



# Building Safety Act 2022

## 2022 CHAPTER 30

### PART 3

#### BUILDING ACT 1984

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

#### **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

- I1** S. 51 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(vi\)\(c\)](#)
- I2** S. 51 in force at 6.4.2023 for specified purposes except in relation to W. by [S.I. 2023/362](#), [reg. 3\(1\)\(v\)](#)
- I3** S. 51 in force at 5.9.2023 for specified purposes for W. by [S.I. 2023/914](#), [reg. 2\(b\)\(xii\)](#)
- I4** 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](#))
- I5** 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](#))

**Changes to legislation:**

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