



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 3

#### BUILDING ACT 1984

##### *Building control approvers and building inspectors*

#### **42 Regulation of building control profession**

In the Building Act 1984, after Part 2 insert—

##### **“PART 2A**

##### **REGULATION OF BUILDING CONTROL PROFESSION**

##### *Interpretation*

##### **58A “Regulatory authority”**

In this Act the “regulatory authority” means—

- (a) in relation to England, the regulator;
- (b) in relation to Wales, the Welsh Ministers.

##### *Registered building inspectors*

##### **58B “Registered building inspector”**

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

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### **58C 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).
- (3) The regulatory authority must register an individual as a building inspector, or a building inspector of a particular class, if—
  - (a) the individual makes an application for registration in accordance with [section 58D](#), and
  - (b) the authority is satisfied that the individual meets such criteria as the authority may from time to time determine.
- (4) Registration may—
  - (a) have effect in relation to all work or in relation to work of a particular description;
  - (b) be subject to conditions.
- (5) Registration must be for a prescribed period.
- (6) The register must record, in relation to each registered building inspector—
  - (a) the individual's name and business address;
  - (b) if the individual is employed by a building control authority or a registered building control approver, the name and business address of that person;
  - (c) whether the individual's registration has effect in relation to all work or work of a particular description;
  - (d) if the individual's registration has effect in relation to work of a particular description, that description of work;
  - (e) any conditions to which the individual's registration is subject;
  - (f) the period for which the individual is registered;
  - (g) if the individual's registration has been varied by an order under [section 58I\(2\)\(b\)](#), that fact and the effect of the variation;
  - (h) if the individual's registration has been suspended by an order under [section 58I\(2\)\(c\)](#) or [58J\(2\)](#), that fact and the period of the suspension;
  - (i) any matters that are prescribed.
- (7) The regulatory authority must make the register available for inspection by the public in whatever way the authority thinks appropriate.

### **58D Application for registration as building inspector**

- (1) An application for registration as a building inspector must—
  - (a) be made in such form and manner, and
  - (b) be accompanied by such information and supporting evidence, as the regulatory authority may from time to time determine.

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- (2) The regulatory authority may make different provision about those matters for different cases.
- (3) When considering an application for registration, the regulatory authority may require the applicant to provide it with such further information or supporting evidence as the authority may require.
- (4) The applicant may appeal to the appropriate court or tribunal against any decision made by the regulatory authority on the application.

#### **58E Variation or cancellation of registration as building inspector**

- (1) A registered building inspector may apply for the variation or cancellation of their registration.
- (2) Section 58D applies to such an application as it applies to an application for registration.

#### **58F Code of conduct**

- (1) The regulatory authority must prepare and publish a code of conduct for registered building inspectors.
- (2) The code must set out standards of professional conduct and practice expected of registered building inspectors.
- (3) The code may make different provision for different cases (for example, for different descriptions of work).
- (4) The regulatory authority may revise the code of conduct at any time (and must publish any revised code).

#### **58G Registered building inspectors: information notices**

- (1) The regulatory authority may by notice in writing require a registered building inspector to provide the authority with any documents or information the authority reasonably requires for the purposes its functions under sections 58B to 58M.
- (2) The notice must specify—
  - (a) the documents or information required,
  - (b) the date by which they must be provided, and
  - (c) the form in which they must be provided.

#### **58H Professional misconduct investigations**

- (1) If it appears to the regulatory authority (on receipt of a complaint or otherwise) that a registered building inspector may be guilty of professional misconduct, the authority may investigate the matter.
- (2) In this Part “professional misconduct”, in relation to a registered building inspector, means conduct that—

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- (a) falls short of the standards of conduct and practice expected of registered building inspectors, or
  - (b) is likely to bring the profession of registered building inspectors into disrepute.
- (3) The regulatory authority must prepare and publish a statement of the procedure it will follow when investigating a registered building inspector under this section (which must include an opportunity for the inspector to make representations).
- (4) The regulatory authority may revise the statement at any time (and must publish any revised statement).

### **58I Sanctions for professional misconduct**

- (1) If following an investigation under [section 58H](#) the regulatory authority determines that an individual who is a registered building inspector is guilty of professional misconduct, the authority may make one or more disciplinary orders.
- (2) A disciplinary order is an order—
- (a) requiring the individual to pay a financial penalty of an amount specified in the order,
  - (b) varying the individual's registration in a way specified in the order,
  - (c) suspending the individual's registration for a period specified in the order, or
  - (d) cancelling the individual's registration from a date specified in the order.
- (3) Varying the individual's registration means varying any of the matters listed in [section 58C\(4\)](#) (limitations and conditions).
- (4) Where the regulatory authority makes a disciplinary order it must give a copy of the order to the individual concerned as soon as reasonably practicable.
- (5) The individual may appeal to the appropriate court or tribunal against a disciplinary order under this section.
- (6) A disciplinary order under [subsection \(2\)\(a\)](#) or [\(b\)](#) has no effect until—
- (a) the end of the period within which an appeal may be brought, or
  - (b) if an appeal is brought before the end of that period, the determination of the appeal.
- (7) Where the regulatory authority is the regulator, it must pay into the Consolidated Fund the amount of any financial penalty paid to it pursuant to a disciplinary order under [subsection \(2\)\(a\)](#).

### **58J Interim suspension for suspected serious professional misconduct**

- (1) This section applies where the regulatory authority considers that—
- (a) an individual who is a registered building inspector may be guilty of professional misconduct, and

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- (b) the suspected misconduct is so serious that, if the authority determines that the individual is guilty, it is likely to make an order under [section 58I\(2\)\(d\)](#) cancelling the individual’s registration.
- (2) The regulatory authority may by order suspend the individual’s registration for a period specified in the order (which must not exceed 3 months).
- (3) The regulatory authority may revoke the order before the end of that period.
- (4) Where the regulatory authority makes (or revokes) an order under this section it must give a copy of the order (or notice of the revocation) to the individual concerned as soon as reasonably practicable.
- (5) The individual may appeal to the appropriate court or tribunal against an order under this section.

### **58K Suspension orders: further provision**

An individual whose registration is suspended under [section 58I\(2\)\(c\)](#) or [58J\(2\)](#) is not a registered building inspector for the purposes of [section 46A](#) or [54B](#) (restricted activities and functions) (but is a registered building inspector for the purposes of this Part).

### **58L Offences relating to registration**

- (1) A registered building inspector commits an offence if, without reasonable excuse, they carry out a restricted activity on behalf of a building control authority or a registered building control approver—
  - (a) in relation to work which is outside the scope of their registration, or
  - (b) while their registration is suspended.
- (2) “Restricted activity”—
  - (a) in relation to a building control authority, has the meaning given by [section 46A](#);
  - (b) in relation to a registered building control approver, has the meaning given by [section 54B](#).
- (3) A registered building inspector commits an offence if, without reasonable excuse—
  - (a) they give advice to a building control authority or registered building control approver—
    - (i) in relation to work which is outside the scope of their registration, or
    - (ii) while their registration is suspended, and
  - (b) they know, or ought to know, that the authority or approver is obtaining that advice for the purposes of [section 46A](#) or [54B](#) (restricted functions).
- (4) A registered building inspector commits an offence if, with intent to deceive, they do anything which implies that work which is outside the scope of their registration is within the scope of their registration.

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- (5) A registered building inspector whose registration is suspended commits an offence if, with intent to deceive, they do anything which implies that their registration is not suspended.
- (6) For the purposes of this section, work is outside the scope of a registered building inspector's registration if the inspector's registration does not have effect in relation to work of that description.
- (7) An offence under this section is punishable on summary conviction by a fine.

### **58M Offence of acting as, or pretending to be, a registered building inspector**

- (1) A person who is not a registered building inspector commits an offence if, with intent to deceive, the person—
  - (a) impersonates a registered building inspector, or
  - (b) does anything (including using any name, title or description) which implies that the person is a registered building inspector.
- (2) An offence under this section is punishable on summary conviction by a fine.

### *Registered building control approvers*

### **58N “Registered building control approver”**

In this Act “registered building control approver” means a person registered as a building control approver in accordance with this Part.

### **58O Register of building control approvers**

- (1) The regulatory authority must establish and maintain a register of building control approvers.
- (2) The regulatory authority must register a person as a building control approver if—
  - (a) the person makes an application for registration in accordance with [section 58P](#), and
  - (b) the authority is satisfied that the person meets such criteria as the authority may from time to time determine.
- (3) Registration may—
  - (a) have effect in relation to all work or in relation to work of a particular description;
  - (b) be subject to conditions.
- (4) Registration must be for a prescribed period.
- (5) The register must record, in relation to each registered building control approver—
  - (a) the person's name and business address;
  - (b) whether the person's registration has effect in relation to all work or work of a particular description;

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- (c) if the person's registration has effect in relation to work of a particular description, that description of work;
  - (d) any conditions to which the person's registration is subject;
  - (e) the period for which the person is registered;
  - (f) if the person's registration has been varied by an order under section 58U(2)(b), that fact and the effect of the variation;
  - (g) if the person's registration has been suspended by an order under section 58U(2)(c) or 58V(2), that fact and the period of the suspension;
  - (h) any matters that are prescribed.
- (6) The regulatory authority must make the register available for inspection by the public in whatever way the authority thinks appropriate.

#### **58P Application for registration as building control approver**

- (1) An application for registration as a building control approver must—
- (a) be made in such form and manner, and
  - (b) be accompanied by such information and supporting evidence, as the regulatory authority may from time to time determine.
- (2) The regulatory authority may make different provision about those matters for different cases.
- (3) When considering an application for registration, the regulatory authority may require the applicant to provide it with such further information or supporting evidence as the authority may require.
- (4) The applicant may appeal to the appropriate court or tribunal against any decision made by the regulatory authority on the application.

#### **58Q Variation or cancellation of registration as building control approver**

- (1) A registered building control approver may apply for the variation or cancellation of their registration.
- (2) Section 58P applies to such an application as it applies to an application for registration.

#### **58R Professional conduct rules**

- (1) The regulatory authority must prepare and publish professional conduct rules applying to registered building control approvers (in addition to operational standards rules applying to them under section 58Z).
- (2) Professional conduct rules may in particular make provision about insurance and financial propriety.
- (3) The rules may make different provision for different cases (for example, for different descriptions of work).
- (4) The regulatory authority may revise the professional conduct rules at any time (and must publish any revised rules).

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### **58S Registered building control approvers: information notices**

- (1) The regulatory authority may by notice in writing require a registered building control approver to provide the authority with any documents or information the authority reasonably requires for the purposes of its functions under sections 58N to 58X.
- (2) The notice must specify—
  - (a) the documents or information required,
  - (b) the date by which they must be provided, and
  - (c) the form in which they must be provided.

### **58T Investigations into contraventions of professional conduct rules**

- (1) If it appears to the regulatory authority (on receipt of a complaint or otherwise) that a registered building control approver may have contravened the professional conduct rules, the authority may investigate the matter.
- (2) The regulatory authority must prepare and publish a statement of the procedure it will follow when investigating a registered building control approver under this section (which must include an opportunity for the person to make representations).
- (3) The regulatory authority may revise the statement at any time (and must publish any revised statement).

### **58U Sanctions for contravention of professional conduct rules**

- (1) If following an investigation under section 58T the regulatory authority determines that a person who is a registered building control approver has contravened the professional conduct rules, the authority may make one or more disciplinary orders.
- (2) A disciplinary order is an order—
  - (a) requiring the person to pay a financial penalty of an amount specified in the order,
  - (b) varying the person's registration in a way specified in the order,
  - (c) suspending the person's registration for a period specified in the order, or
  - (d) cancelling the person's registration from a date specified in the order.
- (3) Varying the person's registration means varying any of the matters listed in section 58O(3) (limitations and conditions).
- (4) Where the regulatory authority makes a disciplinary order it must as soon as reasonably practicable—
  - (a) give a copy of the order to the person concerned, and
  - (b) in prescribed cases, give a copy of the order—
    - (i) to each local authority in England, where the regulatory authority is the regulator, or



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- (ii) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (5) The person may appeal to the appropriate court or tribunal against a disciplinary order under this section.
- (6) A disciplinary order under [subsection \(2\)\(a\)](#) or [\(b\)](#) has no effect until—
  - (a) the end of the period within which an appeal may be brought, or
  - (b) if an appeal is brought before the end of that period, the determination of the appeal.
- (7) Where the regulatory authority is the regulator, it must pay into the Consolidated Fund the amount of any financial penalty paid to it pursuant to a disciplinary order under [subsection \(2\)\(a\)](#).
- (8) A person whose registration is suspended by an order under [subsection \(2\)\(c\)](#) is a registered building control approver for the purposes of this Part.
- (9) See [section 58Z6\(2\)](#) for further provision about cancellation of a person's registration as a building control approver.

#### **58V Interim suspension for suspected serious contravention**

- (1) This section applies where the regulatory authority considers that—
  - (a) a person who is a registered building control approver may have contravened the professional conduct rules, and
  - (b) the suspected contravention is so serious that, if the authority determines that the contravention has occurred, it is likely to make an order under [section 58U\(2\)\(d\)](#) cancelling the person's registration.
- (2) The regulatory authority may by order suspend the person's registration for a period specified in the order (which must not exceed 3 months).
- (3) The regulatory authority may revoke the order before the end of that period.
- (4) Where the regulatory authority makes (or revokes) an order under this section it must as soon as reasonably practicable—
  - (a) give a copy of the order (or notice of the revocation) to the person concerned, and
  - (b) in prescribed cases, give a copy of the order (or notice of the revocation)—
    - (i) to each local authority in England, where the regulatory authority is the regulator, or
    - (ii) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (5) The person may appeal to the appropriate court or tribunal against an order under this section.
- (6) A person whose registration is suspended by an order under this section is a registered building control approver for the purposes of this Part.

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### **58W Offence of registered building control approver acting outside scope of registration**

- (1) A registered building control approver commits an offence if, without reasonable excuse, they exercise a function under this Act, or regulations made under this Act—
  - (a) in relation to work outside the scope of their registration, or
  - (b) while their registration is suspended.
- (2) A registered building control approver commits an offence if, with intent to deceive, they do anything which implies that work which is outside the scope of their registration is within the scope of their registration.
- (3) A registered building control approver whose registration is suspended commits an offence if, with intent to deceive, they do anything which implies that their registration is not suspended.
- (4) For the purposes of this section, work is outside the scope of a registered building control approver’s registration if their registration does not have effect in relation to work of that description.
- (5) An offence under this section is punishable on summary conviction by a fine.

### **58X Offence of pretending to be a registered building control approver**

- (1) A person who is not a registered building control approver commits an offence if, with intent to deceive, the person—
  - (a) impersonates a registered building control approver, or
  - (b) does anything (including using any name, title or description) which implies that the person is a registered building control approver.
- (2) An offence under this section is punishable on summary conviction by a fine.

### *Delegation of registration functions*

#### **58Y Delegation of registration functions**

- (1) The regulatory authority may delegate its registration functions to another person, to such extent and subject to such conditions as it considers appropriate.
- (2) The regulatory authority’s registration functions are its functions under sections 58B to 58X (and include the charging of any registration fees or recovery of any registration charges).
- (3) “Registration fees” and “registration charges” mean fees and charges in connection with the regulatory authority’s functions under sections 58B to 58X that are—
  - (a) prescribed by regulations under section 105B, or
  - (b) determined by the regulatory authority in accordance with regulations under that section.
- (4) The regulatory authority may vary or revoke a delegation.

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- (5) Where the regulatory authority is the regulator, it—
  - (a) may make, vary or revoke a delegation only with the consent of the Secretary of State;
  - (b) must vary or revoke a delegation if directed to do so by the Secretary of State.
- (6) Section 58Z9 of this Act (sharing of information between regulatory authorities) and Schedule 3 to the Building Safety Act 2022 (information sharing between regulator and other authorities) apply as if references to the regulator included references to a person to whom the regulator has delegated functions under this section.
- (7) The following provisions of this Act apply as if references to the Welsh Ministers included references to a person to whom the Welsh Ministers have delegated functions under this section—
  - (a) section 58Z9 (sharing of information between regulatory authorities);
  - (b) section 91B (cooperation and sharing of information between Welsh Ministers and other authorities);
  - (c) section 131A (application to the Crown).

#### *Operational standards rules*

##### **58Z Operational standards rules**

- (1) The regulatory authority may make rules (“operational standards rules”) applying to local authorities and registered building control approvers in relation to their exercise of building control functions.
- (2) Operational standards rules may in particular make provision about standards to be met, and practices, procedures or methods to be adopted, in exercising building control functions.
- (3) In this Part “building control functions”, in relation to a local authority or registered building control approver, means the functions of the authority or approver under this Act and regulations made under it.
- (4) The operational standards rules may make different provision for different cases (for example, for different descriptions of work).
- (5) The regulatory authority may revise the operational standards rules at any time.
- (6) The regulatory authority must publish the operational standards rules (and any revised rules).

##### **58Z1 Reporting requirements**

- (1) The regulatory authority may direct local authorities and registered building control approvers to provide it, at specified times or intervals, with specified reports, returns and other information relating to the exercise of their building control functions.
- (2) “Specified” means specified in the direction.

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- (3) A direction under this section—
  - (a) must be in writing;
  - (b) may be general or specific;
  - (c) may be varied or revoked.
- (4) A registered building control approver who, without reasonable excuse, fails to comply with a direction under this section commits an offence.
- (5) An offence under subsection (4) is punishable on summary conviction by a fine.

#### **58Z2 Information: Wales**

- (1) This section applies where the Welsh Ministers are the regulatory authority.
- (2) The Welsh Ministers may by notice in writing require a local authority or registered building control approver to provide the Welsh Ministers with any documents or information relating to the exercise of their building control functions that the Welsh Ministers reasonably require.
- (3) The notice must specify—
  - (a) the documents or information required,
  - (b) the date by which they must be provided, and
  - (c) the form in which they must be provided.
- (4) A registered building control approver who, without reasonable excuse, fails to comply with a notice under this section commits an offence.
- (5) An offence under [subsection \(4\)](#) is punishable on summary conviction by a fine.

#### **58Z3 Investigations**

- (1) If it appears to the regulatory authority (on receipt of a complaint or otherwise) that a local authority or registered building control approver may have contravened the operational standards rules, the regulatory authority may investigate the matter.
- (2) The regulatory authority must prepare and publish a statement of the procedure it will follow when investigating an authority or approver under this section (which must include an opportunity for the authority or approver to make representations).
- (3) The regulatory authority may revise the statement at any time (and must publish any revised statement).

#### **58Z4 Improvement notice**

- (1) The regulatory authority may give an improvement notice to a local authority or a registered building control approver if it appears to the regulatory authority (following an investigation under section [58Z3](#) or otherwise) that the local authority or registered building control approver has contravened operational standards rules.

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- (2) An improvement notice is a notice requiring the local authority or registered building control approver to remedy the contravention by doing, or by refraining from doing, anything specified in the order.
- (3) An improvement notice may have effect—
  - (a) until it is revoked, or
  - (b) for a period specified in the notice.
- (4) Where the regulatory authority gives an improvement notice, it must also give the local authority or registered building control approver a statement of the reasons for giving the notice.
- (5) Where the regulatory authority gives an improvement notice to a registered building control approver, in prescribed cases it must as soon as reasonably practicable provide copies of the notice and the statement—
  - (a) to each local authority in England, where the regulatory authority is the regulator, or
  - (b) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (6) Where the regulatory authority giving an improvement notice is the regulator, it must as soon as reasonably practicable provide copies of the notice and the statement of reasons to the Secretary of State.
- (7) The local authority or registered building control approver to whom the improvement notice is given may appeal to the appropriate court or tribunal against the notice.

#### **58Z5 Serious contravention notices**

- (1) The regulatory authority may give a serious contravention notice to a local authority or a registered building control approver if it appears to the regulatory authority (following an investigation under section 58Z3 or otherwise) that the condition in subsection (2) or (3) is met.
- (2) The condition in this subsection is that—
  - (a) the local authority or registered building control approver has contravened operational standards rules, and
  - (b) as a result of the contravention the safety of persons in or about buildings has been, or may have been, put at risk.
- (3) This condition in this subsection is that the local authority or registered building control approver—
  - (a) has been given an improvement notice under section 58Z4, and
  - (b) has failed to remedy the contravention of operational standards rules in respect of which the notice was given.
- (4) A serious contravention notice is a notice requiring the local authority or registered building control approver to remedy the contravention in question by doing, or by refraining from doing, anything specified in the order.
- (5) A serious contravention notice may have effect—
  - (a) until it is revoked, or

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- (b) for a period specified in the notice.
- (6) Where the regulatory authority gives a serious contravention notice, it must also give the local authority or registered building control approver a statement of the reasons for giving the notice.
- (7) Where the regulatory authority gives a serious contravention notice to a registered building control approver, in prescribed cases it must as soon as reasonably practicable provide copies of the notice and the statement—
  - (a) to each local authority in England, where the regulatory authority is the regulator, or
  - (b) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (8) Where the regulatory authority giving a serious contravention notice is the regulator, it must as soon as reasonably practicable provide copies of the notice and the statement of reasons to the Secretary of State.
- (9) The local authority or registered building control approver to whom the serious contravention notice is given may appeal to the appropriate court or tribunal against the notice.
- (10) A person who, without reasonable excuse, contravenes a serious contravention notice commits an offence and is liable on summary conviction to a fine.

**58Z6 Continuing failure to meet standards: registered building control approvers**

- (1) This section applies where—
  - (a) the regulatory authority has given a registered building control approver one or more serious contravention notices under [section 58Z5](#), and
  - (b) it appears to the regulatory authority that the way in which the approver exercises their building control functions—
    - (i) falls short of the standards expected, and
    - (ii) puts, or may put, the safety of persons in or about buildings at risk,
 and is likely to continue to do so.
- (2) The regulatory authority may cancel the approver’s registration.
- (3) But before cancelling a registered building control approver’s registration under [subsection \(2\)](#) the regulatory authority must—
  - (a) give the approver notice that it is considering its registration under that subsection, and explain its reasons, and
  - (b) invite the approver to make representations within a period specified in the notice (which must not be less than 14 days).
- (4) Where the regulatory authority cancels a registered building control approver’s registration under [subsection \(2\)](#) it must as soon as reasonably practicable—
  - (a) notify the approver that it has done so,
  - (b) give the approver a statement of its reasons, and
  - (c) notify—

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- (i) each local authority in England, where the regulatory authority is the regulator, or
  - (ii) each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (5) A registered building control approver may appeal to the appropriate court or tribunal against the cancellation of its registration under [subsection \(2\)](#).

### **58Z7 Continuing failure to meet standards: local authorities in England**

- (1) This section applies where—
- (a) the regulatory authority is the regulator,
  - (b) the regulatory authority has given a local authority one or more serious contravention notices under [section 58Z5](#), and
  - (c) it appears to the regulatory authority that the way in which the local authority exercises their building control functions—
    - (i) falls short of the standards expected, and
    - (ii) puts, or may put, the safety of persons in or about buildings at risk,and is likely to continue to do so.
- (2) The regulatory authority may recommend to the Secretary of State that the Secretary of State make an order under section 116(4) (transfer of functions to the Secretary of State or another local authority).
- (3) But before making a recommendation under [subsection \(2\)](#) the regulatory authority must—
- (a) give the local authority notice that it is considering making a recommendation under that subsection, and explain its reasons, and
  - (b) invite the authority to make representations within a period specified in the notice (which must not be less than 14 days).
- (4) Where the regulatory authority makes a recommendation under [subsection \(2\)](#) it must as soon as reasonably practicable—
- (a) notify the local authority that it has done so, and
  - (b) give the local authority a statement of its reasons.
- (5) A local authority may appeal to the tribunal against a recommendation under [subsection \(2\)](#).

### *Inspection of local authorities and registered building control approvers*

#### **58Z8 Inspections**

- (1) The regulatory authority may carry out an inspection of a local authority, or a registered building control approver, in relation to their exercise of building control functions.
- (2) The purposes for which an inspection may be carried out include—
- (a) ascertaining the efficiency and effectiveness of the local authority or registered building control approver in exercising their building control functions;



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- (b) verifying any information provided by the local authority or registered building control approver to the regulatory authority, in connection with their building control functions.

### *Information sharing*

#### **58Z9 Sharing of information between regulatory authorities**

- (1) The regulator may disclose information held in connection with a function under this Part to the Welsh Ministers for the purposes of—
  - (a) a function of the regulator under this Part, or
  - (b) a function of the Welsh Ministers under this Part.
- (2) The Welsh Ministers may disclose information held in connection with a function under this Part to the regulator for the purposes of—
  - (a) a function of the Welsh Ministers under this Part, or
  - (b) a function of the regulator under this Part.
- (3) Except as provided by subsection (4), the disclosure of information under this section does not breach—
  - (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (4) This section does not authorise a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by this section).

### *Appeals*

#### **58Z10 Appeal to Crown Court**

An appeal lies to the Crown Court against a decision of a magistrates' court under this Part.”

#### **Commencement Information**

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| <b>11</b> | S. 42 not in force at Royal Assent, see <b>s. 170(4)(a)(iii)(b)(iv)</b>   |
| <b>12</b> | S. 42 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, <b>reg. 3(1)(s)</b>  |
| <b>13</b> | S. 42 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, <b>reg. 2(b)(viii)</b> (with <b>reg. 7</b> )                                 |
| <b>14</b> | S. 42 in force at 1.10.2023 for specified purposes except in relation to W by S.I. 2023/993, <b>reg. 2(k)</b>   |
| <b>15</b> | S. 42 in force at 1.1.2024 for specified purposes for W. by S.I. 2023/914, <b>reg. 4(a)</b>   |
| <b>16</b> | S. 42 in force at 1.1.2024 for specified purposes by S.I. 2023/914, <b>reg. 4(b)</b>  |
| <b>17</b> | S. 42 in force at 6.4.2024 for specified purposes by S.I. 2024/207, <b>reg. 2(b)</b> (with <b>regs. 3, 4, 8-12</b> )                                    |
| <b>18</b> | S. 42 in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, <b>reg. 2(a)</b> (with <b>reg. 3</b> ) |
| <b>19</b> | S. 42 in force at 6.4.2024 for specified purposes for W. by S.I. 2024/207, <b>reg. 2(d)(ii)</b> (with <b>regs. 3, 4, 8-12</b> )                         |



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#### **43 Transfer of approved inspectors’ functions to registered building control approvers**

Schedule 4 amends the Building Act 1984 so as to—

- (a) transfer the functions of approved inspectors to registered building control approvers, and
- (b) make other provision consequential on section 42.

##### **Commencement Information**

- I10** S. 43 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(v\)\(c\)](#)  
**I11** S. 43 in force at 6.4.2024 for W. by S.I. 2024/207, [reg. 2\(d\)\(iii\)](#) (with [regs. 3, 4, 8-12](#))  
**I12** S. 43 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, [reg. 2\(b\)](#) (with [reg. 3](#))

#### **44 Functions exercisable only through, or with advice of, registered building inspectors**

- (1) The Building Act 1984 is amended as follows.
- (2) After section 46 insert—

*“Building control authorities: restricted activities and functions*

##### **46A Building control authorities: restricted activities and functions**

- (1) A building control authority may carry out a restricted activity in relation to any work only through a registered building inspector, acting on the authority’s behalf, whose registration has effect in relation to work of that description.
- (2) Before each exercise of a restricted function in relation to any work, a building control authority must obtain and consider the advice of a registered building inspector whose registration has effect in relation to work of that description.
- (3) The registered building inspector who carries out the restricted activity, or advises on the exercise of the restricted function, may (but need not) be employed by the authority.
- (4) In this section—
  - “restricted activity” means an activity that is prescribed for the purposes of this section;
  - “restricted function” means a function of a building control authority under—
    - (a) this Part,
    - (b) Part 3, or
    - (c) regulations made under this Part or Part 3,that is prescribed for the purposes of this section.”

- (3) After [section 54A](#) (inserted by section 47) insert—

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*“Registered building control approvers: restricted activities and functions*

### **54B Registered building control approvers: restricted activities and functions**

- (1) This section applies to a registered building control approver who is not a registered building inspector.
- (2) The approver may carry out a restricted activity in relation to any work only through a registered building inspector, acting on the approver’s behalf, whose registration has effect in relation to work of that description.
- (3) Before each exercise of a restricted function in relation to any work, the approver must obtain and consider the advice of a registered building inspector whose registration has effect in relation to work of that description.
- (4) The registered building inspector who carries out the restricted activity, or advises on the exercise of the restricted function, may (but need not) be employed by the approver.
- (5) In this section—
  - “restricted activity” means an activity that is prescribed for the purposes of this section;
  - “restricted function” means a function of a registered building control approver under this Part, or regulations made under this Part, that is prescribed for the purposes of this section.
- (6) A registered building control approver who contravenes subsection (2) or (3) without reasonable excuse commits an offence.
- (7) An offence under this section is punishable on summary conviction by a fine.”

#### **Commencement Information**

- I13** S. 44 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(vi\)\(c\)](#)
- I14** S. 44 in force at 6.4.2023 for specified purposes except in relation to W. by [S.I. 2023/362](#), [reg. 3\(1\)\(t\)](#)
- I15** S. 44 in force at 5.9.2023 for specified purposes for W. by [S.I. 2023/914](#), [reg. 2\(b\)\(ix\)](#)
- I16** S. 44 in force at 6.4.2024 for W. in so far as not already in force by [S.I. 2024/207](#), [reg. 2\(d\)\(iv\)](#) (with [regs. 3, 4, 8-12](#))
- I17** S. 44(1) in force at 6.4.2024 in force in so far as not already in force except in relation to W. by [S.I. 2024/104](#), [reg. 2\(c\)](#) (with [reg. 3](#))
- I18** S. 44(3) in force at 6.4.2024 except in relation to W. by [S.I. 2024/104](#), [reg. 2\(c\)](#) (with [reg. 3](#))

## **45 Default powers of appropriate national authority**

- (1) The Building Act 1984 is amended as follows.
- (2) In section 116 (power to transfer local authority functions to appropriate national authority)—
  - (a) in the heading for “Secretary of State” substitute “appropriate national authority”;
  - (b) in [subsection \(1\)](#)—

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- (i) for “Secretary of State” substitute “appropriate national authority”;
    - (ii) for “he” substitute “it”;
  - (c) in [subsection \(2\)](#)—
    - (i) for “Secretary of State” substitute “appropriate national authority”;
    - (ii) for the words from “make an order” to the end substitute “make a transfer order in respect of the body in default.”;
  - (d) after [subsection \(2\)](#) insert—
    - “(3) The Secretary of State must consult the regulator before making an order under subsection (1) or (2).
    - (4) The Secretary of State may also make a transfer order in respect of a local authority if—
      - (a) under [section 58Z7\(2\)](#) the regulator recommends that the Secretary of State make a transfer order in respect of the authority, and
      - (b) the Secretary of State is satisfied that the way in which the authority exercises its functions under this Act—
        - (i) falls short of the standards expected, and
        - (ii) puts, or may put, the safety of persons in or about buildings at risk,and is likely to continue to do so.
    - (5) The Welsh Ministers may also make a transfer order in respect of a local authority if the Welsh Ministers are satisfied that the way in which the authority exercises its functions under this Act—
      - (a) falls short of the standards expected, and
      - (b) puts, or may put, the safety of persons in or about buildings at risk,and is likely to continue to do so.
    - (6) A “transfer order”, in respect of a local authority or joint board, is an order transferring to the appropriate national authority, or to another local authority, such functions of the authority or board as may be specified in the order.”
- (3) In section 117 (expenses)—
  - (a) in the heading for “Secretary of State” substitute “appropriate national authority”;
  - (b) before subsection (1) insert—
    - “(A1) This section applies where the appropriate national authority has transferred functions to itself by a transfer order under section 116.
    - (A2) Any expenses incurred by the Secretary of State in discharging the transferred functions are to be paid in the first instance out of money provided by Parliament.”;
  - (c) in [subsection \(1\)](#)—
    - (i) for the words before [paragraph \(a\)](#) substitute “The amount of any expenses certified by the appropriate national authority as having been incurred by the authority in discharging the transferred functions”;

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- (ii) in [paragraph \(a\)](#) for “him” substitute “the authority”;
  - (iii) in [paragraph \(b\)](#) for the words from “him” to the end substitute “the authority from the body as a debt due to the authority”;
  - (d) in [subsection \(2\)](#) for “Secretary of State” substitute “appropriate national authority”.
- (4) In section 118 (variation or revocation of transfer order)—
- (a) in [subsection \(1\)](#)—
    - (i) for “Secretary of State” substitute “appropriate national authority”;
    - (ii) for “an order under section 116(2)” substitute “a transfer order under section 116”;
    - (iii) for “he” substitute “it”;
  - (b) after [subsection \(1\)](#) insert—
 

“(1A) The Secretary of State must consult the regulator before making an order under subsection (1).”;
  - (c) in [subsection \(2\)](#)—
    - (i) for “Secretary of State” substitute “appropriate national authority”;
    - (ii) for “him”, in the first place it occurs, substitute “it”;
    - (iii) for the words from “by him” to the end substitute “, by the person to whom the revoked order transferred functions, in discharging those functions.”

#### Commencement Information

**I19** S. 45 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(vi\)\(c\)](#)

**I20** S. 45 in force at 6.4.2024 except in relation to W. by [S.I. 2024/104](#), [reg. 2\(d\)](#) (with [reg. 3](#))

## 46 Higher-risk building work: registered building control approvers

- (1) In section 47 of the Building Act 1984 (giving and acceptance of initial notice), in subsection (1)(a)—
- (a) after “prescribed form” insert “relating to work that is not higher-risk building work”;
  - (b) after “carry out” insert “the”.
- (2) In section 51A of the Building Act 1984 (variation of work to which initial notice relates), for subsection (1) substitute—
- “(1) This section applies where—
- (a) it is proposed that the work to which an initial notice relates should be varied, and
  - (b) the work as varied is not higher-risk building work.”
- (3) After section 52 of the Building Act 1984 insert—

### **“52A Cancellation of initial notice when work becomes higher-risk building work**

- (1) If, at a time when an initial notice is in force, it appears to the registered building control approver that some or all of the work has become higher-risk

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building work, the registered building control approver must, as soon as is reasonably practicable, cancel the relevant part of the initial notice by notice in the prescribed form given to—

- (a) the local authority concerned, and
- (b) the person carrying out or intending to carry out the work.

(2) If, at a time when an initial notice is in force, it appears to the person carrying out or intending to carry out the work that some or all of the work has become higher-risk building work, the person must, as soon as is reasonably practicable, cancel the relevant part of the initial notice by notice in the prescribed form given to—

- (a) the local authority concerned, and
- (b) the registered building control approver.

(3) Where a person is required to give a notice under subsection (1) or (2) in relation to higher-risk building work in England, the person must, as soon as is reasonably practicable, give a copy of that notice to the regulator.

(4) If, at a time when an initial notice is in force, it appears to the local authority concerned that some or all of the work has become higher-risk building work, the authority must cancel the relevant part of the initial notice by notice in the prescribed form given to—

- (a) the registered building control approver, and
- (b) the person shown in the initial notice as the person intending to carry out the work.

(5) Where a local authority is required to give a notice under subsection (4) in relation to higher-risk building work in England, the local authority must give a copy of that notice to the regulator.

(6) A person commits an offence if they fail without reasonable excuse to—

- (a) give to a local authority a notice that the person is required to give by subsection (1) or (2);
- (b) give to the regulator a copy of a notice that the person is required to give by subsection (3).

(7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine.

(8) Where a notice is given under any of subsections (1), (2) and (4) (a “cancellation notice”)—

- (a) the part of the initial notice to which the cancellation notice relates is cancelled with effect from the day on which the cancellation notice is given, and
- (b) a new initial notice may not be given in relation to any of the work to which the cancelled part of the initial notice related.

(9) In this section “the relevant part of the initial notice” means so much of the initial notice as relates to work that has become higher-risk building work.

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### **52B Effect of initial notice ceasing to be in force where work becomes higher-risk building work**

- (1) This section applies where an initial notice ceases to be in force, whether in whole or in part, by virtue of section 47(4)(b)(ia) (higher-risk building work).
  - (2) If, before the day on which the relevant part of the initial notice ceased to be in force, a final certificate—
    - (a) was given in respect of part of the work to which the relevant part of the initial notice relates, and
    - (b) was accepted by the local authority,
 the fact that the relevant part of the initial notice has ceased to be in force does not affect the continuing operation of section 51(3) in relation to that part of the work.
  - (3) The building control authority in relation to any of the uncertified work is—
    - (a) in England, the regulator, and
    - (b) in Wales, the relevant local authority (within the meaning of section 121A(2)).
  - (4) In subsection (3), the “uncertified work” means any of the work—
    - (a) to which the relevant part of the initial notice relates, and
    - (b) in respect of which no final certificate has been accepted by the local authority as mentioned in subsection (2).
  - (5) Sections 91(3) (duties of the regulator) and 121A(1) (meaning of “building control authority”) apply as if, in each case, the reference to section 91ZA or 91ZB were a reference to section 52B, 91ZA or 91ZB.
  - (6) In any case where this section applies, the reference in subsection (4) of section 36 to the date of the completion of the work in question has effect, in relation to a notice under subsection (1) of that section, as if it were a reference to the date on which the relevant part of the initial notice ceased to be in force.
  - (7) In this section “the relevant part of the initial notice” means so much of the initial notice as was cancelled by a notice under section 52A (cancellation of initial notice when work becomes higher-risk building work).”
- (4) In section 47 of the Building Act 1984 (giving and acceptance of initial notice), in subsection (4)(b)—
    - (a) omit the “or” after sub-paragraph (i);
    - (b) after sub-paragraph (i) insert—
      - “(ia) it is cancelled, in whole or in part, by a notice under section 52A,”.
  - (5) In section 55 of the Building Act 1984 (appeals), after subsection (2) insert—
    - “(2A) Where a local authority cancels an initial notice, in whole or in part, by giving a notice (a “cancellation notice”) under section 52A(4)—
      - (a) the person shown in the initial notice as the person intending to carry out the work, or
      - (b) the registered building control approver,

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may appeal to the appropriate court or tribunal.

(2B) On an appeal under subsection (2A), the court or tribunal must determine whether the relevant part of the initial notice was properly cancelled.

(2C) In a case where the court or tribunal determines that the relevant part of the initial notice was not properly cancelled—

- (a) the determination does not have the effect of reinstating the relevant part of the initial notice;
- (b) section 52B(2) and (6) continue to apply in relation to the relevant part of the initial notice;
- (c) a new initial notice relating to any of the work to which the relevant part of the original initial notice related (the “original work”) may be given only if the new initial notice—
  - (i) is given before the end of the period of seven days beginning with the day on which the appeal is determined or such other period as may be prescribed, and
  - (ii) relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority;
- (d) the court or tribunal may give such directions as it considers appropriate in consequence of the determination (which may include giving directions to the regulator).

(2D) Where—

- (a) a plans certificate has been given in respect of any of the original work,
  - (b) the conditions in paragraphs (a) and (b) of section 53(2) are fulfilled with respect to that certificate, and
  - (c) a new initial notice as referred to in subsection (2C)(c) is accepted,
- section 50(1C) does not apply in relation to so much of the work to which the new initial notice relates as is work specified in the plans certificate.

(2E) Where—

- (a) a new initial notice is given in accordance with subsection (2C)(c), and
- (b) the registered building control approver shown in the new initial notice is different to the registered building control approver shown in the original initial notice,

sections 53B to 53E apply as if any reference in those sections to a new initial notice given in accordance with section 53(7)(a) were a reference to a new initial notice given in accordance with section 55(2C)(c).

(2F) In this section the “relevant part of the initial notice” means so much of the initial notice as was subject to the cancellation notice.”

#### Commencement Information

**I21** S. 46 not in force at Royal Assent, see s. 170(4)(b)(vi)(c)

**I22** S. 46 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, reg. 3(1)(u)

**I23** S. 46 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, reg. 2(b)(x)



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- I24** S. 46 in force at 1.10.2023 in so far as not already in force except in relation to W. by S.I. 2023/993, **reg. 2(1)** (with regs. 4, 8)
- I25** S. 46 in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, **reg. 2(d)(v)** (with regs. 3-5, 8-12)

#### 47 Higher-risk building work: public bodies

After section 54 of the Building Act 1984 insert—

##### “54A Public bodies and higher-risk building work

- (1) The appropriate national authority may by regulations make such amendments of the provisions listed in subsection (2) as the authority considers appropriate in connection with higher-risk building work.
- (2) The provisions are—
  - (a) section 5;
  - (b) section 54;
  - (c) Schedule 4.”

##### Commencement Information

- I26** S. 47 not in force at Royal Assent, see **s. 170(4)(b)(vi)(c)**
- I27** S. 47 in force at 1.4.2023 except in relation to W. by S.I. 2023/362, **reg. 2(1)(e)**
- I28** S. 47 in force at 5.9.2023 for W. by S.I. 2023/914, **reg. 2(b)(xi)**

#### 48 Insurance: removal of requirements

- (1) The Building Act 1984 is amended as follows.
- (2) In section 47 (giving and acceptance of initial notice)—
  - (a) in subsection (1) omit paragraph (c) (but not the “and” at the end of it);
  - (b) omit subsections (6) and (7).
- (3) In section 51A(2) (variation of work to which initial notice relates) omit paragraph (c) (but not the “and” at the end of it).
- (4) In section 56 (recording and furnishing of information) omit subsection (2).

##### Commencement Information

- I29** S. 48 not in force at Royal Assent, see **s. 170(4)(b)(vi)(c)**
- I30** S. 48 in force at 28.7.2022 for W. by S.I. 2022/774, **reg. 2**
- I31** S. 48 in force at 28.7.2022 for E. by S.I. 2022/561, **regs. 1(2), 4**

#### 49 Plans certificates

- (1) The Building Act 1984 is amended as follows.
- (2) In section 50 (plans certificates)—
  - (a) for subsection (1) substitute—



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- “(1) In this Part a “plans certificate” means a certificate by a registered building control approver that the relevant conditions are met in relation to the work specified in the certificate (which must be work in relation to which the approver has given an initial notice).
- (1A) The relevant conditions are that the registered building control approver—
- (a) has inspected—
    - (i) full plans of the work, or
    - (ii) plans of the work that the approver is satisfied are sufficient for the purposes of giving a plans certificate in relation to the work,
  - (b) is satisfied that the plans are not defective,
  - (c) is satisfied that work carried out in accordance with the plans would not contravene any provision of building regulations, and
  - (d) has complied with any prescribed requirements as to consultation or otherwise.
- (1B) Subsection (1C) applies if the person intending to carry out work to which an initial notice relates asks the registered building control approver who gave the initial notice to give a plans certificate in respect of the work.
- (1C) If the relevant conditions are met, the approver must give a plans certificate to the local authority and the person intending to carry out the work.
- (1D) A plans certificate must be in the prescribed form.”;
- (b) in subsection (4) for “certificate under [subsection \(1\)](#) above” substitute “plans certificate”;
  - (c) after subsection (7) insert—
- “(7A) Building regulations may make further provision in connection with plans certificates, including in particular provision—
- (a) requiring a plans certificate to be given to the local authority in prescribed cases;
  - (b) about the consequences of failing to comply with such a requirement (for example, for an initial notice to cease to have effect in whole or in part);
  - (c) requiring a plans certificate stating that the condition in [subsection \(1A\)\(a\)\(ii\)](#) is met to include prescribed information about the further plans that the registered building control approver considers need to be provided.”

(3) In [paragraph 2](#) of [Schedule 4](#) (public body’s plans certificates)—

    - (a) for sub-paragraph (1) substitute—

“(1) In this Part a “public body’s plans certificate” means a certificate by a public body that the relevant conditions are met in relation to the work specified in the certificate (which must be work in relation to which the public body has given a public body’s notice).

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- (1A) The relevant conditions are that the public body—
- (a) is satisfied that—
    - (i) a competent person has inspected full plans of the work, or
    - (ii) a competent person has inspected plans of the work which the public body is satisfied, in the light of that inspection, are sufficient for the purposes of giving a public body’s plans certificate in relation to the work,
  - (b) is satisfied in the light of that inspection that the plans are not defective,
  - (c) is satisfied in the light of that inspection that work carried out in accordance with the plans would not contravene any provision of building regulations, and
  - (d) has complied with any prescribed requirements as to consultation or otherwise.

(1B) “Competent person” means a servant or agent of the public body who is competent to assess the plans.

(1C) If the relevant conditions are met, the public body may give a public body’s plans certificate to the local authority.

(1D) A public body’s plans certificate must be in the prescribed form.”;

(b) after sub-paragraph (6) insert—

- “(7) Building regulations may make further provision about public body’s plans certificates, including in particular provision—
- (a) requiring a public body’s plans certificate to be given to the local authority in prescribed cases;
  - (b) about the consequences of failing to comply with such a requirement (for example, for a public body’s notice to cease to have effect in whole or in part);
  - (c) requiring a public body’s plans certificate stating that the condition in [sub-paragraph \(1A\)\(a\)\(ii\)](#) is met to include prescribed information about the further plans that the public body considers need to be provided.”

#### Commencement Information

- I32** S. 49 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(vi\)\(c\)](#)
- I33** S. 49 in force at 6.4.2023 for specified purposes except in relation to W. by [S.I. 2023/362](#), [reg. 3\(1\)\(v\)](#)
- I34** S. 49 in force at 5.9.2023 for specified purposes for W. by [S.I. 2023/914](#), [reg. 2\(b\)\(xii\)](#)
- I35** S. 49 in force at 6.4.2024 in force in so far as not already in force except in relation to W. by [S.I. 2024/104](#), [reg. 2\(e\)](#) (with [reg. 3](#))

## 50 Cancellation of initial notice

- (1) Section 52 of the Building Act 1984 (cancellation of initial notice) is amended in accordance with this section.

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(2) In [subsection \(1\)](#)—

- (a) omit the “or” after [paragraph \(b\)](#);
- (b) after [paragraph \(c\)](#), insert—
  - “(d) the registered building control approver is given a disciplinary order under section [58U\(2\)\(b\)](#) (variation of registration) such that the registered building control approver is no longer able to carry out the registered building control approver’s functions with respect to the work to which the initial notice relates,
  - (e) the registered building control approver is given a disciplinary order under section [58U\(2\)\(c\)](#) (suspension of registration) or an order under section [58V](#) (interim suspension for suspected serious contravention), or
  - (f) it appears to the registered building control approver that a prescribed circumstance exists,”;
- (c) for “approved inspector shall” substitute “registered building control approver, or in the case of paragraph (e) the person shown in the initial notice as the registered building control approver, must”.

(3) For [subsection \(3\)](#) substitute—

- “(3) If, at a time when an initial notice is in force, it appears to the person carrying out or intending to carry out the work to which the notice relates that—
- (a) the registered building control approver is no longer willing or able to carry out the registered building control approver’s functions with respect to any of that work, or
  - (b) a prescribed circumstance exists,
- the person must cancel the initial notice by notice in the prescribed form given to the local authority concerned and, if it is practicable to do so, to the registered building control approver.”

(4) In [subsection \(4\)](#), after “subsection” insert “(1) or”.

(5) After [subsection \(5\)](#) insert—

- “(5A) If, at a time when an initial notice is in force, it appears to the local authority concerned that a condition in [subsection \(5B\)](#) is satisfied, the authority must cancel the initial notice by notice in the prescribed form given to—
- (a) the person shown in the initial notice as the registered building control approver, and
  - (b) the person shown in the initial notice as the person intending to carry out the work.
- (5B) The conditions are—
- (a) the registered building control approver is given a disciplinary order under section [58U\(2\)\(b\)](#) (variation of registration) such that the registered building control approver is no longer able to carry out the registered building control approver’s functions with respect to the work to which the initial notice relates;
  - (b) the registered building control approver is given a disciplinary order under section [58U\(2\)\(c\)](#) (suspension of registration) or an order under section [58V](#) (interim suspension for suspected serious contravention);

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- (c) the registered building control approver is given a disciplinary order under section 58U(2)(d) (cancellation of registration);
  - (d) the registered building control approver has their registration cancelled under section 58Z6(2) (serious contravention notices);
  - (e) a prescribed circumstance exists.”
- (6) After subsection (6) insert—
- “(7) Before cancelling an initial notice under subsection (5A) based on a condition in subsection (5B)(a), (b) or (e), the local authority must—
- (a) give the person shown in the initial notice as the registered building control approver a notice in the prescribed form at least seven days before the day on which the initial notice is to be cancelled, and
  - (b) have regard to any representations made to the local authority during that period.”

#### Commencement Information

- I36** S. 50 not in force at Royal Assent, see s. 170(4)(b)(vi)(c)
- I37** S. 50 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, reg. 3(1)(v)
- I38** S. 50 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, reg. 2(b)(xii)
- I39** S. 50 in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, reg. 2(f) (with reg. 3)
- I40** S. 50 in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, reg. 2(d)(vi) (with regs. 3, 4, 8-12)

## 51 New initial notices

- (1) In section 53 of the Building Act 1984 (effect of initial notice ceasing to be in force), for subsection (7) substitute—
- “(7) A new initial notice relating to any of the work to which the original initial notice related (the “original work”) may be given only if—
- (a) in the case of an initial notice that ceases to be in force by virtue of—
    - (i) being cancelled under section 52(1)(d) or (e),
    - (ii) being cancelled under section 52(5A) based on a condition in section 52(5B)(a) to (d), or
    - (iii) such other provision as may be prescribed,
 the conditions in subsection (8) are met, or
  - (b) in any other case, the conditions in subsection (9) are met.
- (8) The conditions referred to in subsection (7)(a) are that the new initial notice—
- (a) is given before the end of the period of seven days beginning with the day on which the original initial notice ceased to be in force or such other period as may be prescribed,
  - (b) relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority, and
  - (c) is not a combined initial notice and plans certificate given in accordance with section 50(4).
- (9) The conditions referred to in subsection (7)(b) are that—

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- (a) before the original initial notice ceases to be in force, the original registered building control approver has given a final certificate under section 51 in respect of any part of the work which they are satisfied has been completed, and
    - (b) the new initial notice relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority.
  - (10) Where—
    - (a) a plans certificate has been given in respect of any of the original work,
    - (b) the conditions in paragraphs (a) and (b) of subsection (2) are fulfilled with respect to that certificate, and
    - (c) a new initial notice as referred to in subsection (7) is accepted, section 50(1C) does not apply in relation to so much of the work to which the new initial notice relates as is work specified in the plans certificate.
  - (11) Section 53B applies in relation to a new initial notice given in accordance with subsection (7)(a).
  - (12) The appropriate national authority may issue guidance about the process for—
    - (a) the giving of a new initial notice under subsection (7);
    - (b) the giving of a transfer certificate and a transfer report under section 53B;
    - (c) the consideration of a transfer certificate and a transfer report under section 53C.
  - (13) The appropriate national authority may revise or withdraw any issued guidance.
  - (14) The following must have regard to guidance issued under subsection (12)—
    - (a) a local authority;
    - (b) a registered building control approver;
    - (c) a person carrying out or intending to carry out work to which a new initial notice given under subsection (7) relates.”
- (2) After section 53A of the Building Act 1984 (inserted by section 36) insert—

**“53B New initial notice: change of registered building control approver**

- (1) This section applies where a new initial notice is given in accordance with section 53(7)(a) (change of registered building control approver in certain cases).
- (2) Where the new initial notice is accepted by the local authority the registered building control approver must take all reasonable steps to determine whether the unfinished work contravenes any provision of building regulations (including where necessary by carrying out inspections and laying open any work).
- (3) If the registered building control approver determines that the unfinished work does not contravene any provision of building regulations, the approver must

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give a transfer certificate and a transfer report to the local authority before the end of the relevant period.

- (4) If the registered building control approver is unable to make the determination referred to in subsection (3), the approver must—
  - (a) give the person carrying out or intending to carry out the work a notice setting out why they were unable to make the determination, and
  - (b) give a copy of that notice to the local authority.
- (5) A transfer certificate must—
  - (a) confirm that the registered building control approver has determined that the unfinished work up to the date of the certificate does not contravene any provision of building regulations, and
  - (b) contain the prescribed information.
- (6) A transfer report must contain any plans, documents or other information related to the confirmation in subsection (5)(a).
- (7) In this section the “relevant period” means—
  - (a) the period of 21 days beginning with the day on which the new initial notice is accepted or such other period as may be prescribed, or
  - (b) such longer period as may be agreed by the local authority following a request from the registered building control approver.
- (8) A transfer certificate given by a registered building control approver—
  - (a) does not impose any liability, whether civil or criminal, on the registered building control approver for any work carried out by the previous registered building control approver, and
  - (b) does not affect any liability, whether civil or criminal, of the previous registered building control approver for work carried out by that approver.
- (9) In this section “unfinished work” means all of the work to which the original initial notice related, except for any work in respect of which a final certificate was accepted by the local authority.

### **53C Consideration of transfer certificate and report**

- (1) This section applies where a registered building control approver gives a transfer certificate and a transfer report to a local authority in accordance with section 53B(3).
- (2) The local authority must, by notice, accept or reject the certificate and report before the end of the relevant period.
- (3) The local authority may reject the certificate and report only if—
  - (a) any of the prescribed grounds exist, or
  - (b) the registered building control approver fails to comply with a requirement in subsection (4) to give information to the local authority.
- (4) During the period of 21 days beginning with the day on which the transfer certificate and transfer report is given to the local authority or such other period as may be prescribed, the local authority may, by notice, require

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the registered building control approver to give to the local authority such information as may be specified in the notice.

- (5) The registered building control approver must give the information specified in the notice to the local authority before the end of the period of seven days beginning with the day on which the notice is given or such other period as may be prescribed.
- (6) In this section the “relevant period” means—
- (a) the period of 21 days beginning with the day on which the transfer certificate and transfer report is given to the local authority or such other period as may be prescribed, or
  - (b) such longer period as is determined in accordance with subsection (7).
- (7) Where—
- (a) a local authority requires a registered building control approver to give information to the local authority under subsection (4), and
  - (b) the day by which the information is required to be given would (but for this subsection) fall within the final seven days of the relevant period or would fall outside the relevant period,

the relevant period is to be extended to the end of the period of seven days beginning with the day after the day by which the information is required to be given.

- (8) Where a local authority requires a registered building control approver to give information to the local authority under subsection (4), the local authority must give a copy of the notice to the person shown in the initial notice as the person intending to carry out the work.

### **53D Cancellation of initial notice: change of registered building control approver**

- (1) This section applies where—
- (a) a new initial notice is given in accordance with section 53(7)(a) (change of registered building control approver in certain cases), and
  - (b) the notice is accepted by the local authority.
- (2) If, at a time when the initial notice is in force—
- (a) the registered building control approver does not give the local authority a transfer certificate and transfer report in accordance with section 53B(3), or
  - (b) the local authority rejects the transfer certificate and transfer report in accordance with section 53C,

the local authority must cancel the initial notice by notice in the prescribed form given to the registered building control approver and the person shown in the initial notice as the person intending to carry out the work.

- (3) The person carrying out or intending to carry out the work to which the initial notice relates may, at a time—
- (a) when the initial notice is in force, and
  - (b) before the local authority accepts or rejects the transfer certificate and report in accordance with section 53C,



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cancel the initial notice by notice in the prescribed form given to the local authority and, if it is practicable to do so, to the registered building control approver.

- (4) A notice under subsection (2) or (3) has the effect of cancelling the initial notice to which it relates with effect from the day on which the notice is given.
- (5) Where an initial notice ceases to be in force by virtue of subsection (2) or (3), a new initial notice may not, except in prescribed circumstances, be given in relation to any of the work to which the cancelled notice related.
- (6) Where an initial notice ceases to be in force by virtue of subsection (2) or (3)—
  - (a) for the purpose of enabling the local authority to perform the functions referred to in section 48(1) in relation to any part of the work, building regulations may require the local authority to be provided with plans that relate to that part of the work, and
  - (b) section 53(5) applies in relation to the notice as it applies in relation to an initial notice that ceases to be in force as referred to in section 53(1).
- (7) This section is without prejudice to any other provisions of this Part relating to when an initial notice ceases to be in force.

### **53E Restriction on functions of registered building control approvers**

- (1) This section applies where—
  - (a) a new initial notice is given in accordance with section 53(7)(a) (change of registered building control approver in certain cases), and
  - (b) the notice is accepted by the local authority.
- (2) During the period in respect of which—
  - (a) the notice is in force, but
  - (b) a transfer certificate and a transfer report have not been accepted by the local authority,
 the registered building control approver may not exercise the relevant functions.
- (3) In this section the “relevant functions” are the functions of a registered building control approver under, or under regulations made under—
  - (a) section 50 (plans certificates);
  - (b) section 51 (final certificates);
  - (c) section 51A (amendment notices).”
- (3) In section 47 of the Building Act 1984 (giving and acceptance of initial notice)—
  - (a) in subsection (4)(b), after sub-paragraph (ia) (inserted by section 46) insert—
 

“(ib) it is cancelled by a notice under section 53D, or”;
  - (b) after subsection (7) insert—
 

“(8) This section is subject to sections 53 and 53B (new initial notices).”
- (4) In section 55 of the Building Act 1984 (appeals)—
  - (a) in subsection (1)—
    - (i) omit the “or” after paragraph (a);



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- (ii) after [paragraph \(b\)](#) insert “or
- (c) a transfer certificate and a transfer report,”;
- (b) in [subsection \(2\)\(a\)](#), after “notice” insert “, report”;
- (c) in [subsection \(2\)\(b\)](#), after “notice” insert “, report”.

#### Commencement Information

- I41** S. 51 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(vi\)\(c\)](#)
- I42** S. 51 in force at 6.4.2023 for specified purposes except in relation to W. by [S.I. 2023/362](#), [reg. 3\(1\)\(v\)](#)
- I43** S. 51 in force at 5.9.2023 for specified purposes for W. by [S.I. 2023/914](#), [reg. 2\(b\)\(xii\)](#)
- I44** S. 51 in force at 6.4.2024 for W. in so far as not already in force by [S.I. 2024/207](#), [reg. 2\(d\)\(vii\)](#) (with [regs. 3, 4, 8-12](#))
- I45** S. 51 in force at 6.4.2024 in force in so far as not already in force except in relation to W. by [S.I. 2024/104](#), [reg. 2\(g\)](#) (with [regs. 3, 5](#))

## 52 Information gathering

- (1) In section 53 of the Building Act 1984 (effect of initial notice ceasing to be in force), after subsection (4) insert—

“(4A) For the purpose of enabling the local authority to perform the functions referred to in section 48(1), the local authority may by notice require the person shown in the initial notice as the registered building control approver to give the local authority—

- (a) any information the authority would have obtained if the authority had performed the function of enforcing building regulations in relation to the work to which the initial notice relates during the period in which the initial notice was in force, and
- (b) any other information the local authority may reasonably require.

(4B) Where a person is required to give information under subsection (4A), the information must be given before the end of the prescribed period.

(4C) The person shown in the initial notice as the registered building control approver (the “outgoing approver”) must, before the end of the prescribed period, give the person carrying out or intending to carry out the work to which the initial notice relates—

- (a) any information given to a local authority under subsection (4A),
- (b) any other information that the outgoing approver obtained or created in relation to the work during the period in which the initial notice was in force, and
- (c) any other information that the person carrying out or intending to carry out the work may by notice reasonably require for the purpose of enabling a person other than the outgoing approver to perform the functions referred to in section 48(1) in relation to the work.

(4D) A notice under subsection (4C)(c)—

- (a) may only require information to be given in relation to work carried out during the period in which the initial notice was in force;
- (b) may require information to be provided in a specified format.”

- (2) In section 57 of the Building Act 1984 (offences), in subsection (1)—

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- (a) omit the “or” after paragraph (a);
- (b) after paragraph (a) insert—
  - “(aa) fails without reasonable excuse to comply with a requirement under section 53(4A) to give information, or”.

#### Commencement Information

- I46** S. 52 not in force at Royal Assent, see **s. 170(4)(b)(vi)(c)**
- I47** S. 52 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(v)**
- I48** S. 52 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914, **reg. 2(b)(xii)**
- I49** S. 52 in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, **reg. 2(d)(viii)** (with regs. 3, 4, 8-12)
- I50** S. 52 in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, **reg. 2(h)** (with **reg. 3**)

### 53 Information

- (1) After section 56 of the Building Act 1984 insert—

#### “56A Giving information by electronic means: England

- (1) The regulator must establish and maintain a facility (the “facility”) to enable a specified person to give specified relevant information to another person by electronic communication.
- (2) The Secretary of State may by regulations require or authorise a specified person to use the facility when giving specified relevant information to another person.
- (3) Any information given to a person in accordance with regulations made under subsection (2) is to be treated for the purposes of section 56B (requirement to keep register) as also having been given to the regulator.
- (4) Regulations under this section may require a person who is given specified relevant information otherwise than through the facility to give that information to the regulator using the facility.
- (5) Regulations under this section may make provision treating specified relevant information that is given using the facility as having been given in the prescribed form for the purposes of this Part.
- (6) In this section—
  - “relevant information” means information that is required or authorised to be given by this Part or regulations made under it;
  - “specified” means specified in regulations made by the Secretary of State under this section.
- (7) In this section and section 56B—
  - “information” includes documents;
  - “documents” includes notices, certificates, orders, consents, demands and plans.

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- (8) The Secretary of State may make regulations under this section only in relation to England.

### **56B Requirement to keep register: England**

- (1) The regulator must keep a register of specified relevant information.
- (2) The information that may be specified for the purposes of subsection (1) includes in particular information given, or treated as having been given, to the regulator using the facility established under section 56A(1).
- (3) The regulator—
- (a) must maintain the register in electronic form;
  - (b) must ensure that any specified parts of the register are available for inspection by members of the public;
  - (c) must, in specified circumstances, provide to members of the public, on request, copies of information kept in the register.
- (4) In this section—
- “relevant information” means information that is required or authorised to be given by this Part or regulations made under it;
  - “specified” means specified in regulations made by the Secretary of State under this section.
- (5) The Secretary of State may make regulations under this section only in relation to England.

### **56C Delegation of functions**

- (1) The regulator may by written notice delegate to a person, to such extent and subject to such conditions as the regulator considers appropriate, the functions conferred on the regulator by—
- (a) section 56A(1);
  - (b) section 56B(1) and (3) (including the ability to charge fees in connection with the exercise of those functions).
- (2) In subsection (1) “fees” means fees that are prescribed by, or determined by the regulator in accordance with, regulations under section 105B.
- (3) The regulator may delegate different functions to different persons under subsection (1).
- (4) The regulator may delegate functions under subsection (1) only with the consent of the Secretary of State.
- (5) The regulator may revoke a delegation of functions to a person by giving a written notice to the person.
- (6) The regulator may revoke a delegation under subsection (5) only with the consent of the Secretary of State.
- (7) Schedule 3 to the Building Safety Act 2022 (information sharing) applies as if references to the regulator included references to a person to whom the regulator has delegated functions under subsection (1)(b).”

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- (2) In section 55 of the Building Act 1984 (appeals), after subsection (3) insert—
- “(4) On an appeal under subsection (1), the local authority must give the specified information to the regulator.
  - (5) In this section “specified” means specified in regulations made by the Secretary of State under this section.
  - (6) The Secretary of State may make regulations under this section only in relation to England.”
- (3) In section 56 of the Building Act 1984 (recording and furnishing of information)—
- (a) in subsection (1)—
    - (i) after “authority” insert “in Wales”;
    - (ii) after “public body’s notices” insert “, transfer reports”;
    - (iii) after “such notices” insert “, reports”;
  - (b) in subsection (3), after “plans certificates, final certificates” insert “, transfer certificates”;
  - (c) in subsection (4), after “section” insert “by a local authority in Wales”.

#### **Commencement Information**

- I51** S. 53 not in force at Royal Assent, see **s. 170(4)(b)(vii)(c)**
- I52** S. 53 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362, **reg. 3(1)(v)**
- I53** S. 53(2)(3)(a)(ii)(iii)(b) in force at 6.4.2024 for W. by S.I. 2024/207, **reg. 2(d)(ix)** (with regs. 3, 4, 8-12)
- I54** S. 53(2)(3)(a)(ii)(iii)(b) in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, **reg. 2(i)** (with reg. 3)

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