

Dutyholder and Compliance Guidance

What has changed?

The Government has amended the Building Regulations, effective from 1st October 2023.

These changes introduce a new regulatory body, the Building Safety Regulator (BSR), to oversee various aspects of building safety, including Building Regulations and Control.

What does this mean for you?

Anyone submitting a building control application from 1st October 2023 has legal responsibilities under new Dutyholder roles: Client, Designer, or Contractor.

Failure to comply with these duties may result in rejection of the application or transfer to Local Authority control.

Registered Building Control Approvers and Inspectors

All Approved Inspectors must now be registered with the BSR as Registered Building Control Approvers (RBCAs). Individuals working in building control must also meet competency requirements and be registered as Registered Building Inspectors. Approved Inspectors Ltd achieved RBCA status on 4th April 2024.

Summary of Dutyholder Roles

The new Part 2A outlines roles including Client, Domestic Client, Principal Designer, Principal Contractor, Designer, and Contractor. All parties must share necessary information across the project team. The guidance below outlines duties associated with each role.

Client and Domestic Client Duties

- Clients must ensure projects are planned, managed, and monitored for Building Regulations compliance. This includes appointing competent designers and contractors and providing them with relevant building information.
- Domestic Clients have similar responsibilities, which may be undertaken by the Principal Designer or Contractor if agreed.

Principal Designer and Designer Duties

- Principal Designers must coordinate design work and ensure compliance throughout the design phase.
- Designers must not begin work until satisfied the Client understands their duties. Both must ensure work complies with regulations and must communicate and cooperate across the team.

Principal Contractor and Contractor Duties

- Principal Contractors must oversee the project's construction phase, ensuring that all work meets building standards.
- Contractors must supervise their teams and communicate effectively. Both must never accept non-compliant work and must declare compliance at project end.

Notification of Dutyholders

Clients must notify the RBCA (via the Approved Inspector) when appointing Principal Designers or Contractors.

Notices must include contact details and, where applicable, termination dates for previous appointees. Domestic Clients may delegate this task to their Principal Designer or Contractor.

Notice of Intention to Start and Commencement

You must provide formal notice at least two working days before starting permanent works. 'Commencement' definitions vary based on the nature of the project. After three years, an Initial Notice expires unless commencement has occurred and is declared in writing.

Compliance Declarations

At completion, the Client must submit declarations confirming compliance with Building Regulations. These must be signed by the Client, Principal Designer, and Principal Contractor. The RBCA cannot issue a Final Certificate without these declarations.