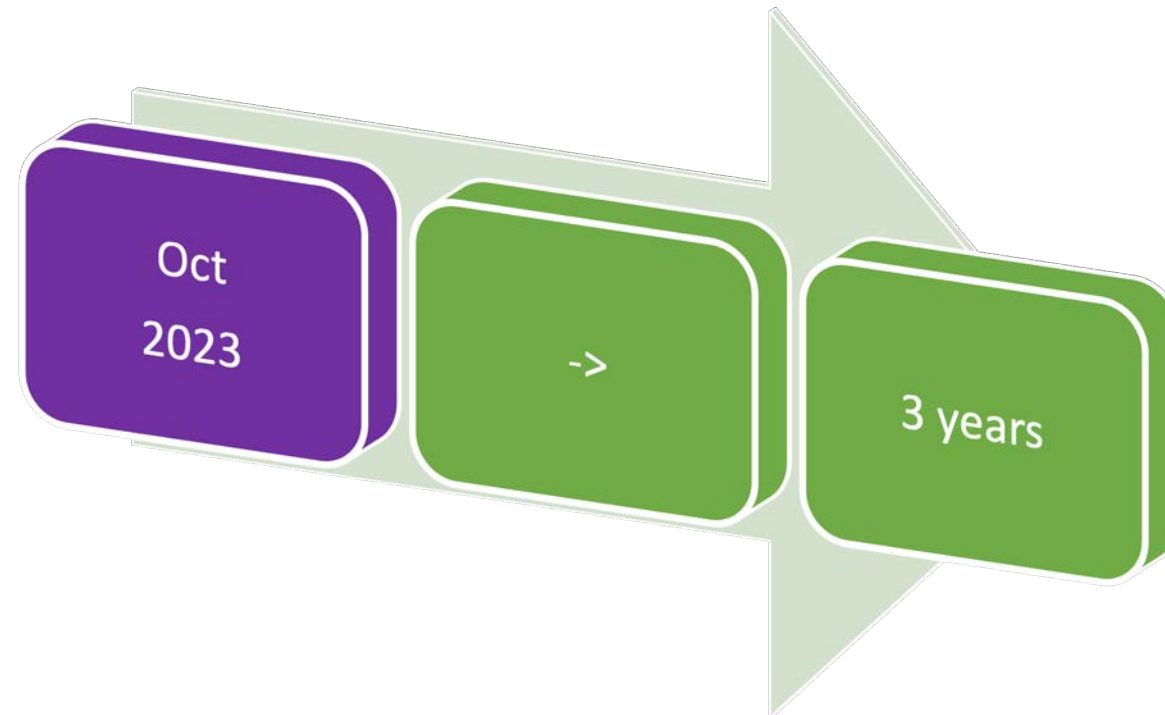
Significant
commencement
prior to 6th April
2024 to remain in
current legal
framework

Transitional Arrangements

- **Existing Projects**

for existing projects where Salus registered an Initial Notice before **1st October 2023**, works must commence in 15% of the project must commence within 3 years to remain on the current legal framework.

Initial Notice
submitted and
accepted by Local
Authority before 1st
October 2023



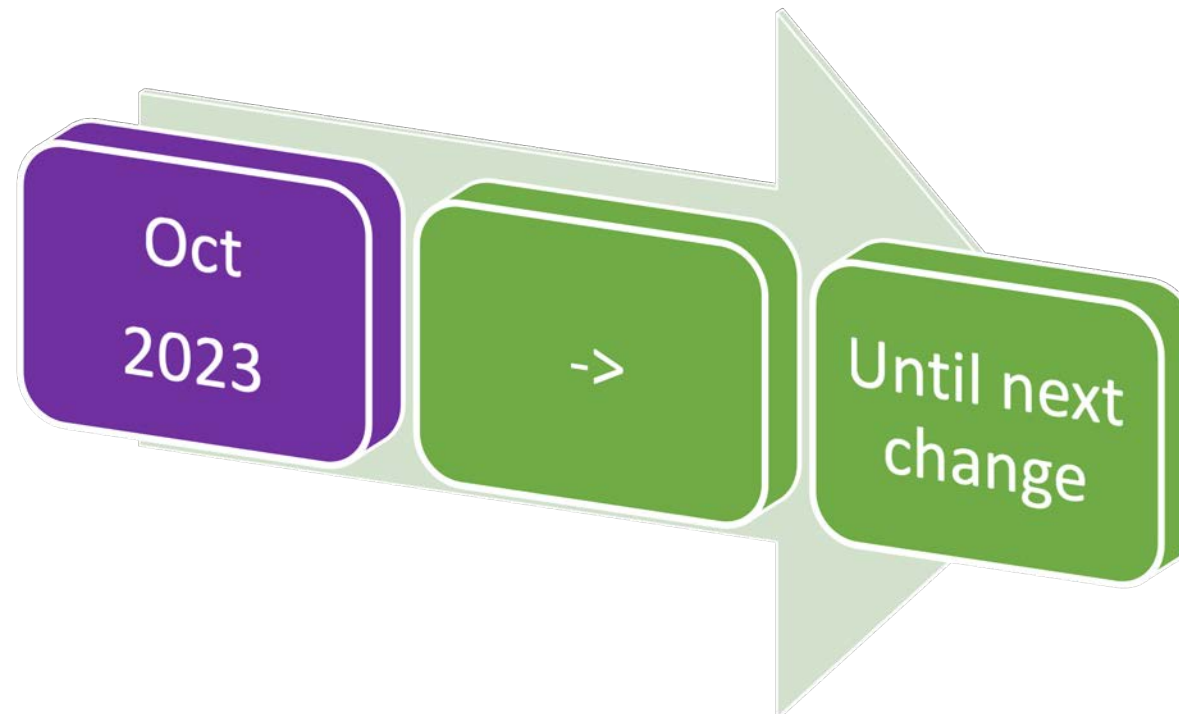
Transitional Arrangements

- **New Projects**

Any new project requiring Building Regulations approval on or **after 1st October 2023** will automatically fall under this new legislation, will require additional documentation at both appointment and completion.

New project
requiring Building
Regulations
Approval on or after
1st October 2023.

**New legislation
comes into force**



See our guide document provided at quote and appointment stage to assist you throughout the process.



Questions ?





Thank you

Salus (Building Control & Fire Safety Consultants) Ltd

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Offices at

Bristol, Cambridge, Catterick, Farnborough,

London, Redditch, Tonbridge, Watford.