
STATUTORY INSTRUMENTS

2010 No. 2214

The Building Regulations 2010

PART 8

Information to be Provided by the Person Carrying Out Work

Fire safety information E

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

- (a) consists of or includes the erection or extension of a relevant building; or
- (b) is carried out in connection with a relevant change of use of a building,

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

^[F1](2) The person carrying out the work must give fire safety information to the responsible person no later than—

- (a) where the building, proposed building or extension to which the building work relates is not occupied during the building work, the date of completion of the work or the date of occupation of the building or the extension, whichever is the earlier;
- (b) in any other case, the date of completion of the work.

(2A) The responsible person must give the person carrying out the work a notice acknowledging receipt of the fire safety information and confirming the information provided is sufficient to enable them to understand, operate and maintain the building (and the fire safety systems in it) after the building work in question.

(2B) Subject to paragraph (2D), the person carrying out the work must give a notice to the relevant authority—

- (a) confirming that they have given the fire safety information to the responsible person pursuant to paragraph (2), and
- (b) stating that they have received the notice from the responsible person pursuant to paragraph (2A) or where they have not received the notice, stating the steps taken to obtain the notice from the responsible person and the dates they were taken.

(2C) The notification under paragraph (2B) must be given no later than—

- (a) where regulation 20 (provisions applicable to self-certification schemes) applies to the work, 30 days after the date referred to in paragraph (2),
- (b) in any other case, five days after the date referred to in paragraph (2).

(2D) Paragraphs (2B) and (2C) do not apply where regulation 20A (provisions applicable to third party certification schemes) applies to the work and instead paragraphs (2E) to (2G) apply.

(2E) Where this paragraph applies, the person carrying out the work must notify the third party certifier appointed under regulation 12(6)(c)—

- (a) confirming that they have given the fire safety information to the responsible person pursuant to paragraph (2), and

- (b) stating that they have received the notice from the responsible person pursuant to paragraph (2A) or where they have not received the notice, stating the steps taken to obtain the notice from the responsible person and the dates they were taken.

(2F) The notification under paragraph (2E) must be given no later than seven days after the date referred to in paragraph (2).

(2G) Within 30 days of receiving the notification under paragraph (2E) the third party certifier appointed under regulation 12(6)(c) must notify the relevant authority confirming receipt of the notification under paragraph (2E).]

(3) In this regulation—

- (a) “fire safety information” means information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety;
- (b) a “relevant building” is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of building work;
- (c) a “relevant change of use” is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building; and
- (d) “responsible person” has the meaning given by article 3 of the Regulatory Reform (Fire Safety) Order 2005.

Extent Information

- E1** This version of this provision applies to England only; a separate version has been created for Wales only

Textual Amendments

- F1** Reg. 38(2)-(2G) substituted for reg. 38(2) (E.) (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#) (S.I. 2023/911), regs. 1(2), **13(1)** (with regs. 22-24)

Modifications etc. (not altering text)

- C1** Reg. 38 applied (E.) (1.10.2023) by S.I. 2010/2215, Sch. 4 para. 4A (as inserted by [The Building \(Approved Inspectors etc. and Review of Decisions\) \(England\) Regulations 2023](#) (S.I. 2023/906), regs. 1(2), **13(3)** (with regs. 20, 23-25))
- C2** Reg. 38 applied (with modifications) (E.) (1.10.2023) by S.I. 2010/2215, reg. 20(1)(4A) (as amended by [The Building \(Approved Inspectors etc. and Review of Decisions\) \(England\) Regulations 2023](#) (S.I. 2023/906), regs. 1(2), **13(1)(a)-(c)** (with regs. 20, 23-25))
- C3** Reg. 38 modified (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024](#) (S.I. 2024/110), regs. 1(3), **5(8)** (with regs. 44-47)

Fire safety information **W**

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

- (a) consists of or includes the erection or extension of a relevant building; or
- (b) is carried out in connection with a relevant change of use of a building,

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

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

(3) In this regulation—

- (a) “fire safety information” means information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety;
- (b) a “relevant building” is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of building work;
- (c) a “relevant change of use” is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building; and
- (d) “responsible person” has the meaning given by article 3 of the Regulatory Reform (Fire Safety) Order 2005.

Extent Information

E2 This version of this provision applies to Wales only; a separate version has been created for England only

Information about ventilation

39.—(1) This regulation applies where paragraph F1(1) of Schedule 1 imposes a requirement in relation to building work.

(2) The person carrying out the work shall not later than five days after the work has been completed give sufficient information to the owner about the building's ventilation system and its maintenance requirements so that the ventilation system can be operated in such a manner as to provide adequate means of ventilation.

Information about use of fuel and power

40.—(1) This regulation applies where paragraph L1 of Schedule 1 imposes a requirement in relation to building work.

(2) The person carrying out the work shall not later than five days after the work has been completed provide to the owner sufficient information about the building, the fixed building services and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and power than is reasonable in the circumstances.

[^{F2}Information about systems for on-site generation of electricity

40A.—(1) This regulation applies to building work in respect of a building in relation to which paragraph L2 of Schedule 1 applies.

(2) The person carrying out the work must, not later than five days after the work has been completed, provide to the owner sufficient information about the system for on-site electricity generation in respect of its operation and maintenance requirements so that the system may be operated and maintained in such a manner as to produce the maximum electricity that is reasonable in the circumstances and delivers this electricity to the optimal place for use.

Textual Amendments

- F2** Regs. 40A, 40B inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), **8** (with regs. 1(2), 17) (as amended (5.6.2023) by [S.I. 2023/520](#), regs. 1(2), **3**)
- Regs. 40A, 40B inserted (W.) (with a difference in the wording of reg. 40B(1)) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **12** (with reg. 21)

Information about overheating

40B.—(1) This regulation applies to building work in respect of a building where Part O of Schedule 1 applies [^{F2}where Part O of Schedule 1 imposes a requirement in relation to building work.]

(2) The person carrying out the work must, not later than five days after the work has been completed, give sufficient information to the owner about the provision made in accordance with Part O so that the systems in place further to Part O can be operated in such a manner as to protect against overheating.]

Textual Amendments

- F2** Regs. 40A, 40B inserted (E.) (15.6.2022) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/1391\)](#), regs. 1(1), **8** (with regs. 1(2), 17) (as amended (5.6.2023) by [S.I. 2023/520](#), regs. 1(2), **3**)
- Regs. 40A, 40B inserted (W.) (with a difference in the wording of reg. 40B(1)) (23.11.2022) by [The Building \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/564\)](#), regs. 1(3), **12** (with reg. 21)

Changes to legislation:

There are currently no known outstanding effects for the The Building Regulations 2010, PART 8.