



# Making Buildings Safer

**salus**  
Building Compliance without Complexity

Design

Construction

Accountability

*Learning and Changing ways together*

Registered Building Control Approvers  
Building Regulation Consultancy  
Fire Safety Consultancy  
Fire Risk Assessors  
DIO Building Control Advisors

## Andrew Wignall

BSc (Hons), Cbuild E, FCABE, MRICS

Corporate Business Director

A customer focused and diligent Registered Building Inspector, with 40+ experience within the Built Environment, who encourages client management via a single point of contact as key to ensuring consistency of approach and for the effective management of schemes. He is actively involved in this area to ensure high standards of deliverance

Responsible for client management and business development across all sectors of work with both our existing clients and new opportunities nationwide.





## Who is Responsible for the Building and the Safety of the occupation?

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- The persons who Designs buildings or parts of buildings?, or
- The persons who Builds Buildings or parts of Buildings?, or
- The person who Inspects or signs off building work?

# What is Building Control & Who is Responsible?

Building Control – or should it be the **Control of Buildings**?

- The control of Buildings is the design and construction of buildings, it is the responsibility of those appointed for these roles to ensure what is designed and built is compliant and all changes are checked through the process of design, including
  - Specification changes
  - Design changes
  - Substitution of materials
- Registered Building Inspectors review, challenge and Approve the schemes they don't design.

**Is the responsibility of the designers and contractors to design and build compliant Buildings which meet the Building Regulations**



# The Building Regulations

- Regulations date back to 1666 – Great Fire of London
- The Building Regulations are minimum standards for which buildings and construction must meet
- The purpose is primarily to ensure the health and safety of persons in and about buildings
- Parts L, R & S are the exceptions
- Each Building Regulation requirement is phrased in a manner towards fulfilling a general performance standard
- Technical information is available in Approved Documents, British Standards, Eurocodes, DfE Guidance and Building Bulletins, CIBSE Guides, HTM's and Engineered solutions





Complying with the guidance may not mean you have met the regulations!





**Changes to Building Regulations**  
*The System (not technical guidance)*  
*for England ONLY*



## This only applies to Higher Risk Buildings - Right?

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Wrong –

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

*There are additional requirements for Higher Risk Buildings.*

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

*or*

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

# October 2023

Building Safety Regulator became responsible for the Building Control Process.

Brought global changes to the way building control to be administered.

Introducing:

- Legal responsibilities and roles for duty holders .
- Competency needing to be demonstrated
- Notices of various stages of work.
- Changes to way building control is engaged. With a more controlled and documented acceptance and engagement process
- **A renewed emphasis on the designers and contractors to demonstrate how something complies and not rely upon building control to second guess or take on the design risk.**
- A drive to have plans **submitted and Approved** before works commence
- Renewed and strengthened enforcement procedures
- Declarations required to be given to Building Control Approver
- Restrictions on who can look after buildings.



# Legislation Framework

- Every Project now needs duty holders



# Duty Holders



Client\*



Designer



Principal Designer\*

\* Same titles as used under CDM  
but different responsibilities

Principal Roles **MUST** be Appointed  
by the Client



Contractor



Principal Contractor \*



# What is the Role of Building Control Approvers?

Watermead Business Park, Leicester

# The Role Of the Register Building Inspector

- Building Regulation Approval is now a restricted practice and only Registered Building Inspectors with correct level of experience can operate on your schemes.
- The role of the RBI is to review, challenge and approve the design and construction for compliance with Building Regulations.
- Ensure the regulations (administrative and functional) are met.
- To consult the fire & water authority as necessary
- **Early engagement with your Building Control is vital, we are still here review the schemes in their development**

# The Role Of the Register Building Inspector is NOT to

- Second guess what the designer or contractor are trying to achieve.
- Offer design advice or solutions for compliance.
- Advise how to comply.

# Upon Pre-Completion

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

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

This may lead to longer periods of time for final certificates and contracts may need to be reviewed



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

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

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





The Pod, Nottingham

As Designers or  
Contractors,  
It's your design or  
construction.



**YOU ARE RESPONSIBLE  
FOR COMPLIANCE**



*Forward thinking*  
Straight talking

# *The Building Safety Act* *Where are we July 2024?*

Piet van Gelder, Partner

July 2024

Gateley LEGAL

# *Piet van Gelder*

Piet is a Partner at Gateley Legal and heads up one of the largest specialist teams of construction lawyers in the East Midlands.

Piet has specialised in construction and engineering projects since qualification. He has a diverse scope of experience covering construction of buildings, infrastructure projects, process engineering installations and energy schemes in both the nuclear and renewables sector.

Piet has experience over the whole lifecycle of projects but has been resolving disputes for his entire career both with a domestic and international focus. This encompasses providing commercial advice and structured negotiation strategies along with more formal routes such as international arbitration, dispute review boards, adjudication and court proceedings in the Technology & Construction Court.

He is a keen proponent of mediation and structured commercial dialogue. Piet has also been involved in the drafting of engineering contracts for a number of major projects and coordinating the production and tracking of ancillary documents such as bonds, guarantees, professional appointments, sub-contracts and warranties.

Piet holds an LLB in Law from the University of Birmingham and an MSc in Construction Law & Arbitration and is qualified in arbitration to an MCI Arb standard. He is a Director of ProCon Leicestershire and sits on the Board of the East Midlands Chamber of the Institute of Arbitrators.



# *Building Safety Act 2022*

- The Building Safety Act 2022 (“BSA”) is one of the most important pieces of legislation to affect the construction industry.
- The BSA has introduced a raft of measures to address perceived failures in dealing with fire safety. The changes to the Building Regulations are dealt with below and in the other presentations.
- There are new and expanded ways that claims can be made:
  - New cause of action against manufacturers and suppliers for defective construction and cladding products: s.147-151 BSA 2022 (this could well be expanded to other buildings products, the legislation is there but just needs to be activated)
  - Expansion of Defective Premises Act 1972 to include right to recover for defective refurbishment or rectification work: s.134 BSA inserting s.2A Defective Premises Act 1972
  - Power has been given to amend the regulations to allow the bringing into force s.38 of Building Act 1984 to create a cause of action for damage suffered as a result of a breach of the building regulations but this has not been actioned as yet but is on the “horizon”.



# *Building Safety Act 2022*

- The BSA has also introduced new ways to make claims.
- Remediation and Remediation Contribution Orders: s.123-124 BSA applying to self-contained buildings or parts of buildings which are at least 11 metres or 5 storeys tall and contain two or more dwellings
- Remediation Orders and Remediation Contribution Orders relate to building defects which cause a risk to the safety of people in and around a building arising from the spread of fire or the collapse of the building (referred to as 'relevant defects' in the BSA) including defective cladding or inadequate fire stopping measures. These orders can mandate remediation of buildings by landlords or require contribution to the costs of doing so by landlords, developers and companies associated with them (but not by professional designers or contractors).
- Remediation Contribution Orders can be issued against:
  - a landlord under the lease of a relevant building,
  - a person who was such landlord on 14 February 2022,
  - the developer of the building, or
  - a person 'associated' with any of the above



# *Building Safety Act 2022*

- The BSA has also introduced new ways to make claims .
- Building Liability Orders: s.130-132 BSA allows the High Court to make a Building Liability Order applying to 'relevant liability' against companies or associated companies.
- Under the Defective Premises Act 1972 (DPA 1972);
- Under section 38 of the Building Act 1984 when it is brought into force; or
- As a result of a "building safety risk".
- The BSA inserts a new section 2A into the DPA 1972 which expands this to cover claims arising out of "any work undertaken on an existing dwelling, provided that work is done in the course of a business". The duty is owed both to the person for whom the work is done, and "each person who holds or acquires an interest (whether legal or equitable) in a dwelling in the building".
- it has been relatively common practice in property development for developers to set up 'shell' companies, to carry out particular projects. Once completed, these companies are then wound up. The rationale behind the introduction of Building Liability Orders is to address this issue and prevent developers from escaping liability for safety defects by hiding behind complicated legal structures.



# *Building Safety Act 2022*

- The BSA has also massively increased the limitation periods .
- Relevant date for applicable limitation period: 28 June 2022
- Claims under s.1 DPA: prospective to 15 years, retrospective to 30 years
- Claim under s.2A DPA: prospective to 15 years
- Claim under s.38 BA 1984: prospective to 15 years when brought into force
- Claim under s.123-124 BSA: prospective to 15 years, retrospective to 30 years
- Claim under s.148 BSA (defective cladding products): prospective to 15 years
- Claim under s.149 BSA (defective / misleading cladding products): prospective to 15 years, retrospective to 30 years



# *Building Regulations Amendments*

- 17 August 2023: Department for Levelling Up, Housing, and Communities (DLUHC) issued a suite of new regulations pursuant to the BSA which included the Building Regulations etc. (Amendment) (England) Regulations 2023 (“BRAE”).
- Amended Building Regulations 2010 and added new dutyholder and competence requirements under section 2A of the Building Regulations.
- The new regime in Part 2A:
  - creates roles for specified dutyholders during construction projects;
  - sets out the duties that they must comply with;
  - sets out the competence requirements for individuals and organisations who may hold those roles; and
  - identifies an additional 'layer' of duties and roles that the dutyholders will have on any project involving higher-risk building work ( at least 18m in height or have at least seven storeys and contain at least two residential units, including care homes and hospitals during design and construction - the requirement for Wales in one residential unit).



# *Building Regulations Amendments*

- Under the BRE Act the new dutyholders are as follows:
- **Client** – any person for whom a project is carried out. There is an exception for 'domestic clients' (any client for whom a project is being carried out which is not in the course or furtherance of that client's business). In such cases, the relevant duties are instead imposed upon the principal contractor (or sole contractor if there is only one contractor) or the principal designer. There may be more than one possible client in relation to any given project. If this is the case, the parties may agree in writing which of them will be treated as the 'sole' client for these purposes.
- **Designers** – any person (including a client, contractor or other person referred to in Part 2A) who, in the course of business (a) carries out any design work or (b) arranges for or instructs any person under their control to do any design work.
- **Contractors** – any person (including a client, but not a domestic client) who, in the course of a business, carries out, manages or controls any building work.
- **Principal Designer** – a designer with control over the design works who is appointed to the role.
- **Principal Contractor** – a contractor with control over the building work, who is appointed to the role.



# *Building Regulations Amendments*

- Under the BRE Act the new dutyholders' duties are as follows:
- **Planning, managing and monitoring:** to ensure (or in the case of design work, to take all reasonable steps to ensure) that work is in compliance with the relevant requirements.
- **Co-operation:** a duty of co-operation amongst all dutyholders to ensure that building work complies with the relevant requirements.
- **Considerations before making appointments:** Before any person appoints another to carry out building work or design work (or to the role of principal designer or principal contractor), they must take "all reasonable steps" to satisfy themselves that the person being appointed fulfils the competency requirements.
- **'Competence'** is broadly defined as a person:
  - for individuals, having the skills, knowledge and behaviours necessary;
  - where they are not an individual, having the organisational capability to carry out their particular role.
- Where a principal designer or principal contractor is not an individual, it must designate an individual who manages its functions. Before appointing the designated individual, the principal designer/principal contractor must take all reasonable steps to satisfy itself that the individual has the skills, knowledge, experience and behaviours necessary to manage the function of a principal designer / contractor (as applicable) in such a way as to ensure that they will fulfil their duties.



# *Building Regulations Amendments*

- Under the BRE Act the individual dutyholders duties are as follows:
  - **Client:** establishes an environment for Building Regulations compliance.
  - make, maintain and review suitable arrangements for planning, managing and monitoring a project to ensure compliance with all relevant requirements;
  - provide building information as soon as practicable to every designer and contractor on the project;
  - cooperate with any other person working on (or in relation to) the project to enable others to fulfil their duties or functions under the Building Regulations.
- **Principal Designer:** focuses on planning, management and co-ordination of designs and building work to ensure that works carried out in accordance with designs will comply with relevant requirements.
- When the principal designer's appointment ends, no later than 28 days after the end of the appointment, the principal designer must give the client a document explaining the arrangements it put in place to fulfil its duties. Any replacement principal designer must review these arrangements so that all reasonable steps are taken to ensure that the design is such that if the building work to which the design relates were built in accordance with that design, the building work would comply with the relevant requirements.



# *Building Regulations Amendments*

- Under the BRE Act the individual dutyholders duties are as follows:
- **Principal contractor:** focuses on planning, management and co-ordination of building work to ensure compliance with relevant requirements.
- Again, when the principal contractor's appointment ends, no later than 28 days after the end of the appointment, the principal contractor must give the client a document explaining the arrangements it has put in place to fulfil the duties and any replacement principal contractor must review the arrangements the previous principal contractor put in place for fulfilling the duties to ensure that the building work is in compliance with the relevant requirements.
- **Other designers / contractors:** also have a range of duties focussed on ensuring that building work that is completed to their design, or by them, will comply with relevant requirements



# *The Gateway Process and Golden Thread*

- The new regime also introduces a new building control system for High Rise Buildings. High-rise buildings are those classed as being at least seven storeys tall, and over 18 metres in height. They must also contain at least two residential units (one for Wales), including hospitals, care homes and student accommodation
- Under the new building control system regulations, the Building Safety Regulator (BSR) will become the building control body for new higher-risk buildings.
- The BSR will oversee safety and standards, encourage industry competence, and lead the implementation of the new regulatory framework for high-rise buildings.
- The Gateway process is introduced with Gateway 1 (planning), Gateway 2 (pre-construction) requiring applicants to submit a building control approval application to BSR before starting construction. Gateway 3 (pre-accreditation) involves the BSR assessing whether work has been completed in line with the building regulations before occupation using the golden thread of information prior to issue of a Completion Certificate.
- BSR register for building inspectors / control approvers, defined registration criteria code of conduct (inspectors)/ professional conduct rules (approvers).



# *BREA - High Risk Building Duties*

- Dutyholders have further duties in relation to High Risk Buildings:
- The Client (or person appointing the principal designer or principal contractor) must ask whether a 'serious sanction' has occurred in relation to that person within five years prior to the date of the appointment and consider any information available relating to that person's misconduct. This includes keeping a record in writing of steps that it took to satisfy itself of competence and consider the additional information required in relation to 'serious sanctions'. A serious sanction includes:
  - the issue of compliance notices and stop notices under the Building Regulations.
  - convictions under the Building Act 1984, The Health and Safety at Work etc. Act 1974, the BSA, and the Regulatory Reform (Fire Safety) Order 2005; and/or
  - a report published by an inquiry finding that their action or inaction resulted in one or more deaths or was likely to have been a contravention of certain statutory requirements.



# *HRB Procedures Regulations*

- The Building (Higher Risk Buildings Procedures) (England) Regulations 2023 also require the Client to provide:
- a 'competence declaration' to the BSR as part of its building control approval application, confirming it has complied with the duties to consider past misconduct and taken reasonable steps to satisfy itself as to the competence of appointees.
- a 'construction control plan' as part of the building control approval application and the application for a completion (or partial completion) certificate.
- a 'compliance declaration' by the principal contractor and principal designer as part of the application for a completion (or partial completion) certificate, confirming that they have fulfilled their duties under Part 2A of the Building Regulations.
- Under the HRB Procedures Regulations, the Client is ultimately responsible for satisfying most of the requirements of the new higher-risk building regime.



# *HRB Procedures Regulations*

- The Building (Higher Risk Buildings Procedures) (England) Regulations 2023 also requires the Principal Designer and Contractor to adopt additional roles:
- ensuring designs for the building work produced before a building control approval application is submitted are provided to the client so that the client can include them in the 'golden thread'.
- establishing (and then following and maintaining) a mandatory occurrence reporting system for safety occurrences.
- on completion of the building works, they should provide a statement to the local authority (or, for higher-risk buildings, a 'compliance declaration' to the BSR as part of the application for a completion (or partial completion) certificate confirming that they have fulfilled their duties.



# *Developments from 6 April 2024*

- The 6 April 2024 was a key date for the new BSA / BREX and HRB.
- Transitional provisions for new building projects have now come to an end and any registered but not “sufficiently progressed” will become subject to the full new regimes including HRB if applicable.
- Switch to new building control approval regime with Registered Building Control Approvers replacing Approved Inspectors.
- A competence assessment extension for RBCA’s has been extended to 6 July 2024.
- For High Risk Building Projects:
  - the arrangements and processes need to take into account the additional scrutiny such projects are likely to be under and the requirement for those involved in the project to specifically be competent to carry out such work. This will include checking that they have appropriate and relevant previous experience;
  - project arrangements and procurement processes will need to be amended to provide for various elements of the new regime, including Gateways 2 and 3, the 'Golden Thread', the new change control process, etc.



# *Practical Legal Issues*

- The replication of dutyholder tags such as Client, Principal Designer and Principal Contractor is unhelpful and will cause confusion.
- The CDM regime has traditionally relied on smaller specialist Health & Safety advisers who are unlikely to have the competence for BSA/BREA.
- The consultants and contractors assigned as Principal Designer or Contractor will not have adequate knowledge of the BSA/BREA requirements.
- The Client will not be aware of its enlarged responsibility for building regulations compliance particularly in relation to HRBs.
- The stakeholders in construction projects will be relying on out-dated / previously agreed terms that do not deal adequately or at all with BSA / BREA compliance.
- There will be a significant need to adopt additional services to allow the Principal Designer / Designers to be compliant.
- HRBs will need to allow for, document and monitor the Golden Thread generation process and deal with increased BSR queries and this needs to be reflected contractually across the project.
- Obtaining a Gateway 3 Completion Certificate will be far more complex and take far longer to attain than the previous Building Regulations Final Certificate. This is a major problem for defining “Completion” under a construction and dealing with delay.



# *Housebuilders – DLUHC Agreement*

The Government began negotiations of the DLUHC Agreement with developers back in February 2022, when it also announced significant amendments to the Building Safety Bill (which is now the Building Safety Act 2022). Those negotiations had the express objective of pressing the industry into paying for remedial works relating to building safety - primarily in response to the Grenfell tragedy.

Around 50 housebuilders have now signed the DLUHC Agreement following the pledge and commitment to rectify life-critical fire safety defects and reimburse the Government for monies paid out under the BSF scheme.

Gateley is involved with many project sites which require fire remediation works for major housebuilders. Gateley has drafted bespoke step-down contracts to be signed by the Management Companies known as the Procurement Funding Agreement and Procurement Routes.



Gateley / LEGAL

[gateylegal.com](https://gateylegal.com)

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# Building Safety Discussion

ProCon Nottingham

July 2024

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# Introductions



**James Hymers**  
CMIOSH MCABE C.Build E  
**National Director - H&S Services**

Moving into construction in 2016 from FMCG James has worked across multiple sectors and delivered H&S in construction specialising in the principal designer duties.

James has worked with and across many large complex organisations such as BMW, British Airways, Houses of Parliament, Lloyds and Tesco gaining valuable experience and resolving complex challenges.



# Building Safety and the Principal Designer

## Who is the principal designer?

An individual or organisation?

The individual who takes ownership for ensuring that the design is safe and compliant with Building Regulations.

Should they be a designer?

Most project team members are designers – the PD must be able to be in control of the design.

Do they need to be registered?

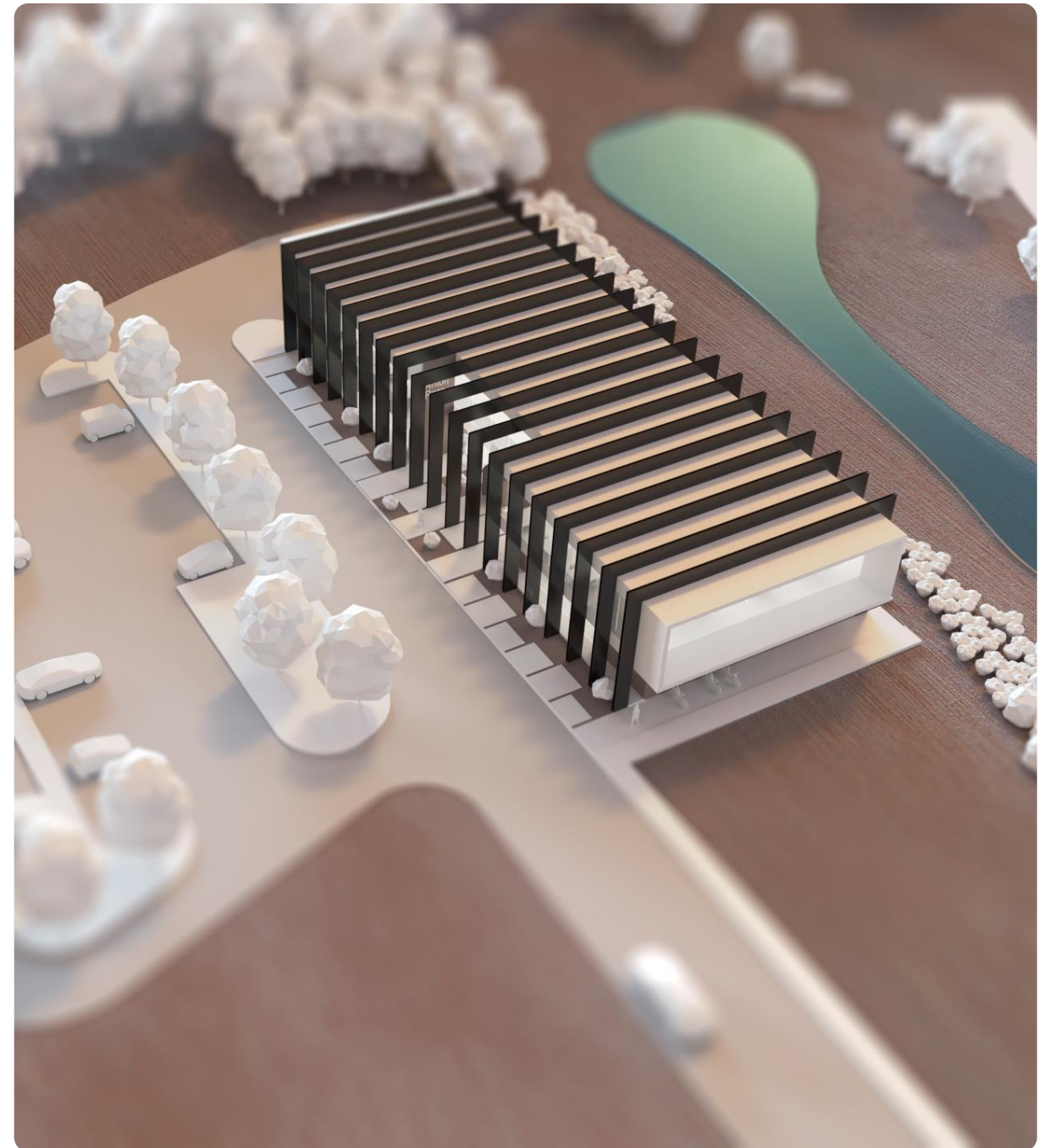
More registers are appearing, there is no formal requirement or harmonised standard between RIBA, APS or Engineering Council.

Competence can be demonstrated against PAS 8671

Isn't it the same as CDM or the Lead Designer?

No – increased responsibility and liability over and above CDM. Now responsible for the Building Regulation compliance and not just H&S at work requirements.

Some elements are required of the Lead Designer however negligence could be deemed a criminal offence.





# What are the biggest challenges?

## The Building Regulations

- An increase in the scope of projects that require PD oversight.
- Knowledge of the Building Regulations.
- Willingness to be accountable.
- Ability to cover all bases.

## The Definition of HRB, the support of the BSR

- How do you tackle in scope / mixed use buildings with complex leasing and building management arrangements?
- How helpful will Building Control bodies be and the Building Safety Regulator V's being the enforcer.
- What will the impact be on programme and cost?
- How will it influence construction contracts?
- How will smaller firms comply or will there be a difference in treatment between the small and large developers?

## Construction Materials

- What are the standards that we can rely upon?
- How can you achieve confidence in liability mitigation?
- How will new products come to market?
- How will bespoke design work be achieved?

# Building Regulations

## Knowledge

Large amount of information (1300 pages – 28 sections included revised sections!)

New and diverse set of British Standards, European and changing CE / UKCA / BBA etc. accreditations and standards.



## Building Control

Building Control Officers and Support?

Move from support and advice to enforcement.



Confidence and skills to be accountable?

How do you assess the advice your given?

Soft skills to challenge design decisions from clients, contractors and designers?

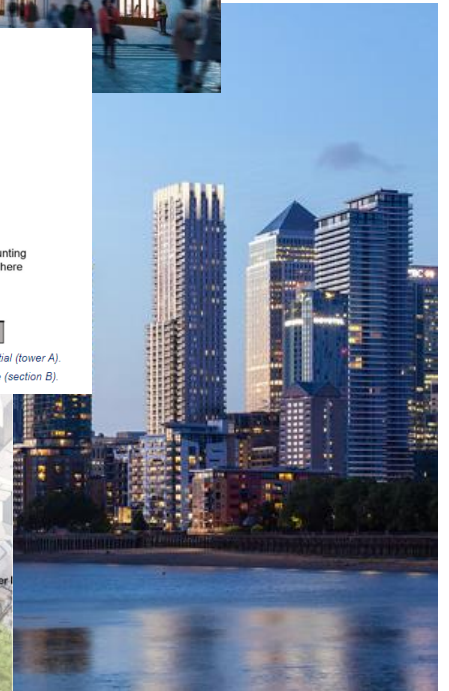
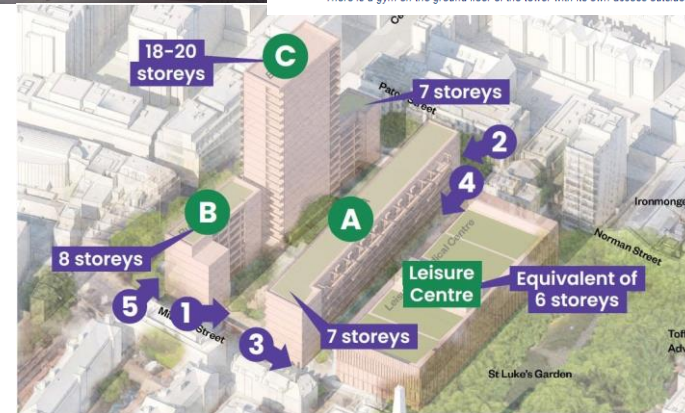
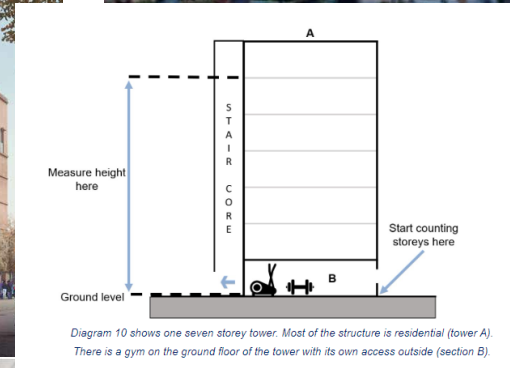


# Defining a HRB and navigating the Regulators requirements

Assessing what is or is not a HRB will be critical to thousands of construction projects.

Assessing what can and cannot commence work may prove vital for developers with mixed use developments.

New housing types, co-live, co-work, warehouse living, often challenging traditional design.



# Construction Materials



This is the result of an XPS Insulation Fire.

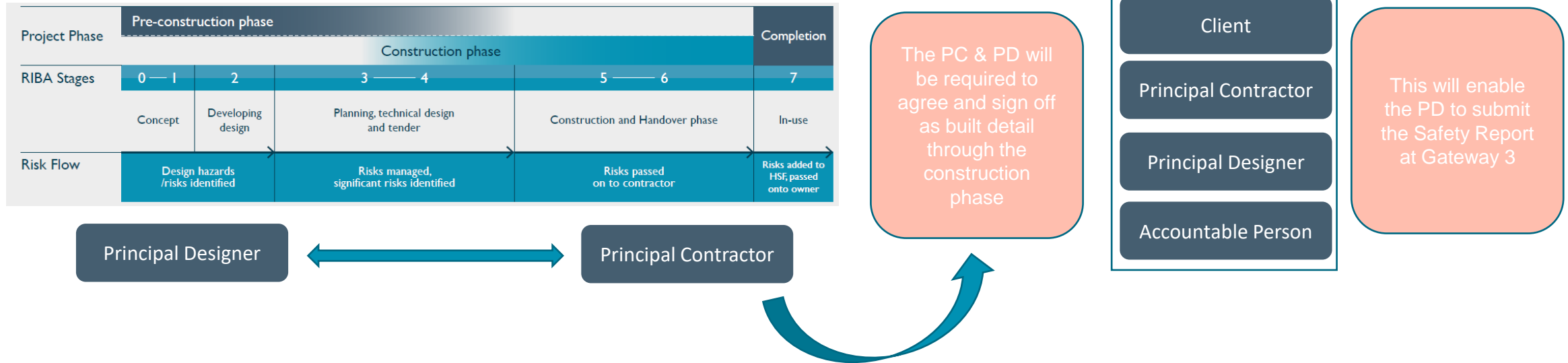
Are there construction control measures – Yes

Are there in use control measures – Yes

Are these open to failure? YES!

**Could we design out this risk?**

# Building Safety Act – A Wake up for Duty Holders



- Duty holders such as the Principal Designer and Principal Contractor under the Act will be required to manage building safety risks, with clear lines of responsibility during the design, construction and completion of all buildings.
- Accountable persons will need to demonstrate that they have effective, proportionate measures in place to manage building safety risks in the higher-risk buildings for which they are responsible.
- Those who do not meet their obligations may face **criminal charges**.
- The Building Safety Act is also clear that building owners and landlords will need to contribute to the costs of fixing their own buildings.
- Except for the Accountable Person, the duty holders (Client, Designers, Principal Designers and Principal Contractor) identified in the Building Safety Act are based on those used in the CDM legislation.

# The Role of the Principal Designer

- Significant responsibility sits with the PD for managing H&S in a project.
- Recent prosecution demonstrates this and our experience indicates this
- Principal Designers will need support and should seek this.
- Individuals without design experience or support will not be able to demonstrate competence.

It will require;

- 1) More time to assess the risks and agree the client's brief
- 2) More time to assess designs
- 3) More time to understand and control risks.
- 4) More influence and authority to manage design and agree changes
- 5) More time on site reviewing the construction

[Return to press releases](#)

## Companies fined as child suffers fractured skull

24th October 2023



Three companies have been fined a total of £420,000 after a slate tile fractured the skull of a three-year-old child.

The slate came off a roof at a construction site at the Moonfleet Manor hotel in Weymouth, Dorset, and struck the young girl on 13 June 2019.

She had been leaving the hotel with her father and older brother after attending a swimming lesson.



Moonfleet Manor hotel

The pre-schooler received first aid and was later taken to hospital where she was put into an induced coma to stabilise her. She then underwent a two-hour operation to remove fragments of slate from her head.

The slate had come off the hotel roof and fell approximately five metres before striking the child.

The roof was being renovated by Rocore Building Services Limited

# Competence

Competence will be a legal requirement.

Must demonstrate organisation ability and individual capability.

Also utilises soft skills requirements.

BSI Flex 8670

PAS 8671 – PD

PAS 8672 – PC

PAS 8673 – Building Manager

Competence Regulations due to be implemented.

STATUTORY INSTRUMENTS

[2021 No. xxx]

**BUILDING AND BUILDINGS, ENGLAND**

The Building (Appointment of Persons, Industry Co-ordinators and Dutyholders) (England) Regulations 2021

Made . . . . .

Laid before Parliament . . . . .

Coming into force . . . . .

The Secretary of State has consulted the regulator and such other persons as she considers appropriate in accordance with section 120B(3) of the Building Act 1984.

The Secretary of State, in exercise of the powers conferred by sections 1 of and 5A, 5B and 5C of Schedule 1 to the Building Act 1984, makes the following Regulations.

**PART 1**  
Preliminary

**Citation, commencement, extent and application**

1—(1) These Regulations may be cited as the Building (Appointment of Persons, Industry Co-ordinators and Dutyholders) (England) Regulations 2021 and come into force on 1 July 2021.

(2) These Regulations extend to England and Wales.

(3) These Regulations do not apply to buildings in Wales.

(4) These Regulations do not apply to exempt work.

(5) These Regulations do not apply to an individual intending to carry out building work where they live (or intend to live) where the work consists only of work described in Schedule 4 to the Building Regulations 2010 (b) (descriptions of work where no deposit of full plans required).

Interpretation

Ministry of Housing, Communities & Local Government

Department for Levelling Up, Housing & Communities

Department for Levelling Up, Housing & Communities

Department for Levelling Up, Housing & Communities

bsi.

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

PAS 8671:2022  
Built environment – Framework for competence of Principal Designer

PAS 8672:2022  
Built environment – Framework for competence of individual Principal Contractors – Specification

PAS 8673:2022  
Built environment – Competence requirements for the management of safety in residential buildings – Specification

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**WILLMOTT DIXON**

**SINCE 1852**

# **A Principal Contractors view...so far**

**Ed Reynolds**  
Technical Director, Midlands

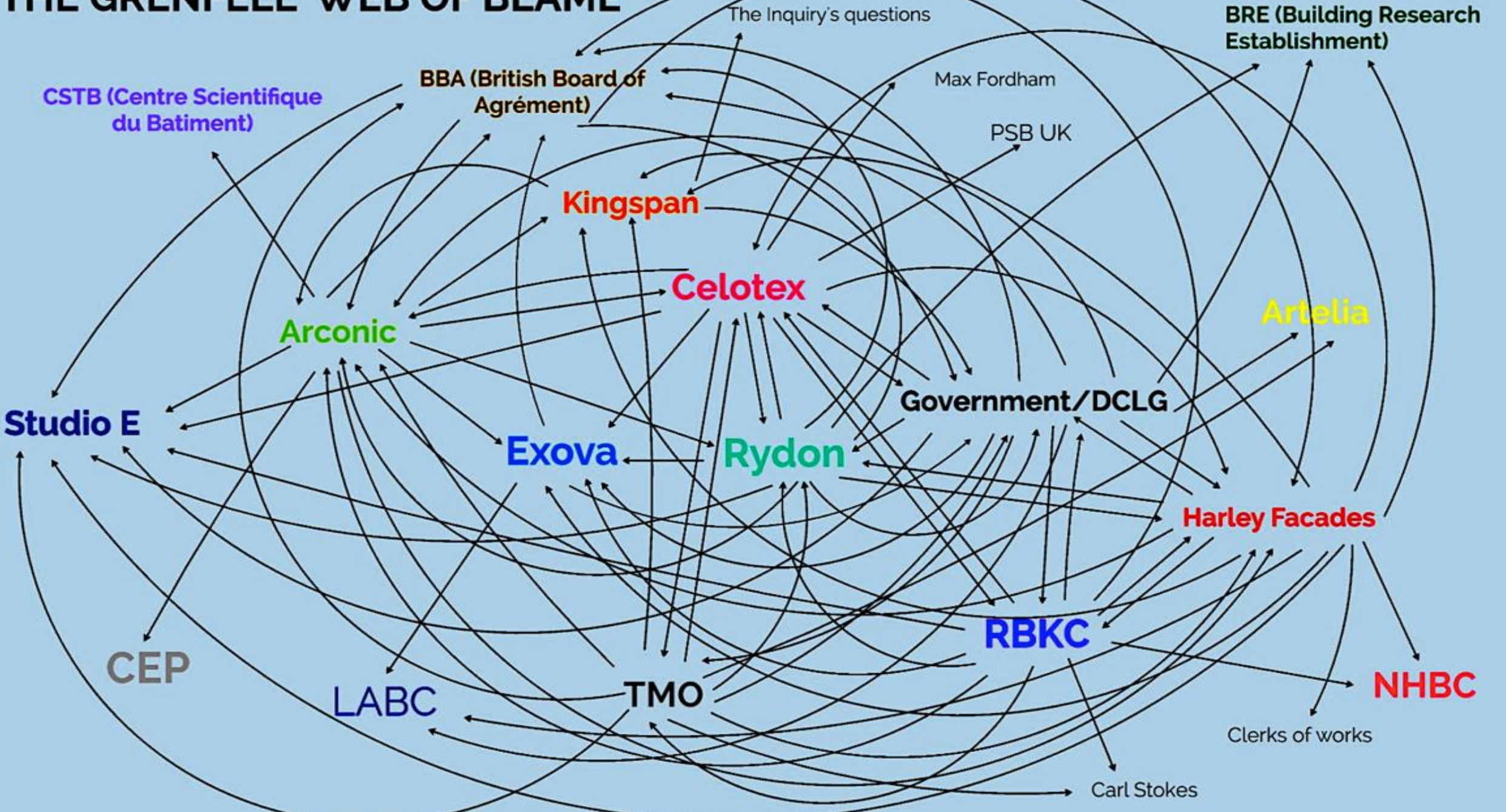




# Collaboration with accountability



# THE GRENFELL 'WEB OF BLAME'



# Key Dutyholders with clear legal responsibility

- Client
- Principal Designer
- Principal Contractor

- Designers
- Contractors

+ Changes in Building Control process.

*Changes to legislation: The Building Regulations 2010 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## STATUTORY INSTRUMENTS

2010 No. 2214

### BUILDING AND BUILDINGS, ENGLAND AND WALES

#### The Building Regulations 2010

<i>Made</i>	- - - - -	<i>6th September 2010</i>
<i>Laid before Parliament</i>		<i>9th September 2010</i>
<i>Coming into force</i>	- -	<i>1st October 2010</i>

<sup>M1M2</sup>The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to matters relating to the environment.

<sup>M3</sup>In accordance with section 14(3) of the Building Act 1984 he has consulted the Building Regulations Advisory Committee and such other bodies as appeared to him to be representative of the interests concerned.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by sections 1(1), 2A, 3, 5, 8(2) and (6), 34, 35, 47(1) and 126 of, and paragraphs 1, 2, 3, 4, 4A, 7, 8, 9, 10 and 11 of Schedule 1 to, the Building Act 1984:

# Client

## Misconceptions to Building Safety Act

It only applies to residential work.

It's not an HRB, so it doesn't apply.

But it's design and build, we just appoint you.

We will get the architect and contractor to do this.

We don't have to sign any declarations?

We don't have to appoint a PD until works start on site  
(non HRB's)

## Brief Reminder

### B Regs 2010 amended (**all projects**)

#### 11A - The client must...

Make suitable arrangements for planning, managing & monitoring a project

- Ensure the design work if built, would be compliant
- Ensure the building work is carried out in accordance with the requirements
- Enable parties to cooperate
- Appoint a PD & PC

Client cannot contract out of legal duties

Sign a declaration '**Confirming the work complies with all applicable requirements of the building regulations**'

# Principal Designer

## Misconceptions to Building Safety Act

We already have a Principal Designer.

It is the same as the CDM role.

It's the lead designer so that will automatically be the Architect's role.

Our PI insurers won't entertain it.

But it's design and build we just appoint you.

Building Control are responsible for ensuring that the project meets the relevant requirements.

## Brief Reminder

B Regs 2010 amended (all projects)

The Principal Designer should...

- Be a designer with control over the design work.
- Be Competent.
- Not start work until satisfied the client is aware of their duties.

Sign a declaration **'The design if built would comply with the building regs.'**

# Principal Contractor

## Misconceptions to Building Safety Act

Everyone will be up to speed with their likely duties.

Principal Designers will step forward.

It can't / won't be us as PD.

We have time before we have to do this.

## Brief Reminder

B Regs 2010 amended (**all projects**)

The Principal Contractor should ...

- Be the contractor with control over the building work.
- Ensure the building work complies the Building Regulations.
- Be Competent.
- Must not start work until satisfied the client is aware of their duties.

Sign a declaration '**They have ensured the building work is compliant and has been carried out in accordance with the design**'

# Designers

## Misconceptions to Building Safety Act

Our world doesn't change, it doesn't apply.

We won't be doing any more.

It's all someone else's responsibility.

I am only designing a part, not the whole.

Our PI doesn't cover it.

## Brief Reminder

B Regs 2010 amended **(all projects)**

The Designer must...

- Not start work until satisfied the client is aware of their duties.

Take reasonable steps to...

- Ensure the design would be in compliance.
- Provide sufficient info to others.
- Report any compliance concerns to the PD.
- Provide advice to other duty holders.

# Contractors

## Misconceptions to Building Safety Act

Our world doesn't change, it doesn't apply.

We won't be doing any more.

We are only doing part of the work.

It's all someone else's responsibility.

## Brief Reminder

**B Regs 2010 amended (all projects)**

**The Contractor must...**

- Not start work until satisfied the client...
- Ensure the building work they carry out is in compliance.
- Provide each worker with appropriate supervision, instructions and information so as to ensure compliance.
- Report any compliance concerns to the Principal Contractor.
- Evidence the works comply with regs, records.

# Changes to Building Control

## The industry problem

- There is a massive resource and workload issue looming.
- Numbers of people going down and oversight is increasing.
- All duty holders need to be satisfied compliance has been achieved.

## The unanswered questions

- The process used to be very consultative, are we moving towards a straight Approve or Reject?
- How will Building Control Completion Certificates be issued? (8-week period).
- Will building users (Non HRB's only) occupy a complete building without a Building Control Completion Certificates?



Exclusive: Scale of building inspector competence shortage revealed



Thank you





# Q&A

