

Built. Better. Together.

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Agenda

1

New legislation

- What is changing from 1 Oct 2023
- What is changing from 6 April 2023

2

Dutyholder responsibilities

- Client
- Principal Designer
- Principal Contractor

3

Transitional arrangements

4

What does this mean for NHBC and its customers?

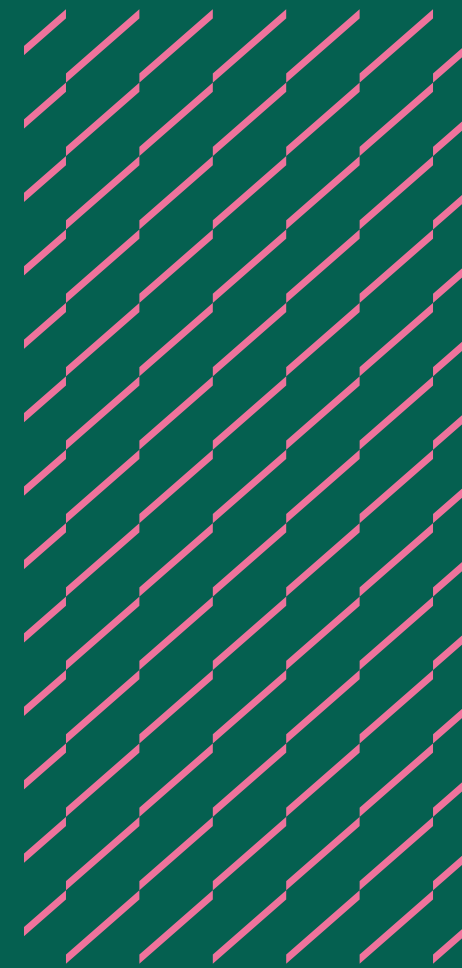
5

Higher Risk Buildings (HRBs)

6

Responsible Actors Scheme

New legislation



Changes to Building Control

Government has now published documents necessary to implement the new legislative regime for HRB and regulation of the building control profession.

The Building Safety Act 2022

The Building Regulations etc. (Amendment) (England) Regulations 2023

The Building Regulations (Higher-Risk Building Procedures) (England) 2023

The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023

The Building Safety Act 2022 (Consequential Amendments etc.) Regulations 2023



Changes: from 1 October 2023



- Customer choice for building control of HRB buildings will be removed and the BSR will become the building control body responsible for HRB.
- New HRB projects submitted after 1 October will be subject to the new building control regime for HRB.
- The transitional provisions for existing HRBs under construction moving to the new regime commence.
- New requirements will be put in place for **Dutyholders** across the built environment.
- Wide ranging changes to the building control process for non-HRB including:
 - automatic lapse of plans after three years
 - new definitions of commencement and notifications to building control bodies.

Changes From 6 April 2024

- Building Control will become a regulated profession under the BSR.
- The transitional provisions for existing HRBs under construction will expire and those that have not met the (modified) definition of commencement will revert to the BSR.



Dutyholder responsibilities



Dutyholder responsibilities

The following duties will apply to all Dutyholders during design and construction:

- Plan, manage and monitor their work to ensure it complies with the Building Regulations
- Cooperate with other Dutyholders through effective communication and sharing information, to assist other Dutyholders
- Ensure they and the people they appoint are **competent** through skills, knowledge, experience and behaviours and only undertake work within the limits of their competence.



Client responsibilities

Specific Dutyholder requirements – Client

- Make suitable arrangements for planning, managing and monitoring the project, through ensuring the right people are appointed, with the right competencies (skills, knowledge, experience, behaviours or organisational capacity)
- Where there are a number of different aspects of the project, the client will need to appoint a Principal Designer and Principal Contractor
- Provide relevant information to designer and contractor on the project and ensure they are aware that the project includes any higher-risk building work
- Cooperate and share information with other relevant Dutyholders



Lapse of initial notices

**From
1 October 2023**

Automatic lapse of notice when three-year period has lapsed. **Commencement in line with new definitions** and is based on plot starts.

**From
6 April 2024**

Sites registered prior to 1 October 2023 that have not commenced will be subject to automatic lapse of notice when the three-year period has lapsed.

What constitutes commencement?

Complex buildings

When the foundations supporting the building and the structure of the lowest floor level of **that building** are completed.

Non-complex buildings or a horizontal extension of a building

When the sub-surface structure of the building or the extension including all foundations, any basement level and the structure of ground floor level is completed.

Any other building work

When 15% of the proposed work is completed.



**What does
this mean for
NHBC and its
customers?**

From 1 October 2023

- Initial Notice and other forms to be updated
- New forms for part cancellation of IN (in cases of HRB)
- INs will be rejected if it contains a HRB
- Automatic lapse of IN after three years
- Builder notifications required for start of plot and at reaching of commencement
- Dutyholder responsibility and competence become an enforceable offence



From 6 April 2024

- NHBC Building Control Services needs to be a **Registered Building Control Approver**
- Our surveyors and inspectors need to be **Registered Building Inspectors**
- Transitional provisions for HRBs will come to an end
- Changes to application forms and Dutyholder requirements brought in for any Initial Notice served before October 2023 that have not commenced



New duty holder requirements outlined in The Building Regulations etc. (Amendment) (England) Regulations 2023.

How does this affect Approved Inspectors?

Regulation 11 of The Building (Approved Inspectors etc. and Review of Decisions) (England) Regulations 2023

Sets out further details of the requirements for Approved Inspectors.

Regulation 16D – notification of Dutyholders

The client needs to inform the approved inspector who the principal contractor and principal designer are, within 14 calendar days of them being appointed.

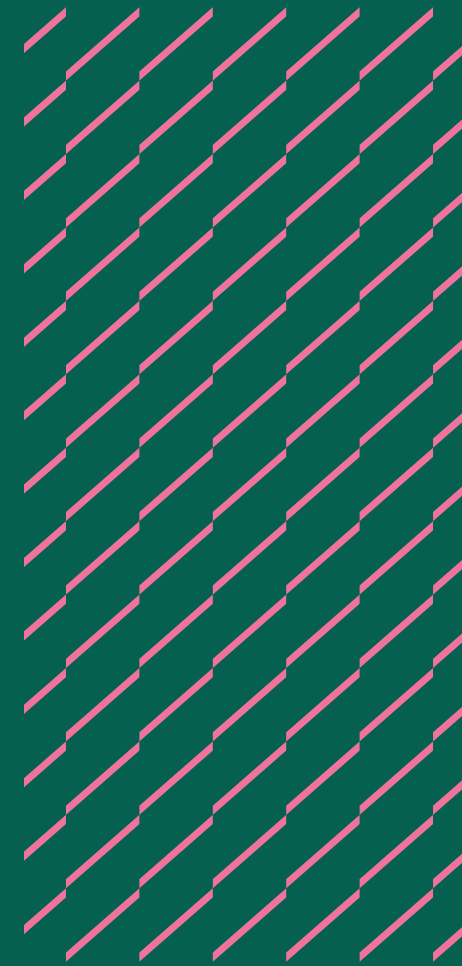
Regulation 16E – compliance declarations

Where building work described in an initial notice is completed the client must give the approved inspector a compliance declaration prior to issuing a Final Certificate.

Regulation 12 of The Building (Approved Inspectors etc. And Review of Decisions) (England) Regulations 2023

Sets out the grounds to issue notice of contravention if doubt over duty holder and competency.

How NHBC will support clients



Pre-commencement

SNIN Additional Information for Initial Notice purposes:

The date of meeting the definition of commencement* for each plot.

NHBC				
NHBC House, Davy Avenue, Knowlhill, Milton Keynes, Bucks MK5 8FP Tel: 0344 633 1000 www.nhbc.co.uk				
Reg 16E Intended commencement of work declaration				
Complete proforma and submit with your SNIN				
Builder				
Site Address				
Total number of plots				
Plot No	Block Number	UPRN (if known) ¹	Proposed date commencement will be achieved ²	Where required, details of the work which the client considers amounts to 15% of the proposed work described in the Initial Notice. ³

Regulation 11(2): 16E



Completion

What are the changes?

Regulation 11: 16e – compliance declarations

Where building work described in an initial notice is **completed** the client must give the approved inspector a compliance declaration.

Regulation 13

Amendments in relation to fire safety information.

A new insert into the Final Certificate verifying that fire safety information has been given to the responsible person as required by Regulation 38.

New process to give NHBC notice of completion and competence

A new standard proforma is being created to request the required information.



Higher Risk Buildings



Transitional provisions to new HRB regime

- An IN, or Full Plans application, must have been given before 1 October 2023 **and** the HRB work must be **“sufficiently progressed”** within six months of the new regime coming into force (6 April 2024).
- Transitional arrangements will apply to **individual buildings**.
- If block meets transitional provisions, BC will stay with existing provider and can continue under the existing regime.
 - If work is with an AI, the AI needs to become an RBCA to continue to undertake the BC on HRB which meet the transitional provisions.



Transitional provisions to new HRB regime

- If work does not meet the transitional provisions, or AI does not become an RBCA, work will revert to the BSR and will be subject to the higher risk regime.
- Existing BCB to notify regulator if work has not progressed sufficiently to meet the transitional provisions.
- Person carrying out the work must notify the LA within five days after the work is considered to be sufficiently progressed.
- Completion Certificate or Final Certificate will then be sufficient to satisfy the requirement for the Accountable Person for the building to be occupied.

Headlines – HRB

From 1 October:

- BSR becomes new BCB for new HRBs.
- New HRB regime will apply to new applications for Building Control approval to BSR.
- Responsibility for applications to BSR rest with client.
- Time Limits for Regulator’s decisions
 - **Gateway 2 – 12 weeks**
 - **Gateway 3 – 8 weeks**
- Stage approvals allowed and subject to same time limits.
- FRS and Sewage companies consulted at Gateways 2 and 3.





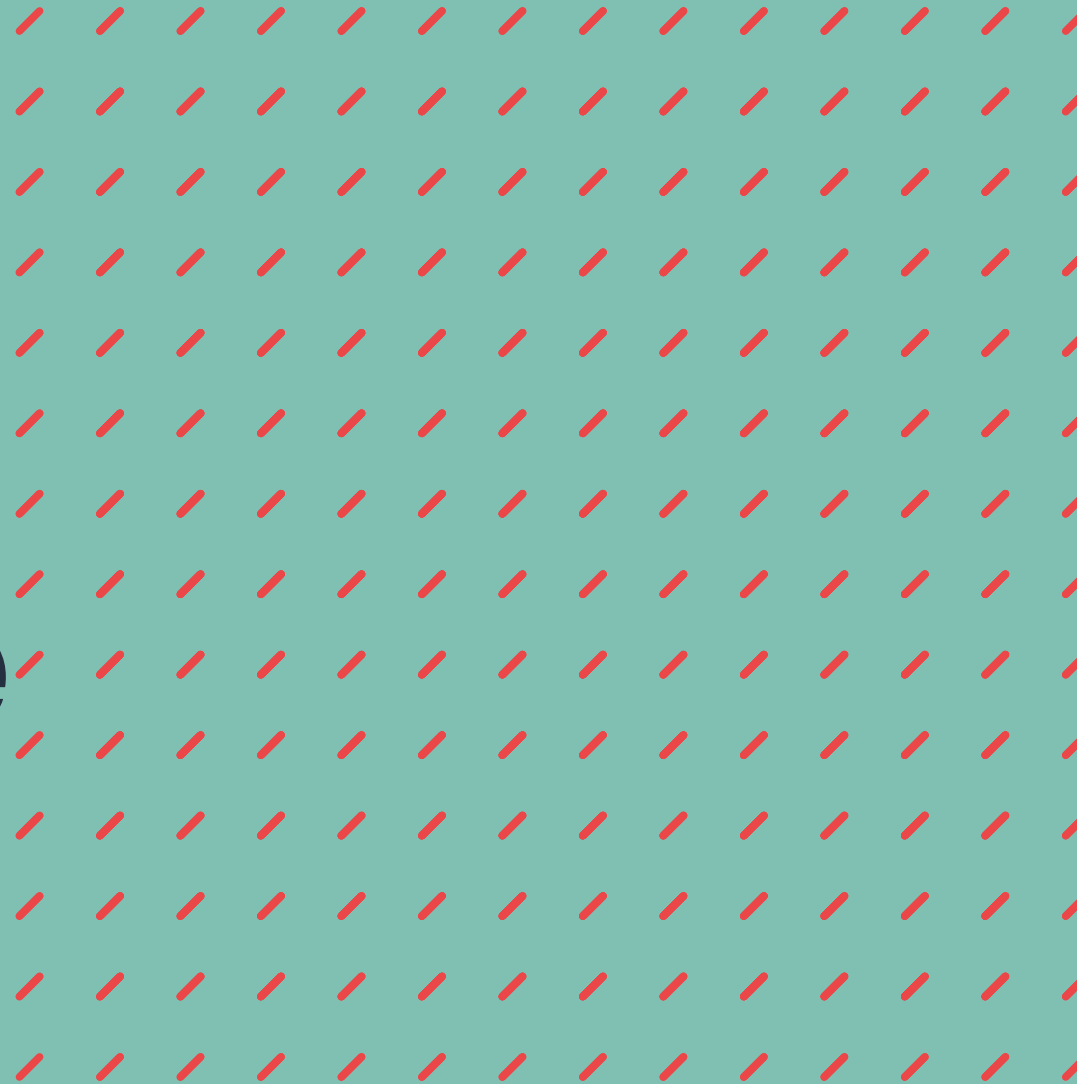
Building Control: An overview of the new regime

Gateways 2 and 3 – application to completion
certificate

www.hse.gov.uk/building-safety/assets/docs/regime-overview.pdf

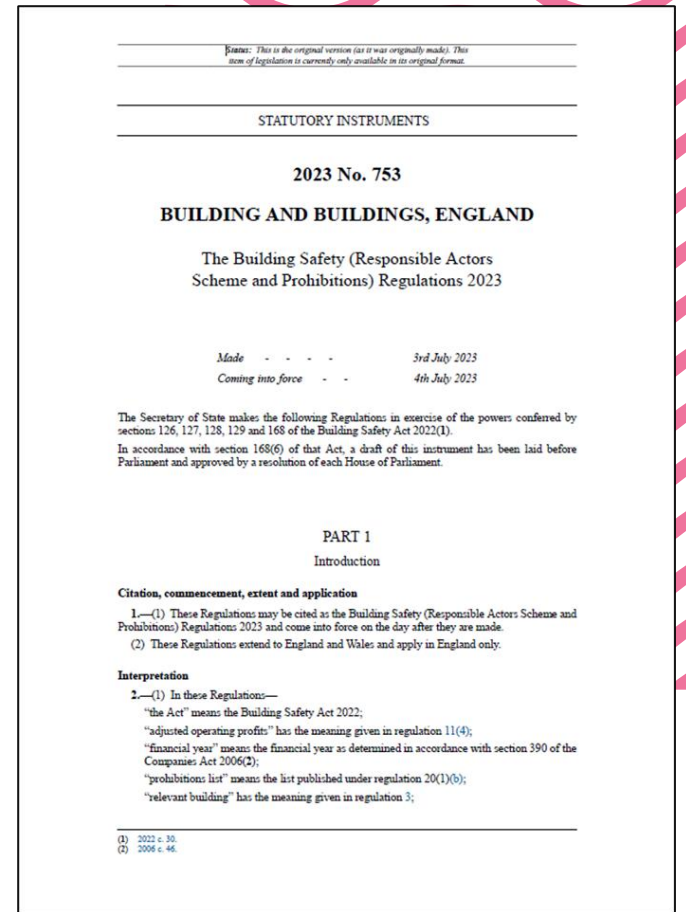


Responsible Actors Scheme



Responsible Actors Scheme

- Invitation to join from mid- September 2023
- Pledge to repair fire safety defects in residential buildings over 11m
- Builders and developers who do not join the scheme (or are removed from scheme in future) will be placed on a prohibited list
- Prohibited developers will be unable to:
 - gain building control approval to start work, including through initial notices
 - gain completion or final certificates for completed work
 - gain an NHBC Warranty.
- Likely to see prohibitions begin from November 2023.



[Responsible Actors Scheme - GOV.UK](https://www.gov.uk)
(www.gov.uk)

Thank you

NHBC

