



**BUILDING & REAL ESTATE**  
**BUILDING REGULATIONS**  
**LEGISLATION UPDATE**

# LET'S TALK

Building Regulations  
Legislation Updates

## Uniting Expertise

With the strategic acquisitions of Shore and Quadrant, SOCOTEC Building Control now stands as the foremost authority in the UK Building Control sector, solidifying its prominence in both commercial and residential segments within the Building and Real Estate market. With the joining of the three businesses, we are well equipped to assist our clients in navigating the intricacies of the new Building Safety Act 2022 requirements, providing unparalleled expertise and support.



Uniting our strengths enables us to showcase the competence and nationwide uniformity essential in today's rigorous regulatory landscape, ensuring our clients receive nothing short of the finest Building Control service. In the newly amalgamated SOCOTEC Building Control UK framework, we are well positioned to serve as the preferred private sector authority.

### NATIONAL COVERAGE

**280+**  
Staff across  
SOCOTEC UK

**193**  
Technical  
professionals

**33 OFFICES**  
across the UK offering Building Control Activities

#### Key Services:

Able to offer Building Control services from RIBA Stage 2 – Concept Design to RIBA Stage 7 - Handover.

Can be involved from RIBA Stage 0 for pre-planning application advice.

#### How can we help?

We understand that these changes can seem daunting, but our **Building & Real Estate** teams are ready to assist you through each stage of a project under the new Building Safety Act 2022.

As a business we are constantly reviewing legislation changes to ensure that our services are up to date with the latest requirements. Information included in this document are up to date at time of creation but likely to change as more details are released.

# Building Regulations Legislation Update

The Building Regulations legislation changes on the 1 October 2023. These changes have emulated from the reviews undertaken following the Grenfell tragedy and are part of the Government’s response to the recommendations of these reviews as outlined in the Building Safety Act 2022. This will place a greater responsibility for Building Regulations compliance on the “Dutyholders” and all construction professionals. The new process mirrors the principals of the Construction Design & Management Regulations 2015.

## What are the changes?

In addition to the greater responsibility to clients and contractors, a new Building Control process will come into force for all Higher-Risk Buildings (HRBs).

HRBs are defined (within the Building Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations 2023.) as those buildings with seven or more storeys or at least one storey with a finished floor height more than 18m above ground level and contain two or more residential units. Hospitals and care homes meeting the same height thresholds are also considered as HRBs during the initial design and construction phase only.

Where you are creating a new HRB or you are undertaking alterations which would trigger the need to make a Building Regulations application to an existing registered HRB, you must now contact and register the work with the new Building Safety Regulator (BSR).  
[www.hse.gov.uk/building-safety/regulator.htm](http://www.hse.gov.uk/building-safety/regulator.htm)

### HRB Classification criteria:

- Over seven storeys or over 18m with two or more dwellings.
- Hospital or Care home over seven storeys or over 18m.

### Measuring your HRB:

Start counting storeys here

Measure height here

Ground level

Not counted as a storey

Seven-storey residential tower on flat ground.

Seven-storey residential tower on sloped ground.

SOCOTEC Building Control, along with Shore and Quadrant, can continue to be your trusted Building Control body for all non-HRB projects. This would include, in occupation care homes/hospitals, works carried out within independent sections of completed HRBs for example commercial units and offices (i.e. areas completely independent of the wider building, or where the only access between sections is for exceptional emergency or maintenance use only) and all other buildings outside of the HRB triggers.

Where your project meets the HRB criteria and you require expert advice, while we cannot provide our Building Control Approval service, our experienced Building Control Consultancy team can be on hand to provide technical guidance and support through the design and construction phase.

## When do the changes come into play?

The transitional requirements have been confirmed for new and existing projects:

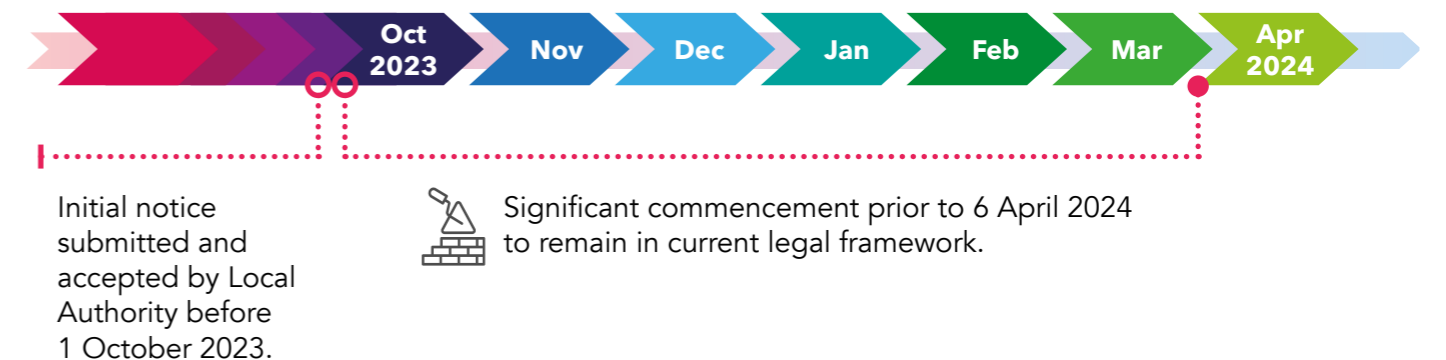
### New Projects

- Any new project requiring Building Regulations approval on or after 1 October 2023 will automatically fall under this new legislation and SOCOTEC Building Control, Shore and Quadrant, will require additional documentation at both the appointment and completion stage of the project.



### Existing Projects

- For existing projects where SOCOTEC Building Control, Shore and Quadrant have registered an Initial Notice before 1 October 2023 and been accepted by the Local Authority, works must commence in a meaningful way before 6 April 2024 to remain on the current legal framework.



# Dutyholders

Regulations made under the Building Safety Act define new Dutyholders who will have specific duties in relation to ensuring that building work complies with the Building Regulations.

They are key roles (whether fulfilled by individuals or organisations) that are assigned specific responsibilities at particular phases of the building life cycle.

## Client

### Definition:

Client means any person for whom a project is carried out.

### Duties of a Client

- › To ensure suitable arrangements are made for planning, managing and monitoring building work to ensure compliance with the Building Regulations
- › Ensure that these arrangements are maintained throughout the life of the project
- › Must take all reasonable steps to ensure any designers or contractors they appoint are competent to carry out the work they are being appointed to do
- › Give a minimum of two days notice to the Approved Inspector for works starting.

## Domestic Client

### Definition:

Domestic Client means a client for whom a project is being carried out which is not in the course or furtherance of a business of that client.

### Duties of a Domestic Client

- › To ensure suitable arrangements are made for planning, managing and monitoring building work to ensure compliance with the Building Regulations
- › Ensure that these arrangements are maintained throughout the life of the project
- › Must take all reasonable steps to ensure any designers or contractors they appoint are competent to carry out the work they are being appointed to do
- › NB – the above duties must be carried out by the Contractor/Principal Contractor unless the Domestic Client agrees in writing that the Principal Designer shall carry out these duties.

## Designers

### Definition:

Designer means any person (including a client, contractor or other person) who in the course of a business, (a) carries out any design work, or (b) arranges for, or instructs, any person under their control to do so.

### Duties of a Designer

- › Plan, manage, and monitor design work to ensure it complies with Building Regulations if built accordingly
- › Collaborate with the client, other designers, and contractors to ensure compliance with Building Regulations
- › Only begin design work if the client understands their responsibilities
- › Ensure that the design complies with Building Regulations
- › Provide adequate information about the design, construction, and maintenance to enable compliance
- › If working on a portion of the design, consider other design work and report compliance concerns to the Principal Designer
- › Advise the Principal Designer or the Client if the work they're designing is considered Higher-Risk building work.

## Principal Designers

### Definition:

The Principal Designer is the designer appointed under regulation 11D (Principal Designer and Principal Contractor) to carry out the responsibilities of a Principal Designer according to these Regulations.

### Duties of a Principal Designer

- › Plan, manage, and oversee design work during the design phase
- › Coordinate design-related matters to ensure that if construction follows the designs, it complies with Building Regulations
- › Ensure all Dutyholders collaborate with each other
- › Ensure designers align their designs so that construction following these designs meets Building Regulations
- › Ensure designers fulfill their duties
- › Communicate and collaborate with the Principal Contractor
- › Consider input from the Principal Contractor regarding compliance with Building Regulations
- › Assist the client in providing information to designers
- › Review the arrangements made by any previous Principal Designer.

## Contractor

### Definition:

A contractor is anyone (excluding domestic clients) who, in their business, performs, manages, or oversees building work.

### Duties of a Contractor

- › Plan, manage, and oversee building work to ensure compliance with Building Regulations if the building work follows that design
- › Collaborate with the client, designers, and other contractors to ensure compliance with Building Regulations if the construction adheres to the design
- › Only initiate design work after ensuring the client understands their responsibilities
- › Ensure that the building work they perform meets Building Regulations
- › Provide appropriate supervision, information, and instruction to their workers for compliance with Building Regulations
- › Offer enough information about the work to enable the client, other designers, and contractors to comply with Building Regulations
- › When handling a portion of the building work, consider other construction aspects and report compliance concerns to the Principal Contractor
- › Provide advice to the Principal Contractor or the client regarding whether any work is considered Higher-Risk building work.

## Principal Contractor

### Definition:

The Principal Contractor is the contractor chosen to carry out the responsibilities of a Principal Contractor under these Regulations when multiple contractors are involved.

### Duties of a Principal Contractor

- › Plan, manage, and oversee building work during the construction phase
- › Coordinate matters related to building work to ensure compliance with Building Regulations
- › Ensure all Dutyholders collaborate with one another
- › Coordinate all building work to ensure it adheres to Building Regulations
- › Ensure contractors fulfill their duties
- › Communicate and collaborate with the Principal Designer
- › Take into account comments from the Principal Designer regarding compliance with Building Regulations
- › Assist the client in providing information to contractors
- › Review the arrangements made by any previous Principal Contractor.

## What information needs to be provided to SOCOTEC Building Control, Shore and Quadrant when you submit your Building Regulations application on or after 1 October 2023?

In addition to the application form, site plan, plans and other information provided for us to fulfil our Building Control service, all Building Control Bodies will require additional information. This will include:

### Upon appointment

- › Confirmation that the Building is not classed as a Higher-Risk Building
- › The height of the top storey of the building
- › The construction phase start date – this is the date at which works start on site. This should not include site set up, demolition or enabling works
- › Building Regulations “Commencement” or meaningful start – This is the date at which the works achieve a suitable criteria to implement the Building Regulations application as “commenced”.
- › Dutyholder notification
  - **For Domestic projects or customers**, the lead designer or contractor submitting the application must provide a [Dutyholder notification](#) to the Building Control Body
  - **For commercial projects or customers**, the client shall provide a signed [Dutyholder notification](#). This should include the current and any previous Building Control Principal Designer(s) for the works.

### 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.**

**Note:** All compliance declarations should be signed by each person listed above and include the following information;

- › Name, address and contact details of each Dutyholder
- › A statement by the client confirming that works are complete and that to the best of the clients knowledge “the works comply with the applicable requirements of the Building Regulations”
- › A statement by each Principal Contractor (or sole contractor) confirming the dates of their appointment and that they have fulfilled their duties as a Principal Contractor under Part 2A (Dutyholders and competence) of the Building Regulations etc. (Amendment) (England) Regulations 2023
- › A statement by each Principal Designer (or sole or lead designer) confirming the dates of their appointment and that they have fulfilled their duties as a Principal Designer under Part 2A (Dutyholders and competence) of the Building Regulations etc. (Amendment) (England) Regulations 2023.

# Building Safety Act FAQs

## What is a Dutyholder?

A Dutyholder is any person that is involved with the design, construction or modification of a building project which falls under the legal framework of The Building Act 1984, The Building Safety Act 2022 and the Building Regulations 2010. This would include, but not be limited to, the client, designers and contractors.

## What is the difference between a PD for Building Control and that of PD for CDM?

The Principal Designer for Building Control and CDM fall into different legislation.

The **Principal Designer to the Construction (Design and Management) Regulations 2015** (CDM Regulations) will coordinate, manage and monitor the works in line with the CDM Regulations. This is predominantly focused on Health and Safety during the design, construction and maintenance of a building to avoid accidents and injuries during the construction (and demolition process).

The **Principal Designer to the Building Regulations** will coordinate, manage and monitor the works in line with the legal and technical requirements of the Building Regulations 2010. This predominately focuses on compliance with the minimum standards of the Building Regulations. It also now includes requirements to ensure that all Dutyholders can also prove competency for the projects on which they are working.

## What is an HRB?

A Higher-Risk Building is a building that falls into the definition under the Building Safety Act 2022. Please see the definitions for the criteria.

## What is defined as commencement of works under the new Legal Framework?

The way works are defined as **“Commencement”** under the Building Regulations has changed. This should now be considered more of a “meaningful start” and there are various criteria that need to be achieved.

For construction of or horizontal extension of a building it is split into two types. **“Complex”** and **“non-complex”**.

For a **complex building**, commencement will be at the date at which the foundations supporting the buildings and the structure of the lowest floor level of that building (but not other buildings or structures to be supported by those foundations) are completed.

For **non-complex buildings**, commencement will be at the date at which the sub-surface structure of the building or the extension, including all foundations, basement levels (if any) and the structure of the ground floor level, is complete.

For all **“other works”**, not involving the construction or extension of a building, commencement is defined at the point at which 15% of the construction works will be completed. It is important that the Dutyholders agree what constitutes 15% work with SOCOTEC Building Control, Shore and Quadrant at appointment stage.

**Important Note: This does not mean that inspections from Building Control are not required before this date.** Notification of commencement should still be provided and inspections of the various elements detailed within the inspection regime should continue. (eg. Foundation excavations will still require a visit from our team).

## I am removing a load bearing wall to a domestic property. Do I still need to comply?

The requirements apply to all works and the information listed above will be required for all projects. Domestic customers will still be required to understand their duties and ensure they appoint the appropriate designers and contractors for the project.

The only difference between domestic and commercial application is that the “Dutyholder notification” can be signed and agreed by an agent, designer or contractor who, under the Regulations, is considered the Person Appointed (PA) or Principal Designer (PD). This notification declares that PA or PD has advised the client of their duties under the Regulations and has the ability to discharge any further responsibilities beyond their scope of works.

Example: Where a Principal Designer of a domestic project does not have details of the future Principal Contractor (PC), the PD will provide a signed declaration to the client advising them that they should notify SOCOTEC Building Control, Shore and Quadrant, as and when the new PD or PC is confirmed. Where the works are to be undertaken by the client, the client will become the Principal Contractor and must ensure they are competent under the legislation and fulfil all duties of the role.

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

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 could result in criminal proceedings against individuals that are proven to be in contravention of the legislation.

## Can SOCOTEC Building Control, Shore and Quadrant act as our Principal Designer for Building Control?

The Building Control Principal Designer role is not a service that we can offer.

SOCOTEC can, however, offer a Building Regulations “Principal Designer Advisor” service for all size projects, including non-HRBs, via our expert consultancy team. Please get in touch if you have any questions relating to this service and how we can assist.

## Can SOCOTEC Building Control, Shore and Quadrant still administer works within the commercial areas of an HRB?

Yes, we can still control works carried out within “independent sections” of HRBs once the base build works are complete. Typical examples would include the fit out of a retail unit at the ground floor of a building or offices within a multi-use or linked building. Independent sections are those which are accessed in their own right with no link to the wider building unless it is for exceptional emergency or maintenance use only.

## Can SOCOTEC Building Control, Shore and Quadrant still administer works within an existing hospital or care home over 18m?

No, we would be unable to offer Building Control Services for a hospital over 18m or 7 stories as this would be classified as a HRB and therefore would need to be administered by the BSR.

# Building Safety Act

## Definitions

### Complex Building

- a building which is to be constructed on the same foundation, plinth or podium as any other building or structure;
- a building which has more than one storey below ground level;
- a building where its proposed use is primarily as a public building where the public or a section of the public has access to the building (whether or not on payment) provided that the building has a capacity for 100 or more visitors.

### Public Building

- a shop or shopping centre
- premises where food or drink are sold for the consumption on the premise, including a nightclub, social club or dance hall
- a stadium, theatre, cinema or concert hall
- a sports ground
- an exhibition hall or conference centre
- a hospital or premises for the provision of health care.

### Higher-Risk Building (HRB)

HRB's are defined as those with seven or more storeys or at least one storey more than 18m above ground level, have two or more dwellings, or classed as a hospital or care home and also meet the height criteria.

### Registered Building Control Approver

Formerly known as Approved Inspectors, an individual or organisation registered with the Building Safety Regulator to carry out the Building Control Function.

### Registered Building Inspector

An individual registered with the Building Safety Regulator who may advise a Registered Building Control Approver on Building Regulation matters.

### Building Assessment Certificate

The Accountable Person – a person or organisation that is the dutyholder for the building when it is occupied – will be responsible for developing a building safety case that identifies building safety risks for higher-risk buildings and sets out how they'll be mitigated. They will also be required to provide a building safety case report to the Regulator on request.

The HSE has produced further information on the following:

- › Building information – including information dutyholders might need to know about their building
- › Identifying building safety risks – including what safety risks dutyholders might identify
- › Risk prevention and protection – including information on reasonable steps
- › Safety management systems – including the 'plan, do, check, act' approach
- › Safety Case Report – including its form and content, and mandatory occurrence reporting.

The Accountable Person will have to register their occupied buildings with the HSE, which will issue a Building Assessment Certificate for buildings it approves for occupation. The HSE registration process began in April 2023, and for Building Assessment Certificates to begin being issued from April 2024.

### Fire Safety Act

On 19 March 2020, the Home Office introduced a bill to improve fire safety in buildings in England and Wales. The proposed Fire Safety Bill is a response to the Grenfell Tower Fire on 14 June 2017. It will amend the Fire Safety Order 2005 to clarify that the responsible person or dutyholder for multi-occupied, residential buildings must manage and reduce the risk of fire for:

- › The structure and external walls of the building, including cladding, balconies and windows
- › Entrance doors to individual flats that open into common parts.

This will empower the fire and rescue service to take enforcement action for non compliance.

The Fire Safety Bill received Royal Assent on Thursday 29 April 2021 and passed into law, becoming the Fire Safety Act 2021. Ref <https://bills.parliament.uk/bills/2730>

### Safety Case Report

The safety case report is a document that summarises your safety case.

It identifies your building's major fire and structural hazards, and it shows how you are managing the risks as far as you can.

The report should give the reader confidence that you:

- › Have identified your building's major fire and structural risks
- › Are managing and controlling them.

### Building Safety Regulator

As part of the changes set out in the Building Safety Bill, a new Building Safety Regulator (BSR) is created within the Health and Safety Executive (HSE) with extensive new powers of regulation, inspection and enforcement.

The BSR will have new powers and responsibilities to ensure the safety of all buildings and will have additional responsibilities for higher-risk buildings. These additional powers apply not only to the design, construction and refurbishment of such buildings, but also to their ongoing safety management while they are occupied, so that residents are safe – and feel safe – in their homes.

It will be independent and give expert advice to local regulators, landlords and building owners, the construction and building design industry, and to residents.

#### The BSR will have three main functions:

- › Overseeing the safety and standards of all buildings
- › Helping and encouraging the built environment industry and Building Control professionals to improve their competence
- › Leading implementation of the new regulatory framework for Higher-Risk Buildings.

Under current legislation, the BSR will regulate Higher-Risk Buildings. These are buildings with seven or more storeys or that are 18 metres or higher, and either:

- › Have at least two residential units
- › Are hospitals or care homes (during design and construction).

# Building Safety Act Definitions

## Golden Thread

The Golden Thread is both the information that allows you to understand a building and the steps needed to keep both the building and people safe, now and in the future. The Golden Thread is a key part of the new more stringent regime for building safety in Higher-Risk Buildings. It will be crucial to supporting industry in managing their buildings, supporting residents in understanding how safety is managed in their buildings and enabling them to feel safe and supporting the new Building Safety Regulator in assessing the safety of Higher-Risk Buildings.

The Golden Thread will hold the information that those responsible for the building require to show that the building was compliant with applicable Building Regulations during its construction and provide evidence of meeting the requirements of the new Building Control route throughout the design and construction and refurbishment of a building. This information will help identify, understand, manage and mitigate building safety risks in order to prevent or reduce the severity of the consequences of fire spread or structural collapse throughout the life cycle of a building. Information will be reviewed and made accessible to many parties throughout a building's lifecycle, including but not limited to building managers, architects, contractors and many others. Information from the Golden Thread will also need to be shared by the Accountable Person with other relevant people including residents and emergency responders.

Building Safety should be taken to include the fire and structural safety of a building

and the safety of all the people in or in the vicinity of a building (including emergency responders).

The requirements and details stated here around the Golden Thread will be updated as Government guidance is released.

## Accountable Person

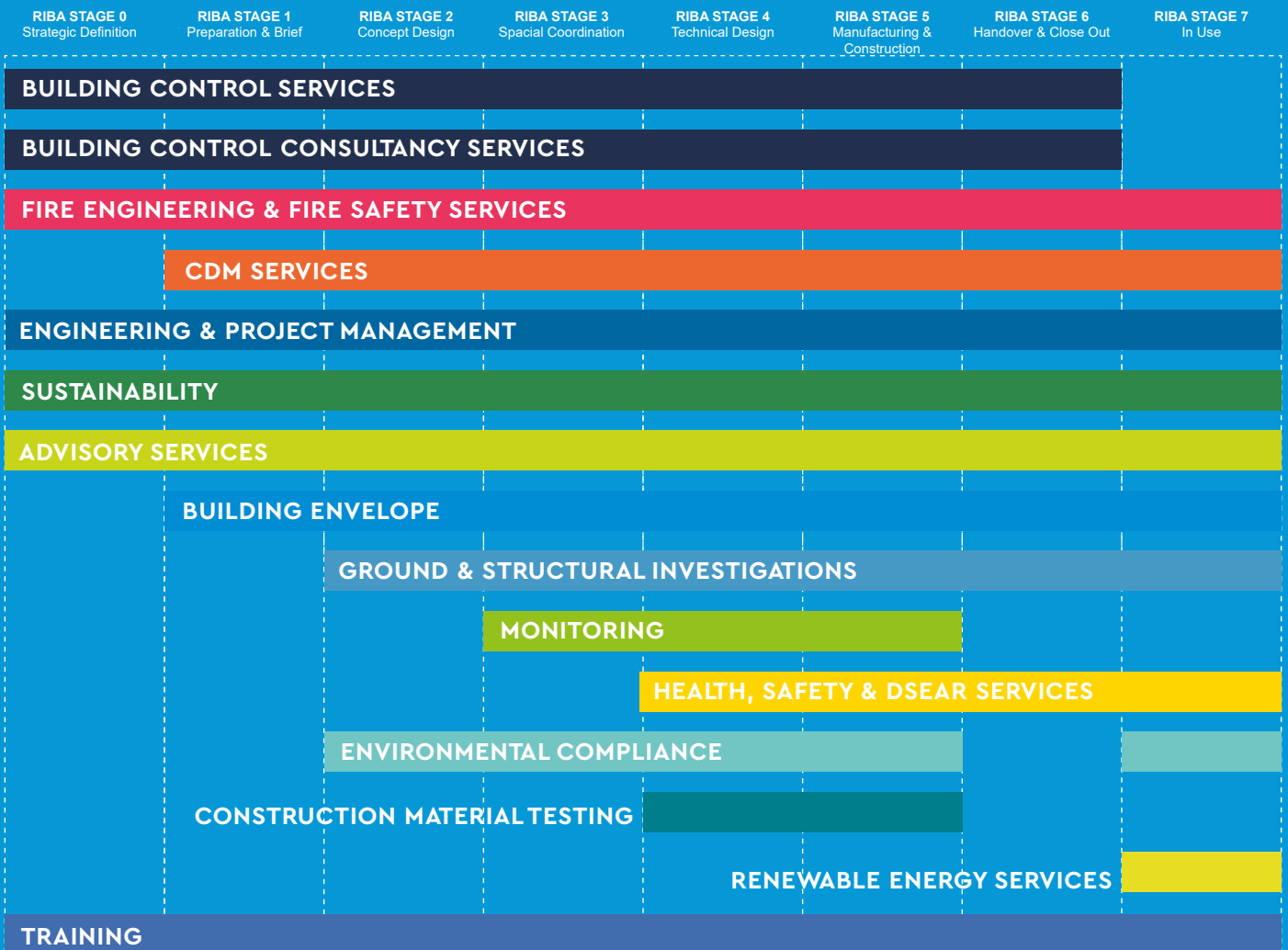
The reformed Building Safety Act 2022 defines the 'Accountable Person' as: 'The dutyholder during a building's occupation.' In most cases this will be the freeholder or head lessee or a management company.

It suggests that; 'The Accountable Person will be legally responsible for ensuring that they understand fire and structural risks in their buildings and to take appropriate steps and actions to mitigate and manage these fire and structural risks on an ongoing basis so the building can be safely occupied. The Accountable Person will be required to appoint a competent Building Safety Manager, approved under a system agreed by the Building Safety Regulator, to support them in carrying out the day to day functions of ensuring that the building is safely managed. However, ultimate accountability will reside with the Accountable Person for assessing and managing fire and structural safety risks.'





# Supporting you at every stage of your asset lifecycle.



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